

**UMATILLA PLANNING COMMISSION MEETING
AGENDA
COUNCIL CHAMBERS
APRIL 28, 2020
7:00 PM**

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

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF MINUTES**

3.a [February 25th, 2020 Minutes](#) *Suggested Action: Draft minutes provided for commission approval.*

4. **UNFINISHED BUSINESS**

5. **NEW BUSINESS**

5.a [Columbia Basin Development, Vandelay Meadows Subdivision \(SUB-1-20\)](#) *Suggested Action: The applicant, Columbia Basin Development, request approval of a tentative plat for a residential subdivision to divide an existing parcel into 26-lots for residential development and 1 lot for future commercial development. The applicant intends to develop the residential lots with single-family dwellings. There is no proposal for the commercial lot at this time. The property is identified as Tax Lot 100 and 200 on Assessors Map 5N2820CB.*

5.b [Nobles Appeal \(AP-1-20\) of Rivera Partition \(MnP-3-19\)](#) *Suggested Action: An appeal of the Planning Department's decision approving the Proposed Development: To partition the property into three parcels for residential use as requested in partition application MnP-3-19. The property upon which the partition is located is identified as Tax lot 1300 on Assessors map 5N2821. The appeal was filed by Clyde Nobles, Betty Nobles, James Nobles, and Sandra Nobles. Maria and Pedro Rivera are the applicants whose partition decision is under appeal.*

6. **DISCUSSION ITEMS**

6.a [Community Development Director Report](#) *Suggested Action: None - Discussion of upcoming projects and applications*

7. **INFORMATIONAL ITEMS**

8. **ADJOURNMENT**

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**CITY OF UMATILLA
PLANNING COMMISSION
February 25, 2020
DRAFT MINUTES
COUNCIL CHAMBERS**

I. CALL TO ORDER: Meeting called to order at 6:30 p.m.

II. ROLL CALL:

A. **Present:** Commissioners; Boyd Sharp, Keith Morgan, Kelly Nobles, Jodi Hinsley, Bruce McLane, and Hilda Martinez

B. **Absent:** Heidi Sipe

C. **Late arrival:**

D. **Staff present:** Interim Community Development Director, Brandon Seitz and Associate Planner, Jacob Foutz.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES: Minutes January 28, 2020. Motion to approve with conditions by Commissioner Hinsley, seconded by Commissioner Nobles. Motion carried 5-0.

V. UNFINISHED BUSINESS: None

VI. NEW BUSINESS:

A. US Cellular, Conditional Use (CU-1-20), Site Plan (SP-1-20), and Variance Request (V-1-20)

Suggested Action: The applicant, US Cellular, is requesting approval of a conditional use, site plan approval, and two variances to develop a 2500 square foot telecommunications utility equipment facility. The site will consist of a 100 ft. tall monopole tower structure that will support wireless antenna equipment. The use is considered a community service use and is allowed in any zoning district. The property is identified as Tax Lot 606 on Assessors Map 5N2815BD.

Commissioner Nobles stated the property is on his deceased uncle's estate. No conflict of interest.

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

Director Seitz stated that staff's recommendation is to approve the conditional use, site plan review and a partial approval and denial of the variance.

Chair Sharp asked why building standards did not apply to this structure.

Director Seitz stated that because there is not occupancy attached the building standards do not apply.

Commissioner Hinsley asked if notice was sent to property owners in the area.

Associate Planner Foutz stated that notice was sent to all property owners within 100'

Chair Sharp called for the applicant's testimony.

The applicant explained what US Cellular is planning to install and asked to grant them the landscaping variance.

Chair Sharp called for testimony in favor of the application, testimony opposing the application, and testimony with no preference. None.

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

Chair Sharp called for a motion to approve CU-1-20 and SP-1-20. Motion to approve made by Commissioner McLane. Motion seconded by Commissioner Hinsley. Motion carried.

Commissioners Hinsley and Nobles stated that the increase of the fence height was appropriate for security reasons.

Chair Sharp called for a motion to approve the variance to the fence height. Motion to approve made by Commissioner Nobles. Motion seconded by Commissioner Martinez. Motion carried 5-0.

Director Seitz clarified that staff recommends landscaping to be 10 percent total with a 3-foot frontage along HWY 730.

Commissioner Nobles asked if there was a way for the developer to pay what it would cost to landscape and to use the money to landscape somewhere else in the city.

Director Seitz stated that it would be possible but would require a continuance.

Chair sharp stated he felt paying for somewhere else would circumvent the purpose of the requirement.

Commissioner Morgan stated that 100 feet of beautification in that area would look out of place.

Chair Sharp called for a motion to approve. Motion to approve the variance for the landscaping with the 3-foot-wide strip along HWY 730 and 5 percent of the remainder of the site made by Commissioner Nobles. Motion seconded by Commissioner Hinsley. Motion carried 5-0.

VII. DISCUSSION ITEMS:

Community Development Quarterly Report Suggested Action: No Action – Discussion Only.

Director Seitz presented the Community Development Quarterly Report.

VIII. INFORMATIONAL ITEMS:

IX. ADJOURNMENT: Adjourned at 7:42pm.

DRAFT

**CITY OF UMATILLA PLANNING COMMISSION
REPORT AND RECOMMENDATION
FOR
TENTATIVE SUBDIVISION PLAT FOR SUB-1-20**

DATE OF HEARING : April 28, 2020

REPORT PREPARED BY: Jacob Foutz, Associate Planner

I. GENERAL INFORMATION

Applicant: Columbia Basin Development, P.O box 5160, Pasco, WA 99302.

Property Owners: Columbia Basin Development, P.O box 5160, Pasco, WA 99302.

Land Use Review: Tentative plat review for a 26-lot subdivision.

Property Description: Township 5N, Range 28, Section 20CB, Tax Lots 00100, 00200.

Location: The property is generally located west of the Powerline Road and north of Dark Canyon Ave intersection.

Existing Development: The subject property is currently undeveloped.

Proposed Development: To subdivide the property into 26-lots for residential development and 1 lot for commercial development.

Zone Medium-Density Residential (R2)

Adjacent Land Use(s):

Adjacent Property	Zoning	Use
North	R1	Single-family dwellings
South	R2	The bluffs Subdivision
East	R1	Undeveloped land
West	EFU(County)	Undeveloped land and irrigated farm land

II. NATURE OF REQUEST

The applicant, Columbia Basin Development, request approval of a tentative plat for a residential subdivision to divide an existing parcel into 26-lots for residential development and 1 lot for future commercial development. The applicant intends to develop the residential lots with single-family dwellings. There is no proposal for the commercial lot at this time. The proposal must comply with the applicable standards for the Medium-Density Residential zoning district (R2) and the Land Division Ordinance (LDO).

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.

CITY OF UMATILLA ZONING ORDINANCE:

SECTION 10-3A-4: DEVELOPMENT STANDARDS:

Minimum lot area	5,000 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
Street side yard	10 feet
Garage	18 feet from any street except an alley
Maximum building height	35 feet

(Ord. 688, 6-15-1999)

Findings: No development is proposed at this time and the minimum yard setbacks are not applicable to this request. The minimum lot area, width and depth are applicable to all of the proposed lots. All of the proposed lots meet or exceed the minimum lot standards listed above as shown on the applicant's submitted tentative plat.

Conclusion: All of the proposed lots exceed the minimum lot standards.

CITY OF UMATILLA LAND DIVISION ORDINANCE

SECTION 11-2-6: LAND DIVISION APPROVAL CRITERIA:

No plat for a subdivision or partition may be considered for approval until the city has approved a tentative plan. Approval of the tentative plan shall be binding upon the city and the applicant for the purposes of preparing the subdivision or partition plat. In each case, the applicant bears the burden of proof to demonstrate that the proposal satisfies applicable criteria and standards.

A. Approval Criteria: Land division tentative plans shall only be approved if found to comply with the following criteria:

1. The proposal shall comply with the city's comprehensive plan.

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

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

2. The proposal shall comply with the I-82/U.S. 730 interchange area management plan (IAMP) and the access management plan in the IAMP (section 7) as applicable.

Findings: The Interchange Area Management Plan (IAMP) extends along U.S. Highway 730 from its intersection with U.S. Highway 395 west to Eisele Drive just west of the U.S. Post Office within City Limits. The property is not within the IAMP area.

Conclusion: The property is not located within the I-82/U.S. 730 IAMP. This criterion is not applicable.

3. The proposal shall comply with the city's zoning requirements.

Findings: The property is zoned R2 and NC, the applicable City zoning requirements are addressed above. This request complies with all of the dimensional standards as addressed in this report.

Conclusion: The request is for approval of a subdivision that would result in 26-lots. All of the proposed lots will meet the minimum dimensional standards as addressed in this report.

4. The proposal shall comply with the city's public works standards.

Findings: The City's public works standards are engineering design standards for construction of streets, sidewalks, curbs, water and sewer lines, other utilities, and safety standards for installation of such improvements. The applicant did not submit engineered construction plans for these facilities. Section 11-5-4 of the LDO provides the applicant/developer with the option of submitting engineered construction plans after tentative plat approval has been obtained. Engineered plans for all public facilities serving the proposed development will be reviewed by the public works director for compliance with the City's public work standards. The applicant is required to install these facilities in compliance with the approved plans and to submit a final set of "as-built" plans to the City upon completion of the improvements.

Conclusion: This requirement is best satisfied as a condition of approval that the applicant obtain approval of engineered construction plans for all public works and utility facilities prior to starting construction and to submit final "as-built" drawing after construction is completed.

5. The proposal shall comply with applicable state and federal regulations, including, but not limited to, Oregon Revised Statutes 92, 197, 227, and wetland regulations.

Findings: The CUZO and LDO implement the applicable provision of ORS 92, 197, 227. The subject property does not contain wetlands as shown on the National Wetlands Inventory (NWI) or figure 5-1.2 in the City's Comprehensive Plan. Except as implemented through the City's ordinance, applicable state and federal regulations will be required to be met as a condition of approval.

Conclusion: This request is found to meet or be capable of meeting all of the standards and criteria as addressed in this report, the proposal will comply with applicable state and federal regulations, as implemented through the City’s ordinances. The applicant will be required as a condition of approval to comply with all other state and federal requirements.

6. The proposal shall conserve inventoried natural resource areas and floodplains, including, but not limited to, mapped rivers, creeks, sloughs, and wetlands.

Findings: There are no known wetlands, as identified on the NWI, or flood zones on the subject property. The City of Umatilla’s Comprehensive Plan does not identify any significant natural resources on the property and there are no known rivers, creeks or sloughs on the property.

Conclusion: There are no inventoried natural resource areas, waterways, water bodies or floodplain areas to conserve on the property. This criterion is not applicable.

7. The proposal shall minimize disruption of natural features of the site, including steep slopes or other features, while providing for safe and efficient vehicle, pedestrian, and bicycle access.

Findings: The subject property is not identified as having slope in Figure 7.1-2 of the City of Umatilla’s Comprehensive Plan. There are no identified natural features on the subject property. The proposed streets, sidewalks and other public facilities will be reviewed for compliance with the City’s public works standards which are intended to provide for and protect the public health, safety and welfare.

Conclusion: There are no inventoried or known natural features on the site. Therefore, no disruption of natural feature will occur as a result of the proposed subdivision. Vehicle and pedestrian access will be provided as part of the proposed subdivision; however, these will be reviewed against other applicable standards as addressed in this report. If found to meet or be capable of meeting the standards as addressed in this report the proposed subdivision will comply with this standard.

8. The proposal shall provide adjacent lands with access to public facilities and streets to allow its full development as allowed by the City's codes and requirements.

Findings: A portion of the subject property is part of what was known as “The Bluffs” development plan that was approved in August of 2003. However, only the first phase of the plan was developed and the approval has expired. The applicant’s layout and design connect to the existing layout and design of “The Bluffs” phase 1.

Conclusion: The applicants submitted plan includes a tentative street layout that complies with City standards and would provide adjacent lands with access to public facilities and streets to allow its full development.

9. The proposal shall be designed with streets that continue or connect to existing and planned land division plats on adjoining properties. All proposed streets shall comply with standards of this Title and the Public Works Standards.

Findings: The proposed subdivision includes a street layout that connects to the adjoining existing property to the south. The street layout clearly connects Vandelay Meadows to the

existing “The Bluffs” subdivision via Blue Jay Street. All proposed streets will be reviewed through this request and through the public works director’s review of engineered construction plans to ensure the streets comply with the City’s public works standards.

Conclusion: As addressed above, the proposed subdivision includes a street layout for the property that extends and connects to adjoining lands and existing land division plats. The proposed streets will be reviewed for compliance with the City’s street standards as contained in the LDO and reviewed by the public works director for compliance with the City’s public work standards.

SECTION 11-4-2: STREETS:

The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public utilities, services, convenience, and safety, and to the proposed use of the land to be served by the streets.

A. Street Arrangement: The arrangement of streets in and serving land divisions shall:

1. Maximize public safety, access, and minimize out of direction travel by utilizing a grid system or comparable design.
2. Avoid cul-de-sacs, except where there is no other practical alternative to serve a portion of the land area to be divided, due to topographical conditions, existing development, or similar circumstances.
3. Provide for the continuation of existing streets in surrounding areas.
4. Conform to any future street plan, neighborhood plan, or other street plan adopted by the City.

Findings: The proposed phase 1 of the subdivision continues the existing grid system found in “The Bluffs”. The design will allow for future buildout of the property to continue the grid system. The proposed subdivision has two temporary cul-de-sacs at the end of the two streets. These are necessary to allow the future extension of the existing street system to the next phase of development. This will provide for the continuation of existing streets into the surrounding areas.

Conclusion: The proposed subdivision is a grid type layout, and provides a layout and design that may be extended to serve future phases. Although the proposed subdivision includes two temporary cul-de-sacs, the cul-de-sacs will serve as an area to turn around for emergency services until future development. The proposed subdivision continues existing streets and will create a new intersection on Powerline Road. There are no street or neighborhood plans adopted by the city on adjacent properties.

B. Street Layout And Design:

1. All streets, alleys, bicycle, and pedestrian pathways shall connect to other streets within the land division and to existing and planned streets outside the land division. Streets shall terminate at other streets or at parks, schools, or other public uses within a neighborhood.

Findings: As addressed in this report the proposed streets will connect with an existing street, Blue Jay Street, and a new intersection on Powerline Road. The proposed subdivision includes two connection points for the proposed streets to be extended to serve the remainder of the property.

Conclusion: The proposed subdivision includes a tentative layout for the remained of the property that would allow all of the proposed streets to connect to other streets or would allow for the proposed streets to be extended onto lands outside the proposed subdivision.

2. Local streets shall align and connect with other streets when crossing streets with higher level classifications.

Findings: The proposed subdivision will create a new intersection on Powerline Road. The proposed street will not cross Powerline Road.

Conclusion: The proposed streets will not cross a street with a higher-level classification.

3. Cul-de-sacs and flag lots shall only be permitted when the following conditions are demonstrated:

- a. Existing conditions, such as topographic features, water features, an irrigation canal, a railroad, a freeway, or other condition, that cannot be bridged or crossed prevents the extension of a street.
- b. The existing development pattern on adjacent properties prevents a street connection.
- c. An accessway is provided consistent with the standards for accessways.
- d. A minor street is not a suitable alternative to multiple flag lots (more than 2 adjacent flags) due to size of the site, topographic features, or other physical constraint.

Findings: Two temporary cul-de-sacs are proposed as part of this application. The cul-de-sacs are located at the end of the two proposed streets. As the remainder of the property is built out the cul-de-sacs will be removed, and proposed streets will be extended to serve the remainder of the property. No flag lots are proposed as part of this request.

Conclusion: The proposed subdivision includes two temporary cul-de-sacs but will be removed once the future developments start to buildout. Temporary cul-de-sacs are not subject to this standard. No flag lots are proposed.

4. Cul-de-sacs shall not exceed four hundred feet (400') in length.

Findings: The proposed temporary cul-de-sac is approximately 100 feet in length.

Conclusion: The proposed temporary cul-de-sac does not exceed 400 feet in length.

5. Where a land division includes or is adjacent to land that can be divided and developed in the future, streets, bicycle paths, and pedestrian ways shall continue through the full length of the land division to provide connections for the adjacent land.

Findings: The proposed subdivision includes streets that continue through the full length of the proposed subdivision. The proposed streets and pedestrian ways continue through the full length of the land division to provide connections to the adjacent land.

Conclusion: The proposed subdivision is adjacent to lands that can be divided and developed, including the remained of the subject property. The proposed subdivision

includes a proposed layout that continue the streets and pedestrian ways throughout the property, and connects to adjacent lands that may be divided and developed in the future.

6. Where proposed lots or parcels in a proposed land division exceed double the minimum lot size and can be redivided, the location of lot and parcel lines and other layout details shall be such that future land divisions may readily occur without interfering with the orderly extension of adjacent streets, bicycle paths, or pedestrianways. Any building restrictions within future transportation locations, such as future street rights of way or future street setbacks, shall be made a matter of record for the purpose of future land divisions.

Findings: The proposed subdivision would create 26 new residential lots and 1 commercial lot on the subject property and the remainder of the property is large enough to be redivided. The proposed street layout would allow for subsequent land division applications to develop the remainder of the property.

Conclusion: The remainder of the subject property would be large enough to be divided in the future. The location and parcel lines are such that future land division may readily occur without interference.

7. Where there is a reasonable relationship between the impacts of the proposed development and the public need for accessways, such as direct connections to public schools or parks, the land divider shall be required to publicly dedicate accessways to:
 - a. Connect to cul-de-sacs;
 - b. Pass through oddly shaped or unusually long blocks; or
 - c. Provide for networks of public pedestrian and bicycle paths; or
 - d. Provide access to other transportation routes, businesses, residential, or public uses.

Findings: The proposed subdivision provides for the extension of existing streets and provides access onto Powerline Road, the primary transportation route from the south hill area to downtown. There are no existing parks, schools or other public facilities in the area that would require dedication of additional public access.

Conclusion: The proposed subdivision connects to existing streets and provides access onto Powerline Road, a minor arterial and primary north south connector in the south hill area. There are no public schools, parks or other public facilities in the area that would require dedication of additional public access.

8. New construction or reconstruction of collector and arterial streets shall include bicycle facilities and pedestrian sidewalks as required by applicable city plans.
9. Sidewalks shall be installed along the street frontage of arterial and collector streets and for any street within a multi-family, commercial, or industrial land division by the land divider. Sidewalks on local streets within a subdivision for single-family residential lots shall be provided with the construction of a structure on the lot and shall be completed prior to occupancy of the structure.

Findings: The proposed application includes the creation of new local streets within a single-family residential subdivision. Therefore, installation of sidewalks along the property frontage will be required at time of issuance of a building permit. Powerline Road is considered a minor arterial. Street improvements to Powerline Road, as

addressed in this report, will include additional pavement width and installation of a new landscaped area, fence, curb, gutter and sidewalk.

Conclusion: Although engineered construction plans were not submitted as part of this application street improvements along Powerline Road, a minor arterial, will require installation of a sidewalk. The proposed internal roads are considered local streets and sidewalks will be required as a condition of approval on a building permit to be installed prior to issuance of a certificate of occupancy.

10. An easement may be required to provide for all or part of sidewalks along one or both sides of a public right of way which lacks width to include sidewalks within the public right of way.

Findings: All of the proposed new streets will be required to dedicate right of way to a current city standard including sidewalks. Powerline Road is a sixty-foot (60') right of way and has sufficient space to include sidewalks within the public right of way.

Conclusion: All of the proposed new streets will be required to meet a current city standard including sidewalks within the public right of way. Powerline Road has sufficient area to accommodate sidewalks within the public right of way.

11. When a sidewalk in good repair does not exist, all applicants for building permits for a new structure or remodeling of more than a minor nature of an existing structure shall, in conjunction with the issuance of a building permit, obtain a permit to construct a sidewalk for the full frontage of the site. No final inspection or certificate of occupancy shall be issued for the building permit until a sidewalk has been constructed in accordance with the permit requirements.

Findings: As addressed in this report new sidewalks along Powerline Road will be required to be installed as part of the street improvements. All of the proposed roads are considered local streets and installation of a sidewalk will be required as a condition of approval on a building permit.

Conclusion: Sidewalks will be required to be installed along Powerline Road prior to the City accepting the proposed street improvements. All of the proposed local streets will be required to install sidewalks as a condition of approval upon issuance of a building permit.

12. Off site pedestrian improvements may be required concurrent with a land division to ensure access between the land division and an existing developed facility such as a commercial center, school, park, or trail system. The approval authority must show a reasonable relationship between the impacts of the land division and the required improvement.

Findings: The proposed subdivision will be located adjacent to Powerline Road. Powerline Road is the primary north/south road that connects the south hill area to downtown. There are no public lands or facilities adjacent to the proposer's subdivision to provide access to or that would warrant dedication of off-site pedestrian improvements.

Conclusion: There are no public lands or facilities in the vicinity that would warrant dedication of off-site pedestrian improvements.

13. Structures are not allowed in any dedicated sidewalk areas which will obstruct movements on the sidewalk. The minimum widths of sidewalks shall conform to ADA standards.

Findings: No structures are identified on the preliminary plat. A new structure within a public right of way would be subject to review and approval by the City. All new sidewalks will be required to meet ADA standards.

Conclusion: The tentative plat does not show a structure within an area dedicated for sidewalks or that would obstruct movement on a sidewalk. The applicant's engineered construction plans will be reviewed to ensure new sidewalks meet City and ADA standards.

14. Sidewalks generally shall be parallel to adjacent streets in line and grade, except where existing features or topographical conditions warrant an alternative design.

Findings: As addressed in this report the applicant has not submitted construction plans with this application. However, the applicant has indicated that sidewalks will generally be parallel to the adjacent street as required by this standard.

Conclusion: As addressed in this report engineered construction drawings have not been submitted as part of this review. The construction drawings will show the location of curb and sidewalks within the new subdivision.

15. All sidewalks shall be adjacent to the curb as specified in the public works standards, unless impractical due to special circumstances of the site or adjacent street.

Findings: This provision seems to create some confusion and conflict with the City's adopted street standards in Section 12.2.510 of the City's Transportation System Plan (TSP) as adopted in the City Comprehensive Plan, specifically figure 12.2-10 and Table 12.2-10. The standards addressed in the TSP were intended to allow for greater flexibility enabling the City to apply sound engineering judgment to determine the appropriate functional classification for new streets. However, the TSP designates an optional planter strip for most road classifications that would provide for detached sidewalks set back from the curb. All of the proposed new streets would be considered local residential streets and are not required to provide a planter strip and will have sidewalks adjacent to the curb. Powerline Road is considered a minor arterial street and includes the optional planter strip.

Conclusion: All of the proposed new streets are considered local residential streets and do not require a planter strip and will have sidewalks adjacent to the curb. A planter strip is identified as an optional improvement for Powerline Road. However, as addressed in the report engineered construction plans will be required to be submitted and approved by the public works director. It is anticipated that proposed improvements will include a planter strip/landscape area but have sidewalks adjacent to the curb to match the existing improvements along Powerline Road to the north.

16. Street trees are required along both sides of new public streets, at a minimum of thirty feet (30') on center, with at least one tree for each new lot or parcel. Street tree locations shall be shown on construction plans and shall generally be located at the edge of the right of way. Street trees shall be required with building permits for structures on approved lots and shall be installed prior to approval of occupancy.

Findings: Street trees are not identified on the preliminary plat and are typically not show on the construction plans. A criterion is best met through a condition of approval.

Conclusion: Installation of street trees are generally not shown on construction plans or the preliminary plat. The applicant is aware of this requirement and intends to comply. A condition of approval will be imposed requiring street trees to be installed in accordance with this standard prior to issuance of a certificate of occupancy.

C. Right Of Way And Roadway Widths: Generally, right of way and roadway widths for state highways and county roads shall be determined by these entities. Unless otherwise determined by the city administrator based on the recommendation of the city engineer and public works director, the widths of streets and roadways shall meet the following standards and, in addition, all street construction shall conform to the public works standards:

1. The city administrator may modify the width of a planter strip to accommodate drainage and public utilities.
2. Curbside sidewalks shall be required.
3. Bike lanes and shoulder bikeways along arterial and collector streets shall be five feet (5') wide and shall be provided for each direction of travel allowed on the street.
4. Sidewalk and bicycle path lighting shall be provided in conjunction with new road construction and new development.
5. Wheelchair ramps and other facilities shall be provided as required by the Americans with disabilities act (ADA).
6. Bikeways shall be designed and constructed consistent with the design standards in the Oregon bicycle plan, 1992, and ASSHTO's "Guide For The Development Of Bicycle Facilities, 1991".

Findings: As addressed in this report construction plans were not submitted as part of this request. Installation of improvements within the right of way will be reviewed by the public works director to ensure improvements meet City standards.

Conclusion: The required improvements within the right of way are typically shown on the construction plans not the preliminary plat. As addressed in this report the applicant will be required to submit engineered construction plans to the public works director prior to starting construction. All improvements will be required to meet City standards.

D. Reserve Strips: Public reserve strips or street plugs controlling access to streets may be approved where necessary for the protection of the public welfare or of substantial property rights.

Findings: The use of public reserve strips or street plugs is not proposed nor has the City identified the need for such access control measures.

Conclusion: No reserve strips or street plugs are proposed. This criterion is not applicable.

- E. Alignment: Streets other than minor streets shall be in alignment with existing streets by continuations of the centerlines. Staggered street alignment resulting in "T" intersections shall be avoided and in no case shall the distance between centerlines of off set streets be less than two hundred feet (200').

Findings: The proposed streets are in alignment with existing streets by the continuation of the centerlines. One "T" intersection is proposed and is necessary to avoid excessive entry points to Powerline Road.

Conclusion: The proposed streets and future street layout is designed to connect to existing and proposed future streets. Due to configuration and proximity of the lot to Powerline Road avoiding all "T" intersections is impractical. No "T" intersections that could be aligned to form continuations of existing streets are proposed and the distance between off set streets is not more than two hundred feet (200').

- F. Future Extension Of Streets: Streets shall be extended to the boundary of the land division. A temporary turnaround may be required for emergency vehicle access if a dead end street results.

Findings: All of the proposed streets extend to the boundary of the land division. The proposed plat have two temporary turnarounds shown.

Conclusion: Two dead end streets are shown on the preliminary plat. However, the dead end streets are part of a future street extension. In addition, both dead end streets do not serve as the primary access to any proposed lots.

- G. Intersection Angles: Streets shall be laid out to intersect at right angles as nearly as practical. In no case shall the intersection angle be less than seventy five degrees (75°). The intersection of arterial or collector streets with other arterial or collector streets shall have at least one hundred feet (100') of tangent adjacent to the intersection. Other streets, except alleys, shall have at least sixty feet (60') of tangent adjacent to the intersection.

Findings: The layout of the proposed street are nearly at right angles. No new arterial or collector street are proposed.

Conclusion: The proposed street intersections are laid out at nearly right angles.

- H. Existing Streets: When existing streets adjacent to or within a site have widths less than city standards, additional right of way shall be provided with the land division.

Findings: All of the proposed streets will be extensions of existing streets. There is one existing street within the adjacent site to the south with widths that will require dedication of additional right of way. The applicant has submitted plans to extend the right of way from their property line into the new developments first intersection that meets City standards. This is addressed in the preliminary plat.

Conclusion: The existing street adjacent to the site have right of way widths not consistent with City standards. The applicant has submitted plans to extend the right of way from their property line into the new developments first intersection that meets City standards.

- I. Partial Street Dedication And Improvements: Half streets shall be avoided wherever possible. A partial street dedication may be permitted when a land division abuts undeveloped property which is likely to dedicate the remainder of the street. At minimum, two-thirds ($\frac{2}{3}$) of the street dedication and improvement shall be required for any partial street to accommodate two (2) travel lanes, one parking lane, and sidewalk on one side. Reserve strips and street plugs may be required to preserve the objectives of the partial street.

Findings: No partial street dedications/improvements are proposed.

Conclusion: No partial street dedications or improvements are proposed. This criterion is not applicable.

- J. Street Names: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of existing streets. Street names and numbers shall conform to the established pattern in the city, applicable requirements, and shall be approved by the city.

Findings: There are three streets in the proposed development. Blue Jay Street is a continuation from "The Bluffs" subdivision. The other two streets are labeled as Street A and Street B on the tentative plan lot layout.

Conclusion: The two streets labeled as Street A and Street B will need to be renamed with names that meet the above criteria. Therefore, the applicant will need to submit two new street names to be approved by the City and shown on the final plat.

- K. Grades And Curves: Centerline radii of curves shall not be less than three hundred feet (300') on arterial streets, two hundred feet (200') on collector streets, or one hundred feet (100') on local streets. Grades shall not exceed six percent (6%) on arterials, ten percent (10%) on collector streets, or twelve percent (12%) on any other street.

Findings: The submitted tentative plat show no centerline curve radius for the proposed streets. All of the proposed streets are considered local streets, and are straight. The grade of the streets is not shown on the tentative plan. The required construction plans will show grade of all of the proposed streets.

Conclusion: All of the proposed streets have a radius exceeding one hundred feet (100'), because they are straight. The required construction plans will be reviewed to ensure compliance with city standards including grade.

- L. Streets Adjacent To Railroad Rights Of Way: Wherever the proposed land division includes or is adjacent to a railroad right of way, provisions may be required for a street approximately parallel to and on each side of such right of way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow vegetative or other screening to be placed along the railroad right of way.

Findings: The proposed land division does not include and is not adjacent to a railroad right-of-way.

Conclusion: There are no railroad rights-of-way included or adjacent to the proposed subdivision. This criterion is not applicable.

M. Marginal Access Streets: Where a land division abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage lots with additional depth, screen planting or other screening contained in a nonaccess reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic. Alleys are acceptable as a means of providing access to lots or parcels fronting state highways or county roads.

Findings: The proposed subdivision abuts Powerline Road a minor arterial street. As addressed in this report the applicant intends to provide a sidewalk, landscaping/planner strip and permeant barrier along powerline road. The applicant intends to provide a design consistent with similar barriers located along Powerline Road to the north of the property.

Conclusion: Construction plans were not submitted as part of this application but the applicant intends to provide a barrier including sidewalks, landscaping and a fence along the street frontage of Powerline Road. Final design and approval will be included as part of the public works director review of the required engineered plans.

N. Alleys:

1. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off street parking and loading facilities are approved by the city.
2. Alleys are encouraged to serve residential development that front along state highways or county roads to minimize congestion and traffic hazards.
3. The corners of alley intersections shall have a radius of not less than two feet (2').

Findings: The applicant's request is for a subdivision in a residential zone and includes one lot in a commercial zoning district. There is no plan to develop the commercial property at this time. When that time comes this standard will apply.

Conclusion: The subject property is zoned for residential use and includes a lot in a commercial zoning district. This standard will need to be met when the commercial property is developed.

SECTION 11-4-3: BLOCKS:

The length, width, and shape of blocks shall take into account the need for adequate lot size and street width. No block shall be more than eight hundred feet (800') in length between street corner lines, unless it is adjacent to an arterial street or unless justified by the location of adjoining streets. The recommended minimum length of blocks along an arterial street is one thousand six hundred feet (1,600'). Any block over eight hundred feet (800') in length may be required to provide pedestrian connections through the block and crosswalks dedicated and improved to city standards.

Findings: The proposed subdivision would in essentially create four new blocks. The proposed blocks are approximately 208 feet (south of street a), 393 feet (north of street a), 208 feet (south of street b), and 364 feet (east of blue jay street).

Conclusion: As addressed in this report all of the proposed lots will be less than the maximum block dimensions. All of the proposed blocks will be less than 800 feet in length.

SECTION 11-4-4: EASEMENTS:

A. Utility Lines: Utility lines shall generally be located within public rights of way unless other provisions are required to meet the specific needs of a particular utility provider. A ten foot (10') wide easement for public and private utilities shall be provided along property frontages (measured from the right of way line) and a six foot (6') wide easement for public and private utilities shall be provided along side and rear lot lines, except as otherwise approved by the city administrator.

Findings: The applicant is proposing to dedicate a ten foot (10') public utility easement along all property frontages including side and rear lot lines.

Conclusion: The applicant is proposing to dedicate a ten foot (10') public utility easement along all property frontages including side and rear lot lines.

B. Watercourses: If a land division is crossed by or adjacent to a natural water body, an easement conforming to the riparian area shall be provided to protect the watercourse.

Findings: The proposed subdivision is not crossed or adjacent to a water body.

Conclusion: The proposed subdivision is not crossed or adjacent to a water body. This criterion is not applicable.

11-4-5: LOTS:

Lot and parcel size, shape, and orientation shall be consistent with the applicable zoning district and for the type of use contemplated. No lot or parcel dimension shall include the adjacent public right of way.

A. Through lots with public streets on both front and rear or both sides shall be avoided except when essential to provide separation of residential development from adjacent arterial or collector streets. An easement at least five feet (5') in width shall be located adjacent to the right of way and there shall be no right of access to the major street. A permanent barrier may be required along the right of way, within the easement.

Findings: Proposed lots one through seven (1 – 7) are through lots with access onto proposed extension of Blue Jay Street and Powerline Road. The applicant has included a ten foot (10') public utility easement along all property frontages exceed the requirements of this standard. In addition, the applicant will install landscaping and permanent barrier along the street frontage of Powerline Road. To match the existing barrier to the north of the property to the extent practical. The final design/location of the permanent barrier will be required to be shown on the construction plans.

Conclusion: The applicant has already dedicated a ten-foot (10') easement along the property frontage facing Powerline Road. The construction plans will be required to show the proposed permanent barrier including landscaping.

B. Lot and parcel side lot lines shall be at right angles to fronting streets or radius to curved streets to the extent practical, in order to create lots and parcels with building sites which are nearly rectangular.

Findings: All of the proposed lots as show on the submitted preliminary plat are nearly rectangular in shape and will provide building sites which are rectangular in shape.

Conclusion: All of the proposed lots will provide a rectangular building area.

C. Lots shall have a width to depth ratio not to exceed 2.5.

Findings: As shown on the submitted preliminary plat all of the proposed lots do not exceed a width to depth ratio of 2.5.

Conclusion: As shown on the submitted preliminary plat all of the proposed lots will have a width to depth ratio no exceeding 2.5.

D. All lots and parcels shall have a minimum street frontage on a public street of fifty feet (50'), except that lots or parcels fronting a cul-de-sac or curved street may have a minimum street frontage of forty feet (40'), so long as the minimum lot width required by the zoning district is provided at a distance equivalent to the required front yard setback.

Findings: As shown on the submitted preliminary plat all of the proposed lots will have a minimum street frontage on a public street of fifty feet (50').

Conclusion: As shown on the submitted preliminary plat all of the proposed lots will exceed the minimum street frontage standards.

E. Flag lots shall not be acceptable for land divisions, but may be approved if the following circumstances apply:

1. For one or two (2) lot land divisions when it is not practical to create or extend a public street or partial public street due to the nature of surrounding development.
2. When topographic conditions or other physical constraints make it impractical or infeasible to create or extend a public street.
3. When the size and shape of the site limit the possible arrangement of new lots or parcels and prevent the creation or extension of a public street.
4. When allowed, the flag portion of a new lot shall have a minimum width of fifteen feet (15') to accommodate a driveway a minimum of twelve feet (12') wide. Two (2) adjacent flag lots may reduce the street frontage and pole width to twelve feet (12') wide, if joint access easements are created and a driveway is provided with a minimum width of twenty feet (20').

Findings: No flag lots are proposed as part of this application.

Conclusion: No flag lots are proposed as part of this application. These criteria are not applicable.

IV. PUBLIC COMMENT, SUMMARY AND DECISION

This request by the applicant, Columbia Basin Development, for tentative subdivision plat approval for a 26-lot subdivision on property in the Medium-Density Residential (R-2) Zone and 1 commercial lot in the Neighborhood Commercial (NC) Zone appears to meet, or be capable of meeting with appropriate conditions of approval, all of the applicable development standards of the City of Umatilla Zoning Ordinance and the criteria and development standards in the City of

Umatilla Land Division Ordinance. Therefore, based on the information in Sections I and II of this report, and the above criteria and standards, findings of fact and conclusions contained in Section III, this request, SUB-1-20, for tentative subdivision plat approval to create a 26-lot subdivision in the Medium-Density Residential (R-2) Zone and 1 commercial lot in the Neighborhood Commercial (NC) Zone may be approved, subject to the conditions of approval contained in Section V of this report.

V. CONDITIONS OF APPROVAL

1. The final plat must be approved and recorded within one year from the date of this approval. The final subdivision plat must comply with the requirements of ORS chapter 92, and the requirements under Section 11-3-1 and 11-3-2 of the City of Umatilla Land Division Ordinance which the City will use as a checklist.
2. The applicant/developer shall submit a preliminary copy of the preliminary plat to the County Surveyor and GIS Department for review prior to submitting the final plat to the City.
3. The applicant/developer shall submit engineered construction plans for streets, water, sewer, street lighting and all other improvements within the street rights-of-way to the City Public Works Director for review and approval. No construction shall begin until the construction plans have been approved.
4. Street trees shall be provided as required by the Land Division Ordinance and shall be required as a condition of approval on each building permit issued for a dwelling within the subdivision.
5. Street names approved by the City shall be shown on the final plat. No street name will be approved that is confusing, offensive or duplicates or sounds too similar to existing street names within the urban growth boundary.
6. If any historic, cultural or other archaeological artifacts, or human remains are discovered during construction the applicant shall immediately cease construction activity, secure the site, and notify appropriate agencies including but not limited to the City of Umatilla, and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program.
7. The applicant, or applicant's construction contractor, must obtain all federal, state and local permits, prior to starting construction.
8. The applicant shall be responsible for ensuring that all areas disturbed within existing street rights-of-way by construction are returned to their pre-construction condition or better after construction or installation of required improvements.

9. The applicant shall submit a copy of the final recorded plat of the subdivision and 'as-built' drawings of all required improvements to the City of Umatilla.
10. No building permit for a dwelling will be issued until final plat approval of the subdivision has been obtained and recorded in the Umatilla County Records Office.
11. Failure to comply with the conditions of approval established herein may result in revocation of this approval.

VI. EXHIBITS

Exhibit A Notice Map

**CITY OF UMATILLA PLANNING COMMISSION
REPORT AND RECOMMENDATION
FOR
APPEAL AP-1-20**

DATE OF HEARING: April 28, 2020

REPORT PREPARED BY: Brandon Seitz, Community Development Director

I. GENERAL INFORMATION AND FACTS

Appellants: James B. Nobles, Sandra K. Nobles, Betty L. Nobles and Clyde C. Nobles.

Property Owners: Maria and Pedro Rivera, 7422 Cleon Ave, Sun Valley, CA 91352

Land Use Review: Appeal of Administrative Decision for MnP-3-19 approving a request to partition property into three parcels for residential use.

Property Description: Township 5N, Range 28, Section 21, Tax Lot 1300.

Location: The property is located at 30083 Copper Ln, Hermiston, OR 97882.

Existing Development: The property is developed with an existing manufactured home.

Proposed Development: To partition the property into three parcel for residential use.

Zone Agricultural Residential (R-1)

Adjacent Land Use(s):

Adjacent Property	Zoning	Use
North	Light Industrial	Data center campus
South	Agricultural Residential	Single-family dwellings and farm land
East	Agricultural Residential	Single-family dwellings and farm land
West	Agricultural Residential	Single family dwellings and farm land

II. NATURE OF REQUEST AND GENERAL FACTS

Maria and Pedro Rivera submitted an application to the City of Umatilla Planning Department requesting approval of a partition application to create three parcels for residential development. The subject property is identified as Tax Lot ID #5N28210001300 (Account #133096) or Tax Lot 1300 on Assessors Map 5N2821. The subject property is 20.98 acres and the partition request would result in three parcels. Parcel 1 would be 5 acres, Parcel 2 would be 5 acres, and Parcel 3 would be 11.05 acres. The partition request would not create a new public street.

Clyde C Nobles, Betty Nobles, James B. Nobles and Sandra Nobles submitted an appeal on February 10, 2020, to the City of Umatilla Planning Department, appealing the Planning Department's administrative decision to the Umatilla Planning Commission. The deadline to file an appeal of the administrative decision for MnP-3-19 was 5:00 p.m. on February 10, 2020. The Appeal was timely filed. The City of Umatilla Zoning Ordinance (CUZO) 10-14-14(D) convey standing to appeal a Type II administrative decision only to the applicant, and those persons who submitted written comments within the 14-day public comment period. All appellants listed submitted written comment during the public comment period and have standing to appeal. CUZO 10-14-14(F) requires appeal hearing conducted by the Planning Commission to be de novo but issues under consideration shall be limited to those listed in the notice of appeal.

The applicant filed appeal did not directly cite an applicable standard but asserts an assignment of error in making the administrative decision: 1) that the Rivera Partition (MnP-3-19) does not have the 60-foot access easement required for division of the property.

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.

- A. The Rivera Partition (MnP-3-19) does not have the 60-foot access easement required for division of the property.

Finding: Prior to January 3, 2017, land use applications for property within the Urban Growth Area (UGA), the unincorporated area outside of City Limits but within the Urban Growth Boundary (UGB), were processed by Umatilla County. When the Joint Management Agreement (JMA) was updated in January 2017 the City assumed responsibility for processing applications within the UGA. Per the JMA the City would process all land development application including land division applications in accordance with the City's adopted Type II and III review.

The City has adopted and applies the 1972 Umatilla County Zoning Ordinance (UCZO) to properties located within the UGA. However, the UCZO does not provide provision for land division type application such as a partition request. Historically the County applied the land division provisions of the Umatilla County Development Code (UCDC) to land division type application. The UCDC provided specific standards for land division type applications. Per Section 152.646(B) minor and major partitions on land not zoned Exclusive Farm Use (EFU) or Grazing/Farming Use (GF) (see below) are considered a Type II Land Division. The adopted zoning map shows the property as Agricultural Residential (R-1) and would be subject to the Type II land division standards in UCDC Sections 152.680 through 152.686. As it relates to the is appeal UCDC Subsection 152.684(F)(3) establishes standards for a land division providing access to 4 or more properties.

UCDC 152.646

(B) Type II Land Division

(1) The following proposals are designated Type II Land Divisions:

- (a) Major partitions, except in the EFU or GF Zones.
- (b) Minor partitions, except in the EFU or GF Zones.

(c) Replats of partitions, where the original partition was a recorded partition plat, except in the EFU or GF Zones.

(2) Review and approval procedures for Type II Land Divisions are set forth in §§ 152.680 through 152.686 of this chapter.

UCDC 152.684(F)(3):

A recorded easement providing access to four or more parcels, or that potentially will serve additional parcels or lots, or will be an extension of a future road as specified in a future road plan, shall be required to meet the Option 2 or “P-2” County Road Standard as provided in § 152.648 (D). The access easement or right-of-way width shall be a minimum of 60-foot wide and improved with a road surface width of at least 22-foot wide, constructed with 8 inches of nominal compacted gravel thickness, and with gravel size and grading conforming to ODOT specifications. All 60 foot rights-of-way and/or access easement roads may be required to be named prior to final approval of the partition plat and if required to be named, the road name must be included on the final partition plat map. Named roads must be posted with a road name sign, provided and installed by the County Public Works Department, and paid for by the applicant prior to the final partition plat approval.

It is believed that the appellants appeal is based on the County’s standard to require a 60-foot right of way and/or access easement that provide access to or potentially could provide access to four or more parcels. However, the City has not adopted the UCDC and cannot apply standards that have not been adopted by the City. The City follows a similar process for land division type applicants and applies the underlying zone standards in addition to specific land division standards adopted by the City. For the Rivera Partition the standards from the UCZO applicable to the request were identified as Section 3.073 dimensional standards (see below)

Section 3.073 DIMENSIONAL STANDARDS In an R-1 Zone, the following dimensional standards shall apply:

- (1) Minimum Lot Area for Residential Use: 4 acres;
- (2) Minimum Lot Area for Nonresidential Use: As determined by the Department of Environmental Quality to be necessary for the protection of public health;
- (3) Setback: No building shall be located closer than 20 ft. from a lot line.

In addition, the City applies the adopted land division standards as identified in Umatilla Land Division Ordinance (LDO), specifically Section 11-2-6 (see attached Finding and Decision MnP-3-19). While the City’s standards for streets, sidewalks, curbs, water and sewer lines, other utilities, and safety standards for installation of such improvements are not applicable to applications in the UGA. The City has enforced dedication of access and/or utility easement that could meet a City standard for future development. A typical local residential street is expected to have a 60-foot right of way although reduced right of way widths may be allowed (LDO Section 11-4-2 C, see below). Staff has accepted access easements as sufficient to meet the requirements for dedication of right of way within the UGA.

C. Right Of Way And Roadway Widths: Generally, right of way and roadway widths for state highways and county roads shall be determined by these entities. Unless otherwise determined by the city administrator based on the recommendation of the city engineer and public works director, the widths of streets and roadways shall meet the following

standards and, in addition, all street construction shall conform to the public works standards:

<u>MINIMUM STREET STANDARDS</u>				
<u>Type Of Street¹</u>	<u>Minimum Right Of Way</u>	<u>Minimum Widths For Sidewalks²</u>	<u>Minimum Pavement Width</u>	<u>Bicycle Lane</u>
<u>Major arterial street</u>	<u>State or county standards or 60'</u>	<u>6' both sides</u>	<u>40'</u>	<u>6' both sides</u>
<u>Minor arterial street</u>	<u>State or county standards or 60'</u>	<u>5' both sides</u>	<u>40'</u>	<u>6' both sides</u>
<u>Collector street</u>	<u>60' or county standard</u>	<u>5' both sides</u>	<u>40'</u>	<u>5' both sides</u>
<u>Neighborhood collector street</u>	<u>60' or county standard</u>	<u>5' both sides</u>	<u>40'</u>	<u>5' both sides</u>
<u>Local streets: commercial or industrial</u>	<u>60' minimum</u>	<u>5' both sides</u>	<u>36'</u>	<u>n/a</u>
<u>Cul-de-sacs: commercial or industrial</u>	<u>55' radius</u>	<u>5' around</u>	<u>45' radius</u>	<u>n/a</u>
<u>Local streets: residential^{2,3}</u>	<u>34'</u>	<u>5' both sides</u>	<u>24'</u>	<u>n/a</u>
<u>Cul-de-sacs: residential</u>	<u>50' radius</u>	<u>5' around</u>	<u>40' radius</u>	<u>n/a</u>
<u>Pedestrian connections</u>	<u>20' minimum</u>	<u>6' walkway</u>	<u>n/a</u>	<u>6' wide in addition to walkway</u>
<u>Alleys</u>	<u>24' commercial or industrial; 20' residential</u>	<u>n/a</u>	<u>20' minimum</u>	<u>n/a</u>

1. Standards for streets within the downtown plan area shall conform to design standards of the "Downtown Revitalization And Circulation Study, June 29, 2001", figures 5-9 and 5-13, or other applicable street standards of the downtown plan.

2. The typical local residential street is expected to have a 60 foot right of way with 36 feet of pavement. Local residential streets may have reduced rights of way and pavement widths when anticipated traffic volume is less than 500 vehicle trips per day for low density developments in the R-1 and R-2 zones.

3. A local residential "minor street" may be approved with a minimum right of way of 34 feet and pavement width of 24 feet when the proposed street serves 5 or fewer dwellings; is not a through street and does not exceed 150 feet in length. A minor street may be terminated with a hammerhead type turnaround. A minor street may be public or privately owned. If private, "right of way" shall

become required easement width and provisions for maintenance shall be recorded with the deeds of properties served by the street.

The County Tax Lot map shows an existing 60-foot easement labeled as Cooney Ln Ext (Private Ln) extending from Bensel Road, a two-lane paved County road, north to the subject property. In addition, there is an existing private lane identified as Copper Ln that extends from the intersection of Cooney Ln Ext, at the south east corner of the subject property, to the west along the subject property and provides access to additional properties located to the west of the subject property.

The property owners recorded deed list access as provided by “A non-exclusive easement for road purposes and incidental purposes contained under deeds recorded in Microfilm R-179, page 1441 and Microfilm R-179, page 1445, office of Umatilla County Records and an Easement for ingress and egress and utilities contained under deed recorded in Microfilm R-70, Page 548, Office of Umatilla County Records”. The recorded deeds created a 40-foot access easement to the subject property and two 30-foot easements along the northern and eastern property lines of Tax Lot 1900 located directly south of the subject property. The 40-foot access easement is shown on Partition Plat 1999-12. The 40-foot easement is then expanded in 2001 to a “50-foot access easement” by Partition Plat 2001-15. Partition Plat 2004-08 expands the access easement to 60 foot. Although many of the dedications for Partition Plan 2004-08 are exclusive to parcels within the plat expansion, the expansion of the 50-foot easement to 60 foot does not include the exclusive benefit language. Information submitted by the appellant indicated that the 60-foot easement is exclusive and does not benefit the subject property. Regardless of the applicants right to the additional 10-foot the applicant recorded deed show the uses of a non-exclusive 40-foot access easement and the access easement is expanded to 50-foot by Partition Plat 2001-15 and contains not exclusive use language.

Conclusion: Based on the information provided in the record the subject property has access via a 40-foot easement created when the property was sold and the deed was recorded in 1989 (179-1441 & 179-1445) and 30-foot easement created across the north and east property lines of Tax Lot 1900 (70-548). As addressed in the report the City cannot enforce standards from the UCDC as it has not been adopted by the City. The City standards are designed to allow for additional flexibility and “expected to have a 60-foot right of way” but allows for a local residential street to have reduced rights of way/access easements. While the City prefers a 60-foot right of way a 50-foot right of way can accommodate a typically City street and a local street may be reduced to a minimum 40-foot right of way (See Figure 10.2-10 from the City of Umatilla’s Transportation System Plan (TSP)). Therefore, the applicant has submitted evidence into the record that show the existing access easement dedicated to the subject property are sufficient to meet the City’s adopted minimum standards in the LDO and TSP. In addition, an existing 60-foot access easement has been created that would reserve a future right of way to the expected 60-foot City standard if/when future development occurs.

IV. SUMMARY AND RECOMMENDATION

The appellants, Clyde C Nobles, Betty Nobles, James B Nobles and Sandra Nobles, are requesting an appeal of a Planning Department decision to approve a partition request (Rivera Partition MnP-

3-19). Therefore, based on the information in Sections I and II of this report, and the above criteria, findings of fact and conclusions addressed in Section III, staff recommends planning commission **DENY** this appeal request, **AP-1-20**, and **AFFIRM** the Planning Department's decision to approval the Rivera Partition (MnP-3-19) that would approve a land division request to partition the subject property into three parcels; Parcel 1 would be 5 acres, Parcel 2 would be 5 acres, and Parcel 3 would be 11.05 acres.

V. EXHIBITS

Exhibit A – Public Notice Map

Exhibit B – Finding and Decision for Partition MnP-3-19

Exhibit C – Rivera Partition MnP-3-19 Appeal

Exhibit D – County Tax Lot Map 5N2821

Exhibit E – Warranty Deed to Pedro and Maria Rivera (488-0381)

Exhibit F – Warranty Deed to C. J. and Ruth M. Nobles (179-1441)

Exhibit G – Warranty Deed to C. J. and Ruth M. Nobles (179-1444)

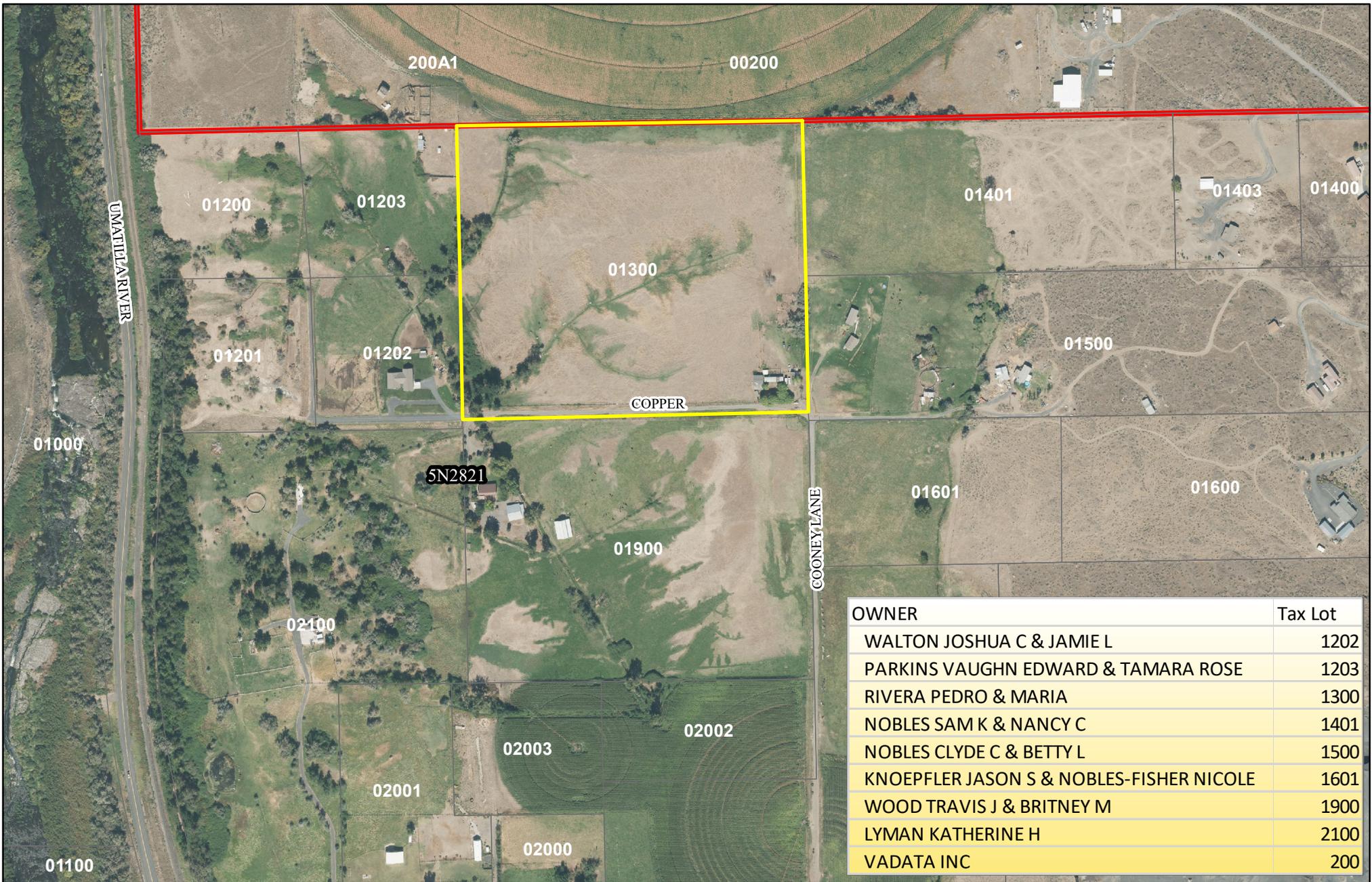
Exhibit H – Warranty Deed to Stuart F and Vickie P Bonney (070-0548)

Exhibit I – Partition Plat 1999-12

Exhibit J – Partition Plat 2001-15

Exhibit K – Partition Plat 2004-08

Exhibit L – Figure 12.2-10, City of Umatilla Transportation System Plan



NOBLES APPEAL(AP-1-20) OF RIVERA PARTITION (MnP-3-19)

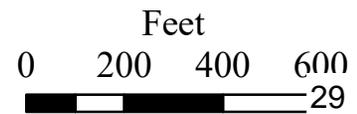


EXHIBIT A

Legend

- Subject Property
- Tax Lots 9/1/19
- City Limits



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 3/2/2020

EXHIBIT B
CITY OF UMATILLA PLANNING DEPARTMENT
REPORT AND DECISION
FOR
PARTITION MnP-3-19

DATE OF DECISION: January 31, 2020

REPORT PREPARED BY: Jacob Foutz, Associate Planner

I. GENERAL INFORMATION

Applicant: Maria and Pedro Rivera, 7422 Cleon Ave, Sun Valley, CA 91352

Property Owners: Maria and Pedro Rivera, 7422 Cleon Ave, Sun Valley, CA 91352

Land Use Review: Preliminary partition review.

Property Description: Township 5N, Range 28, Section 21, Tax Lot 1300.

Location: The property is located at 30083 Copper Ln, Hermiston, OR 97882.

Existing Development: The property is developed with a manufactured home.

Proposed Development: To partition the property into three parcels for residential use.

Zone Agricultural Residential (R-1)

Adjacent Land Use(s):

Adjacent Property	Zoning	Use
North	Light Industrial	Data center campus
South	Agricultural Residential	Single-family dwellings and farm land
East	Agricultural Residential	Single-family dwellings and farm land
West	Agricultural Residential	Single family dwellings and farm land

II. NATURE OF REQUEST

The applicant, Maria and Pedro Rivera, request approval of a land division to partition the property into three parcels. Parcel 1 would be 5 acres, Parcel 2 would be 5 acres, and Parcel 3 would be 11.05 acres. The partition request would not create a new public street.

The subject property is located within the City’s Urban Growth Area (UGA) or the unincorporated area outside of City Limits but within the City’s Urban Growth Boundary (UGB), a line that delineates the outer extent of the UGA. The City’s Comprehensive Plan is in effect for the UGA, however, the 1972 Umatilla County Zoning Ordinance (UCZO) is in effect for the UGA. Applications within the UGA are processed by the City in accordance with the City’s review procedures contained within the City of Umatilla Zoning Ordinance (CUZO). Land division

request within the UGA are reviewed for compliance with the applicable standards as contained within the UCZO and are subject to the City's Land Division Ordinance (LDO).

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.

1972 UMATILLA COUNTY ZONING ORDINANCE

Section 3.078 DIMENSIONAL STANDARDS

In an R-1A Zone the following dimensional standards shall apply:

- (1) Minimum Lot Area for Residential Use: 2 acres;
- (2) Minimum Lot Area for Nonresidential Use: As determined by the Department of Environmental Quality to be necessary for the protection of public health;

Findings: The applicant is proposing to create three parcels in the county agricultural residential zone. All of the proposed parcels would be five (5) acres or larger and comply with the minimum lot area for residential use.

Conclusion: All of the proposed parcels are a minimum of five (5) acres, exceeding the minimum lot area of two (2) acres.

- (3) Setback: No building shall be located closer than 20 ft. from the lot line.

Findings: As show on the applicants site plan the existing building meet the setback requirements.

Conclusion: The existing building located on the property comply with setback requirements.

CITY OF UMATILLA LAND DIVISION ORDINANCE

SECTION 11-2-6: LAND DIVISION APPROVAL CRITERIA:

No plat for a subdivision or partition may be considered for approval until the city has approved a tentative plan. Approval of the tentative plan shall be binding upon the city and the applicant for the purposes of preparing the subdivision or partition plat. In each case, the applicant bears the burden of proof to demonstrate that the proposal satisfies applicable criteria and standards.

- A. Approval Criteria: Land division tentative plans shall only be approved if found to comply with the following criteria:

1. The proposal shall comply with the city's comprehensive plan.

Findings: The City of Umatilla's Zoning Ordinance (CUZO), Land Division Ordinance (LDO) and Umatilla County Zoning Ordinance (UCZO) implement the comprehensive plan goals and polices. If a request is found to meet or be capable of meeting the applicable standards and criteria in the CUZO, UCZO and LDO the request is considered to be consistent with the comprehensive plan.

Conclusion: This request is found to meet or be capable of meeting all of the applicable

standards and criterion in the CUZO, UCZO and LDO as addressed in this report.

2. The proposal shall comply with the I-82/U.S. 730 interchange area management plan (IAMP) and the access management plan in the IAMP (section 7) as applicable.

Findings: The Interchange Area Management Plan (IAMP) extends along U.S. Highway 730 from its intersection with U.S. Highway 395 west to Eisele Drive just west of the U.S. Post Office within City Limits. The property is not within the IAMP area.

Conclusion: The property is not located within the I-82/U.S. 730 IAMP. This criterion is not applicable.

3. The proposal shall comply with the city's zoning requirements.

Findings: The property is zoned R-1 and the applicable zoning requirements within the UGA are established in UCZO Section 3.078 addressed above. This request complies with all of the dimensional standards as addressed above.

Conclusion: The request is for approval of a partition that would result in three parcels. Therefore, the request is subject to the minimum dimensional standards as required by Section 3.078 of the UCZO. All of the proposed parcels will meet the minimum dimensional standards as addressed above.

4. The proposal shall comply with the city's public works standards.

Findings: The City's public works standards are engineering design standards for construction of streets, sidewalks, curbs, water and sewer lines, other utilities, and safety standards for installation of such improvements. The property is located within the City's UGA. Each of the proposed parcels will have sewage disposal provided through an on-site sewage disposal system that already exists or obtain the appropriate approval from Umatilla County Environmental Health. Water is assumed to be provide by a well on each parcel.

Conclusion: The proposed parcels are assumed to be served by onsite septic and well. Therefore, the City's public work standards do not apply. Notice will be sent to Umatilla County Environmental Health, Oregon Department of Environmental Quality and Oregon Water Resources Department. Those agencies have jurisdiction over an onsite sewage disposal system and well.

5. The proposal shall comply with applicable state and federal regulations, including, but not limited to, Oregon Revised Statutes 92, 197, 227, and wetland regulations.

Findings: The CUZO, UCZO and LDO implement the applicable provision of ORS 92, 197, 227. The subject property does not contain wetlands as shown on the National Wetlands Inventory (NWI) or figure 5-1.2 in the City's Comprehensive Plan. If found to be in compliance with all other provisions outlined in this report, the request is considered to comply with the applicable state and federal regulations.

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

6. The proposal shall conserve inventoried natural resource areas and floodplains, including, but not limited to, mapped rivers, creeks, sloughs, and wetlands.

Findings: There are no known wetlands, as identified on the NWI, or flood zones on the subject property. The City of Umatilla's Comprehensive Plan does not identify any significant natural resources on the property and there are no known rivers, creeks or sloughs on the property.

Conclusion: There are no inventoried natural resource areas, waterways, water bodies or floodplain areas to conserve on the property.

7. The proposal shall minimize disruption of natural features of the site, including steep slopes or other features, while providing for safe and efficient vehicle, pedestrian, and bicycle access.

Findings: The property is currently utilized as a single-family dwelling and pasture land. The subject property is not identified as having slope (steep slopes) in Figure 7.1-2 of the City of Umatilla's Comprehensive Plan. Access is currently provided via Copper Lane. All three of the proposed lots will be served by Copper Lane.

Conclusion: The subject property does not have inventoried natural features as identified in the City's Comprehensive Plan. Therefore, no disruption of natural features will occur as a result of this partition request. Requiring public access for vehicles, pedestrians or bicycles at this time is not warranted.

8. The proposal shall provide adjacent lands with access to public facilities and streets to allow its full development as allowed by the City's codes and requirements.

Findings: The subject property is currently a large rectangular area used as a residence and pasture land. Access is provided via Copper lane; the proposed lots will also be served by Copper lane along their southern borders.

The subject property is located within the Hermiston Irrigation District. Therefore, the applicant shall be required to provide irrigation facilities and easements necessary to ensure delivery of irrigation water to the proposed parcels. A condition of approval will ensure compliance with this standard.

Conclusion: The adjacent lands will have access to public facilities and streets consistent with City standards. However, a condition of approval shall be imposed requiring the applicant to provide irrigation facilities and easements necessary to ensure delivery of irrigation water to the proposed parcels.

9. The proposal shall be designed with streets that continue or connect to existing and planned land division plats on adjoining properties. All proposed streets shall comply with standards of this Title and the Public Works Standards.

Findings: No streets are proposed as part of the proposed partition.

Conclusion: No streets are proposed as part of partition. This criterion is not applicable.

IV. PUBLIC COMMENT, SUMMARY AND DECISION

Comments were received from Umatilla County Public Health, Hermiston Irrigation District, Clyde & Betty Nobles, Jason Knopfler & Nicole Nobles-Fisher, and James & Sandra Nobles. Umatilla County Public Health requested verification that the existing septic system would not be bisected by the new property lines and that a site evaluation would need to be conducted if future development includes an on-site septic system. A condition of approval will be imposed to verify the location of the septic system in relation to the new property lines. Hermiston Irrigation District imposed a number of conditions from the district that will need to be satisfied prior to the district signing off on the final plat. A condition of approval requiring the application to work with the district will be imposed.

The comments from Clyde & Betty Nobles, Jason Knopfler & Nicole Nobles-Fisher, and James & Sandra Nobles were received as a letter with pictures (Exhibit C), copied, submitted three times, and signed by the individual property owners. The letter raises the questions of road availability/access to and from the proposed partition, who is responsible for the maintenance and the claim that previous applications have been denied by the county because of this road/access. The road/access in question is found on assessor's map 5N2821 labeled as COONEY LN EXT (PRIVATE LANE).

Legal access through Cooney Ln ext. to the applicant's property can be found referenced on Pedro and Maria Rivera's deed for the subject property. This legal access allows the owner and subsequent owners of the subject property or portions thereof to use Cooney Ln ext.

As stated on the property owners deed:

"A non-exclusive easement for road purposes and incidental purposes contained under deeds recorded in Microfilm R-179, page 1441 and Microfilm R-179, page 1445, office of Umatilla County Records and an Easement for ingress and egress and utilities contained under deed recorded in Microfilm R-70, Page 548, Office of Umatilla County Records."

Easements for access (ingress and egress) and utilities are private agreements between parties. Based on the documents submitted the applicant has access to the property via existing easements. Access is provided by a 60-foot-wide easement from Bensel Road to the subject property. Private easements do not fall under the jurisdiction of the City or County and are the responsibility of the property owners and benefiting properties to maintain.

City staff spoke with County Planning staff about the area and the history of permits. Although there is a permit that expired due to a road not being improved to a County standard the application was not denied. When the County managed land use application with the UGA the County required access easement to be brought up to an applicable County road standard. The City assumed jurisdiction over land use application within UGA in January of 2017 and the City does not have standards adopted that require a private easement to be improved to a certain road standard.

Therefore, the City finds that evidence has been submitted that shows the applicant has access via existing easements and the City does not require private access easement to be improved to city standard. In addition, a review a permit history shows that similar applications were approved by the County utilizing the same access easements for properties to the west.

There is no record of denied applications in the area due to the current access past cooper lane. In reaching out to the county planning department staff were informed of an application past cooper lane that was not brought up to the correct county standard and was denied due to a lapse in time, but not because of access issues. The City and County have different approval criteria for a partition, and the City has no requirement for meeting a certain road classification for approval of a partition.

This request for tentative partition approval of property in the Agricultural Residential Zone meets, or is capable of meeting through appropriate conditions of approval, all of the applicable development standards for the Agricultural Residential Zone, and the land division requirements of the City of Umatilla. Therefore, based on the information in Sections I and II of this report, and the above criteria and standards, findings of fact and conclusions contained in Section III, this request, MnP-3-19, for tentative partition plat approval to create two 5-acre parcels and one 11.05-acre parcel from an existing 21.05-acre parcel in the Agricultural Residential Zone identified as Tax Lot 1300 on Assessors Map 5N2821 is **APPROVED**, subject to the conditions of approval contained in Section V of this report.

V. CONDITIONS OF APPROVAL

1. The final plat must be approved and recorded within one year from the date of this approval. The final plat must comply with the requirements of ORS chapter 92, and the requirements under Sections 11-3-1 and 11-3-2 of the City of Umatilla Land Division Ordinance.
2. The applicant/developer shall submit a copy of the final recorded plat to the City of Umatilla Planning Department.
3. The applicant shall work with the Hermiston Irrigation District to provide irrigation facilities and easements necessary to ensure delivery of irrigation water. Compliance with this requirement shall be signified by the District signing the final plat.
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, and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program.
5. The applicant shall provide verification on the location of the existing on-site septic system in relation to the property lines prior to final plat approval.

VI. EXHIBITS

Exhibit A Notice Map

Exhibit B Preliminary Partition Plat for MnP-3-19 (Reduced)

Exhibit C Public Comment (letter and pictures)

CC

Hermiston Irrigation District
Umatilla County Health
Clyde & Betty Nobles
Jason Knopfler & Nicole Nobles-Fisher
James Nobles & Sandra Nobles

EXHIBIT C

To the City of Umatilla Planning Dept

700 6th Street, PO Box 130

Umatilla, Oregon 97882

Feb 10th, 2020



Appeal regarding; Rivera Partition MnP-3-19

Appellants; Clyde C Nobles, Betty Nobles, James B. Nobles and Sandra Nobles all own property that Cooney Lane Ext (Private Lane Easement) is located on and does not want additional vehicle traffic used on this easement road which is "Open Range" and is share by family owned livestock. The easement road was intended for a limited number of vehicles but since the City of Umatilla has allowed development off Cooper Lane the number of vehicles has increased substantially. The intersection at Bensel rd. and Cooney Lane Ext has had multiple accidents (including 6 deaths) over the years and is dangerous. The easement road does not have a maintenance agreement with property owners or others benefiting from the use of Cooney Ln Ext easement. The expense of road maintenance and repair of two cattle guards are a major concern to James B Nobles and Sandra Nobles.

The Rivera Partition MnP-3-19 does not have the 60 ft easement access required by Umatilla County Planning Dept for the division of this property. The owners of parcel 1, 2, and 3 are the sole beneficiaries of the 60 ft easement are not willing to grant access the parcel associated in MnP-3-19. The parcel associated in MnP-3-19 only has a 40 ft access easement on Cooney Lane Ext from Bensel rd.

(attached Exhibit 1) The City of Umatilla has approved MnP-3-19 based on their findings that the parcel has access on a 60 ft easement running along Cooney Ln Ext. That information is inaccurate. The original easement given from Clyde J Nobles to Stuart Bonney is a 40 ft easement. The county requires a 60 ft easement for development. 60 ft easement was added only for the use of Parcel 1, 2 and 3 via LD-5N-582-98. The Rivera Partition only has use of a 40ft easement to his property. The easement road is located in the Umatilla County Planning jurisdiction and their updated requirements for development require a 60 ft easement for access.

(attached Exhibit 2) Dec 2, 1998 Public Notice Land Partition, #LD-5N-582-98 Applicant owner; Clyde J Nobles.

See pg 1 of 'PRELIMINARY FINDINGS AND CONCLUSION' #9. **EASEMENTS; a 40 FT EASEMENT** (Cooney Lane Extension) crosses the subject property from Bensel Road north to provide access to two tax lots to the north of the subject property.....

See pg 7. **Diagram of parcel showing Parcel 1, 2, and 3.**

(attached Exhibit 3) Dated October 20th 2020 Umatilla County Department of Land Use Planning Letter from Carol Johnson (Senior Planner) pg 3. In this letter the Senior Planner is writing her review for Partition request #LD-5N-763-09 which involve Clyde C Nobles, property owner of property which Cooney Lane Ext crosses. In this letter Carol Johnson, the **Senior Planner of Umatilla County addresses**

the requirement of a 60 ft easement required by the Umatilla County Planning Commission for additional lots developed.

LD-5N-582-98 Land Partition added a 60 ft easement along Cooney Ln ext. only for the use of Parcel 1, Parcel 2, and Parcel 3.

The above problem was addressed to the City of Umatilla Planning Department on Dec 23, 2019. Due to the incomplete information gathered by the Associate City Planner I am requesting the \$250.00 cost to appeal the cities decision be refunded and an additional \$250.00 be paid to James B Nobles to cover appeal expense if this appeal is granted.

Signed and in agreement;

James B. Nobles 2-10-2020 30099 Benselet Rd
Umatilla OR
97838

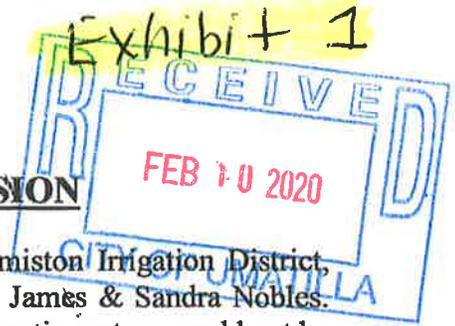
Sandra K. Nobles 2-10-2020

650 Monroe St Umatilla, Ore 07882

Debbie L. Nobles 2-10-2020
650 Monroe St Umatilla, Ore

Clyde C Nobles 2-10-2020
650 Monroe St, Umatilla, Ore

PUBLIC COMMENT, SUMMARY AND DECISION



Comments were received from Umatilla County Public Health, Hermiston Irrigation District, Clyde & Betty Nobles, Jason Knopfler & Nicole Nobles-Fisher, and James & Sandra Nobles. Umatilla County Public Health requested verification that the existing septic system would not be intersected by the new property lines and that a site evaluation would need to be conducted if future development includes an on-site septic system. A condition of approval will be imposed to verify the location of the septic system in relation to the new property lines. Hermiston Irrigation District imposed a number of conditions from the district that will need to be satisfied prior to the district signing off on the final plat. A condition of approval requiring the application to work with the district will be imposed.

The comments from Clyde & Betty Nobles, Jason Knopfler & Nicole Nobles-Fisher, and James & Sandra Nobles were received as a letter with pictures (Exhibit C), copied, submitted three times, and signed by the individual property owners. The letter raises the questions of road availability/access to and from the proposed partition, who is responsible for the maintenance and the claim that previous applications have been denied by the county because of this road/access. The road/access in question is found on assessor's map 5N2821 labeled as COONEY LN EXT (PRIVATE LANE).

Legal access through Cooney Ln ext. to the applicant's property can be found referenced on Pedro and Maria Rivera's deed for the subject property. This legal access allows the owner and subsequent owners of the subject property or portions thereof to use Cooney Ln ext.

As stated on the property owners deed:

"A non-exclusive easement for road purposes and incidental purposes contained under deeds recorded in Microfilm R-179, page 1441 and Microfilm R-179, page 1445, office of Umatilla County Records and an Easement for ingress and egress and utilities contained under deed recorded in Microfilm R-70, Page 548, Office of Umatilla County Records."

Easements for access (ingress and egress) and utilities are private agreements between parties. Based on the documents submitted the applicant has access to the property via existing easements. Access is provided by a 60-foot-wide easement from Bensel Road to the subject property. Private easements do not fall under the jurisdiction of the City or County and are the responsibility of the property owners and benefiting properties to maintain.

City staff spoke with County Planning staff about the area and the history of permits. Although there is a permit that expired due to a road not being improved to a County standard the application was not denied. When the County managed land use application with the UGA the County required access easement to be brought up to an applicable County road standard. The City assumed jurisdiction over land use application within UGA in January of 2017 and the City does not have standards adopted that require a private easement to be improved to a certain road standard.

Therefore, the City finds that evidence has been submitted that shows the applicant has access via existing easements and the City does not require private access easement to be improved to city standard. In addition, a review a permit history shows that similar applications were approved by the County utilizing the same access easements for properties to the west.

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

PUBLIC NOTICE

DECEMBER 2, 1998

Land & Water
Resources
Division:

LAND PARTITION REQUEST #LD-5N-582-98
ASSESSORS MAP 5N 28C, TAX LOT 500
CLYDE J NOBLES, APPLICANT
CLYDE J NOBLES, OWNER

LAND USE PLANNING
541-278-6252

UMATILLA BASIN
WATERSHED COUNCIL
541-278-3836

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
541-278-6253

RURAL ADDRESSING
PROGRAM
541-278-6253

CHEMICAL STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM (CSERP)
541-507-2084

County/State
Services
Division:

COUNTY FAIR
541-567-6121

STATE AGENCY
LIAISONS:

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456

As an affected agency or neighborhood property owner you are entitled to notice of a LAND PARTITION REQUEST that the Planning Department has reviewed. Enclosed is a copy of the Draft Findings and Conclusions of Law that has been prepared with regard to this land use request. This Findings document includes a description of the request, necessary background information, and an analysis of how the request conforms to the standards for land division set forth in the Umatilla County Development Ordinance. At the end are a list of "conditions of approval" that will be applied, if approved. Also enclosed is a location map of the property and the tentative plan map, indicating the proposed parcel boundaries and any easements.

If you have information you feel should be addressed in the Findings and/or conditions, please contact our office. You may request additional conditions of approval be applied without requesting a Public Hearing. If you object to the request or feel that certain aspects need to be discussed in a public forum, you may request a Public Hearing; however there will be a fee for the request of a Public Hearing.

The deadline for submittal of additional information or request for a public hearing is the close of business (5:00 PM) on:

DECEMBER 23, 1998

For further information, please contact our office.

Cordially,
Patty Perry
Patty Perry
Senior Planner

**UMATILLA COUNTY PLANNING DEPARTMENT
PRELIMINARY FINDINGS AND CONCLUSIONS**

LAND PARTITION, #LD-5N-582-98
MAP 5N 28C TAX LOT 500

1. **APPLICANT/
OWNER:** Clyde J. Nobles, P. O. Box 402, Hermiston, Oregon 97838
2. **LOCATION:** The subject parcel is located on the northwest side of the intersection of Bensel Road with Lind Road which is between State Hwy 395 and River Road. The property is approximately 3 and ½ mile northwest of the city of Hermiston and about 2 miles south and east of the city of Umatilla. The subject property is within the City of Umatilla's Urban Growth Area.
3. **REQUEST:** To divide the subject property into three parcels.
4. **PARCEL ACREAGE:** Existing Assessor tax lot acreage: 181
Proposed: Parcel 1 - approx. 76 acres
Parcel 2 - approx. 60 acres
Parcel 3 - approx. 46 acres
NOTE: Proposed parcel acreage is approximate pending actual survey results.
5. **COMP PLAN:** Suburban Residential, Natural Resource and Light Industrial according to the city of Umatilla's Comprehensive Plan
6. **ZONING:** F-1 (Exclusive Farm Use) comprising approximately 151 acres and F-2 (General Rural) comprising about 30 acres where there is an existing gravel pit.
7. **ACCESS:** The proposed parcels would have access to both Bensel Road and Lind Road.
8. **ROAD TYPE:** Bensel Road is a graveled two lane County Road #1268 and Lind Road is a graveled County Road #1281. Both roads have a 66 foot right-of-way.
- * 9. **EASEMENTS:** A 40 foot access easement (Cooney Lane Extension) crosses the subject property from Bensel Road north to provide access to two tax lots to the north of the subject property. Another access easement is proposed along the northern property line on an existing road which encroaches on to tax lot 500 which is used to provide access to a residence on the tax lot to the north. The applicant would establish the easement to allow the continued use

of this existing road which also provides access to the residence on proposed parcel 1.

The application indicates an irrigation easement exists and an extension is proposed from a pond located on tax lot 100 to the south extending across proposed parcel 3 to proposed parcel 1. A utility easement was indicated on the application, but its location was not identified. No other easements were reported by the applicant.

10. LAND USE:

Currently there are three residences located on proposed parcel 3. The applicants are in the process of moving one of the home sites to proposed parcel 1 with removal of the old structure. Several outbuildings are also located on parcel 3. Proposed parcel 1 is currently vacant and in irrigated pasture. Approximately 30 acres of proposed parcel 2 is an existing gravel pit and asphalt operation with the remainder of the parcel in pasture.

11. ADJACENT:

Properties contiguous to the north and west are also zoned for Exclusive Farm Use (F-1) and are in agricultural uses. Parcels immediately to the south, across Bensel Road, are mostly developed and smaller in size, are zoned RR-4 (Rural Residential, four acre minimum lot size) and are outside the Urban Growth Boundary. Properties to the east and southeast are zoned for Light Industrial use. The Umatilla River flows from south to north just west of the subject property.

12. LANDFORM:

Columbia Plateau, sloping land rising from the Umatilla River flood plain.

13. SOIL TYPES:

Name:	SLOPE	AG CLASS	FOREST/SEPTIC/BUILDING		
85F-rock outcrop	10 - 70%	irr/dry VIIIs/ -	n/a	SITE	SITE
75B-quincy loamy	0 - 5%	IVe/VIIe	n/a	severe	severe

Multiple soil types are found on the subject property. The predominant soil types are classified as "non-high value" soils and are listed. Other soil types present are 1B, 2B and 3A which are classified as "high value" if irrigated but comprise a much smaller percentage of the property.

14. **BUILDINGS:** See #10 above.
15. **UTILITIES:** Electricity, Umatilla Electric Coop; telephone, US West Communications;
16. **SEWER/WATER:** The application indicates two domestic wells are located on parcel 3 serving the existing residences. Another well is located on parcel 1. Irrigation water is provided through the Hermiston Irrigation District. Notice of approval from the Hermiston Irrigation District will be required as a condition of approval.
17. **STANDARDS OF THE UMATILLA COUNTY LAND USE CODE FOR LAND PARTITIONS:** The standards for approval contained in Section 152.684, Type II Land Divisions (Partitions), are provided in underlined text as follows. The responses are indicated in standard text.
- A. Complies with the Umatilla County Comprehensive Plan: Yes, the state-acknowledged City of Umatilla Comprehensive Plan allows this property as suburban residential, natural resource and light industrial.
 - B. Complies with LCDC Goals: Yes. Umatilla's Comprehensive Plan has been "acknowledged" by the State by the signing of a Joint Management Agreement between the City of Umatilla and Umatilla County.
 - C. Provides for future adjacent development: Yes, this land division does not appear to have an affect on the development potential of adjacent properties.
 - D. Complies with the standards of the Development Ordinance: Yes. Umatilla County's Zoning Ordinance applies to this Urban Growth Area and has been adopted as part of the Joint Management Agreement between the City and County.

The Zoning Ordinance has established minimum lot size and set back standards for structures. Applicant indicates the existing residences on the subject property will continue to meet the required set back standards with respect to the new property lines as proposed by this land partition. The minimum lot size established by the zoning for this property is 19 acres with a dwelling unit density of one dwelling for each 19 acres. The proposed parcels meet this requirement, therefore, this proposed partition complies with the applicable Development Ordinance.

N. Adequately addresses comments of appropriate water agency: A copy of this preliminary report will be sent to the Hermiston Irrigation District and to the Oregon Dept. of Water Resources to assure water rights issues are fully addressed.

18. PROPERTY OWNERS NOTIFIED: December 2, 1998

19. CLOSING DATE: December 23, 1998

20. AGENCIES NOTIFIED: County Public Works Director, Umatilla Electric Cooperative, Assessor, City of Umatilla, Hermiston Irrigation District, U.S. West Communications, Umatilla Rural Fire District, OR Dept. of Water Resources, and Jeff Van Pelt-Confederated Tribes of the Umatilla Indian Reservation.

21. COMMENTS RECEIVED: None to date.

THIS LAND PARTITION APPEARS TO COMPLY WITH THE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT ORDINANCE AND CAN BE APPROVED IF SUBJECT TO THE FOLLOWING CONDITIONS:

The following "precedent" conditions must be fulfilled prior to final approval of this request, signified by the recording of the Partition Plat.

- A. Submittal and approval to the County of a Partition Plat complying with State and County regulations.
- B. Show on the partition plat the location of all easements including but not limited to utility and access.
- C. Pay and possibly prepay property taxes to Umatilla County.
- D. Signing and recording of an Irrevocable Consent Agreement (ICA) with regard to future improvements to Lind Road and Bensel Road.
- E. Submittal of an approval letter from the Hermiston Irrigation District indicating the establishment of easements to convey water to proposed parcels 1, 2 and 3 have been satisfied. Irrigation easements must be shown on the final partition plat and recorded.

F. Submittal of a letter from Oregon Water Resources Dept. regarding the water rights on the subject property.

The following "subsequent" condition must be fulfilled following final approval of the Partition Plat by the County.

G. Recording of the Partition Plat, prior to the signing of any deeds.

Dennis Olson, Planning Director

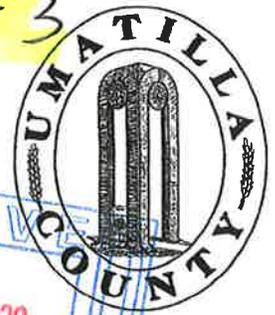
Date

ATTACHMENTS:
Approved Tentative Plan Map

Umatilla County

Department of Land Use Planning

Exhibit 3



Director
Tamra Mabbott

October 20, 2009

Land Use
Planning
Division:
541-278-6252

Clyde Nobles
650 Monroe Street
Umatilla, Oregon 97882

CODE
ENFORCEMENT
541-278-6300

Re: Partition Request, #LD-5N-763-09
Map #5N 28 21, Tax Lot #1500

Emergency
Management
Division:

Dear Clyde:

EMERGENCY
MANAGEMENT
541-966-3700

Our conversation on Friday, October 16, 2009 centered mainly on two issues. The two issues were signing Irrevocable Consent Agreements for possible future road improvements, and the requirement for road improvements for three locations currently in use to access your property. In addition your letter dated October 17, 2009, received via e-mail on October 20, 2009, listed additional concerns regarding a road name and subsequent address changes, these too are considered.

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)
541-567-2084
541-966-3700
1-877-367-2737

I visited with County Counsel, Doug Olsen, about your distress in signing additional Irrevocable Consent Agreements and completing road improvements to the County's P-2 road standard as required in the conditions of approval for your partition request. Also it was expressed that you desire instead to make road improvements to the lesser P-1 road standard.

Irrevocable Consent Agreements

In your October 17th letter you referenced two previously recorded ICA's, one associated with a 1999 land division, #LD-5N-593-99 (Instrument No. 2000-3680793), and the second agreement (Instrument No. 2001-3860124) associated with 2001 land division, #LD-5N-620-00. The 1999 agreement was recorded for future improvements to Lind Road and is attached to your property, tax lot 1500. The 2001 agreement correlates to future improvements to Bensel Road and is attached to property located at the intersection of Bensel Road and Cooney Lane Extension. This property is now owned by Bruce and Sandra Nobles. Therefore, the 2001 agreement is not associated with your property, tax lot 1500, and none of the required ICAs in Conditions C or F are associated with improvements to Bensel Road.

The two ICA's required in Conditions F for your current partition would be attached to Parcels 1 and 2 for participation in possible future improvements to Cooney Lane Extension and to the 60-foot access easement extending from Cooney Lane Extension to

proposed Parcel 2 along the south property line (to be named Copper Lane). The third ICA would be attached to Parcel 3 for future participation in road improvements to Lind Road. An ICA for the easement adjoining your property to the north, where currently two of your home sites are located was not included. This easement is wholly on the neighboring property and does not appear to provide legal access to tax lot 1500.

The issue of signing additional Irrevocable Consent Agreements (ICA) has been discussed. Each time a new partition is approved a new legal description is prepared and a county policy was established that the clearest way to tract the agreements would be to record a new Irrevocable Consent Agreement for each successive partition. We acknowledge that this may result in more than one ICA attached to a parcel of land.

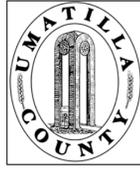
Road Improvements

X One of the road improvement concern areas is located within the established 60-foot easement along your south property line, thirty feet of which is located across your south property line and thirty feet on the neighboring property. This easement was established to provide access to your property, tax lot 1500 and to the neighboring property, tax lot 1600. You presented that the access road located along your south property line, extending from Cooney Lane Extension to Parcel 2, should only be improved to the County's P-1 road standard (Precedent Condition C) due to the fact that only thirty feet of the sixty foot easement is located on your property, and that the easement would only serve two home sites, one located on your Parcel 1 and one on Parcel 2. You further explained that a second home site on Parcel 1, located closest to Cooney Lane Extension, has a separate driveway access off of Cooney Lane Extension and would not be using the easement along the south side of the property. Additionally, you indicated that road improvements in this vicinity of the 60-foot access easement are also further complicated due to a fence located within the easement along the property line.

Likewise, the second road improvement concern area occurs farther to the east along this same 60-foot access easement where the easement connects to Lind Road. The roadway within this easement now provides access to one of the three home sites located on Parcel 3. Although your Parcel 3 is proposed as a 14+acre parcel it continues to have the potential to be partitioned into three parcels and legal access to all three parcels would be served by the 60-foot easement. In addition the adjoining 18-acre parcel located to the south has potential to add four parcels, all expected to have access provided via the 60-foot easement.

The third road improvement concern area is located along the north property line. A 60-foot access easement was established on the neighboring property. This easement was

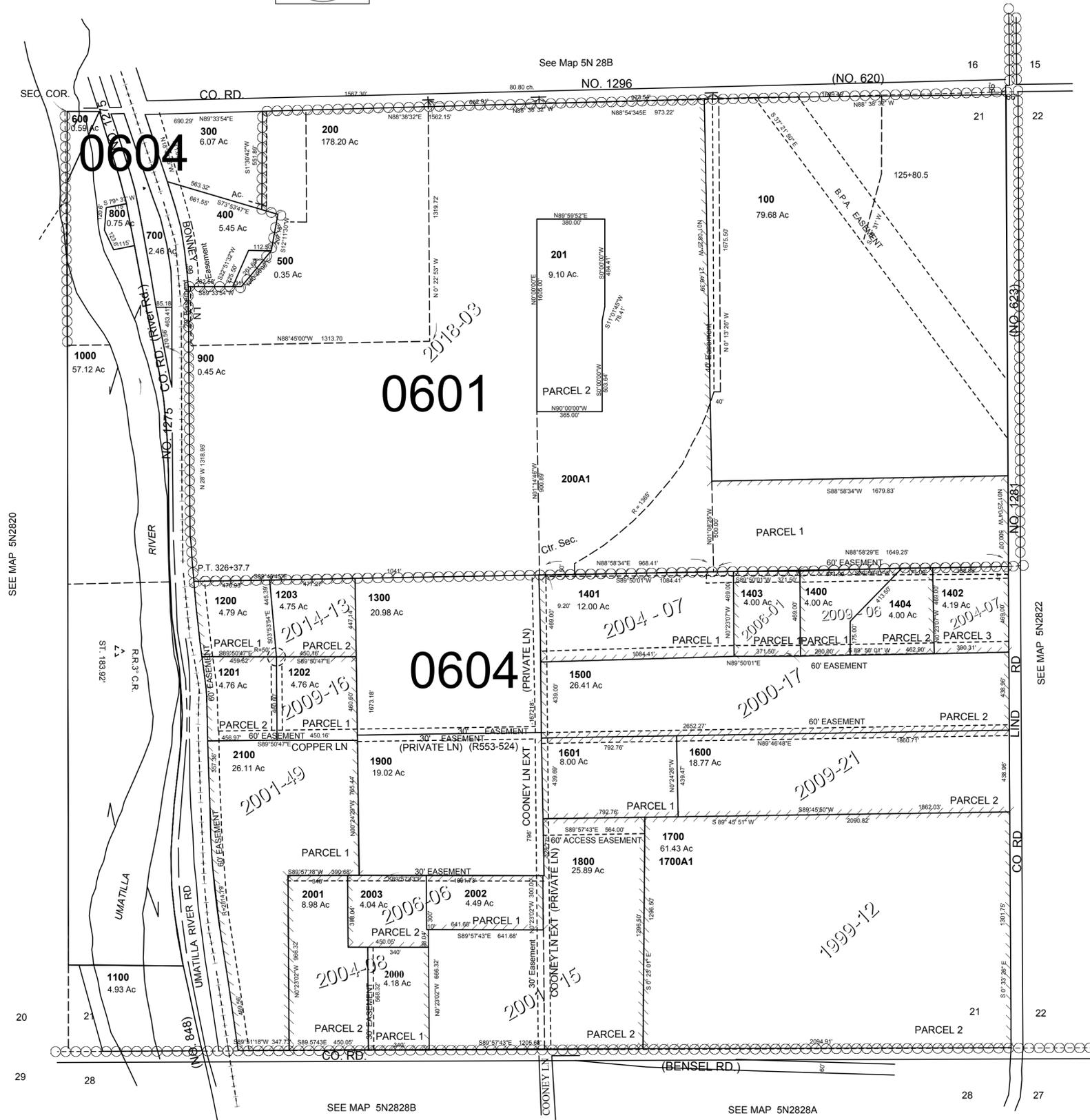
This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.



SEC 21 T 5N R 28E WM UMATILLA COUNTY

5N 28 21

SCALE: 1" = 400'



Revised: 05-14-18

5N 28 21

2005 4880381

2005-4880381 1 of 4

SEND TAX STATEMENTS TO:

Pedro & Maria Rivera
7422 Cleon Avenue
Sun Valley, CA 91352

AFTER RECORDING RETURN TO:

Pioneer Title Company
126 SE Court Avenue
Pendleton, OR 97801

RECEIVED

SEP 07 2005

UMATILLA COUNTY
RECORDS

WARRANTY DEED

STUART F. BONNEY, as Grantor, hereby conveys and warrants to PEDRO RIVERA and MARIA RIVERA, husband and wife, Grantee, the following described real property free of encumbrances except as specifically set forth herein, situated in Umatilla County, Oregon to-wit:

The real property described on Exhibit "A" which is attached hereto and by this reference incorporated herein.

The true and actual consideration for this conveyance is \$140,000.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

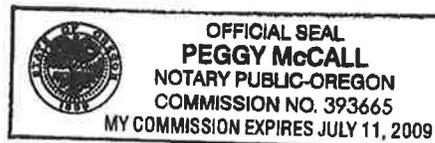
DATED this 6 day of SEPTEMBER, 2005.

Stuart F. Bonney
Stuart F. Bonney

STATE OF OREGON)
)ss.
County of Umatilla)

This instrument was acknowledged before me on September 6, 2005 by Stuart F. Bonney.

Peggy McCall
Notary Public for Oregon
My Commission Expires: 7-11-2009
bonneyriveradeed202



PIONEER TITLE CO. 77159
126 SE Court, Pend. OR, 97801

Tract I

Beginning at the Northeast corner of the Southwest Quarter of Section 21, Township 5 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon; thence South 00°23'02" East along the North South center of said Section 21, a distance of 1,675.77 feet; thence North 89°57'43" West, 1,041.00 feet to a point which lies South 89°53'45" West 1,041 and South 00°23'02" East 1,673.18 feet from the Northeast corner of the Southwest Quarter of said Section 21; thence North 00°23'02" West 1,673.18 feet to the East West centerline of said Section 21; thence North 89° 53'45" East, 1,041 feet to the point of beginning;

EXCEPTING therefrom that portion conveyed to Robert M. Journot, et ux, by Deed recorded September 3, 1980, Microfilm R-70, Page 548, Office of Umatilla County Records.

Tract II

A non-exclusive easement for road purposes and incidental purposes contained under deeds recorded in Microfilm R-179, Page 1441 and Microfilm R-179, Page 1445, Office of Umatilla County Records and a Easement for ingress and egress and utilities contained under deed recorded in Microfilm R-70, Page 548, Office of Umatilla County Records.

SUBJECT TO:

1. 2005-2006 Taxes, which are a lien, but not yet payable.
2. As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.
3. The premises herein described are within the boundaries of the Hermiston Irrigation District, and this property is therefore subject to all easements, levies and assessments thereof.
4. Right-of-way, including the terms and provisions thereof, reserved in deed between;
 - Grantor : E.P. Dodd and Stella A. Dodd
 - Grantee : John Ford and Ray Ford
 - Recorded : August 10, 1926, Book 128, Page 300, Deed Records.
5. Easement, including the terms and provisions thereof;
 - Grantee : Umatilla Electric Cooperative Association
 - Recorded : September 30, 1937, Book 120, Page 447, Deed Records.
6. Easement, including the terms and provisions thereof, contained in deed
 - Grantor : C.J. Nobles and Ruth M. Nobles
 - Grantee : Stuart F. Bonney and Vickie P. Bonney
 - Recorded : May 25, 1989, Microfilm R-179, Page 1441 and Page 1445, Office of Umatilla County Records.
7. Easement to maintain, repair and replace an existing buried water line, disclosed by Memorandum of Land Sale Contract, between
 - Seller : Stuart F. Bonney
 - Buyer : Ray L. Moody
 - Dated : December 21, 1999
 - Recorded : December 22, 1999, Document No. 1999-3630067, Office of County Records.
8. Easements contained under Contract, including the terms and provisions thereof, disclosed by Memorandum between;
 - Vendor : Stuart F. Bonney
 - Vendee : Ellana Roberts
 - Recorded : November 8, 2001 in Instrument No. 2001-4000293, Office of Umatilla County Records.
9. Easements, including the terms and provisions thereof
 - Grantee : Samuel K. Nobles and Nancy C. Nobles
 - Recorded : February 20, 2004 in Instrument No. 2004-4570225, Office of Umatilla County Records.



2005-4880381 4 of 4

10. RESERVING THEREFROM A NON-EXCLUSIVE EASEMENT OVER, ACROSS AND UNDER THE NORTH 20' OF TRACT I DESCRIBED ABOVE FOR THE PURPOSE OF MAINTAINING, REPAIRING AND REPLACING AN EXISTING BURIED WATER LINE WHICH EASEMENT AND WATER LINE SHALL BE FOR THE SOLE BENEFIT OF THE PROPERTY DESCRIBED BELOW AS PARCEL 1. GRANTOR, WITHIN 18 MONTHS FROM THE DATE OF RECORDING THIS DEED, SHALL CAP THE LATERAL WATER LINES HOOKED TO THE EXISTING BURIED LINE WITHIN THE EASEMENT AREA.

PARCEL 1 (Tax Lot 100): The Northeast Quarter; the Southeast Quarter of the Northwest Quarter; the East Half of the Northeast Quarter of the Northwest Quarter; and that portion of the Southwest Quarter of the Northwest Quarter lying East of the Oregon-Washington Railroad & Navigation Company's right-of-way;

All being in Section 21, Township 5 North, Range 28, East of the Willamette Meridian, in the County of Umatilla and State of Oregon;

EXCEPTING any and all water rights of way and roads.

bonneyriveraexhibit202

State of Oregon)
County of Umatilla)

This instrument was received and recorded on

09-07-05 at 11:35

in the record of instrument code type DE-WD

Instrument Number 2005-4880381
Fee 41.00

Office of County Records

John Hampshire
Records Officer

EXHIBIT A
PAGE 3 of 3

Deed No. 1

FORM No. 633—WARRANTY DEED (Individual or Corporate)

1-1-74

R179 1441

WARRANTY DEED

146386

KNOW ALL MEN BY THESE PRESENTS, That C. J. NOBLES and RUTH M. NOBLES, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by STUART F. BONNEY and VICKIE P. BONNEY, husband and wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Umatilla and State of Oregon, described as follows, to-wit:

See attached Exhibit "A" and by this reference made a part hereof;

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

except as above stated and any liens or encumbrances incurred, suffered or allowed by the grantees herein;

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 100,660.00. which includes other property not described herein. However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 25 day of April, 19 77; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

(If executed by a corporation, affix corporate seal)

C. J. Nobles

Ruth M. Nobles

STATE OF OREGON,)
County of Umatilla) ss.
April 1, 19 77.

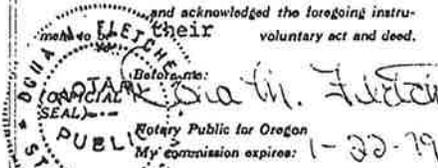
STATE OF OREGON, County of) ss.

Personally appeared and who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

Personally appeared the above named C. J. Nobles and Ruth M. Nobles, husband and wife,

and acknowledged the foregoing instrument to be their voluntary act and deed.

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.



Before me: Notary Public for Oregon My commission expires: 1-22-79

GRANTOR'S NAME AND ADDRESS: C. J. & Ruth M. Nobles, P.O. Box 402, Hermiston, Oregon 97838
GRANTEE'S NAME AND ADDRESS: Stuart F. & Vickie P. Bonney, P.O. Box 302, Hermiston, Oregon 97838

STATE OF OREGON,) ss.
County of

I certify that the within instrument was received for record on the day of 19, at o'clock M., and recorded in book on page or as file/reel number

SPACE RESERVED FOR RECORDER'S USE

Record of Deeds of said county. Witness my hand and seal of County affixed.

Until a change is requested all tax statements shall be sent to the following address.

Stuart F. & Vickie P. Bonney, P.O. Box 302, Hermiston, Oregon 97838

Recording Officer
By Deputy

R 179 ~~1442~~

EXHIBIT "A"

PARCEL NUMBER I

That portion of the Southwest Quarter of Section 21, Township 5 North, Range 28 East, Willamette Meridian, Umatilla County, Oregon, included within the lands of Clyde Nobles recorded in Book 168, Page 479, Umatilla County Deed Records and being described as follows:

Beginning at a point on the East West centerline of said Section 21 at a point which lies South 89° 53' 45" West 1041 feet from the center of said Section 21 and running thence; South 0° 23' 02" East 1673.18 feet; thence North 89° 57' 43" West 390.68 feet; thence South 0° 23' 02" East 933.32 feet to the North line of (County Road # 621) Bensel Road; thence North 89° 57' 43" West along said North line 300 feet more or less to the East right of way line of the O.W.R. & N. Railroad; thence Northerly along said East right of way line 2630 feet more or less to the East West centerline of said Section 21; thence North 89° 53' 45" East 914 feet more or less to the point of beginning;

Also together with an Easement for an existing pipeline used for irrigation purposes including the right to maintain, repair, replace, and do any other act in connection with and for the use of said Easement. The existing pipeline above referred to is located on the following described property, to-wit:

The South half of the Southwest Quarter of Section 21, Township 5 North Range 28, East of the Willamette Meridian.

Also together with a non-exclusive easement for road purposes and incidental purposes over the West 20 feet of the Southeast Quarter of Section 21, Township 5 North, Range 28 East, Willamette Meridian and over the East 20 feet of the Southwest Quarter of said Section 21;

EXCEPTING THEREFROM said East 20 feet of the Southwest Quarter the North 1675.77 feet to be reserved from Parcel 2 of Deed from Nobles to Bonney;

Reserving therefrom an easement for road and incidental purposes over the East 20 feet thereof.

Both of the above Easements shall be appurtenant to each and every portion of Parcel I hereinabove described.

SUBJECT TO: 1) Regulations including easements, levies, and assessments of the Hermiston Irrigation District; 2) Reservations recorded July 17, 1905 in Book 43, Page 115 of Deed Records; 3) Right of way for water as reserved in the Deed from E. P. Dodd, et ux, recorded August 1, 1926, in Book 128, Page 300 Deed Records;

C. J. Noble *Ruth M. M. Noble*

RECORDED 5 23 89

~~RECORDED~~
~~FILED~~

R179 PAGE 1443

STATE OF OREGON, } ss
COUNTY OF UMATILLA, }

I, J. Dean Fouquette, Sr., County Clerk,
certify that this instrument was received and
recorded

ON MAY 25, 1989

at 9:23 o'clock A.M. in the record
of DEEDS of said County in

Book Page
R179 1441

J. DEAN FOUQUETTE, SR.
County Clerk

By Betty K. Bixson Deputy
Fees \$20.00 No. 146386

Inland Empire Bank
P.O. Box 1170
Hermiston, OR. 97838

Enc

Deed No. 2

FORM No. 633—WARRANTY DEED (Individual or Corporate)

1-1-74

RITH 1444

WARRANTY DEED

116387

KNOW ALL MEN BY THESE PRESENTS, That C. J. NOBLES and RUTH M. NOBLES, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by STUART F. BONNEY and VICKIE P. BONNEY, husband and wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Umatilla and State of Oregon, described as follows, to-wit:

See attached Exhibit "A" and by this reference made a part hereof;

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

except as above stated and any liens or encumbrances incurred, suffered or allowed by the grantees herein; and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 100,660.00 which includes other property not described herein. However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). (The sentence between the symbols ©, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 15 day of April, 19 77; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

(If executed by a corporation, affix corporate seal)

C. J. Nobles

Ruth M. Nobles

STATE OF OREGON,)
County of Umatilla) ss.
April 19 77.

STATE OF OREGON, County of) ss.
, 19

Personally appeared the above named C. J. Nobles and Ruth M. Nobles, husband and wife,

Personally appeared and who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

and acknowledged the foregoing instrument as their voluntary act and deed.

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon
My commission expires: 1-22-79

Notary Public for Oregon
My commission expires:

(OFFICIAL SEAL)

C. J. & Ruth M. Nobles
P.O. Box 402
Hermiston, Oregon 97838
GRANTOR'S NAME AND ADDRESS
Stuart F. & Vickie P. Bonney
P.O. Box 302
Hermiston, Oregon 97838
GRANTEE'S NAME AND ADDRESS

After recording return to:

NAME, ADDRESS, ZIP
Until a change is requested all tax statements shall be sent to the following address.
Stuart F. & Vickie P. Bonney
P.O. Box 302
Hermiston, Oregon 97838
NAME, ADDRESS, ZIP

STATE OF OREGON,) ss.
County of
I certify that the within instrument was received for record on the day of , 19, at o'clock M., and recorded in book on page or as file/reel number Record of Deeds of said county. Witness my hand and seal of County affixed.

SPACE RESERVED FOR RECORDER'S USE

Recording Officer
By Deputy

EXHIBIT "A"

PARCEL NUMBER II

That portion of the Southwest Quarter of Section 21, Township 5 North, Range 28 East, Willamette Meridian, Umatilla County, Oregon, included within the lands of Clyde Nobles recorded in Book 168 Page 479, Umatilla County Deed Records and being described as follows:

Beginning at the Northeast corner of said Southwest Quarter of said Section 21 and running thence; South 0° 23' 02" East along the North South centerline of said Section 21 a distance of 1675.77 feet; thence North 89° 57' 43" West 1041.00 feet to a point which lies South 89° 53' 45" West 1041 feet and South 0° 23' 02" East 1673.18 feet from said Northeast corner of the Southwest Quarter of said Section 21; thence North 0° 23' 02" West 1673.18 feet to the East West centerline of said Section 21; thence North 89° 53' 45" East 1041 feet to the point of beginning;

Also together with an Easement for an existing pipeline used for irrigation purposes including the right to maintain, repair, replace, and do any other act in connection with and for the use of said Easement. The existing pipeline above referred to is located on the following described property, to-wit:

The South half of the Southwest Quarter of Section 21, Township 5 North Range 28, East of the Willamette Meridian.

Also together with a non-exclusive easement for road purposes and incidental purposes over the West 20 feet of the Southeast Quarter of Section 21, Township 5 North, Range 28 East, Willamette Meridian and over the East 20 feet of the Southwest Quarter of said Section 21;

EXCEPTING THEREFROM said East 20 feet of the Southwest Quarter the North 1675.77 feet to be reserved from Parcel 2 of Deed from Nobles to Bonney;

Reserving therefrom an easement for road and incidental purposes over the East 20 feet thereof.

Both of the above Easements shall be appurtenant to each and every portion of Parcel II hereinabove described.

SUBJECT TO: 1) Regulations including easements, levies, and assessments of the Hermiston Irrigation District; 2) Reservations recorded July 17, 1905 in Book 48, Page 115 of Deed Records; 3) Right of way for water as reserved in the Deed from E. P. Dodd, et ux, recorded August 1, 1926, in Book 128, Page 300 Deed Records;

C. J. Keller

Ruth M. Keller

MAY 25 1989

~~INDEXED~~
~~INDEXED~~ 12

R 179 PAGE 1446

STATE OF OREGON, }
COUNTY OF UMATILLA, } ss

I, J. Dean Fouquette, Sr., County Clerk,
certify that this instrument was received and
recorded

ON MAY 25, 1989

at 9:23 o'clock A.M. in the records
of DEEDS of said County in

Book Page
R 179 1444

I DEAN FOUQUETTE, SR.
County Clerk

By *Beth A. Resum* Deputy
Fees \$20.00 No. 146387

Inland Empire Bank
P.O. Box 1170
Hermiston, OR. 97838

Ew

5, Reservations contained in Deed from Northern Pacific Railway Company, recorded July 17, 1905, Book 48, page 115 and Book 48, Page 118, Deed Records, which are as follows:

Reserving and excepting from said lands such as are now known or shall hereafter be ascertained to contain coal or iron; and the rights of access to such reserved and excepted coal and iron lands for the purpose of exploring, developing & working the same; and the use of such surface ground; and the right of access herein reserved to be for the use and benefit of said party of the first party, its successors and assigns of the lands hereby excepted.

2111E

PIONEER TITLE COMPANY

21

INDEXED PAID

STATE OF OREGON, } as
COUNTY OF UNATILLA, }
I, J. Dean Fouquette, Sr., County Clerk,
certify that this instrument was received and
recorded

ON SEP -3, 1980

at 1:56 o'clock P.M. in the record
of DEEDS of said County in

Book R-70 Page 548

J. DEAN FOUQUETTE, SR.
County Clerk

By *Mable M. Park* Deputy
Fees \$ 7 No. 67684

P.Y. Co. 21

1999-12

SURVEYOR'S CERTIFICATE:

I, G. DENNIS EDWARDS, AM A REGISTERED SURVEYOR WITH THE STATE OF OREGON, AND HAVE PREPARED THIS PARTITION PLAT ON THE PROPERTY SHOWN HEREON.
 THE PURPOSE OF THIS PLAT IS TO PARTITION INTO THREE PARCELS A PORTION OF TRACT OF LAND DEEDED TO CLYDE NOBLES RECORDED IN BOOK 168, PAGE 479, UMATILLA COUNTY DEED RECORDS, FOR FUTURE DISPERSAL. ALL PARCELS ARE OVER 10 ACRES SO NONE ARE SURVEYED FOR THIS PARTITION. THE BEARINGS ARE BASED ON A SURVEY DONE FOR NOBLES IN 1977 BY ME IN WHICH I SURVEYED THE WEST BOUNDARY OF THIS PROPERTY. NO MONUMENTS WERE FOUND OR SET FOR THIS PARTITION.
 DESCRIPTION: THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON. ALSO THE SOUTH 966.32 FEET OF THE EAST 1431.68 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 21, EXCEPTION THEREFROM, COUNTY ROAD RIGHTS OF WAY.

PARTITION PLAT 1999 - 12

UMATILLA COUNTY # LD - 5N - 582 - 98
 IN S 1/2, SEC. 21, T5N, R28E, W.M.

OWNER'S DECLARATION:

I, THE OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY DECLARE THAT I HAVE CAUSED THIS PARTITION PLAT TO BE PREPARED.
 I HEREBY DEDICATE THE 20 FOOT IRRIGATION EASEMENTS, AS SHOWN, FOR THE USE OF ALL THREE PARCELS AND THE PROPERTY TO THE NORTH AND WEST OF THIS PROPERTY.
 I ACKNOWLEDGE THE ACCESS EASEMENTS AS SHOWN AND THE COUNTY ROAD RIGHTS OF WAY AS SHOWN.

Clyde Nobles
 CLYDE C. NOBLES OWNER

Stuart Bonney
 STUART BONNEY
 OWNER OF COAL & IRON RIGHTS

STATE OF OREGON } SS
 COUNTY OF UMATILLA
 SUBSCRIBED AND SWORN BEFORE ME ON
 THIS 19th DAY OF March, 1999.
Carol J Taylor
 NOTARY PUBLIC FOR
 MY COMMISSION EXPIRES: Feb 21, 2001



STATE OF OREGON } SS
 COUNTY OF UMATILLA
 SUBSCRIBED AND SWORN BEFORE ME ON
 THIS 19 DAY OF March, 1999.
Darlane Lovell
 NOTARY PUBLIC FOR
 MY COMMISSION EXPIRES: 2-7-02



APPROVALS:

APPROVED THIS 22 DAY OF March, 1999
David Hill
 UMATILLA COUNTY SURVEYOR

APPROVED THIS 29 DAY OF March, 1999
Don Carson
 UMATILLA COUNTY PLANNING DIRECTOR

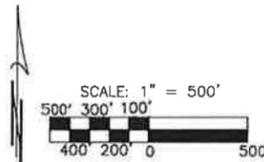
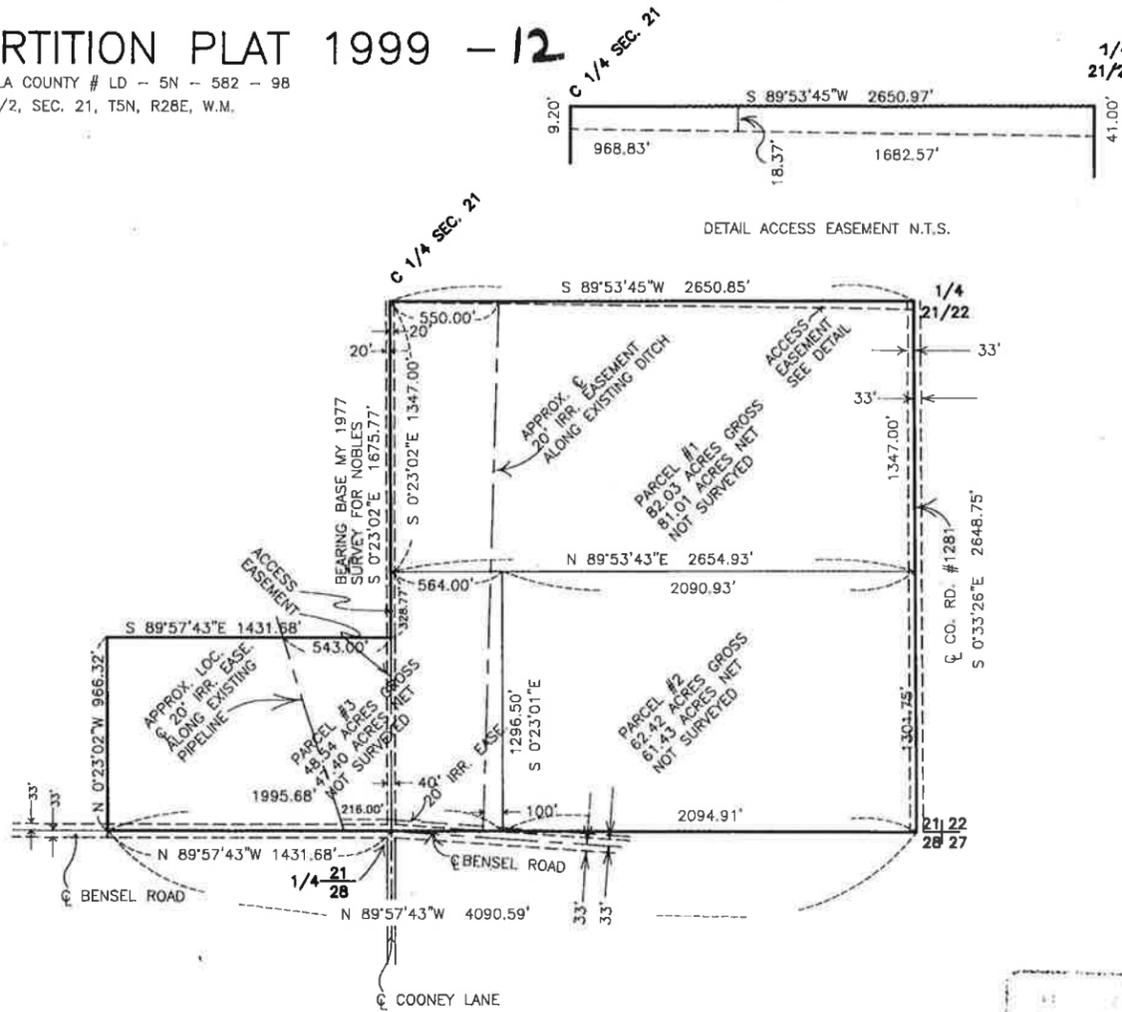
TAXES ARE PAID IN FULL THIS 23rd DAY OF March, 1999

Sharon Schults by Brandon Schults
 UMATILLA COUNTY TAX COLLECTOR

STATE OF OREGON, }
 COUNTY OF UMATILLA }
 I certify that this instrument was received and recorded
 ON March 29, 1999
 at 8:40 o'clock Am., in the record of
 PLATS of said County.
 YEAR NUMBER Slide
 1999 12

OFFICE OF COUNTY RECORDS

By: GEORGIA MCNAUGHT
 Records Officer
 Fees \$ 25.00 No. 1999-3480001



THIS IS AN EXACT COPY *St. Dennis Edwards*
 PARTITION PLAT FOR CLYDE J. NOBLES,
 IN S 1/2, SEC. 21, T5N, R28E, W.M.,
 UMATILLA COUNTY, OREGON
 2/17/99 JOB NO. P9810261
 EDWARDS SURVEYING P.O. BOX 763
 541-567-3336 HERMISTON, OR. 97838
 DRAWN BY: LLC



2001-15

PARTITION PLAT 2001-15
 IN S 1/2, SEC. 21, T 5 N, R 28 E, W.M.,
 UMATILLA COUNTY, OREGON

NARRATIVE:

I, G. DENNIS EDWARDS, AM A REGISTERED SURVEYOR OF THE STATE OF OREGON, AND HAVE PREPARED THIS PARTITION PLAT ON THE PROPERTY SHOWN HEREON. THE PURPOSE OF THIS SURVEY IS TO SEPARATE TWO EXISTING HOMES SO THE TITLE TO PARCEL 2 CAN BE TRANSFERRED. I DID NOT SURVEY THIS PARTITION BECAUSE BOTH PARCELS ARE OVER 10 ACRES. DESCRIPTION: PARCEL 3 OF PARTITION PLAT 1999-12 IN THE SOUTH HALF OF SECTION 21, T 5 N, R 28 E, WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

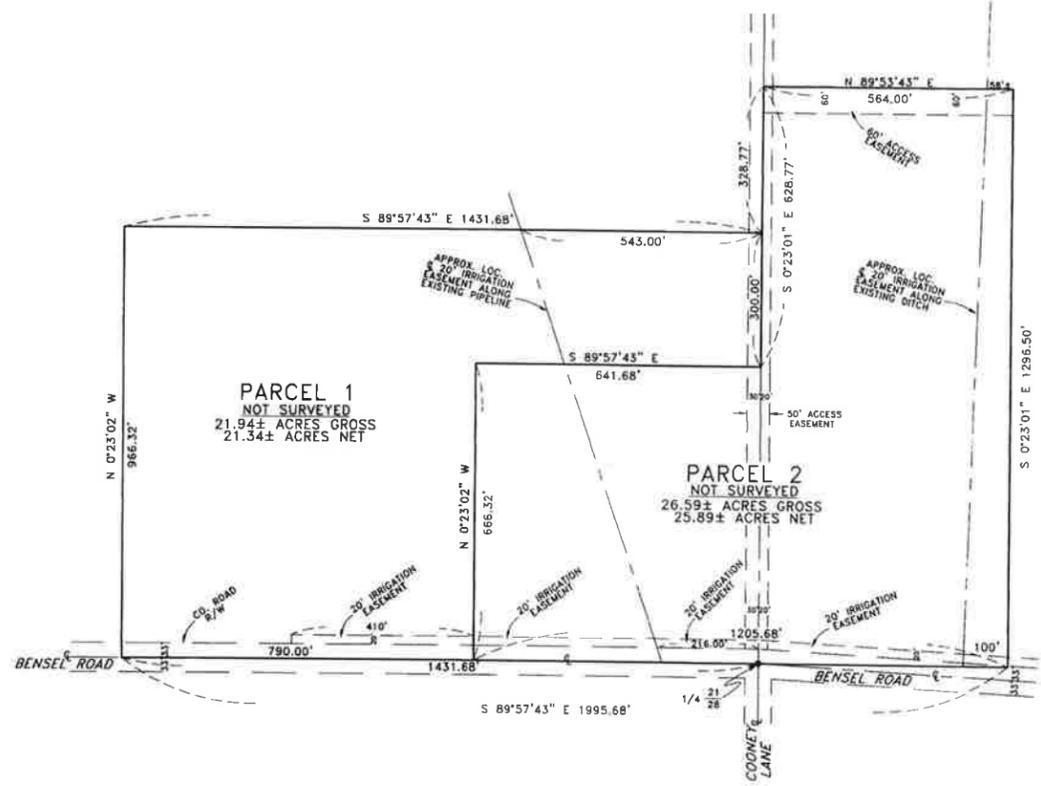
REGISTERED PROFESSIONAL LAND SURVEYOR
G. Dennis Edwards
 OREGON
 JULY 16, 1971
 G. DENNIS EDWARDS
 9 5 1
 RENEWS 12/31/2001

OWNER'S DECLARATION:

I, THE OWNER OF THE LAND DESCRIBED ABOVE, HEREBY DECLARE THAT I HAVE CAUSED THIS PLAT TO BE PREPARED. I ACKNOWLEDGE THE EASEMENTS AND ROAD RIGHTS OF WAY AS SHOWN. I HEREBY DEDICATE THE 60 FOOT ACCESS EASEMENT ALONG THE NORTH LINE OF PARCEL 2. I ALSO HEREBY DEDICATE THE 50 FOOT ACCESS EASEMENT WHICH RUNS NORTH FROM THE SOUTH QUARTER CORNER OF SECTION 21. I ALSO HEREBY DEDICATE THE 20 FOOT IRRIGATION EASEMENT AS SHOWN WHICH RUNS WEST ALONG BENSEL ROAD FROM THE EXISTING PIPELINE.

Clyde J. Nobles *Stuart Bonney*
 CLYDE J. NOBLES, OWNER STUART BONNEY, OWNER OF COAL & IRON RIGHTS

STATE OF OREGON } COUNTY OF UMATILLA }
 OFFICIAL SEAL
 GLORIA J VAUGHAN
 NOTARY PUBLIC - OREGON
 COMMISSION NO. 321822
 MY COMMISSION EXPIRES 3/22/03
 SUBSCRIBED, AND SWORN TO before me on this 19th DAY OF February, 2001, by *Gloria J. Vaughan* NOTARY PUBLIC FOR OREGON MY COMMISSION EXPIRES 3/22/03
 OFFICIAL SEAL
 WENDY E GRIFFIN
 NOTARY PUBLIC - OREGON
 COMMISSION NO. 4328428
 MY COMMISSION EXPIRES 12/31/03
 SUBSCRIBED, AND SWORN TO before me on this 19th DAY OF February, 2001, by *Wendy E. Griffin* NOTARY PUBLIC FOR OREGON MY COMMISSION EXPIRES 12/31/03



LEGEND:

● FOUND 2 3/8" B.C. SET BY ME IN 1989 OVER 1" IRON PIPE

STATE OF OREGON, COUNTY OF UMATILLA }
 I certify that this instrument was received and recorded

ON April 5, 2001 at 8:45 o'clock Am., in the record of PLATS of said County.
 YEAR NUMBER Slide
 2001 15

OFFICE OF COUNTY RECORDS

By: GEORGIA DUNAWAY Records Officer
 Fees \$ 50.00 No. 2001-3860123

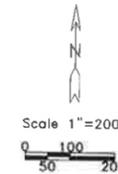
THIS IS AN EXACT COPY: *G. Dennis Edwards*
 G. DENNIS EDWARDS

APPROVALS:

APPROVED THIS 13 DAY OF February, 2001.
David Hillen
 UMATILLA COUNTY SURVEYOR

APPROVED THIS 4 DAY OF April, 2001.
D. Edwards
 COUNTY PLANNING DIRECTOR

TAXES ARE PAID IN FULL
 APPROVED THIS 26th DAY OF February, 2001.
David J. Schull
 UMATILLA COUNTY TAX COLLECTOR



JOB# S9810261-B
 EDWARDS SURVEYING P.O. BOX 763
 541-567-3336 HERMISTON, OREGON 97838
 DRAWN BY NJF

EXHIBIT K

2004-08⁶⁴

UMATILLA COUNTY PARTITION PLAT NUMBER 2004-08

LAND DIVISION NUMBER: LD-5N-674-03

A PARTITION OF PARCEL NUMBER 1 OF UMATILLA COUNTY PARTITION PLAT # 2001-15.

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

SURVEYOR'S CERTIFICATE:

I, JUDSON L. COPPOCK A REGISTERED LAND SURVEYOR FOR THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS PARTITIONED BY THIS PLAT. I ALSO CERTIFY THAT THIS PARTITION PLAT COMPLIES WITH ALL OF THE PROVISIONS OF ORS 92.

I BASED THIS PARTITION PLAT ON EDWARDS PARTITION PLAT 2001-15 FOR DISTANCE AND ROTATED TO TOMPKINS BEARINGS FOR HIS SURVEY FOR GILCHER NOV. 2002 BECAUSE TOMPKINS SHOWS THE WHOLE SECTION BREAKDOWN AND HE ALSO MATCHED MY BEARING BASE FOR P PLAT 2001-49.

DESCRIPTION:
PARCEL NUMBER 1, UMATILLA COUNTY, OREGON.
PARTITION PLAT NUMBER 2001-15.



APPROVALS:

Approved this 11 day of March, 2004
David H. Kelly
County Surveyor

Approved this 22 day of March, 2004
Lisa J. Mallard
Umatilla County Planning Dept.

Taxes are paid in full.

Approved this 22 day of March, 2004
David H. Kelly
Tax Collector

State of Oregon }
County of Umatilla } ss

I certify that the within instrument was received and filed for record on the _____ day of _____, 2004, at _____ as file No. _____

Clerk _____
Deputy _____

STATE OF OREGON, }
COUNTY OF UMATILLA } ss
I certify that this instrument was received and recorded

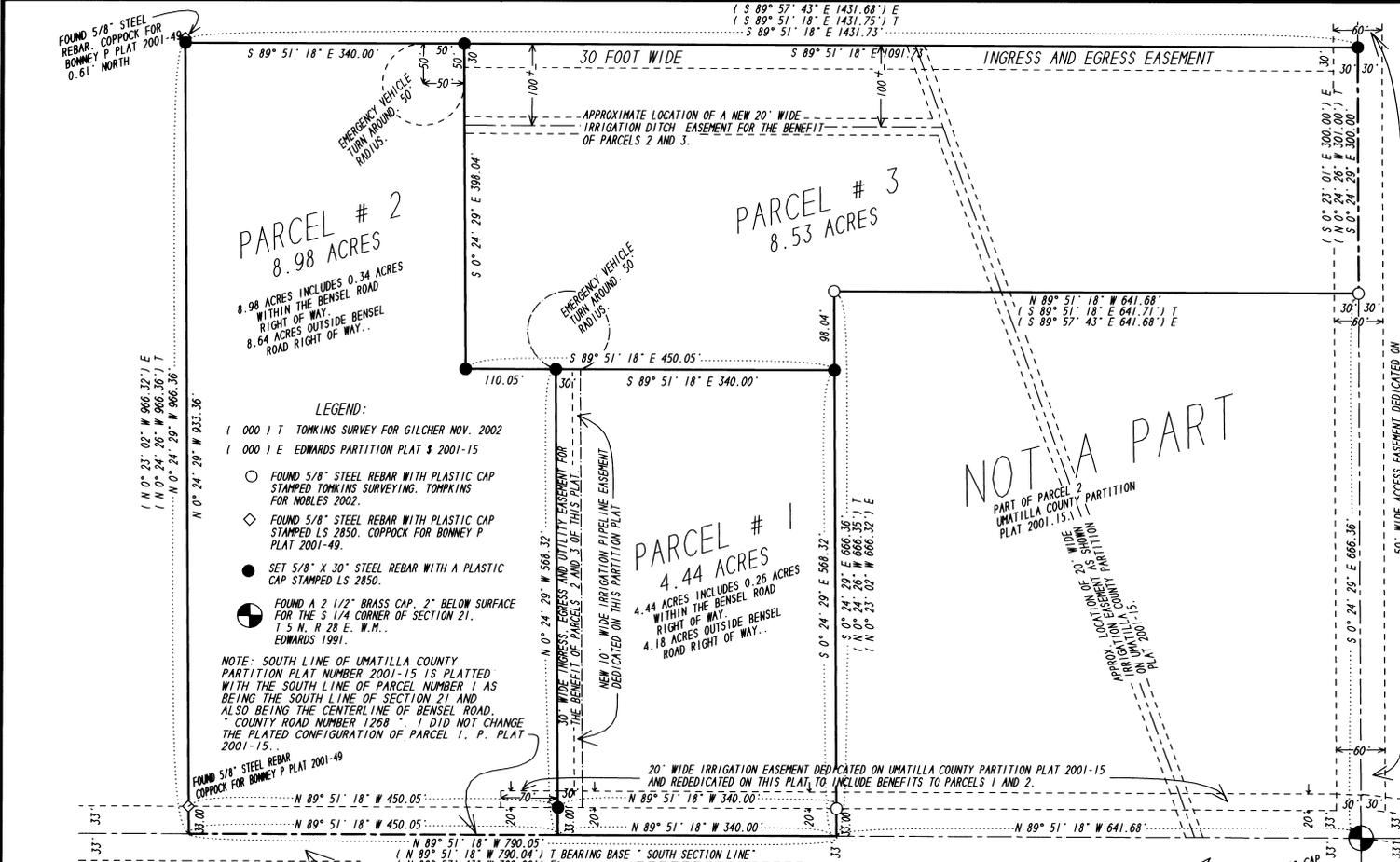
ON March 23, 2004
at 9:00 o'clock Am., in the record of
PLATS of said County.
YEAR NUMBER Slide
2004 08

OFFICE OF COUNTY RECORDS

By: _____ Records Officer
Fees \$ 50.00 No. 2004-4590061

PARTITION PLAT FOR:
CLYDE C. NOBLES, PERSONAL REPRESENTATIVE
OF THE CLYDE J. NOBLES ESTATE
650 MONROE STREET, UMATILLA, OREGON 97882

COPPOCK SURVEYING 02/09/04
P. O. BOX 495 541-676-8750
HEPPNER, OR. 97836 Job No. 1098031



- LEGEND:**
- (000) T TOMPKINS SURVEY FOR GILCHER NOV. 2002
 - (000) E EDWARDS PARTITION PLAT # 2001-15
 - FOUND 5/8" STEEL REBAR WITH PLASTIC CAP STAMPED TOMPKINS SURVEYING, TOMPKINS FOR NOBLES 2002.
 - ◇ FOUND 5/8" STEEL REBAR WITH PLASTIC CAP STAMPED LS 2850, COPPOCK FOR BONNEY P PLAT 2001-49.
 - SET 5/8" X 30" STEEL REBAR WITH A PLASTIC CAP STAMPED LS 2850.
 - ⊕ FOUND A 2 1/2" BRASS CAP, 2" BELOW SURFACE FOR THE S 1/4 CORNER OF SECTION 21, 5 N. R. 28 E. W.M., EDWARDS 1991.

NOTE: SOUTH LINE OF UMATILLA COUNTY PARTITION PLAT NUMBER 2001-15 IS PLATTED WITH THE SOUTH LINE OF PARCEL NUMBER 1 AS BEING THE SOUTH LINE OF SECTION 21 AND ALSO BEING THE CENTERLINE OF BENSEL ROAD. COUNTY ROAD NUMBER 1268. I DID NOT CHANGE THE PLATED CONFIGURATION OF PARCEL 1, P. PLAT 2001-15.

FOUND 5/8" STEEL REBAR COPPOCK FOR BONNEY P PLAT 2001-49

OWNERS DECLARATION:

I, CLYDE C. NOBLES, THE PERSONAL REPRESENTATIVE OF THE CLYDE J. NOBLES ESTATE WHICH INCLUDES THE PROPERTY SHOWN ON THIS PARTITION PLAT, DO STATE THAT I HAVE CAUSED THIS PARTITION PLAT TO BE PREPARED IN ACCORDANCE WITH ORS CHAPTER 92.

I HEREBY DEDICATE THE 30 FOOT WIDE INGRESS AND EGRESS AND UTILITY EASEMENT SHOWN ALONG THE NORTH 30 FEET OF PARCEL NUMBER 3, AND THE 50 FOOT RADIUS EMERGENCY VEHICLE TURNAROUND SHOWN IN PARCEL 2, FOR THE BENEFIT OF PARCEL NUMBERS 2 AND 3.

I HEREBY DEDICATE THE 30 FOOT WIDE INGRESS AND EGRESS AND UTILITY EASEMENT SHOWN ALONG THE WEST 30 FEET OF PARCEL NUMBER 1, AND THE 50 FOOT RADIUS EMERGENCY VEHICLE TURNAROUND SHOWN IN PARCEL 3, FOR THE BENEFIT OF PARCEL NUMBERS 2 AND 3.

I HEREBY DEDICATE THE 10 FOOT WIDE IRRIGATION PIPELINE EASEMENT SHOWN ALONG THE EAST 10 FEET OF THE 30 FOOT WIDE INGRESS, EGRESS AND UTILITY EASEMENT AS DEDICATED ABOVE ALONG THE WEST 30 FEET OF PARCEL NUMBER 1, FOR THE BENEFIT OF PARCEL NUMBERS 2 AND 3.

I HEREBY DEDICATE THE 20 FOOT WIDE IRRIGATION DITCH EASEMENT, THE CENTERLINE OF WHICH IS SHOWN 100 FEET SOUTH MORE OR LESS OF THE NORTH LINE OF PARCEL NUMBER 3 BEGINNING AT THE CENTERLINE OF THE 20 FOOT WIDE IRRIGATION PIPELINE EASEMENT SHOWN ACROSS PARCELS 1 AND 2 OF PARTITION PLAT 2001-15 AND PARCEL NUMBER 3 OF THIS PLAT AND ENDING AT THE NORTH-SOUTH BOUNDARY BETWEEN PARCEL NUMBERS 2 AND 3 OF THIS PLAT FOR THE BENEFIT OF PARCEL NUMBERS 2 AND 3.

I HEREBY REDEDICATE THE 20 FOOT WIDE IRRIGATION EASEMENT CREATED ON UMATILLA COUNTY PARTITION PLAT 2001-15 AND SHOWN ALONG THE SOUTH 20 FEET OF PARCEL NUMBER 1, AND ALONG PART OF PARCEL NUMBER 2 FOR THE BENEFIT OF PARCEL NUMBERS 1 AND 2.

I HEREBY ACKNOWLEDGE THE EXISTING EASEMENTS AND RIGHTS OF WAY SHOWN ON THIS PLAT (INCLUDING THE COUNTY ROAD NUMBER 1268 "BENSEL ROAD") AND ANY OTHER RECORDED OR UNRECORDED ENCUMBRANCES WHICH A THOROUGH TITLE SEARCH MIGHT REVEAL.

Clyde C. Nobles PR

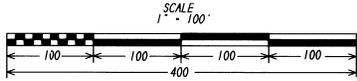
CLYDE C. NOBLES AS THE PERSONAL REPRESENTATIVE OF THE CLYDE J. NOBLES ESTATE. UMATILLA COUNTY PROBATE #: PR 020164

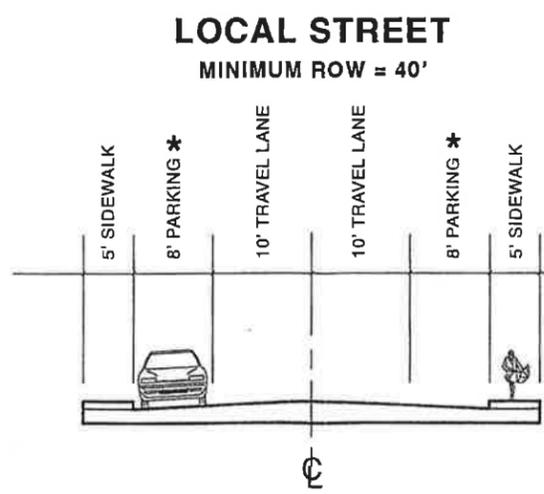
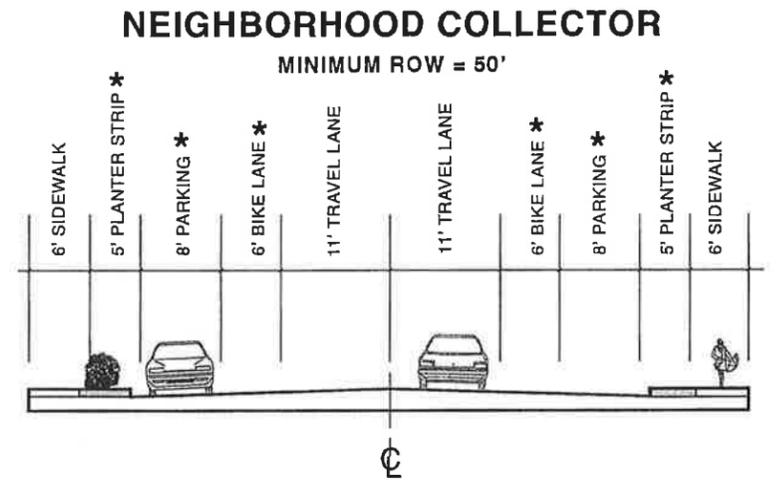
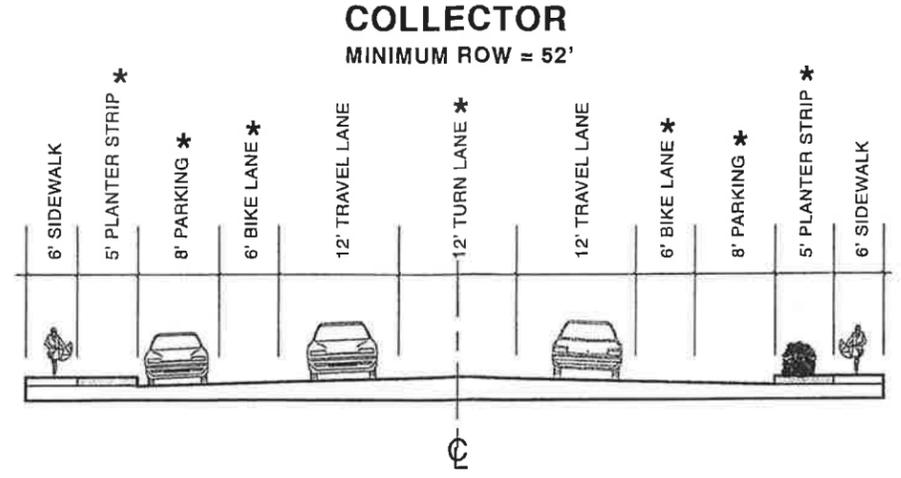
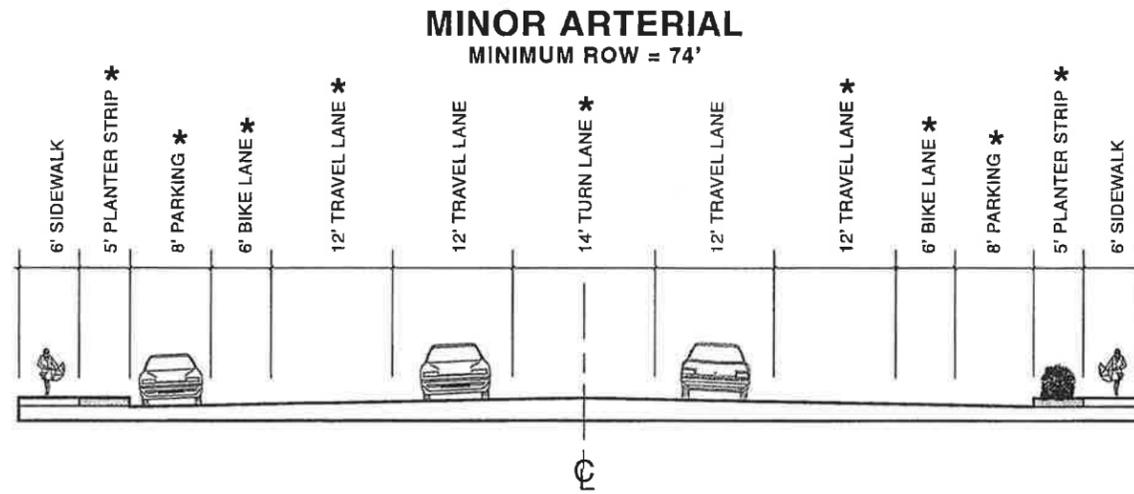
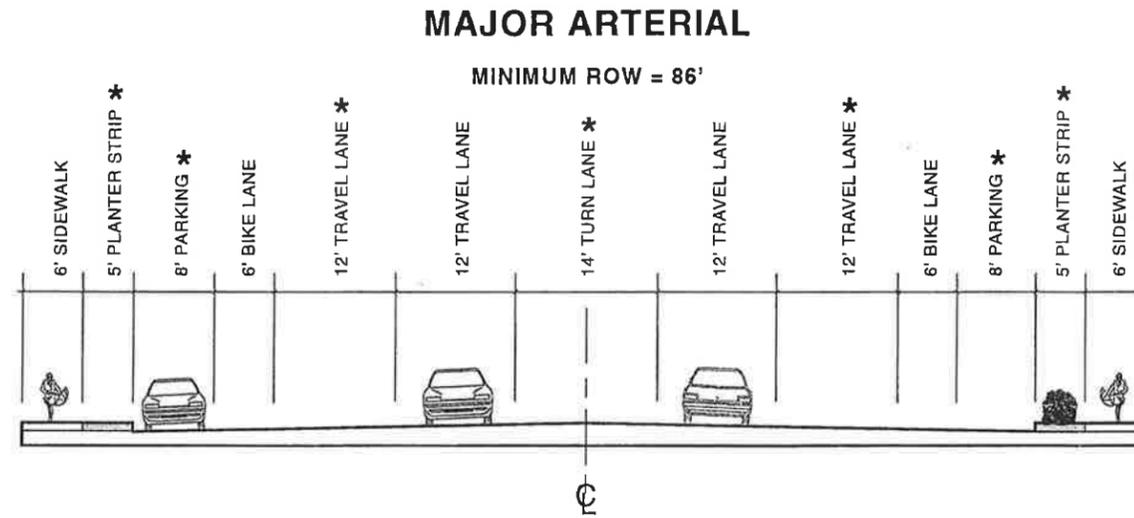
State of OREGON } ss
County of UMATILLA }
On this 11th day of MARCH, 2004
Clyde C. Nobles appeared before me and acknowledged that he having caused this instrument to be prepared to his free and voluntary act.
Sharon K. Buehler
Notary Public for OREGON # 369333
My commission expires June 16, 2007.

Stuart Bonney

STUART BONNEY AS OWNER OF THE COAL AND IRON RIGHTS UNDER THE LANDS PARTITIONED BY THIS PLAT.

State of OREGON } ss
County of UMATILLA }
On this 5th day of MARCH, 2004
Stuart Bonney appeared before me and acknowledged that he having caused this instrument to be prepared to his free and voluntary act.
Sharon K. Buehler
Notary Public for OREGON # 369333
My commission expires June 16, 2007.





* Optional
 Note: 5-foot bike lanes may be provided at locations where an adjacent on-street parking lane is provided.
 ROW = Right-of Way

Note: Local Street ROW allows for 2' shy distance along curb face.

**FUNCTIONAL CLASSIFICATION
 ROADWAY CROSS-SECTIONS**