

**UMATILLA PLANNING COMMISSION MEETING
AGENDA
COUNCIL CHAMBERS
MARCH 22, 2022
6:30 PM**

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

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF MINUTES**

3.a [February 22, 2022 Minutes](#) *Suggested Action: Approval*

4. **UNFINISHED BUSINESS**

5. **NEW BUSINESS**

5.a [City of Umatilla General Code Update ZC-1-22](#) *Suggested Action: Zone Change application to amend Chapters 4, 5, 11 and 12 of the City of Umatilla Zoning Ordinance. The amendments will lessen restrictions placed on alcoholic beverage drinking places, allow for mobile food vendors to operate 6 days out of 7, raise the building height allowed in commercial and industrial zones, and adjust and remove out of compliance code for RV parks and accessory dwelling units.*

5.b [Golf Course Rezone PA-1-22](#) *Suggested Action:*

An application to settle and correct both the Comprehensive Plan and Zoning designation of the subject property which lies between the Big River Golf Course and Bud Draper Drive achieving a Comprehensive Plan of Residential and Zoning of Medium Density Residential (R-2). The subject property consists of Tax Lot 2600 of Assessor's Map 5N 28 11 and Tax Lots 200, 300, 400, 500, 600 and 800 of Assessor's Map 5N 28 14B.

6. **DISCUSSION ITEMS**

7. **INFORMATIONAL ITEMS**

8. **ADJOURNMENT**

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appropriate assistance.

**UMATILLA PLANNING COMMISSION MEETING
AGENDA
COUNCIL CHAMBERS
FEBRUARY 22, 2022
6:30 PM**

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

Meeting called to order at 6:30 p.m.

A. **Present:** Commissioners; Kelly Nobles, Keith Morgan, Bruce McLane, Devon Mitchell, Jennifer Cooper, Heidi Sipe

B. **Absent:** Hilda Martinez

C. **Late arrival:**

D. **Staff present:** Senior Planner, Jacob Foutz, Building Permit Specialist, Marisela Morales.

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF MINUTES**

3.a [January 25, 2022 Minutes](#) *Suggested Action: Approval*

Motion to approve by Commissioner Morgan, seconded by Commissioner Cooper. Motion Carried by consensus vote 5-0.

4. **UNFINISHED BUSINESS**

5. **NEW BUSINESS**

5.a [Milani Estates Subdivision SUB-4-21](#) *Suggested Action:*

The applicant, Pedro Torres, request approval of a tentative plat for a residential subdivision to divide one existing parcel into 18-lots for residential development. The applicant intends to develop the lots with Townhomes. The property is identified as Tax Lot 200 on Assessors Map 5N2814BB.

Chair McLane opened the hearing and read into the record the Public Hearing Opening Statement and asked if there was any challenge to jurisdiction, conflict of interests, or ex-parte contacts.

Chair McLane opened the hearing and asked for the staff report
Planner Foutz reviewed the staff report provided to commission.

Chair McLane asked for applicants' testimony

Pedro Torres of 1325 Kiliam loop, Woodburn Oregon 97071 explained that they are looking to hit the first-time homebuyer market with the proposed townhomes.

Chair McLane asked for public testimony in favor

Noe Garcia of 426 Wenatchee street, Richland, WA stated he owned the property to the south and he was there to learn more about the process and if his property was going to be affected in any way but stated his questions were answered with the staff report.

Chair McLane asked for testimony in opposition and neutral. None

Chair McLane called for a motion to close the hearing of SUB-4-21. Motion to close by Commissioner Nobles. Second by Commissioner Morgan. Motion carried 5-0

Chair McLane asked for any comments or deliberation.

Commissioner Nobles asked Planner Foutz what the easement serving the four flag lots in the northwest corner of the property is.

Planner Foutz explained that the easement will be paved and will be required to have sidewalks.

Commissioner Morgan asked why the applicant is working here in Umatilla

The applicant responded that they are here because they have been working in Pasco building subdivisions.

Commissioner Nobles stated that the commission is glad to have the applicant here in the City of Umatilla.

Commissioner Sipe stated that she is excited to see higher density construction and construction in McNary.

Chair McLane asked about the southwest corner of lot 10 and what is going to happen with the potential property line dispute.

Planner Foutz stated that this is something that was noticed by staff but was not included in the findings as it is not a City conflict. Planner Foutz explained that notice was sent to the property owner to the west.

Commissioner Nobles stated that the property owner to the west had the opportunity to comment the current hearing but did not come.

Chair McLane called for a motion to approve SUB-4-21 with the associated conditions of approval. Motion to approve by Commissioner Cooper. Seconded by Commissioner Sipe. Motion carried 5-0

6. **DISCUSSION ITEMS**

Commissioner Nobles asked about bucks' corner and if there is any update

Planner Foutz explained that the property owner decided to clean up the property but did not have any plans at the time, the city is looking to meet with the property owner to see if there is something that can be brought into the area.

Chair McLane asked if staff have reached out to other jurisdictions about chickens yet.

Planner Foutz stated that they have not yet but will before the first public meeting to discuss chickens.

7. **INFORMATIONAL ITEMS**

Commissioner Nobles updated the commission on the regional trail plan and stated that they are applying for a grant to remove Russian olive trees.

8. **ADJOURNMENT**

Adjourned at 6:54pm

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**UMATILLA PLANNING COMMISSION
REPORT AND RECOMMENDATION
FOR
ZONE CHANGE ZC-1-22**

DATE OF HEARING: March 22, 2022

REPORT PREPARED BY: Jacob Foutz, Senior Planner

I. GENERAL INFORMATION AND FACTS

Applicant: City of Umatilla, 700 6th Street, Umatilla, OR 97882.

Land Use Review: Zone Change application to amend Chapters 4, 5, 11 and 12 of the City of Umatilla Zoning Ordinance. The amendments will lessen restrictions placed on alcoholic beverage drinking places, allow for mobile food vendors to operate 6 days out of 7, raise the building height allowed in commercial and industrial zones, and adjust and remove out of compliance code for RV parks and accessory dwelling units.

II. NATURE OF REQUEST AND GENERAL FACTS

The City of Umatilla is proposing to amend the City of Umatilla Zoning Ordinance (CUZO) to lessen restrictions placed on alcoholic beverage drinking places, allow for mobile food vendors to operate 6 days out of 7, raise the building height allowed in commercial and industrial zones, and adjust and remove out of compliance code for RV parks and accessory dwelling units.

Currently the CUZO restricts Alcoholic beverage drinking places in the Downtown Commercial and McNary Center Mixed Use to be 500 feet and 750 feet, respectively, from schools, public libraries, or designated City parks. The proposed changes would change the distance in both zones to 250 feet and remove public libraries and designated City parks for the restriction from both zones.

At the beginning of 2020 staff were directed by City Council to establish a pilot program allowing for mobile food vendors to operate 7 days a week with the restriction that the vendor cannot remain onsite for more than 48 consecutive hours. This provision was included to ensure that the mobile food vendor was able to keep the space clean and fully remove the use to ensure it remains mobile. With the data from the pilot program, staff believe that the most effective way to accomplish this goal is to amend the code to allow for the use to be allowed 6 days out of a 7-day period. This proposed code change would require that the mobile food vendor completely remove the vehicle and associated apparatus for twenty-four (24) hours during any seven (7) day period.

Additionally, it is proposed to increase the maximum building height in the commercial zones and light industrial zone from 35 feet to 50 feet, as well as increase the heavy industrial maximum building height from 35 feet to 70 feet. This will allow the city to have more comparable and

competitive maximum building height for commercial and industrial lands, to that of other cities in the general vicinity.

It has come to the attention of staff that there are two provisions in the CUZO that are currently out of compliance with Oregon state planning law. The first is found in the standards governing recreational vehicle parks(10-12-2F) which states that the maximum time any individual is permitted is 90- days in any 180-day period. ORS 197.493 was passed in 2005 which states:

A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

- (a) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;
- (b) Occupied as a residential dwelling; and
- (c) Lawfully connected to water and electrical supply systems and a sewage disposal system.

In addition to removing the maximum stay requirement, it is proposed to add standards as stated below.

No residences other than recreational vehicles (RVs) shall be permitted within RV park. All Recreational Vehicles shall maintain current license plates and registration, shall be readily transportable at all times, and shall not be permanently affixed to the ground.

The second standard that is found to be out of compliance with Oregon state planning law is found in Accessory dwelling unit site standards (10-11-11) which required that all accessory dwellings to provide at least one (1) off-street parking space. House bill 2001 clarified that requirements to construct additional off-street parking does not fall under “reasonable local regulations relating to siting and design” and therefore is not allowed.

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.

CUZO 10-13-3: AMENDMENTS TO THE ZONING TEXT OR MAP:

- A. Type IV Procedure: Amendments to the zoning title text or official map are considered a type IV procedure. A map change may be legislative or quasi-judicial, depending on the number of properties and area involved. A text change is always a legislative decision.
- B. Initiation Of Application: An application may be initiated by a property owner or authorized agent, the planning commission, or the city council.
- C. Narrative, Identification Required: An application shall include a narrative that demonstrates compliance with the approval criteria and a site and vicinity map identifying the property and adjacent properties. A traffic impact analysis (TIA), pursuant to section 10-11-10 of this title, shall also be submitted with all plan and zoning amendment applications.
- D. Approval Criteria: An amendment to this title or official map shall comply with the following criteria:

1. The proposed designation is consistent with and supports the purposes of the portions of the city's comprehensive plan not proposed for amendment, or circumstances have changed to justify a change in the comprehensive plan.

Findings: The proposed text amendments support the purposes of the City of Umatilla Comprehensive plan including but not limited to chapters 2,9, and 14.

Conclusion: The proposed code changes are consistent with and support the city's comprehensive plan.

2. The proposed change will not affect the land supply for the existing zoning designation as related to projected need for the particular land use.

Findings: The proposed text amendment would not affect the land supply for any existing zoning designation.

Conclusion: The proposed text amendment will not change the existing zoning designations for any property within the City's Urban Growth Boundary (UGB). Therefore, the proposed text amendment will not affect the land supply of the existing zoning designations.

3. The proposed designation will not negatively impact existing or planned public facilities and services. In particular, pursuant to the Oregon transportation planning rule, proposed text and map amendments shall determine whether the proposed change will significantly affect a collector or arterial transportation facility and must comply with the requirements of Oregon administrative rule (OAR) 660-012-0060 as applicable. 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.

Findings: The text amendment will not change the permitting process for new uses proposed in any zoning districts within the City of Umatilla. There is no new development proposed therefore it is not possible to determine if existing or planned public facilities or services will be affected. The proposed changes as they stand will not affect any collector or arterial transportation facility within the City of Umatilla in a significant way.

Conclusion: The proposed text amendment to lessen restrictions placed on alcoholic beverage drinking places, allow for mobile food vendors to operate 6 days out of 7, raise the building height allowed in commercial and industrial zones, adjust and remove out of compliance code for RV parks and accessory dwelling units will not affect any collector or arterial transportation facility within the City of Umatilla in a significant way.

4. The site is suitable for the proposed use, considering the topography, adjacent streets, access, size of the site, availability of public facilities, and any other pertinent physical features.
5. Other sites in the city or the vicinity are unsuitable for the proposed use. In other words, ownership and desire to develop a particular use in themselves provide insufficient rationale for changing a zoning designation that does not support the interests of the city as a whole.

Findings: The intent of these standards are to show that a proposed amendment is necessary to accommodate a proposed use and to show that other sites within the City are not readily available to develop the propose use. The proposed text change is to lessen

restrictions placed on alcoholic beverage drinking places, allow for mobile food vendors to operate 6 days out of 7, raise the building height allowed in commercial and industrial zones, adjust and remove out of compliance code for RV parks and accessory dwelling units. The proposed changes would apply to a variety of properties located throughout the City not a specific site.

Conclusion: The proposed amendments will apply to properties located throughout the City not a specific property. Therefore, analysis to determine if a specific site is suitable for the proposed use or other sites located throughout the city are not suitable is not necessary or applicable.

IV. SUMMARY AND RECOMMENDATION

The applicant, City of Umatilla, is proposing to amend Chapters 4, 5, 11 and 12 of the City of Umatilla Zoning Ordinance. The amendments will lessen restrictions placed on alcoholic beverage drinking places, allow for mobile food vendors to operate 6 days out of 7, raise the building height allowed in commercial and industrial zones, and adjust and remove out of compliance code for RV parks and accessory dwelling units. The request appears to meet all of the applicable criteria and standards for this type of request. 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, the staff recommends recommendation of approval of Zone Change (ZC-1-22) to City Council.

VI. EXHIBITS

Exhibit A – Draft Text Change

Underlined language proposed to be added; ~~Strikethrough~~ language proposed for deletion by
Zone Change application ZC-1-22

TITLE 10 - ZONING

Chapter 4

Article A

DOWNTOWN COMMERCIAL (DC)

Sec. 10-4A-4. - Uses permitted subject to standards.

J. Alcoholic beverage drinking places* (7224 - examples include pub, tavern, sports bar and nightclub), subject to the following:

*Includes any use where the serving of alcoholic beverages is the primary service or attraction and access to all or any portion of the premises is age restricted by law due to serving alcoholic beverages. The use may include the serving of meals incidentally to the primary use.

1. The use will not be located within ~~500~~ 250 feet of a school, ~~public library or designated city park.~~

Sec. 10-4A-7. - Property development standards.

Maximum building height ~~35~~ 50 feet

Article B

DOWNTOWN TRANSITIONAL (DT)

Sec. 10-4B-7. - Property development standards.

Maximum building height ~~35~~ 50 feet

Article C

NEIGHBORHOOD COMMERCIAL (NC)

Sec. 10-4C-7. - Property development standards.

Maximum building height ~~35~~ 50 feet

Article D

GENERAL COMMERCIAL (GC)

Sec. 10-4D-7. - Property development standards.

Maximum building height 35 50 feet

Article E

HIGHWAY COMMERCIAL (HC)

Sec. 10-4E-7. - Property development standards.

Maximum building height 35 50 feet

Article F

MCNARY CENTER MIXED USE(MC)

10-4F-4.- Uses permitted subject to standards.

E. Alcoholic beverage drinking places (7224) - examples include pub, tavern, sports bar or nightclub, subject to the following standards:

1. The use will not be located within ~~750~~ 250 feet of a school, ~~public library or designated city park.~~
2. The use will not be located within 100 feet of the right-of-way of Columbia Boulevard westward from its intersection with Willamette Avenue.

Sec. 10-4F-7. - Property development standards.

Maximum building height 35 50 feet

Chapter 5

Article A

LIGHT INDUSTRIAL (M-1)

Sec. 10-5A-4. - Development standards.

Maximum building height 35 50 feet

Article B

HEAVY INDUSTRIAL (M-2)

Sec. 10-5B-4. - Development standards.

Maximum building height 35 70 feet

Chapter 11

SUPPLEMENTARY PROVISIONS

Sec. 10-11-11. Accessory dwelling unit site standards.

~~E. All accessory dwellings shall provide one off-street parking space~~ Provided parking shall be subject to the standards in Sections 10-9-1 through 10-9-6 of this title.

10-11-12: Mobile Food Vendors:

F. Location and Use:

1. Mobile food vendors operating as an accessory off-street use shall meet the following standards:
 - a. Mobile food vendors are allowed on legally established parking or vehicle areas only.
 - b. Mobile food vendors operating as an accessory off-street use shall ~~not remain onsite for more than 48 consecutive hours during any seven (7) day period.~~ completely remove the vehicle and associated apparatus for twenty-four (24) hours during any seven (7) day period.

Chapter 12

CONDITIONAL USES

Sec. 10-12-2. - Standards governing conditional uses.

F. *Recreational vehicle parks.* Recreational vehicle parks shall conform to the following standards and requirements:

~~1. There shall be no long term residential occupancy of a recreational vehicle park space. The maximum time any individual or vehicle is permitted is 90 days within any 180 day period. The applicant or subsequent park operator shall make his occupancy records available to the City to assure that this condition is met. Violation of the 90 day occupancy limitation shall be grounds for immediate revocation of a conditional use permit.~~

1. No residences other than recreational vehicles (RVs) shall be permitted within RV park. All Recreational Vehicles shall maintain current license plates and registration, shall be readily transportable at all times, and shall not be permanently affixed to the ground.



**UMATILLA PLANNING COMMISSION
REPORT AND RECOMMENDATION FOR
PLAN AMENDMENT PA-1-22**

DATE OF HEARING: March 22, 2022

REPORT PREPARED BY: Carla McLane,
Planning Consultant

I. GENERAL INFORMATION AND BACKGROUND:

Applicant/Owner: City of Umatilla

Document to be Modified: Combined City of Umatilla Comprehensive Plan and Zoning Map.

Subject Property:

The subject property consists of Tax Lot 2600 of Assessor's Map 5N 28 11 and Tax Lots 200, 300, 400, 500, 600, and 800 of Assessor's Map 5N 28 14B. See attached Vicinity Map.

Current Use of the Property:

The subject property is bare fronting Bud Draper Drive with its western boundary adjacent to the Big River Golf Course. Not a part of this action but also along the western side of Bud Draper Drive is the Aramark facility which was approved by Umatilla County in 2009.

Surrounding Uses:

Within the City of Umatilla, to the west of the subject property, the land is currently zoned for residential use including the Big River Golf Course which also has applied the Community Service as an overlay. To the east the properties both within the Urban Growth Boundary and those within the City Limits are planned and zoned for Industrial use.

Background:

The City of Umatilla is accomplishing work determined necessary in 2014 when the Port of Umatilla and John P. Hammer Properties appealed a City of Umatilla Council decision to the Land Use Board of Appeals (LUBA) denying an application for an industrial activity on property that was both Planned and Zoned for Residential purposes (LUBA NO. 2014-062). In early 2014 application was made for an industrial warehouse that set-in motion an extensive review by then City Planner William Searles of the zoning history of the subject property and other properties in the vicinity. Of specific concern were the properties between the Big River Golf Course and Bud Draper Drive. Based on available maps it appeared that the subject property was zoned Heavy Industrial (M-2).

The Planning Commission and the City Council, working initially from William Searles recommendation and eventually also from Attorney Carrie Richter, denied the request based on a clear history of the property being Planned and Zoned for Residential purposes. As part of the record for the denial Exhibit F is a "Chronology of Findings and Events" in support of Exhibit G

which presents a clear history of Comprehensive Plan and Zoning Map determinations starting in 1972 through the action in 2014. Of note are the following entries from Exhibit F (which is attached in its entirety):

43. On May 27, 1999, and June 3, 1999, the City Planning Commission held a public hearing to consider a proposed single Comprehensive Plan and Zoning Map as noted in a May 20, 1999 memorandum from planning consultant Leslie Hauer to the planning commission. The map attached to Ms. Hauer's memo was prepared by KCM, Inc., and appears to be based on the draft map prepared by Tenneson Engineering in 1992 (see finding #33). This map shows the subject (Port) property adjacent to the golf course as being planned R-1 Single-family residential. The map appears to be, in part, the City's attempt to address that part of the Periodic Review work plan that identified the conflict areas between the City comp plan map and the County's zoning in the UGA (see finding #37).
44. On June 15, 1999, the Umatilla City Council passed Ordinance No. 689 which adopted the combined Comprehensive Plan Map and Zoning Map prepared by KCM, Inc., as recommended by the Planning Commission. This map shows the subject (Port) property between the golf course and Draper Road as being planned R-1 Single-Family Residential.
52. From paid invoice reports to the City Council during 2004 and early 2005, it appears the City, acting administratively, and not through the Planning Commission or City Council, hired a firm call SCM Consultants, Inc. to develop an updated Comprehensive Plan and Zoning Map reflecting the plan and zoning map changes and annexations that had been made up to that time. The result appears to have been a large-scale map and reproducible copies reduced to fit on 11" x 17" size paper. This map was dated December 2004 and labeled as the "Official City and Urban Growth Boundary Comprehensive Plan and City Zoning Map." There is no record in the planning commission or city council agendas or minutes that this map was reviewed and adopted by the City in any official manner. However, this map shows the subject (Port) property between the golf course and Draper Road as being planned Industrial.
59. In October 2012, a request was made by the City to have the County Planning Department update the 2004 zoning map with the zone changes and annexations that had occurred up to that time (based on a thorough review of all the ordinances passed by the city council since the comp plan and zoning map had been adopted by city Ordinance No. 689). The result was the current map we have in the planning office and in the city council chambers. City staff was not aware until recently that there might be a mapping error of the subject (Port) property between the golf course and Draper Road.

Attorney Carrie Richter, on behalf of the City of Umatilla, prepared the Response Brief for Respondent City of Umatilla and set forth compelling arguments in further support of the City's denial of the industrial development. It is unclear if oral arguments occurred but in 2015 the appellants did withdraw their appeals and a land sale was executed transferring property owned by both Hammer Properties and the Port of Umatilla to the City of Umatilla concluding the event. City Council meeting minutes from February 17, 2015, provide the following:

10.3 Ordinance No. 796. It was declared by Councilor Ray that there may be a potential conflict of interest for him because he had business contracts with the Port of Umatilla and also the City of Umatilla, which was acknowledged by Mayor Trott.

It was moved by Councilor Lougee to have a first reading by title only on Ordinance No. 796. The motion was seconded by Councilor TenEyck. Voted 6-0. Motion Carried.

Recorder Sandoval made the first reading for Ordinance No. 796 – AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN LANDS WITHIN THE PORT OF UMATILLA INDUSTRIAL PARK. Mayor Trott requested Manager Ward for a staff report on the issue. Manager Ward stated that it had nearly been a year since the zoning issue with the lands on Draper Subdivision and the Port of Umatilla first came to light officially with the Port of Umatilla and the City of Umatilla. The road has been winding and very rocky to get to the point at which they were at the current meeting. There was actually an agreement to resolve the dispute, to null and withdraw the appeals to LUBA. The terms of the agreement had been condensed to into a purchase and sale agreement, whereby the City of Umatilla would purchase all the affected properties within the Draper Subdivision, with the exception of one lot, that was currently occupied by Aramark. The lot is currently owned by Hammer Properties, but was not included in annexation in 2010 with the rest of the Draper Subdivision. The City would also be acquiring a 3.1-acre parcel at the northeast corner of the golf course, the northwest end of Bud Draper Road. The terms of the agreement were that the City would pay Hammer Properties \$40,000.00 for their lot, plus \$3,687.00 in attorney fees. The rest of the properties the City would purchase from the Port of Umatilla for \$176,00.00 in four installments of \$44,000.00 with the first payment starting at the closing of these documents to Hammer Properties. The first payment to the Port would be in July of 2015 which gets us into the next budget year. In exchange, the Port and Hammer Properties would withdraw their appeals of the decision on site plan application presented to the Planning Commission from LUBA and the City of Umatilla would withdraw the site plan division decision on that property. Basically, we were back to where we started. There was an issue with the plan designation with the County now, as opposed to the City. Nonetheless, now was the time to sit back and take a deep breath. The City has no plans with the land, but the City will work collaboratively, with the Port, the adjacent property owners, and together, to determine the future of those properties. Manager Ward believes it is a good decision for the City and will make us partners with the Port. He encourages the Council to vote in favor of this Ordinance.

Mayor Trott recognized Councilor TenEyck for getting things on track on his own personal accord, for his tenacity and caring, and seeing things through. He also recognized Joe Farnell who is the CEO for Oregon Telecom, and the facilitator-mediator extraordinaire and who has helped the entire group through the negotiations. He recognized and thanked the City Manager, Bob Ward, for his leadership, patience, and seemingly valid integrity for never giving up.

Mayor Trott asked the audience if there were any further comments on Ordinance No. 796. Seeing none, he closed public hearing for Ordinance No. 796.

Manager Ward announced that there was a revised Escrow Agreement for the Port of Umatilla, but it was not material to the Ordinance itself.

Councilor Dedrick questioned where the money was coming from. Manager Ward responded by stating that the initial payment would be a loan from the River Front Development Project, to the City that we will pay that back. The additional monies will be budgeted for in the next four budgets and the City will see, as we go through the budget process, where the revenue sources for those additional funds would come from. Councilor Fenton moved to approve Ordinance No. 796. Councilor Dedrick seconded the motion. Voted 6-0. Motion Carried.

Based on this history the City of Umatilla is now undertaking a planning process to confirm the Comprehensive Plan and Map designation of Residential and Amend the zoning designation, changing it from Single-Family Residential (R-1), the zoning based on the history, or Heavy Industrial (M-2), the zoning identified on various maps, to Medium Density Residential (R-2).

II. NATURE OF REQUEST:

Confirm the City of Umatilla Comprehensive Plan designation of Residential and Apply the Medium Density Residential (R-2) Use Zone to the subject property, effecting a change to the zoning.

Intended Outcomes of Application Process:

To settle both the Comprehensive Plan and Zoning designation of the subject property which lies between the Big River Golf Course and Bud Draper Drive achieving a combined Comprehensive Plan and Zoning Designation of Residential/Medium Density Residential (R-2).

The reasoning for applying the Medium Density Residential (R-2) use zone is to maximize the residential development opportunities, to allow for more density, and to allow for a broader mix of residential types. The minimum lot size is smaller in the R-2 zone by 3,000 square feet and it allows for single-family detached and attached residences as well as two-family and multi-family housing at moderate density. It is the most flexible of the three residential use zones allowed in the City of Umatilla.

Proposed Comprehensive Plan and Zoning Map Designations:

Combined Comprehensive Plan and Zoning Designation of Residential/Medium Density Residential (R-2).

III. REQUIRED REVIEW AND ANALYSIS:

The City of Umatilla Zoning Ordinance Title 10 Zoning Chapter 14 Administrative Provisions, specifically 10-14-2, states that the City will employ the steps for a Type IV decision for a change in zoning. Chapter 14, specifically 10-14-4, outlines the procedures that need to be followed and are listed next with responses. The requirements found in Chapter 13 also follow with responses. To address Transportation Impacts Chapter 11 Supplementary Provisions will

also be addressed. The rezone application form poses several questions that are addressed. The analysis concludes with a review of the 14 Statewide Planning Goals. The requirements are shown in underlined type with responses in regular type.

City of Umatilla Title 10 Zoning Chapter 14 Administrative Provisions Section 10-14-4: APPLICATION provides the following requirements.

A permit application may only be initiated by the record property owner or contract purchaser, the City Council, or the Planning Commission. The City will not accept an application without the signed authorization from all record owners.

Response: This action is being initiated by the City and the City is the property owner.

Conclusion: The City has a signed application on file.

A. All permit applications shall be submitted on a form provided by the City, along with all necessary supporting documentation and information sufficient to demonstrate compliance with all applicable approval criteria and standards, and the appropriate fee. The applicant has the burden of demonstrating, with evidence, that all approval criteria and standards are, or can be, met.

Response: This action is being initiated by the City and the City is the property owner. The staff report demonstrates compliance with the various factors and includes maps of the subject property.

Conclusion: The City has shown compliance with the various factors as is demonstrated in this Report and Recommendation with attachments.

B. A complete application includes all the materials listed in this Section and any specific information requested for a particular permit. The City Administrator may waive the submission of any of the materials if not deemed to be applicable to the specific review sought. Likewise, within thirty (30) days of submission of the application, the City Administrator may require additional information beyond that listed in this subsection, such as a traffic report or other study prepared by an appropriate expert. The applicant is responsible for the completeness and accuracy of the application and all supporting documentation.

Response: This action is being initiated by the City and the City is the property owner. Specific development information such as a Traffic Impact Study or utility review would be appropriate at the time an application for a subdivision or development would be submitted.

Conclusion: It has been determined that the information needed to review this request is available.

1. A completed City application form that includes:

- a. An accurate legal description, tax account number(s), map number, and street location of all properties that are the subject of the application.
- b. Name, address, telephone number, and authorized signature(s) of all record property owners or contract owners, and the name, address, and telephone number of the applicant, if different from the property owner(s).

Response: This action is being initiated by the City and the City is the property owner.

Conclusion: This information is known and has been confirmed by City staff.

2. A complete list of all City permit approvals sought by the applicant in this application.

Response: The City is seeking a change in zoning of the subject property, with this application confirming the Comprehensive Plan designation of Residential and applying a Zoning designation of Medium Density Residential (R-2), a change from Single-Family Residential (R-1). No specific developments are proposed at this time.

Conclusion: The request is appropriate to the desired outcome of establishing a clear Comprehensive Plan and Zoning designation.

3. A complete and detailed narrative describing the proposed development, existing site conditions, public facilities and services, natural features including wetlands and steep slopes, a discussion of the approval criteria and standards for all permits explaining how the criteria and standards are, or can be, met, and any other information indicated by the City at the pre-application conference as being required.

Response: No specific development is proposed at this time. This action is in response to a 2014 LUBA action and is intended to confirm the Comprehensive Plan designation of Residential and apply the Medium Density Residential (R-2) to the subject property. City and other public services are available in the vicinity both from the residential area to the west and the industrial area to the east. The land is flat with native vegetation. No known Goal 5 resources are in the vicinity which is planned and zoned for residential uses to the west and industrial uses to the east.

Conclusion: The Report and Recommendation serve as the necessary narrative.

4. A site plan or plans and a vicinity map, drawn to scale. The site plan shall include at least the following features, along with any other information necessary to understand the proposal:

- a. Dimensions of the site and all structures, existing and proposed.
- b. Existing conditions, including topography and any other physical features such as vegetation, wetlands, watercourses, slopes, etc.
- c. Rights of way abutting the site, whether public or private, and access to the site.
- d. Locations and sizes of all public utilities, existing and proposed, on and in the vicinity of the site.
- e. Locations, dimensions, and purposes of all recorded easements.
- f. Size of areas (in square feet) and percentages of the total site area devoted to structures, parking, landscaping, open space, dedication of right of way, and any other proposed feature.
- g. Proposed landscaping plan, including size, species, and location of plants or other elements.
- h. Parking plan.
- i. Detail of screening and fencing.
- j. Exterior lighting, including location, type, height, and areas of illumination.
- k. Service areas for trash collection, mail delivery, etc.

Response: There is no proposed development with this request for a change in zoning. Future development components are difficult to locate with certainty. Those features would be evaluated under the Medium Density Residential (R-2) zoning at the time of development. A future subdivision application, review, and approval would clarify future road network connections and layout of potential residential lots. Elements such as landscaping, parking, fencing, outdoor lighting, and trash and mail collection and delivery would be regulated at the time of residential development. As a means to understand what potential development could look like there is attached to this Decision and Recommendation a DRAFT rendering of an expanded Hash Park that includes new residential development adjacent to the current Hash Park and much of the area proposed for this change in zoning.

Conclusion: Final design considerations will be reviewed as part of a future development application, review, and approval on part or all of the property considered as part of this process.

5. The applicant shall provide the City with up to twenty (20) copies of all reports, plans, site plans, and other documents required by this Section. The number of copies will be determined at the pre-application conference. One copy of all plans and maps reduced to eight and one-half inches by eleven inches (8 1/2" x 11") or eleven inches by seventeen inches (11" x 17"), and suitable for reproduction.

Response: This action is being initiated by the City and the City is also the landowner.

Conclusion: The City is the applicant and landowner.

6. All required application fees.

Response: This action is being initiated by the City and the City is the landowner.

Conclusion: The City is the applicant and landowner.

City of Umatilla Title 10 Zoning Chapter 13 Other Permits and Actions Section 10-14-4: AMENDMENTS TO THE ZONING TEXT OR MAP provides the following requirements.
A. Type IV Procedure: Amendments to the zoning title text or Official Map are considered a Type IV procedure. A Map change may be legislative or quasi-judicial, depending on the number of properties and area involved. A text change is always a legislative decision.

Response: This action is being initiated by the City with the City also being the landowner. Two public hearings will be required, one before the Planning Commission with the final public hearing before the City Council. While a single owner action there are multiple properties making this a legislative action.

Conclusion: The City is the applicant and the landowner. At least two public hearings are planned with the first on March 22, 2022, before the Planning Commission.

B. Initiation of Application: An application may be initiated by a property owner or authorized agent, the Planning Commission, or the City Council.

Response: This action is initiated by the City who is also the property owner.

Conclusion: The City is the applicant and landowner. This process was initiated by City staff based on the requirements of the settlement from 2015.

C. Narrative, Identification Required: An application shall include a narrative that demonstrates compliance with the approval criteria and a site and vicinity map identifying the property and adjacent properties.

Response: The City, through its contract planner, drafted an application narrative.

Conclusion: The City deemed the application narrative to be complete and to meet this standard.

D. Approval Criteria: An amendment to this Title or Official Map shall comply with the following criteria:

1. The proposed designation is consistent with and supports the purposes of the portions of the City's Comprehensive Plan not proposed for amendment, or circumstances have changed to justify a change in the Comprehensive Plan.

Response: No change is proposed to the Comprehensive Plan or Plan Map designation of Residential. The Zoning of the subject property is proposed for a change from Single-Family Residential (R-1) to Medium Density Residential (R-2). Please see the Background discussion above concerning the current Plan and Zoning designations. The desired intent is to settle the conflict identified in 2014 which resulted in the LUBA appeal discussed above and the purchase of the subject property by the City.

Conclusion: The Combined Comprehensive Plan and Zoning Designation will be Residential/Medium Density Residential (R-2).

2. The proposed change will not affect the land supply for the existing zoning designation as related to projected need for the particular land use.

Response: The subject property has had continued confusion about its zoning that has continued even from 2014 as the more recently adopted Economic Opportunities Analysis concluded in 2018 and adopted in 2021 shows the subject property with Heavy Industrial (M-2) zoning clouding the inventory of the land appropriately as available for residential purposes. This is also the case with the Housing inventory from the same time. This will add to the Residential inventory and subtract from the Industrial inventory but not significant numbers in either case as the acreage being considered is approximately 20-acres.

Conclusion: As this action affects approximately 20-acres no significant change is anticipated to either the Housing or Industrial Lands inventories. Accomplishing this action will provide clarity of zoning when future buildable lands inventories are conducted.

3. The proposed designation will not negatively impact existing or planned public facilities and services.

Response: City and other public services are available in the vicinity of the subject property with services currently available to the residential uses to the west and the industrial uses to the east. Power and other public services are available along Bud Draper Drive and Riverside Avenue. A future application for a subdivision or development on the subject property will define where those various public services will come from.

Conclusion: Public facilities and services are available adjacent to and in the vicinity of the proposed change of zoning.

4. The site is suitable for the proposed use, considering the topography, adjacent streets, access, size of the site, availability of public facilities, and any other pertinent physical features.

Response: The site is mostly flat with possible road connections to both Bud Draper Drive to the east and Riverside Avenue to the north. The Hash Park DRAFT rendering shows other potential road connections. Public facilities are available from both the east and west.

Conclusion: Streets, roads, access points, and availability of public facilities supports the proposed change in zoning to Medium Density Residential (R-2).

5. Other sites in the City or the vicinity are unsuitable for the proposed use. In other words, ownership and desire to develop a particular use in themselves provide insufficient rationale for changing a zoning designation that does not support the interests of the City as a whole.

Response: This action is initiated by the City who also owns the subject property desiring to finally resolve the confusion that resulted in the 2014 LUBA appeal described above. The City always envisioned the subject property to be used for residential purposes and this action accomplishes that.

Conclusion: This action eliminates confusion that was brought to light in 2014 resulting in a LUBA appeal that was later withdrawn based on an understanding the City would confirm the properties Comprehensive Plan and Zoning designations. This action accomplishes that.

City of Umatilla Title 10 Zoning Ordinance Chapter 11 Supplementary Provisions
10-11-10: TRAFFIC IMPACT ANALYSIS (TIA)

A. Purpose: The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to specified land use proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with an application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Analysis; and who is qualified to prepare the analysis.

Response: This action seeks to confirm the Comprehensive Plan designation of Residential and change the zoning from Single-Family Residential (R-1) to Medium Density Residential (R-2). No changes to transportation impacts are anticipated so no Traffic Impact Analysis was required. At the time of development specific traffic improvements will be reviewed and approved.

Conclusion: As the underlying Residential designation is not changing no Traffic Impact Analysis was required.

B. Applicability: A Traffic Impact Analysis shall be required to be submitted to the City with a land use application, when the following conditions apply:

1. 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 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 20,000 pound gross vehicle weights by 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 back up onto the highway or traffic crashes in the approach area.

Response: No change in Comprehensive Plan designation is requested. The change in Zoning designation is from Single-Family Residential (R-1) to Medium Density Residential (R-2) which is not significant when considering traffic impacts. Traffic generation based on that change in zoning will not increase traffic by more than 250 ADT referenced in this section. Nor are large vehicles anticipated to be using the residential streets that would be part of an eventual residential development. Final locations for access or internal streets have not been determined and only assumed in the attached Hash Park concept plan. Final traffic impacts will be assessed as the time an applicant submits a subdivision or other type of development application for the subject property.

Conclusion: A Traffic Impact Analysis will be required as part of any future application for development of the subject property.

C. Traffic Impact Analysis Requirements

1. Preparation. A Traffic Impact Analysis shall be prepared by an Oregon Registered Professional Engineer that is qualified to perform traffic engineering analysis and will be paid for by the applicant.
2. Transportation Planning Rule Compliance. See Section 10-13-3 Amendments to the Zoning Text or Map.
3. Pre-application Conference. The applicant will meet with the Umatilla Public Works Director and Planning Director prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected. The City shall also consult the Oregon

Department of Transportation (ODOT) on analysis requirements when the site of the proposal is adjacent to or otherwise affects a State roadway.

Response: These requirements would be applicable to any future development application submitted concerning residential development of the subject property.

Conclusion: Traffic impacts will be evaluated when the property is subdivided for residential purposes or another type of application may be submitted for the subject property.

D. Approval Criteria: When a Traffic Impact Analysis is required, approval of the proposal requires satisfaction of the following criteria:

1. Traffic Impact Analysis was prepared by an Oregon Registered Professional Engineer qualified to perform traffic engineering analysis;
2. If the proposed action shall cause a significant effect pursuant to the Transportation Planning Rule, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis shall include mitigation measures that meet the City's Level-of-Service and/or Volume/Capacity standards and are satisfactory to the City Engineer, and ODOT when applicable; and
3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
 - a. Have the least negative impact on all applicable transportation facilities;
 - b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable;
 - c. Make the most efficient use of land and public facilities as practicable;
 - d. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
 - e. Otherwise comply with applicable requirements of the City of Umatilla Code.

Response: These standards will be applicable to any future development application on the subject property.

Conclusion: These standards will be applied when a subdivision or other development application is submitted for review.

E. Conditions of Approval: The City may deny, approve, or approve a proposal with appropriate conditions.

1. Where the existing transportation system is shown to be impacted by the proposed action, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed action.
2. Where the existing transportation system is shown to be impacted by the proposed action, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed action may be required.

Response: Dedication of future streets and the improvement standards for those streets including sidewalks or other related features will be reviewed at the time of subdivision or other development application.

Conclusion: Future development approvals will address streets, sidewalks, trails or paths, and other transportation improvements appropriate to the development request.

The City of Umatilla Rezone Application poses the following additional questions when a rezone is requested.

Explain why this particular parcel(s) of property should be rezoned as opposed to utilizing existing zoned property for proposed use.

Response: This action is not proposing to change the Residential Comprehensive Plan designation of the property but only change the Zoning designation from Single-Family Residential (R-1) to Medium Density Residential (R-2) (See earlier background discussion). The primary effect of this change in Zoning designation reduces the minimum lot size from 7,000 square feet to 5,000 square feet, allowing for potentially more homes and envisions duplexes and multi-family housing.

Conclusion: This action seeks to confirm the Comprehensive Plan designation of this property and change the Zoning from Single-Family Residential (R-1) to Medium Density Residential (R-2).

What is the land use plan designation for this property on the Comprehensive Plan map?

Response: There have been conflicting maps but based on the work done in 2014 the intended Comprehensive Plan Map designation is Residential. That is not proposed to change.

Conclusion: Residential.

If there is a conflict between the plan map and the desired zone, how can a change be justified?

Response: This action is being undertaken to remove any conflict or confusion as previous maps have erroneously shown the subject property with industrial zoning. The intent was and is residential zoning. The preferred residential use zone is Medium Density Residential (R-2). This is a change in zoning from the Single-Family Residential (R-1) that was identified to be applicable based on the work done by William Searles in 2014.

Conclusion: This action is resolving a conflict that was identified in 2014.

What policies or facts in the Comprehensive Plan and/or Zoning Code relate to use of the property after the zone is changed?

Response: The City of Umatilla Comprehensive Plan Chapter 10 Goal 10: Housing identifies as its goal “to increase the supply of housing commensurate with population growth, and the peoples’ needs.’ This action will, by virtue of the continuing mapping error it seeks to rectify, increase the housing inventory.

The Development Code, specifically Title 10 Zoning, would have several factors that would relate to the use of the subject property after this application is approved and in place. Within the Residential Districts of Chapter 3, the Medium Density Residential (R-2) Uses Permitted and Conditional Uses Permitted lists would define allowable uses; the Development Standards would outline a variety of development criteria and would define density, landscaping, open space requirements, and dimensional standards.

Conclusion: The Comprehensive Plan Chapter 10 Housing and the Development Code Title 10 Zoning would be applicable to future development on the subject property once this rezone is approved.

Explain how the surrounding property is zoned.

Response: The property immediately to the west is the Big River Golf Course which is zoned Medium Density Residential (R-2) with a Community Service overlay with the surrounding properties to the north, west and south zoned for residential purposes. The land to the east is zoned for industrial uses with both City and County zoning applied.

Conclusion: The property to the west is zoned for residential purposes with the property to the east zoned for industrial purposes.

Explain how this same property is used at present.

Response: The property to the west is used for the golf course and residential purposes. There is some neighborhood commercial property further west with a convenience store, newly installed fueling station, a hotel, school, and a neighborhood bar. There are also several community churches. To the east a variety of industrial uses have been sited including an onion storage and processing facility, a pipe manufacturer, and a data center.

Conclusion: The property to the west has a variety of uses allowed and encouraged in a residential use zone. Uses to the east are industrial in nature.

If the zone of your property is changed, explain how any permitted use of that district will be compatible with the surrounding property.

Response: This action is about confirming the residential zoning of the property and changing the residential zoning designation from Single-Family Residential (R-1) to Medium Density Residential (R-2) so compatibility will not change. As some had believed this property to be zoned for Industrial purposes compatibility could be assumed to be different. The Aramark facility which is also along the west side of Bud Draper Drive has the golf course to the west and will have residential uses on both its north and south sides. This business operates predominately during daylight hours and does not have any noxious or concerning emissions. There are homes to both the north and south of this property that are sited across a road or street from the Industrial zoning with no conflicts that have been identified. At the time of development of this property for residential purposes various options should be considered for screening of the property from the Industrial uses to the east.

Conclusion: There are no concerns with compatibility to the west. Industrial uses to the east should be screened from the future residential development.

Have any changes taken place which would make the zone change appropriate now rather than at an earlier date? You may consider such things as development of surrounding properties or similarly zoned property, new streets, sewer or water lines, and so forth. Please explain more fully.

Response: This action is about confirming the Residential designation of the property as discussed above and to apply the Medium Density Residential (R-2) zoning. There have been no other land use actions to cause this application to be made at this time.

Conclusion: This action seeks to clarify the Comprehensive Plan designation of the property and apply the Medium Density Residential (R-2) zoning designation. No other reasons exist for this action currently.

Additional Information to be Furnished by Applicant:

Evidence that applicant is owner or purchaser of the property or has written permission from the owner to file the application.

Response: This action is being initiated by the City who is also the landowner.

Conclusion: The City is the landowner and applicant.

Two copies of plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of existing and proposed structures; the intended use of each structure, the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area, the location of any existing highways, streets, easements and public utilities.

Response: A map is included. The subject property is bare. A future subdivision application will more fully define what the future development may look like. There is a rendering from the Parks Master Plan that provides a sense of what a future build out of Hash Park and new residential development could look like.

Conclusion: The rendering of Hash Park that is attached does provide a sense of what a future development might look like.

Analysis of the Statewide Planning Goals 1 through 14 follows.

Goal 1 Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Response: The City of Umatilla Comprehensive Plan and development codes outline the City's citizen involvement program that includes the activities of the Planning Commission and provides for the public hearing process with its required notice provisions. These notice provisions provide for adjoining and affected property owner notice; notice to interested local, state, and federal agencies; and allows for public comment to the process.

Conclusion: Public notice provisions and public hearings are required and will be held meeting Goal 1.

Goal 2 Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Response: Goal 2 establishes the underlining process that a county or a city needs to utilize when considering changes to their Comprehensive Plans and development codes. The application that the city developed, and this staff report meets those requirements for this request.

Conclusion: The City has applied the requirements of its Development Code to this process.

Goal 3 Agricultural Lands: To preserve and maintain agricultural lands.

Response: Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203 et. seq.

This action is on land within the City Limits with adjoining land to the east within the Urban Growth Boundary. No lands subject to Goal 3 are considered.

Conclusion: No land subject to this action is zoned for agricultural use.

Goal 4 Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Response: There are no forest lands in the City of Umatilla. The community is, however, a Tree City USA participant, encouraging tree planting to create an urban canopy of trees to provide the many benefits of an urban landscape that includes trees.

Conclusion: No land subject to this action is zoned for forest use.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces.

Response: The subject property does not have any overlays or other known cultural or historical sites. There are no mapped wetlands on the subject property nor is it in a designated floodplain or floodway.

Conclusion: There are no known Goal 5 or other natural or historic resources on the subject property.

Goal 6 Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

Response: Goal 6 addresses the quality of air, water, and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards. The homes that will be built on the subject property would have access to City water and wastewater services providing protections.

Conclusion: Residential development within the city limits will utilize city water and wastewater infrastructure that will be beneficial under Goal 6.

Goal 7 Areas Subject to Natural Hazards and Disasters: To protect people and property from natural hazards.

Response: Goal 7 works to address natural hazards and disasters and through a comprehensive plan amendment process would seek to determine if there are known natural hazards and seek to mitigate any concerns. There are no known natural hazards on the subject property, and it is located significantly above and outside the flood plain for the Columbia River.

Conclusion: There are no known natural hazards on the subject property. It is located outside the Columbia River flood plain.

Goal 8 Recreation Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Response: No recreation components are included in this application. At the time of residential development on the subject property consideration for recreational improvements will be a part of the approval process. The subject property is immediately adjacent to the Big River Golf Course.

Conclusion: Recreation will be considered as part of an application for development of the subject property.

Goal 9 Economy: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: Goal 9 requires local governments to adopt comprehensive plans and policies that contribute to a stable and healthy economy. The City of Umatilla has a comprehensive plan that has been acknowledged to comply with Goal 9 and completed an Economic Opportunities Analysis that has recently been adopted. As discussed earlier the errors in mapping of the subject property continued with the Economic Opportunities Analysis as it identifies the property as Industrial with Heavy Industrial Zoning. Work done in 2014 indicates that the zoning should be Single-Family Residential (R-1).

Conclusion: No significant change in land inventory for industrial lands will occur based on this action.

Goal 10 Housing: To provide for the housing needs of citizens of the state.

Response: Goal 10 requires cities to plan for the housing needs of their current and future residents. In 2019 the City of Umatilla accomplished a Housing Needs Analysis to determine the current housing supply and determine what the future needs might be. The confusion related to this property as outlined earlier in this narrative continued with that process having the subject property identified as Industrial. This action will add land to the Residential inventory augmenting the supply.

Conclusion: This action will add to the current inventory of land zoned for residential purposes.

Goal 11 Public Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: Goal 11 requires local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services. The goal provides that urban and rural development be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the area to be served. Public services are available in the vicinity of the subject property both from the residential areas to the west and the industrial area to the east.

Conclusion: The subject property can be served with the needed public infrastructure and services.

Goal 12 Transportation: To provide and encourage a safe, convenient and economic transportation system.

Response: Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system, implemented through the Transportation Planning Rule. This action is not changing the Residential Comprehensive Plan designation proposing only to change the acknowledged zoning from Single-Family Residential (R-1) to Medium Density Residential (R-2). This action does not change the impacts to the transportation network. Final connections to either Bud Draper Drive or Riverside Avenue will be reviewed as part of a subdivision and development application.

Conclusion: The local transportation system can accommodate any future development of the subject property. Residential use generates fewer average daily trips than industrial land resulting in fewer transportation impacts.

Goal 13 Energy: To conserve energy.

Response: Goal 13 directs local jurisdictions to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. Residential development cannot under Oregon law impede the solar development of adjoining property, a consideration at the time of development.

Conclusion: This change in zoning will not have an impact on Goal 13 energy conservation measures.

Goal 14 Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Response: Goal 14 prohibits urban uses on rural lands. To locate urban uses on rural lands, local governments must either expand their urban growth boundaries to add property or take a Goal 14 exception setting forth reasons why urban development should be allowed on rural lands. This application is in support of future residential development on land within the City Limits which is already governed by Goal 14 and is allowed to develop at urban densities. The proposed Medium Density Residential (R-2) is available under the City of Umatilla Development Code with a minimum lot area of 5,000 square feet.

Conclusion: The subject property is eligible for development under Goal 14 as it is within the city limits.

IV. SUMMARY AND RECOMMENDATION:

The City of Umatilla is seeking to conclude a process started in 2014 (and earlier if you consider the length of time the mapping inconsistencies were in place) when the Hammer Properties and the Port of Umatilla appealed a land use decision denying the development of an industrial use on land the City of Umatilla believed to be planned and zoned for residential use. The attached Exhibit F outlines the history of the Residential Comprehensive Plan designation and the Single-Family Residential (R-1) zoning that had been in place since the 1970s. This action is designed to confirm the Residential Comprehensive Plan designation and change the zoning to Medium Density Residential (R-2). Going forward both text and maps will identify the subject property as Planned and Zoned for Residential Uses within the Medium Density Residential (R-2) use zone.

Therefore, based on the information in Sections I and II of this report and the findings of fact and conclusions contained in Section III, the Planning Commission recommends **APPROVAL** of this request, PA-1-22, to confirm the Residential Comprehensive Plan designation and change the zoning to Medium Density Residential (R-2) to the City Council based on the conditions of approval below. The properties are identified as Tax Lot 2600 of Assessor's Map 5N 28 11 and Tax Lots 200, 300, 400, 500, 600, and 800 of Assessor's Map 5N 28 14B.

V. EXHIBITS:

Exhibit A – Vicinity Map with Zoning

Exhibit B – Hash Park Concept Map

Exhibit C – 2014 LUBA Action Exhibit F Chronology of Findings and Events

Exhibit D – City of Umatilla Zoning Ordinance Title 10 Zoning Chapter 3 Residential Districts

Article A Single-Family Residential (R-1)

Article B Medium Density Residential (R-2)



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

PA-1-22 VICINITY MAP

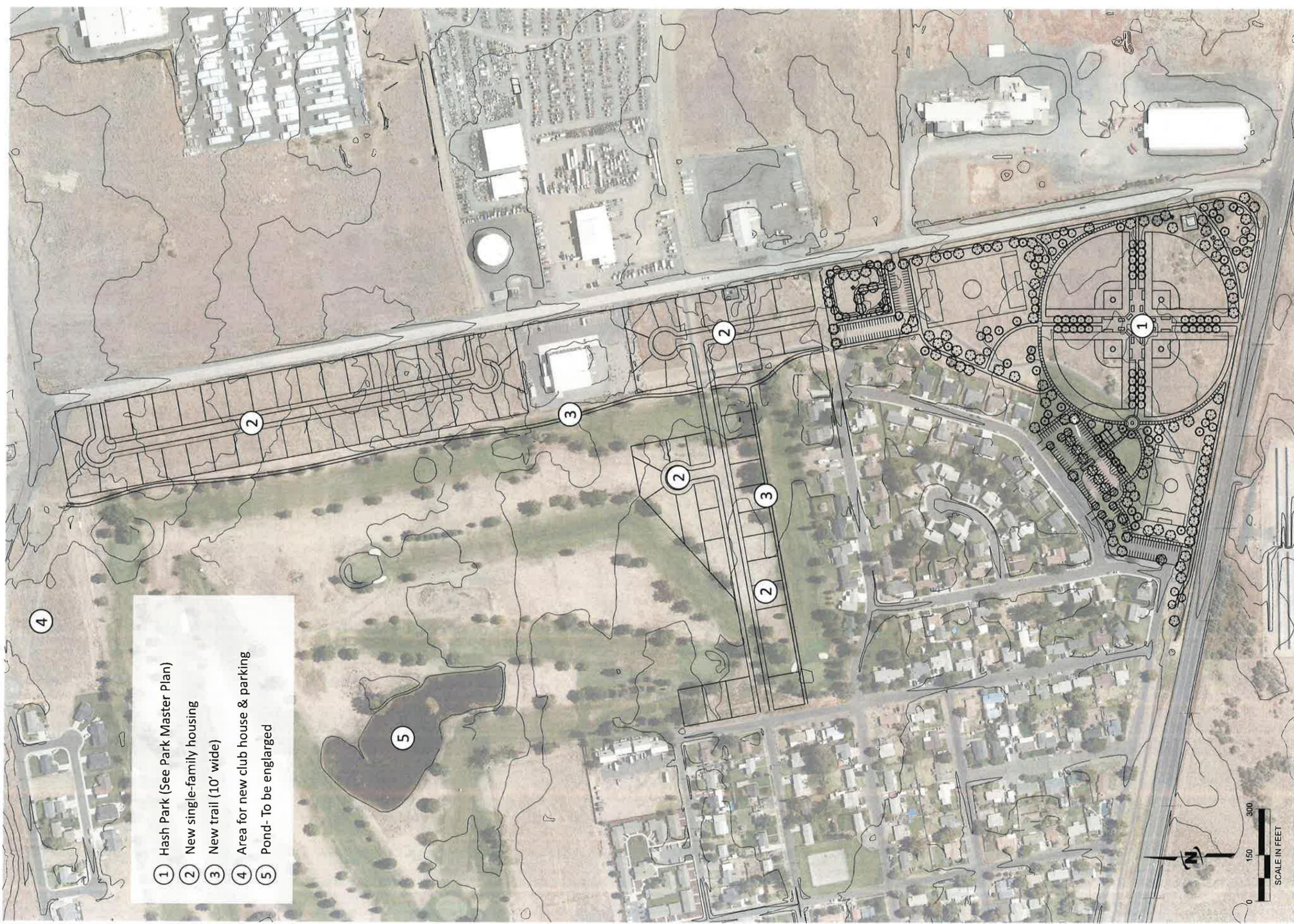
Legend

- Subject Property
- Tax Lots (9/28/21)
- City Limits

EXISTING ZONING: Heavy Industrial (M2)
 PROPOSED ZONING: Medium Density Residential (R2)



MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Jacob Foutz, on 2/16/2022



- ① Hash Park (See Park Master Plan)
- ② New single-family housing
- ③ New trail (10' wide)
- ④ Area for new club house & parking
- ⑤ Pond- To be enlarged

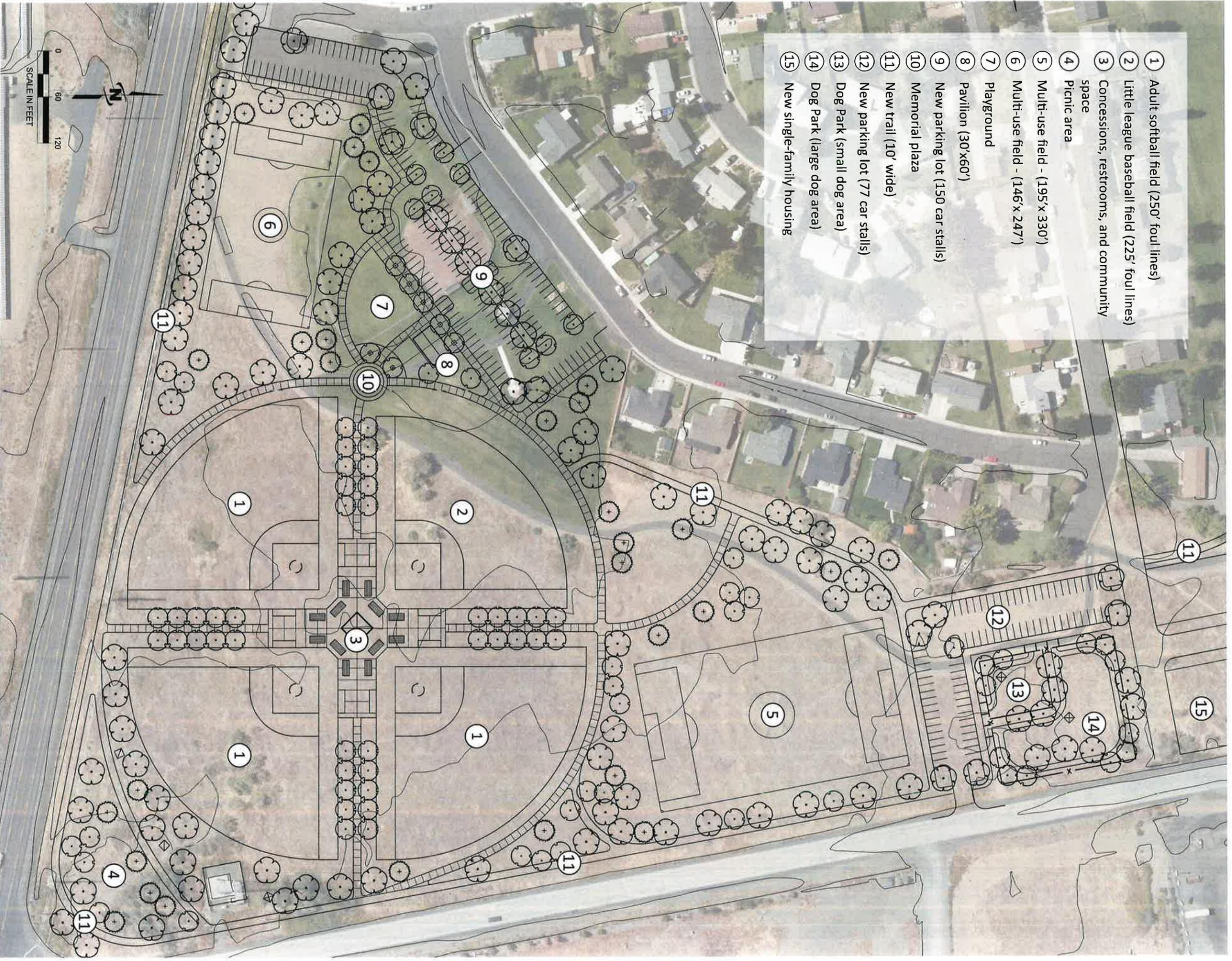
UMATILLA HASH PARK

FUTURE DEVELOPMENT PLAN DRAFT

November 30, 2021



J-U-B ENGINEERS, INC.



UMATILLA HASH PARK

MASTER PLAN DRAFT

November 30, 2021



JUB ENGINEERS, INC.

EXHIBIT F

Chronology of Findings and Events in Exhibit G for SP-1-2014 for Apparent Comprehensive Plan Map/Zone Map Error of Port Property Between Golf Course and Bud Draper Road

1. Prior to the adoption of the City of Umatilla's Comprehensive Plan and Zoning maps, Umatilla County had the Port property zoned M-2 (Heavy Industrial) according to its 1972 plan and zoning map.
2. The Port of Umatilla conveyed the property (along with the area now known as Hash Park) to Jerry and Lucinda Smith on April 14, 1977 for the purchase price of \$43,580. The Smiths intended to develop the property for residential use. (McNary Subdivision No. 8) *See Document G-2.*
3. The City adopted its Comprehensive Plan, including a comprehensive plan map, on December 19, 1977 with Ordinance No. 410. *See Document G-3 for comprehensive plan map and G-5 (second paragraph); also referenced in Document G-31.*
4. A Joint Management Agreement (JMA) adopted on January 25, 1978 between the City and the County gave the City lead responsibility for plan and zone changes within the UGB, but left final decision making and administration of land use applications to Umatilla County. *See Document G-5.*
5. The Comprehensive Plan, including the comprehensive plan map, zoning map and zoning regulations, was acknowledged by LCDC in February 1978 to be in compliance with the Statewide Goals. *Referenced in Documents G-20 and G-31.*
6. The original comprehensive plan map shows the city limits running along the east side of the golf course. The urban growth area extended eastward from the golf course/city limits to Beach Access Road and included the property where Two Rivers Correctional Institution is now. *See Document G-3.*
7. The original comprehensive plan map shows a 600 – 700± ft wide strip within the urban growth area along the east side of the golf course and extending between Roxbury Road and US Hwy 730 as planned for single-family residential development. The residential plan designation also included property now known as Hash Park. The area beyond this residential plan designation to Beach Access Rd was planned by the City for light industrial development. The golf course was zoned CS (Community Services) by the City. *See Document G-3 – Hash Park is the triangular-shaped area at the northwest corner of U.S. Hwy 730 and Draper Road.*
8. A letter dated July 3, 1978 and map to then City Administrator Jack Palmer shows a preliminary subdivision design for the subject property and the area that is now Hash Park for residential development. *See Document G-6.*

9. Jerry and Lucinda Smith lost the subject (Port) property through foreclosure in 1982 to the First Federal Savings & Loan of Walla Walla, which acquired the property by Sheriff's Deed in 1983 after the 1-year period of redemption had passed. *See Document G-7.*
10. Bud Draper Road was constructed by Umatilla County in 1987 according to a newspaper article and other information contained in city files. The location of Bud Draper Road split the 600' – 700' residentially planned area approximately in half leaving about 270 feet of residentially planned area on either side of the road. *See Documents G-4 and G-8.*
11. The Port of Umatilla reacquired the subject property on July 16, 1987 from the First Federal Savings & Loan of Walla Walla through what appears to be direct purchase for \$10,900. *See Document G-9.*
12. The City of Umatilla entered its first Periodic Review of its comprehensive plan in 1987. At that time, both the City and the County were aware of plan map/zoning map conflicts between their respective maps of the area. *Reference is made in Documents G-24 and G-31 and elsewhere in Exhibit G.*
13. In January 1989, the Port of Umatilla represented by Sue Daggett, Interim Manager, applied to the City of Umatilla to change the plan and zoning designations of its property between the golf course and Bud Draper Road (referred to as Parcel 1) from residential to light industrial and the area east of Bud Draper Road to the urban growth boundary (referred to as Parcel 2) from light industrial to heavy industrial (application number Z-1-89). The County's maps continue to show these areas as County M-2 (Heavy Industrial) zoning. *See Document G-12 through G-16.*
14. The City hired a planning consultant from Tenneson Engineering Corp. located in The Dalles, Oregon, Mr. Dan Meader, to review the application and prepare a staff report to present to the Planning Commission in hearing the matter. Mr. Meader's report notes that map conflicts between the City and County were known to exist since the City's comp plan was acknowledged in 1978. *See Document G-17.*
15. On February 23, 1989, the Planning Commission held separate hearings for Parcel 1 and Parcel 2 to consider the Port's plan amendment and zone change requests; this was done to try to limit potential appeals for changing the zoning on Parcel 2 for a proposed onion dehydration plant. The minutes from this meeting reflect that the Port, at the recommendation of the planning staff, withdrew its request to rezone Parcel 1 from M-1 Light Industrial to "Transitional Office." The minutes further reflect that the Planning Commission recommended changing the 270 feet east of Bud Draper Road to the City's M-1 Light Industrial Zone, but "moved to hold over parcel 1 for future consideration." *See Document G-19.*
16. A letter to the City Council dated March 2, 1989 from Dan Meader, acting as planning staff for the City, recommended that other amendments that were being proposed to the zoning ordinance, if approved by the Council, could allow the onion dehydration plant and that no action on the Port's plan amendment and zone change requests was necessary to allow the

dehydration plant. Mr. Meader suggested that City should work Umatilla County to resolve the Plan Map/Zoning Map conflicts throughout the UGB, and indicate that a grant request had been made to accomplish this. Could not find City Council minutes from March 1989, so it was assumed that the Council did not take action on the Planning Commission's recommendation. A reference is made on a Notice of Withdrawal to DLCD that the Port withdrew its original application requests on June 5, 1989. *See Documents G-20 through G-22.*

17. On August 18, 1989, the Port of Umatilla made a second application (Z-1-90) to the City of Umatilla to change the plan and zone designations for Parcels 1 and 2 to light industrial; however, Parcel 1 now included the area that is now Hash Park with the Port acting on behalf of the owner, Umatilla County, for this portion of the property. *See Document G-23 (indicated at the top of the document).*
18. Based on the recommendation of the City's legal counsel, Gary Luisi, acting as planning staff for the City, the Planning Commission recommended leaving Parcel 1 (all that area west of Bud Draper Road) as residential, and changing Parcel 2 (the 270' wide strip along the east side of Draper Road) to light industrial. *See Documents G-24 and G-25.*
19. A letter dated October 30, 1989 to Umatilla County from Eve Foote, then City Administrator, informed the County of the preliminary findings and recommendation made by the City Planning Commission to leave Parcel 1 as residential and to change Parcel 2 to light industrial. *See Document G-26.*
20. On February 12, 1990, the Umatilla City Council passed Ordinance No. 565 which adopted the Planning Commission's recommendation and findings to leave Parcel 1 as residential and changed Parcel 2 to light industrial. *See Document G-32.*
21. On February 22, 1990, the Umatilla County Planning Commission held a hearing to consider the Umatilla City Council's decision regarding the Port's plan amendment and zone change requests. The Umatilla County Planning Commission recommended denial to the Umatilla Board of Commissioners, believing that the amendment requests were only made to correct an error in the location of Draper Road when it was constructed. *See Document G-33.*
22. On March 6, 1990, the Umatilla County Board of Commissioners considered the Umatilla County Planning Commission's recommendation and the decision of the Umatilla City Council. The Board of Commissioners dismissed the County Planning Commission's recommendation and elected to adopt the City Council's findings and conclusions as its own in County Ordinance No. 90-05 to change the plan and zone designation for Parcel 2 from residential to industrial and applied the City's M-1 Zoning. However, other than adopting the findings and conclusions in the City's Ordinance No. 565, County Ordinance No. 90-05 does not address Parcel 1. *See Documents G-35 and G-38.*
23. Also on March 6, 1990, the Land Use Board of Appeals (LUBA) notified the City's attorney, Gary Luisi, that the City Council's decision under Ordinance No. 565 had been appealed to LUBA and directed the City to prepare the record for the appeal. *See Document G-34.*

24. On September 25, 1990, LUBA remanded the City Council's decision back to the City to address the Buildable Lands Inventory portion of the comprehensive plan as to how the City could justify taking land out of residential use for industrial use when the plan indicated a need for over 300 additional single-family dwelling units. *See Document G-40.*
25. The City hired Dan Meader to address the issue remanded by LUBA. Mr. Meader developed new information and findings in a letter to the City dated March 7, 1991 and revised May 16, 1991 which showed that the City did not have an actual housing deficit. *See Document G-41.*
26. On June 6, 1991, the City of Umatilla Planning Commission reviewed the findings developed by Mr. Meader in response to the LUBA remand. The Planning Commission recommended adoption of these findings to the City Council. Noted in the minutes for the June 6, 1991 minutes is mention by Mr. Meader of a work plan for a \$3500 grant from LCDC for research and reconstruction of the Comprehensive Plan Map. *See Document G-42.*
27. On August 5, 1991, the City Council accepted and approved the recommendation of the Planning Commission for the buildable residential land inventory as prepared by planning consultant, Dan Meader. *See Document G-43.*
28. In a letter to the Umatilla County Planning Department dated August 7, 1991, then City Administrator, Bonnie Parker, notified the County of the City's action adopting the findings prepared by the planning consultant and advised the County of the need to consider co-adoption of the findings. In her letter, Ms. Parker states, "This action was supported by assurances from the Port (Sue Daggett) and Umatilla County (Glen Youngman) the property lying in the urban growth boundary west of Draper Road will be addressed as a buffer zone and consideration will be given to designating this area open space or a designation compatible to the adjacent residential area." *See Document G-43.*
29. In a letter dated October 4, 1991 then County Planning Director, Dennis Olson, informed the City Administrator of the County Planning Commission's and the County Board of Commissioners' actions approving the findings and conclusions prepared by the City's planning consultant addressing the LUBA remand. *See Document G-44.*
30. In a decision Order dated January 6, 1992, the Umatilla City Council ratified and affirmed its initial enactment of Ordinance No. 565, which left Parcel 1 as planned for residential use and changed the plan designation of Parcel 2 to industrial with the City's M-1 zoning. *See Document G-45. See also related Document G-46.*
31. In a letter dated February 12, 1992 from Bob Perry, Senior Planner for Umatilla County, to the City, Mr. Perry informed the City that the County had reviewed the amended findings and conclusions of Ordinance No. 565 and concurred with the amended findings and conclusions. This effectively ended all actions taken in regard to the Port's application under Z-1-90 and the LUBA appeal. *See Document G-47.*
32. In a Notice of Proposed Action to DLCD, it appears the City started to initiate review of an

ordinance scheduled for June 16, 1992 to adopt a new comprehensive plan map; however, it doesn't appear that the City followed through in notifying DLCD. *See Document G-48.*

33. A letter dated June 23, 1992 from Dan Meader to Bob Perry with the Umatilla County Planning Department discusses a revised/proposed comprehensive plan map prepared by Tenneson Engineering Corp that attempted to address concerns raised by Mr. Perry and requested his review of the changes. Mr. Meader stated the City would begin the hearing process to adopt the map immediately, and assumed the County would want to adopt the map for the area in the urban growth boundary. This map may be the product of the grant referred to under finding #26 above. *See Document G-49.*
34. The June 25, 1992 City Planning Commission minutes reflect that the Commission recommended approval of the map to the City Council with a few corrections. *See Document G-50.*
35. A letter to the East Oregonian dated July 7, 1992 indicates the City advertised for a public hearing to be held on July 21, 1992 by the Umatilla City Council to consider adoption of the comprehensive plan map as recommended by the Planning Commission. *See Document G-51.*
36. The City Council agenda for July 7, 1992 indicates some discussion of the Comprehensive Plan Map was intended. However, the minutes for this meeting indicate only that the City Planning Commission "had some questions that have yet to be answered by the County Planning Department." The record according to subsequent planning commission minutes and city council minutes regarding this particular plan and zoning map appears to end here. *See Document G-52.*
37. In May 1994, the City once again entered into Periodic Review for updating its comprehensive plan. The May 26, 1994 planning commission minutes reflect that the Planning Commission approved the Periodic Review work program prepared by planning consultant, Dan Meader. The Periodic Review Evaluation prepared by Mr. Meader identifies the problems with the Urban Area zoning designations and the compatibility with the City's Comprehensive Plan Map and that this issue was identified in the previous periodic review, but funding had not been available. The evaluation states that, "Umatilla County has never been able to review its zoning to be compatible with the City Comprehensive Plan Map in the Urban Area. What needs to be done is a zoning map which is in accord with the Comprehensive Plan Map prepared and taken through the hearing process." *See Document G-54.*
38. In March 1996, the City and the County entered into a new Joint Management Agreement (JMA) for the urban growth area (which is still in effect). This agreement differed from the previous JMA in that the County now has lead responsibility for reviewing and adopting amendments to the comp plan map and zoning map for the UGA. The County also retained lead responsibility for administration of land use regulations within the UGB. The City has lead responsibility for reviewing and adopting amendments to the comprehensive plan *text* as it applies to the UGA. Section 2.1.4 of the agreement also states that it is the intent of the City and County to jointly adopt a single set of land use regulations and plan and zone map

designations for properties within the City and UGA. *See Document G-59.*

39. In May 1997, the City processed an application to annex the property that is now Hash Park. The City's planning consultant at that time, Leslie Ann Hauer, identified the property as being zoned for industrial use in her staff report to the City Planning Commission. It appears Ms. Hauer used the County's zoning map as evidenced by the map included in her report. *See Document G-61.*
40. On May 22, 1997, the City Planning Commission recommended approval of the annexation of the Hash Park property to the City Council based on the planning consultant's staff report, but recommended the property be zoned R-2 (Medium Density Residential) rather than R-3 (High Density Residential). Sue Daggett with the Port of Umatilla testified at the hearing that the Port was not opposed to the annexation and zone change, but was concerned about using Draper Road for access to residences in the area, and how property owners might react to industrial development within the Port area. *See Document G-62.*
41. On July 15, 1997, the Umatilla City Council adopted Ordinance No. 660 annexing the Hash Park property, but zoned the property R-1 (Single-family residential) rather than the R-2 recommended by the Planning Commission. The findings in Ordinance No. 660 identify the comp plan map designation of the property as industrial and the zoning as the County's M-2 Heavy Industrial zone prior to the annexation. *See Document G-63.*
42. Sometime between February 26, 1998 and May 28, 1998, City Administrator Bonnie Parker left the City and Martin Davis became the new City Administrator. *See Document G-64.*
43. On May 27, 1999 and June 3, 1999, the City Planning Commission held a public hearing to consider a proposed single Comprehensive Plan and Zoning Map as noted in a May 20, 1999 memorandum from planning consultant Leslie Hauer to the planning commission. The map attached to Ms. Hauer's memo was prepared by KCM, Inc., and appears to be based on the draft map prepared by Tenneson Engineering in 1992 (see finding #33 above). This map shows the subject (Port) property adjacent to the golf course as being planned R-1 Single-family residential. This map appears to be, in part, the City's attempt to address that part of the Periodic Review work plan that identified the conflict areas between the City comp plan map and the County's zoning in the UGA (see finding #37). *See Documents G-65, G-66 and G-67.*
44. On June 15, 1999, the Umatilla City Council passed Ordinance No. 689 which adopted the combined Comprehensive Plan Map and Zoning Map prepared by KCM, Inc., as recommended by the Planning Commission. This map shows the subject (Port) property between the golf course and Draper Road as being planned R-1 Single-Family Residential. *See Document G-68.*
45. On September 23, 1999, the City Planning Commission recommended changes to the combined Comprehensive Plan and Zoning Map to add base zoning (such as R-1, R-2, etc.) to private properties that were zoned CS (Community Services) which the City considered an overlay zone at that time and which tended to only allow only uses that were of a public or

quasi-public nature. *See Documents G-69 and G-70.*

46. The Umatilla County Planning Commission reviewed the proposed Comprehensive Plan and Zoning Map in a hearing held on October 14, 1999 (according to the minutes of the County Board of Commissioners meeting on November 10, 1999 - see finding #48). Considering the dates of the hearings, it does not appear that the Map reviewed by the County Planning Commission could have reflected the changes to the Map made by the City Council as indicated under finding #47. *See Document G-72.*
47. On October 19, 1999, the City Council passed Ordinance No. 695 which amended the combined Comp Plan and Zoning Map to reflect the changes recommended by the City Planning Commission to add base zones to the properties previously zoned only CS. This map attached to Ordinance No. 695 as Exhibit A continues to show the subject (Port) property between the golf course and Draper Road as planned R-1 Single-family residential. *See Document G-71.*
48. On November 10, 1999, the Umatilla County Board of Commissioners reviewed the Comprehensive Plan and Zoning Map as recommended by the County Planning Commission. The minutes from this meeting reflect that six listed "conflict areas" were discussed along with three additional map changes, but do not indicate that the subject (Port) property between the golf course and Draper Road was an area of concern at that time. The County passed Ordinance No. 99-07 which co-adopted the City's combined Comprehensive Plan and Zoning Map, with a few minor changes which required the City to have to consider the new changes in order for both the City and County to be in full agreement on all of the amendments. One of those changes required by the County was to include a subtitle on the map stating, "Official City and Urban Growth Boundary Comprehensive Plan and City Zoning Map." It appears that the map adopted by the County Board of Commissioners is the map identified in findings #44 and #46 above, and not the map the City Council adopted as indicated in finding #47. *See Documents G-72, G-73 and G-74.*
49. On January 27, 2000, the City Planning Commission considered the changes adopted by the Umatilla County Board of Commissioners in County Ordinance No. 99-07 and recommended the City Council adopt the changes made by the County. *See Document G-75.*
50. On March 7, 2000, the Umatilla City Council passed Ordinance No. 699 which adopted the changes made to the Comp Plan and Zoning Map made by the County as recommended by the City Planning Commission. It appears at this point, that the City's Comp Plan and Zoning Map as adopted by the County in Ordinance No. 99-07 and the City in Ordinance Nos. 689 (as amended by Ordinance No. 699) is the official City comp plan and zoning map that applied to the area within both the city limits and the urban growth area. *See Document G-76.*
51. The record from March 7, 2000 up to July 2010, as evidenced by city planning commission and city council meeting minutes and actions, indicates that the City made several zoning map changes within the city limits (such as rezoning the Downtown area to reflect the Downtown Revitalization Plan), and annexed a number of properties from within the UGB, but did not make any plan or zone map changes that affected the subject (Port) property between the golf

course and Draper Road.

52. From paid invoice reports to the City Council during 2004 and early 2005, it appears the City, acting administratively, and not through the Planning Commission or City Council, hired a firm called SCM Consultants, Inc. to develop an updated Comprehensive Plan and Zoning Map reflecting the plan and zoning map changes and annexations that had been made up to that time. The result appears to have been a large-scale map (about 3' x 5' in size at 1" = 600') and reproducible copies reduced to fit on 11" x 17" size paper. This map was dated December 2004 and labeled as the "Official City and Urban Growth Boundary Comprehensive Plan and City Zoning Map." There is no record in the planning commission or city council agendas or minutes that this map was reviewed and adopted by the City in any official manner. However, this map shows the subject (Port) property between the golf course and Draper Road as being planned Industrial. *See Documents G-78 and G-79.*
53. An April 12, 2005 *Amended Notice* from Umatilla County regarding a periodic review subtask proposing to adopt County Ordinance No. 2005-06 amending the County's comprehensive plan map and zoning map contains an attached map showing (but not amending) the subject (Port) property between the golf course and Draper Road as planned Industrial land within the City of Umatilla's UGB. This map is titled 'Umatilla County Comprehensive Plan Map – McNary Area'. *See Document G-80.*
54. In October or early November 2006, the Port of Umatilla made application to Umatilla County to subdivide its property between the golf course and Draper Road under county application number S-051-06. The proposed name of the subdivision was 'Draper Subdivision.' *See Document G-81.*
55. The County Planning Commission conducted a hearing on the Port's proposed subdivision under application S-051-06 on November 28, 2006. The subdivision request was approved as indicated in a decision containing the final findings and conclusions for S-051-06 dated December 4, 2006. This decision identifies the property as being planned Industrial and zoned M-2 Heavy Industrial. *See Document G-81.*
56. The final plat for Draper Subdivision was approved on March 26, 2007 when the last of required signatures on the plat were obtained from the County. The signatures from the Port of Umatilla under the dedication of the plat were acknowledged and notarized by Sue Daggett, former Interim Director for the Port. *See Document G-81.*
57. In 2010, the Port of Umatilla made application (file no. A-1-2010) to the City of Umatilla to annex Lots 1 through 5 and 7, (but not Lot 6) into the Umatilla city limits. *See Document G-83.*
58. The City Council passed Ordinance No. 757 on July 6, 2010 which approved the Port's annexation request A-1-2010. This ordinance does not indicate the zoning of the property at the time of application, nor does it change or address the zoning upon annexation. *See Documents G-82 and G-83.*

59. In October 2012, a request was made by the City to have the County Planning Department update the 2004 zoning map with the zone changes and annexations that had occurred up to that time (based on a thorough review of all the ordinances passed by the city council since the comp plan and zoning map had been adopted by city Ordinance No. 689). The result was the current map we have in the planning office and in the city council chambers. City staff was not aware until recently that there might be a mapping error of the subject (Port) property between the golf course and Draper Road. *See Document G-84.*

- CODE OF ORDINANCES
TITLE 10 - ZONING
CHAPTER 3. - RESIDENTIAL DISTRICTS
ARTICLE A. SINGLE-FAMILY RESIDENTIAL (R-1)

ARTICLE A. SINGLE-FAMILY RESIDENTIAL (R-1)

Sec. 10-3A-1. Purpose.

The R-1 District is intended for low density, urban single-family residential uses. The R-1 District corresponds to the R-1 designation of the Comprehensive Plan.

(Ord. No. 688, 6-15-1999; Ord. No. 840, 9-3-2019)

Sec. 10-3A-2. Uses permitted.

The following uses and their accessory uses are permitted in the R-1 District:

- A. Single-family dwelling subject to the provision of Section 10-11-9 of this title;
- B. One manufactured home on an individual lot subject to the provisions of Section 10-11-8 of this title;
- C. Residential home;
- D. Family day care provider;
- E. Home occupation subject to the provision of Section 10-11-1 of this title; and
- F. Accessory uses, including an accessory dwelling subject to the provisions of Section 10-11-11 of this title.

(Ord. No. 830, 8-7-2018; Ord. No. 840, 9-3-2019)

Sec. 10-3A-3. Conditional uses permitted.

The following primary uses and their accessory uses may be permitted when authorized in accordance with the requirements of Chapter 12 of this title:

Community services uses as provided by Chapter 6 of this title.

(Ord. No. 688, 6-15-1999; Ord. No. 840, 9-3-2019)

Sec. 10-3A-4. Development standards.

DIMENSIONAL STANDARDS

Minimum lot area	7,000 square feet
Minimum lot width	50 feet
Minimum lot depth	90 feet
Minimum yard setbacks:	
Front and rear yard	10 feet
Side yard	5 feet
Side street yard	10 feet
Garage	18 feet from any street except an alley

Maximum building height	40 feet
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(Ord. No. 688, 6-15-1999; Ord. No. 840, 9-3-2019)

ARTICLE B. MEDIUM DENSITY RESIDENTIAL (R-2)

Sec. 10-3B-1. Purpose.

The purpose of the R-2 District is to allow single-family dwellings on smaller lots, duplexes, townhouses and multi-family dwellings at moderate density. Site review is required for most uses. The R-2 District corresponds to the R-2 designation of the Comprehensive Plan.

(Ord. No. 688, 6-15-1999; Ord. No. 840, 9-3-2019)

Sec. 10-3B-2. Uses permitted.

The following uses and their accessory uses are permitted in the R-2 District:

- A. Single-family dwelling subject to the provision of Section 10-11-9 of this title;
- B. Townhouse subject to the provision of Section 10-11-12 of this title;
- C. Duplex;
- D. Multi-family dwellings;
- E. One manufactured home on an individual lot subject to the provisions of Section 10-11-8 of this title;
- F. Residential home;
- G. Residential facilities;
- H. Family day care provider;
- I. Home occupations subject to the provision of Section 10-11-1; and
- J. Accessory uses, including an accessory dwelling subject to the provisions of Section 10-11-11 of this title.

(Ord. No. 830, 8-7-2018; Ord. No. 840, 9-3-2019)

Sec. 10-3B-3. Conditional uses permitted.

The following uses and their accessory uses may be permitted subject to the provisions of Chapter 12 of this title:

- A. Boarding house.
- B. Community services uses as provided by Chapter 6 of this title.
- C. Manufactured home parks.
- D. Office or clinic for a doctor, dentist or other practitioner of the healing arts, attorney, architect, engineer, surveyor or accountant.

(Ord. No. 688, 6-15-1999; Ord. No. 840, 9-3-2019)

Sec. 10-3B-4. Development standards.

- A. Density. One dwelling unit per 3,000 square feet.
- B. Landscaping. Except for lots intended for single-family dwellings, a minimum of 15 percent of lot area shall be devoted to landscaping, exclusive of landscaping required for parking areas. The minimum dimension of any landscaped area shall be five feet.
- C. Open space. At least 200 square feet of outdoor open area easily accessible from the interior of the dwelling shall be provided for each ground floor dwelling unit. Part of the required area may include a private screened patio.

DIMENSIONAL STANDARDS

Minimum lot area	Single-family dwelling: 5,000 square feet Townhouse: 3,000 square feet Duplex: 6,000 square feet Multi-family: 3,000 square feet per dwelling unit
Minimum lot width	45 feet and 25 feet for townhouse lots
Minimum yard setbacks:	
Front and rear yard	10 feet
Side yard	5 feet or 0 feet for townhouse lots where abutting a common wall
Side street yard	10 feet
Garage	18 feet from any street except an alley
Maximum building height	40 feet

(Ord. No. 688, 6-15-1999; Ord. No. 840, 9-3-2019)

Sec. 10-3B-5. Limitations on use.

Uses other than single-family dwellings, accessory uses to single-family dwellings, duplexes and home occupations are subject to site plan review.

(Ord. No. 688, 6-15-1999; Ord. No. 840, 9-3-2019)

At Chase
Allan & Trudy Chase
PO Box 163
Union, Oregon 97883

March 16, 2022

City of Umatilla
PO Box 130
Umatilla, OR 97882

RE: Golf Course Rezone Plan Amendment PA-1-22

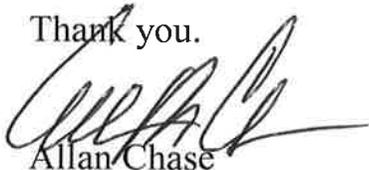
We would like to ... regarding the proposed plan to Rezone the area between the Big River golf Course and Bud Draper Drive. We own acreage and operate an industrial business on the east side of Bud Draper. We have been in business here for over 30 years.

This entire surrounding area has significant industrial business. These businesses have heavy traffic with heavy trucks moving in and out. The road is not a safe area for families to be.

We would also like to bring awareness to the city water well; when the generator kicks on it is very loud.

It would be far better to have the area zoned as Industrial and not residential. Rezoning and allowing it to be residential and industrial just sets the city up for ongoing complaints about the noise, the traffic, and smells when they share the same street. There should be a buffer zone between the Industrial and residential area.

Thank you.


Allan Chase

Hagerman, Inc.



82891 Bud Draper Dr., Umatilla, OR 97882

• Toll Free: 1-866-922-6455 • Office: 1-541-922-6455 • Fax: 1-541-922-9417 •

11000 Portland Rd., Salem, OR 97305

• Office: 1-503-289-0637 • Fax: 1-503-289-1150 •

City Of Umatilla
PO Box 130
700 Sixth St
Umatilla, OR 97882
(541) 922-3226

March 16, 2022

RE: Golf Course Rezone Plan - rezoning the land West of Bud Draper Drive, Umatilla, OR

To Whom It May Concern,

As an industrial business located on Bud Draper Drive, Hagerman, Inc. believes the land west of Bud Draper Drive and between Big River Golf Course should stay as is. We are strongly opposed to rezoning the land as "medium density residential" for the following reasons:

1. Residential access from/to Bud Draper Drive. The current and only traffic on Bud Draper Drive is heavy trucks, and the few passenger vehicles from those who work/operate the businesses located on this street. With residential housing comes children, pets, toys, and increase passenger vehicle traffic in the street. Rezoning this land residential would substantially increase the risk/hazards on Bud Draper Drive with such a presence heavy truck traffic.
2. Noise Level/24-hour traffic/Odor, etc. The blank land, as it is now, it offers as a buffer between industrial and residential areas. With your proposal of rezoning the land residential, industrial and residential would share one street. With industrial-type businesses being located so close to a residential neighborhood, you should expect the number of complaints new residents will pose if they are bothered by such noises, traffic, foul odors, etc. From being in this business and in this same location for 30+ years, we can assure you, this is not a quiet place to build a home.
3. No previous contact from the City of Umatilla about rezoning. To quote Bob Ward, Umatilla City Manager, from an article in the East Oregonian,

"We have no plan for any of those parcels, and when we come up with a plan at some point in the future, that plan will be developed collaboratively with the city, the Port of Umatilla, the adjacent property owners, both residential and industrial, and we will together, determine what the future of the properties might be."

Hagerman, Inc. has had no contact from any person with the City of Umatilla regarding the rezoning of this land. With all this being said, Hagerman, Inc., again, is opposed to rezoning the land between Big River Golf Course and the west side of Bud Draper Drive residential.

Sincerely,

A handwritten signature in black ink, appearing to read "Duane Smalley". The signature is written in a cursive, flowing style.

Duane Smalley
General Manager
Hagerman, Inc.
(541) 922-6455