

**UMATILLA PLANNING COMMISSION MEETING  
AGENDA  
COUNCIL CHAMBERS  
SEPTEMBER 27, 2022  
6:30 PM**

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

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF MINUTES**

3.a [August 23, 2022 Minutes](#) *Suggested Action: Approval*

4. **UNFINISHED BUSINESS**

5. **NEW BUSINESS**

5.a [Bonney Ag & Auto Zoning Permit ZP-8-22](#) *Suggested Action:*

*The applicant, Ken Bonney, is requesting approval to apply a portion of the 1972 Umatilla County Zoning Ordinance Light- Industrial code that allows for the planning commission to approve a different set back than what is written in the code. In this case, the request is for a ten-foot setback, with the written setback being thirty feet. His application for a zoning permit would traditionally be a Type 1 decision processed by staff but due to the code, this application has been elevated to the Planning Commission for decision. The criterion that applies is (2) Setback of Section 3.138 Dimensional Standards of the 1972 Umatilla County Zoning Ordinance Light- Industrial code.*

5.b [Water Tower Street Vacation SV-2-22](#) *Suggested Action: The applicant in this matter, City of Umatilla, seek approval of a street vacation for an abandoned portion of Driver Ave.*

6. **DISCUSSION ITEMS**

6.a [Memo for City Council](#) *Suggested Action: At their August 23, 2022 meeting the Planning Commission directed staff to draft a memo detailing the commissions concerns for pedestrian connection to project path.*

7. **INFORMATIONAL ITEMS**

8. **ADJOURNMENT**

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

**UMATILLA PLANNING COMMISSION MEETING  
MINUTES  
COUNCIL CHAMBERS  
AUGUST 23, 2022  
6:30 PM**

For more detail; a recording of the meeting is available upon request of staff

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

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

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

B. **Absent:** Enrique Navarro

C. **Late arrival:** Keith Morgan

D. **Staff present:** City Manager, David Stockdale, Community Development Director, Brandon Seitz, Senior Planner, Jacob Foutz.

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF MINUTES**

3.a **July 26th, 2022 Minutes** *Suggested Action: Approval*

Motion to approve by Commissioner Nobles, seconded by Commissioner Sipe. Motion Carried by consensus vote 4-0.

4. **UNFINISHED BUSINESS**

5. **NEW BUSINESS**

5.a **City of Umatilla Zone Change ZC-2-22** *Suggested Action:*

*The applicant, City of Umatilla, is proposing to amend the Chapters 11 of the City of Umatilla Zoning Ordinance, and Title 4 of the Code of Ordinances of the City of Umatilla. The amendments will remove restrictions for poultry within City limits and establish a permit system for the keeping of poultry in residential zones.*

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. None.

Chair McLane opened the hearing and asked for the staff report.

Planner Foutz summarized the findings and make a staff recommendation of recommendation of approval to City Council.

Chair McLane asked for public testimony in favor.

Ian Enriquez of 405 Naches Court, Umatilla, OR testified in favor of allowing chickens and asked why there is not a certain number allowed without a permit.

Chair McLane asked for public testimony in Opposition.

Chair McLane asked for neutral public testimony.

Chair McLane asked for rebuttal.

Planner Foutz as applicant stated that a certain number without a permit could make code enforcement more difficult.

Chair McLane called for a motion to close the hearing of ZC-2-22. Motion to close by Commissioner Sipe. Second by Commissioner Nobles. Motion carried 4-0

Chair McLane asked for any comments or deliberation.

The planning commission discussed the three options and decided that they like option 2, replacing number 11 on option 2 with number 11 from option 3.

Chair McLane called for a motion to recommend approval of ZC-2-22 with option 2, replacing number 11 on option 2 with number 11 from option 3. Motion to approve by Commissioner Sipe. Seconded by Commissioner Cooper. Motion carried 4-0

5.b **Project Path Conditional Use CU-1-22** *Suggested Action:*

*The applicant, City of Umatilla, is requesting approval of a conditional use and site plan approval to bring together services to assist individuals and families facing homelessness with the objective to move them into and through transitional housing to permanent housing. A suite of services will be delivered or available by referral that include sleeping areas, kitchen and meal services, basic medical, dental and vision services, educational services, behavioral health services, access to job opportunities, and transportation services. The proposed homeless resource and housing facility is proposed to be developed on Tax Lot 2300 of Assessor's Map 5N28E22.*

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.

Commissioner Nobles noted his family owns property adjacent to the property

Chair McLane noted that his wife was the consultant the City hired.

Chair McLane called for the staff report.

Consultant Carla McLane gave the staff report and applicant testimony, going over the criterion that must be met for the conditional use application.

The commission asked and discussed clarifying questions with staff in regards to the application applicable standards.

Chair McLane asked for the applicant's testimony.

David Stockdale, the city manager for the City of Umatilla presented testimony on behalf of the applicant.

Roger Condie, 80450 Culp Lane, Hermiston, OR 97838, the interim director for stepping stones alliance presented testimony as the applicant and explained some of the operating procedures for the proposed conditional use.

Chair McLane asked for public testimony in favor.

Kristen Owen, 595 NW 11th Street, Hermiston, OR 97838, confirmed her organization Umatilla County behavioral services will partner with stepping stones and testified in favor of the application.

Glenda Moyer, 1319 Z Street, La Grande, OR, testified in favor of the application.

Dan Dorran, 960 SW 7<sup>th</sup> Street, Hermiston, OR 97838, commissioner from Umatilla county, offered the counties support and testified in favor of the application.

Sierra Gilman, 510 Sunset Drive, Hermiston, OR 97838, testified in favor of the application.

Sandy Fancis, 250 W Bebee Ave, Hermiston, OR 97838, testified in favor of the application.

Brandy Medrano, 235 NW Butte, Hermiston, OR 97838, testified in favor of the application.

Angela Pursel, 705 East View Drive, Hermiston, OR 97838, of Marthas House, testified in favor of the application.

Chair McLane proposed a five-minute recess. The Commission agreed.

Chair McLane asked for public testimony in Opposition.

Kim Nobles, 81299 Cooney Lane, Hermiston, OR 97838, testified against the application.

Clyde Nobles, 650 Monroe Street, Umatilla, OR 97882, testified against the application.

Betty Nobles, 650 Monroe Street, Umatilla, OR 97882, testified against the application.

Thomas Wood, 30052 three-mile lane, Hermiston, OR 97838, testified against the application.

Paul Mcdonough, 30240 Bensel Road, Hermiston, OR 97838, testified against the application.

Sam Nobles, 81776 Lind Road, Hermiston, OR 97838, testified against the application.

Ron Williams, 81775 Lind Road, Hermiston, OR 97838, testified against the application.

Jeremy Carlson, 81140 Cooney Lane, Hermiston, OR 97838, testified against the application.

Ken Bonney, PO BOX 1287, Umatilla, OR 97882, testified against the application.

Travis Wood, 30056 Copper lane, Hermiston, OR 97838, testified against the application.

Chair McLane asked for public neutral testimony.

Clinton Fordice of PO BOX 653, Hermiston, OR 97838 asked questions regarding to when the proposed use would open and close.

Chair McLane explained that if the applicant chose to respond to his question they would be able to do so during the rebuttal.

Kim Nobles, 81299 Cooney Lane, Hermiston, OR 97838, asked questions in regards to capacity. Chair McLane asked for Rebuttal testimony.

David Stockdale, the city manager for the City of Umatilla, and acting as the applicant, attempted to respond to all concerns and questions brought up during public testimony and gave testimony supporting the applicant's application.

Cathy Lloyd, chairwoman of stepping stones alliances gave testimony regarding the operating procedures of the proposed use.

Roger Condie, 80450 Culp Lane, Hermiston, OR 97838, the interim director for stepping stones alliance presented testimony regarding the operating procedures of the proposed use.

Commissioner Nobles explained his frustration with the criterion not addressing pedestrian access and suggested the commission find a way to emphasize the need for pedestrian connection to the proposed use.

David Stockdale, the city manager for the City of Umatilla, explained that it can not be a part of this approval but he agreed that was a need that the City needs to address, and recommended making a note to the City Council emphasizing the need.

Commissioner Sipe explained that the school district has on average 14 kids that are qualified as homeless and asked if this facility would be able to accommodate some of those kids.

David Stockdale, the city manager for the City of Umatilla, explained that for the first two years it would not allow for children and families but would potentially be able to expand in the future to allow for those members.

Commissioner Sipe made a clarifying statement that the planning commissions job is not to decide if this is the best location but decide if this location meets the Cities code and standards.

Carla McLane and Director Seitz confirmed.

Commissioner Sipe asked the applicant if a septic system would be installed and if well water would be monitored.

The applicant responded in the affirmative.

Commissioner Nobles asked how the road would be improved and on what timeline.

Director Seitz explained it would be improved to a City Light industrial standard at the time of development or improved to a better standard with a developer agreement.

Chair McLane called for a motion to close the hearing of CU-1-22. Motion to close by Commissioner Cooper. Second by Commissioner Sipe. Motion carried 4-0

Chair McLane asked for any comments or deliberation.

The commission discussed amongst themselves what conditions of approval they wanted to apply to the application.

Commissioner Sipe proposed a motion to approve CU-1-22 with the following conditions; That a block cinder fence or privacy landscaping is required, that there is signage additions along Lind road and the connecting roads for safety considerations, and that an approved well and septic will be provided until City utilities are established, and that all other staff recommendations are applied.

Seconded by Commissioner Cooper. Motion carried 4-0

## 6. **DISCUSSION ITEMS**

Commissioner Sipe proposed that the Planning Commission directs staff to draft a letter for City Council regarding safety concerns with possible proposal for a parks master plan connection between the project path facility and Bensel road to the county project.

Staff understood.

7. **INFORMATIONAL ITEMS**

8. **ADJOURNMENT**

Adjourned 9:50



**CITY OF UMATILLA PLANNING COMMISSION  
 REPORT AND RECCOMENDATION  
 FOR  
 ZONING PERMIT ZP-8-22**

**HEARING DATE:** September 27, 2022

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

**I. GENERAL INFORMATION AND FACTS**

**Applicant:** Ken Bonney, 81600 N. HWY 395, Hermiston, OR 97838.

**Property Owners:** Ken Bonney, PO BOX 1287, Hermiston, OR 97838.

**Land Use Review:** Urban Growth Area Zoning Permit review for the establishment of an accessory overflow storage for an existing business in the City of Umatilla Urban Growth Area.

**Property Description:** Township 5N, Range 28, Section 22, Tax Lot 2000.

**Location:** The subject property is located at 81600 N. HWY 395, Hermiston, OR 97838. The property is identified as Tax Lot 2000 on Assessors Map 5N2822.

**Existing Development:** The property is currently developed as Bonney’s Ag & Auto Repair.

**Proposed Development:** Storage shed

**Zone** 1972 Umatilla County Zoning Ordinance Light- Industrial (M-1). Urban Growth Boundary.

**Adjacent Land Use(s):**

<b>Adjacent Property</b>	<b>Zoning</b>	<b>Use</b>
North	Light Industrial	Vacant Land
South	General Commercial	Family Auto Sales
East	EFU	Vacant Land
West	Light Industrial	Vacant Land

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

The applicant, Ken Bonney, is requesting approval to apply a portion of the 1972 Umatilla County Zoning Ordinance Light- Industrial code that allows for the planning commission to approve a different set back than what is written in the code. In this case, the request is for a ten-foot setback, with the written setback being thirty feet. His application for a zoning permit would traditionally be a Type 1 decision processed by staff but due to the code, this application has been elevated to the Planning Commission for decision. The criterion that applies is (2) Setback of Section 3.138 Dimensional Standards of the 1972 Umatilla County Zoning Ordinance Light- Industrial code.

## **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.

### **Section 3.138 Dimensional Standards**

(2) Setback: No building shall be located closer than 30 feet from a lot line except by a ruling of the Planning Commission upon the request of a property owner.

**Findings:** The above code is the legally adopted code for the set-backs in the Light-Industrial zone of the 1972 Umatilla County Zoning Ordinance. The 30-foot setback for an industrial zone seems to be a dated standard that has survived in the 1972 code. The City of Umatilla's side yard setback in the City Light-Industrial Zone is 0 feet or 20 feet if adjacent to a residential district. This property is not adjacent to a residential district. If this property was within the Umatilla city limits this request would be approved. Given that the 1972 county code has a provision that allows for a change of the set-back distance with planning commission approval, and the fact that the current City standard would still be met if this property owner ever chose to become a part of the City of Umatilla, staff feel it is reasonable for the Planning Commission to approve the request of a 10-foot setback by the applicant.

**Conclusion:** The above code can be met by allowing the applicant to utilize a set-back distance of 10 feet for the proposed building. This setback of 10-feet applies to the proposed building and not the entirety of the property.

## **IV. SUMMARY AND DECISION**

The applicant, Ken Bonney, is requesting approval to establish a new storage building for a business, Bonney Ag and Auto Repair. The applicant is requesting to place the building 10 feet from a side property line in the Light-Industrial zone of the 1972 Umatilla County Zoning Ordinance. The request appears to meet all of the applicable criteria and standards as addressed in this report. 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, this request, ZP-8-22, for a Zoning Permit, may be approved by Planning Commission, subject to the conditions of approval contained in Section V.

## **V. CONDITIONS OF APPROVAL**

1. The applicant shall obtain all federal, state and local permits or licenses necessary for construction and operation of the proposed use.

2. The applicant shall establish the proposed use within one year of the date of the final approval unless the applicant applies for and receives an extension prior to the expiration of the approval.
3. Failure to comply with the conditions of approval established herein may result in revocation of this approval.
4. If any historic, cultural or other archaeological artifacts, or human remains are discovered during construction, the applicant shall immediately cease construction activity, secure the site, and notify appropriate agencies including but not limited to the City of Umatilla, Oregon State Historic Preservation Office and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program.

## **VI. EXHIBITS**

Exhibit A – Map

Exhibit B – Applicant’s Site Plan and Application



HIGHWAY 395

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

**ZP-8-22**

Feet

0 25 50 75 100



**Legend**

- 10 Feet
- 30 Feet
- Subject Property
- Tax Lots 4\_05\_22



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 9/23/2022



Umatilla County Public Health  
Environmental Health Division



# Land Use Compatibility Statement

This form must be completed by the Umatilla County Planning Department to ensure the proposed activity is consistent with zoning and land use regulations. Please submit completed form to Umatilla County Environmental Health.

**Section 1: To be completed by the applicant:**

Applicant Name: Ken Bonney Telephone: 541-922-1213.  
Mailing Address: P.O. Box 1287 Email: Kennethf@Live.com  
City: Hermiston, Oregon, State: OR Zip Code: 97838

**Property Information:**

Property Owner: Ken Bonney Physical Address: 81600 N. Highway 395  
Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_ Tax Lot No: 2000 Account #: 157037  
Map: 5N2822-00-2000 Directions to property: 81600 N. Hwy 395

**Describe the proposed use: (Use additional pages as needed)**

1) at Business Property for Bonney's, Building will be used for overflow inventory of business & personal property of owner. Storage of equipment & other items related to business

**Section 2: To be completed by the Planning Department**

Property Zoning: \_\_\_\_\_ Location is:  Inside UGB  Outside UGB  
Subject to:  County Jurisdiction  Shared City/County Jurisdiction  City Jurisdiction  
 Permit Not Required  
 Permit Required  Zoning Permit  Design Review  Conditional Use  Land Use Decision  
 Permit(s) Issued: \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

Planning Official Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Umatilla County Environmental Health  
200 SE 3<sup>rd</sup> Street  
Pendleton, OR 97801  
Ph: (541)278-6394  
Fax: (541)278-5433  
health@umatillacounty.net

Umatilla County Planning Department  
214 SE 4<sup>th</sup> Street  
Pendleton, OR 97801  
Phone: (541)278-6252  
Fax: (541) 278-5480  
planning@umatillacounty.net



City of Umatilla, Oregon  
**ZONING PERMIT**  
 Urban Growth Area  
 (Requires site plan drawn to scale)

\*\*For Planning Official Use Only\*\*

Permit # \_\_\_\_\_  
 Issued By: \_\_\_\_\_  
 Date Issued: \_\_\_\_\_

**APPLICANT/OWNER INFORMATION**

APPLICANT Ken Bonney PHONE 541-922-1213  
 ADDRESS P.O. Box 1287 CITY Hermiston STATE OR ZIP 97838  
 PROPERTY OWNER Ken Bonney PHONE 541-922-1213  
 ADDRESS SAME CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

**PROPERTY INFORMATION**

1. ADDRESS 81600 N Highway 395 CITY Hermiston STATE OR ZIP 97838  
 2. MAP # (T-R-S) 5N2822 TAX LOT 2000 10. SANITATION City Sewer  Private System  (type) \_\_\_\_\_  
 Lot Size 389 x 1050 x 347 x 984 (Acres) 8.81 Acres DEQ Permit # (if private) \_\_\_\_\_  
 3. PROPOSED USE Overflow Storage (Business) 11. HEIGHT & SETBACKS  
 Building Height \_\_\_\_\_ (from finished grade)  
 4. VALUATION OF WORK (materials & labor) \$140,000 Front Yard \_\_\_\_\_ L. Side Yard \_\_\_\_\_  
 Rear Yard \_\_\_\_\_ R. Side Yard \_\_\_\_\_  
 5. EXISTING DEVELOPMENT Bonney Ag & Auto repair Riparian \_\_\_\_\_  
 6. ZONING M-1 light industrial 12. MANUFACTURED HOME Year \_\_\_\_\_ Sq. Ft. \_\_\_\_\_  
 Make/Model \_\_\_\_\_  
 7. OVERLAY ZONES None  
 8. ACCESS City Street  County Road  State Hwy  Private Rd   
 Name of Road Hwy 395 Road # \_\_\_\_\_  
 9. WATER SUPPLY City Water  Private Well

Note: Per Section 10-11-8 of the City of Umatilla Zoning Ordinance (CUZO), a manufactured home must be multi-sectional, at least 1,000 square feet in size, have a pitched roof, exterior siding and roofing similar in color, material and appearance commonly used on residential dwellings. The manufactured home must have been constructed prior to July 1, 1976 and comply with ORS 455.010.

**APPLICANT'S SIGNATURE AND CONSENT AGREEMENT**

I hereby certify that, to the best of my knowledge the above information is true and correct. All work to be performed shall be in accordance with all governing laws and rules. I agree to comply with all conditions of approval that may be attached to this permit. I understand that separate permits are required for electrical, plumbing, and mechanical work. I further understand that, as the applicant, I am responsible for knowing whether the proposed use is limited or prohibited by any deed restrictions, easements or other encumbrances on the property, and I certify that all owners of the property consent to the use of the property for which application has been made herein.

1. APPLICANT'S SIGNATURE [Signature] DATE 8/24/22  
 2. PROPERTY OWNER'S SIGNATURE [Signature] DATE 8/24/22

\*\*\*For Official Use Only\*\*\*

**PLANNING/ZONING REVIEW**

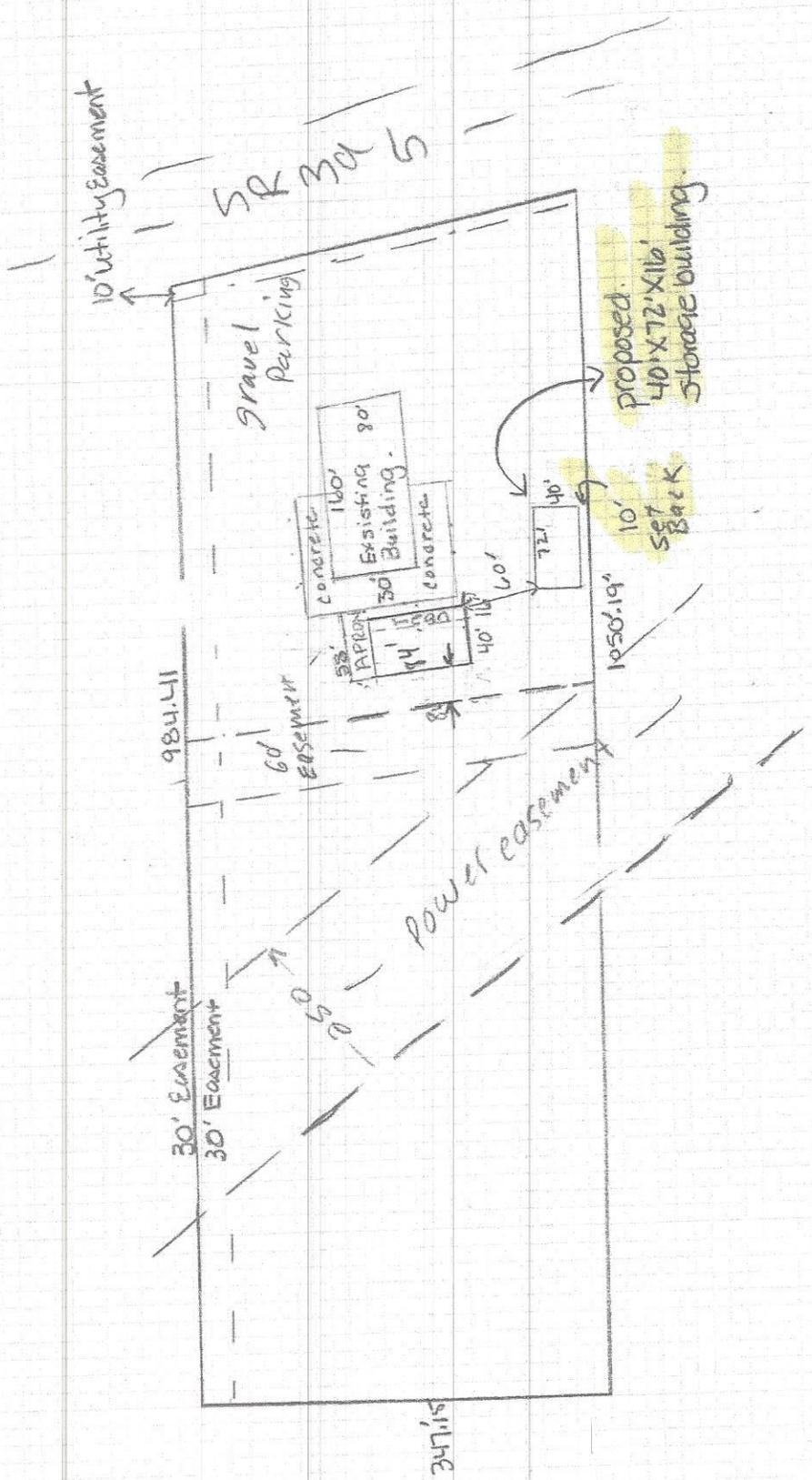
1. LAND USE COMPATIBILITY Outright Use  Subject to Standards  Conditional Use  PERMIT # \_\_\_\_\_  
 2. BUILDING SETBACKS/MAXIMUM HEIGHT COMPLY? Yes  No  3. FLOODZONE\* Yes  No  If Yes, Zone \_\_\_\_\_  
 4. WETLANDS\* Yes  No  If Yes, Type \_\_\_\_\_ FEMA Map # \_\_\_\_\_ Base Flood Elevation \_\_\_\_\_  
 5. ZONING AUTHORIZATION Approved  Denied  Reason for Denial \_\_\_\_\_

PLANNING SIGNATURE \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Ken Bonney.  
 81600 Hwy 395  
 Hermiston, OR. 97838  
 map # SN2822-00-02000  
 1-541-922-1213.

SITE PLAN  
 For:  
 40' X 72' X 116'  
 ACCESSORY  
 BUILDING

Questions:  
 Please call Kevin  
 509 727-0368  
 Kevin@findssa.net



Scale = 1" = 150'



Prior Permit  
SAME AREA TAX LOT  
2018

City of Umatilla, Oregon  
**ZONING PERMIT**  
Urban Growth Area  
(Requires site plan drawn to scale)

\*\*For Planning Official Use Only\*\*

Permit # ZP-24-18  
Issued By: B. Seitz  
Date Issued: 12/5/18

APPLICANT/OWNER INFORMATION

APPLICANT Ken Bonney PHONE 541-922-1213  
ADDRESS PO Box 1287 CITY Hermiston STATE OR ZIP 97838  
PROPERTY OWNER Same PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PROPERTY INFORMATION

1. ADDRESS 81600 N Highway 395 CITY Hermiston STATE OR ZIP 97838  
2. MAP # (T-R-S) 5N2822 TAX LOT 2000  
Lot Size 389' x 1050' x 347' x 484' (Acres) 8.81  
3. PROPOSED USE Overflow storage  
4. VALUATION OF WORK (materials & labor) \_\_\_\_\_  
5. EXISTING DEVELOPMENT Bonney A&B Auto repair  
6. ZONING M-1 light industrial  
7. OVERLAY ZONES None  
8. ACCESS City Street  County Road  State Hwy  Private Rd   
Name of Road Hwy 395 Road # \_\_\_\_\_  
9. WATER SUPPLY City Water  Private Well   
10. SANITATION City Sewer  Private System  (type) \_\_\_\_\_  
DEQ Permit # (if private) \_\_\_\_\_  
11. HEIGHT & SETBACKS  
Building Height 16' (from finished grade)  
Front Yard 10' 0" L. Side Yard 100'  
Rear Yard 33' from R. Side Yard 100'  
Riparian easement  
12. MANUFACTURED HOME Year \_\_\_\_\_ Sq. Ft. \_\_\_\_\_  
Make/Model \_\_\_\_\_  
Note: Per Section 10-11-8 of the City of Umatilla Zoning Ordinance (CUZO), a manufactured home must be multi-sectional, at least 1,000 square feet in size, have a pitched roof, exterior siding and roofing similar in color, material and appearance commonly used on residential dwellings. The manufactured home must have been constructed prior to July 1, 1976 and comply with ORS 455.010.

APPLICANT'S SIGNATURE AND CONSENT AGREEMENT

I hereby certify that, to the best of my knowledge the above information is true and correct. All work to be performed shall be in accordance with all governing laws and rules. I agree to comply with all conditions of approval that may be attached to this permit. I understand that separate permits are required for electrical, plumbing, and mechanical work. I further understand that, as the applicant, I am responsible for knowing whether the proposed use is limited or prohibited by any deed restrictions, easements or other encumbrances on the property, and I certify that all owners of the property consent to the use of the property for which application has been made herein.

1. APPLICANT'S SIGNATURE See attached DATE 12/3/18  
2. PROPERTY OWNER'S SIGNATURE \_\_\_\_\_ DATE 12/13/18

\*\*\*For Official Use Only\*\*\*

PLANNING/ZONING REVIEW

1. LAND USE COMPATIBILITY Outright Use  Subject to Standards  Conditional Use  PERMIT # \_\_\_\_\_  
2. BUILDING SETBACKS/MAXIMUM HEIGHT COMPLY? Yes  No  3. FLOODZONE\* Yes  No  If Yes, Zone \_\_\_\_\_  
4. WETLANDS\* Yes  No  If Yes, Type \_\_\_\_\_ FEMA Map # \_\_\_\_\_ Base Flood Elevation \_\_\_\_\_  
5. ZONING AUTHORIZATION Approved  Denied  Reason for Denial \_\_\_\_\_  
PLANNING SIGNATURE Barker Title City Planner Date 12/15/18



**City of Umatilla Planning Commission**  
**REPORT AND RECOMMENDATION**  
for  
**STREET VACATION SV-2-22**

**DATE OF HEARING:** September 27, 2022

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

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**I. GENERAL INFORMATION AND FACTS**

**Applicant:** City of Umatilla  
P.O Box 130  
Umatilla, Oregon 97882

**Type of Review:** Petition for Street Vacation of Public Street

**Area Requested for Vacation:** West of Lind road, which run perpendicular to HWY 395.

**Adjacent Land Use(s):** Surrounding Land Use is Light industrial and General rural.

**II. NATURE OF REQUEST/APPLICABLE STATE REGULATIONS; COMPREHENSIVE PLAN AND ZONING ORDINANCE PROVISIONS**

The applicant in this matter, City of Umatilla, seek approval of a street vacation for an abandoned portion of Driver Ave. Due to the fact that the City of Umatilla does not have review standards or procedures adopted as part of its municipal code, the City must follow the requirements under ORS chapter 271 for considering a request to vacate a street or public way. To the extent that any Comprehensive Plan policies or provisions apply to the request, such as the street being identified as a necessary component of the transportation system plan, such factors must be considered when deciding whether to approve or deny the request. Under ORS chapter 271, approval or denial of a request for a street vacation is not a land use decision and cannot be appealed as such. However, pursuant to ORS 271.130(4) any property owner affected by a decision approving a vacation may appeal the City's decision to circuit court.

### **III. Analysis**

#### **ORS Chapter 217**

ORS Chapter 271 addresses the requirements and procedures for any person seeking to vacate a street and the review standards on which a decision to approve or deny a request must be based. 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.

#### **ORS 271.130 Vacation on city governing body's own motion**

The city governing body may initiate vacation proceedings authorized by ORS 271.080 (Vacation in incorporated cities) and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110 (Notice of hearing), but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080 (Vacation in incorporated cities), object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases.

**Findings:** This street vacation has been initiated by the City of Umatilla to vacate the ROW for the extension of water to the power city area. Notice has been given as directed in ORS 271.110.

**Conclusion:** The street vacation of a portion of Driver Ave has been initiated by the City and has been noticed correctly according to ORS 271.110.

#### **ORS 271.110 Notice of hearing.**

- (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two

consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

- (2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, “Notice of Street Vacation,” “Notice of Plat Vacation” or “Notice of Plat and Street Vacation,” as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.
- (3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor.

**Findings:** The City’s official newspaper for providing public notice is the East Oregonian. The City published a notice of the application for the proposed street vacation in the East Oregonian on September 13, 2022 and September 20, 2022. On September 12, 2022, the City posted a public notice of street vacation signs at each end of the area proposed to be vacated. The initial hearing before the City Planning Commission will be held on September 27, 2022.

**Conclusion:** The City published in the East Oregonian notice of the proposed street vacation once each week for two consecutive weeks prior to the hearing and posted public notice of street vacation signs at each end of the area proposed to be vacated.

### **ORS 271.120 Hearing; determination**

At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

**Findings:** The required public notice requirements were addressed and found to be met. In order to complete review of this provision, the City must decide whether the “public interest will be prejudiced by the vacation” if approved, and whether any reservations are necessary to protect the public interest.

**Conclusion:** The portion that has been proposed to be vacated has been abandoned not used for ROW for many years, and it is in the public interest to vacate the unused portion so it can be utilized in delivering water and sewer services to the surrounding area.

## **B. City of Umatilla Comprehensive Plan**

To the extent that any Comprehensive Plan policies, transportation system plans or other plan provisions apply to the area proposed for vacation, the City must give consideration to those in determining whether the public interest will be prejudiced or whether any reservations are necessary.

**Findings:** City staff reviewed the pertinent portions of the Comprehensive Plan; no portions of the plan will be adversely affected.

**Conclusion:** No Comprehensive Plan or implementing provisions of the Plan will be adversely affected by approving the vacation of the abandoned and unused portion of Driver Ave.

## **IV. SUMMARY AND RECOMMENDATION**

The applicant, City of Umatilla, has met the procedural requirements for their request to vacate an abandoned and unused portion of Driver Ave. In addition, the City finds the area proposed to be vacated as not needed by the public.

Therefore, based on the information in Sections I and II of this report, and the applicable State and City regulations, findings of fact and conclusions contained in Section III, the Umatilla City Planning Commission recommends approval of this request, SV-2-22, to vacate a portion of Driver Ave subject to the conditions under Section V of this report.

## **V. CONDITIONS OF APPROVAL**

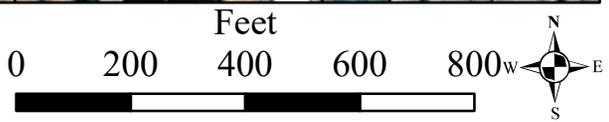
1. The applicants shall have one year from the date of this approval to complete all subsequent requirements for recording the ordinance adopted by the City Council that is necessary to give legal effect to the street vacation.
2. Failure to comply with all conditions of approval contained in Section V of this report will result in nullification of the approval granted herein.

## **VI. EXHIBITS**

Exhibit A – Map showing area of street proposed to be vacated.



# SV-2-22 WATER TOWER STREET VACATION



- Legend**
- UPDATED ROW VACATION PROPOSAL
  - Required 400 Feet
  - Real properties affected
  - Old proposal
  - Tax Lots 4\_05\_22

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 9/9/2022



# City of Umatilla

700 6<sup>th</sup> Street, PO Box 130, Umatilla, OR 97882

City Hall (541) 922-3226

Fax (541) 922-5758

## MEMORANDUM TO CITY COUNCIL FROM PLANNING COMMISSION

**TO:** Mayor Dedrick and City Council Members

David Stockdale, City Manager

Nanci Sandoval, City Recorder

**FROM:** Chair McLane and Planning Commission Members

**DATE:** September 27, 2022

**RE:** CU-1-22, Project path pedestrian access.

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At its August 23, 2022 regular meeting, the Planning Commission held a public hearing and unanimously approved a Conditional Use application (CU-1-22) that is commonly referred to as Project Path (Practical Assistance through Transitional Housing).

This meeting was heavily attended, the Planning Commission heard testimony from eighteen different individuals with varying positions of support, opposition, and even neutral comments. The Commission heard many arguments for and against, some which were applicable to land use law and others not. The Commission understands and takes seriously its responsibility to make its decisions based on clear and objective criteria that is legally adopted by the City.

However, this does not discredit concerns that are brought up by the public that cannot be addressed as part of the land use application. One of these such concerns which resounds with the Commission is that of pedestrian safety for those who will access the services being provided by Project Path. Not all users of the facility will choose to access the facility by vehicular modes of transportation, therefore relying on other multi-modal forms of transportation.

As the site for Project Path lays within the City of Umatilla Light-Industrial Zone on Lind Road, there are no facilities that can safely accommodate pedestrians to and from the site. The Planning Commission strongly urges the City Council to look at ways in which the City of Umatilla can provide multi-modal forms of transportation to the Project Path site.

In our discussions as a commission it became clear that there is no one easy solution, many may need to be discussed and pondered. One such solution that could be applied in this situation would be to adopt a route from the subject site, South to Bensel Road and West down to Old River Road, as part of the City of Umatilla's master trail plan which could then connect in with the Umatilla County Regional Trail Plan.

We feel the great responsibility to ensure all members of our community can be safe as they access the facilities and services that they need. We hope you will take our recommendation, and plan for a way to ensure that this facility can be equitably accessed.

Sincerely,

Chair McLane, Umatilla Planning Commission

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Bruce McLane  
Planning Commission Chair

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