

**CITY OF UMATILLA
PLANNING COMMISSION
June 26, 2018
COUNCIL CHAMBERS**

- I. CALL TO ORDER:** Planning Commission, Chair, Smith called the meeting to order at 6:30 p.m.
- II. ROLL CALL:**
- A. **Present:** Chair, Lyle Smith, Commissioners: Jodi Hinsley, Kelly Nobles and Ramona Anderson.
 - B. **Absent:** Vice Chair, Heidi Sipe and Commissioner, Craig Simson.
 - C. **Late arrival:** Commissioner Thomas Love
 - D. **Staff present:** City Planner Brandon Seitz and Community Development Director, Tamra Mabbott.
- III. APPROVAL OF MINUTES:** For May 22, 2018. Motion to approve minutes made by Commissioner Nobles, motioned second by Commissioner Hinsley. Motion carried unanimously.
- IV. UNFINISHED BUSINESS:** None
- V. NEW BUSINESS:**
- A. **UEC Conditional Use CU-5-18:** The applicant, Umatilla Electric Cooperative, requests approval to construct a new five (5) mile overhead 115-kV electric transmission line from the McNary Substation owned by the Bonneville Power Administration to the existing Hermiston Butte Substation. This application is for the portion of the proposed transmission line within the City of Umatilla's Urban Growth Boundary. The proposed transmission line would be constructed primarily on private property, within utility easements, located adjacent to Lind Road. The properties are identified as Tax Lots 100 and 200 on Assessors' Map 5N2815BC, Tax Lot 100 on Map 5N2815CB, Tax Lots 3902, 3900, 3700, 3600, 4090, 4091 and 4100 on Map 5N2815CC, Tax Lots 1700, 1800, 1900, 2000 and 2003 on Map 5N2822BB, Tax Lots 700, 1800, 1900 2100 and 2300 on Map 5N2822 and Tax Lots 100, 200, and 1402 on Map 5N2821.

City Planner, Brandon, stated this application has two issues. First there are four landowners that have not given consent to UEC at this time, however, the Public Utilities Commission has issued a certificate addressing the need for the construction of the transmission lines. Second issue came late in the application process where he noticed part of the transmission line was in a wetland. Applicant sent a letter regarding federal standards when constructing in wetlands, but since the disruption is minimal they won't require a federal permit. The Department of State Lands (DSL) requires a removal fill permit for any project that is removing 50 cubic feet or more. Applicant will likely not require permit since project is less than that. All State or Federal permits are required as a contention of approval and notice was sent to DSL.

Chair, Smith, opened for public testimony;

Chair Smith calls for testimony in support.

Tommy Brooks, Umatilla Electric Representative. Mr. Brooks stated Umatilla Electric offers service to over 2,000 square miles in the area. This request is to accommodate load growth. In the last couple years, they have seen a 17% increase and expect to see continuous growth. In order to meet the increase, they had to submit a request to the Public Utilities Commission and had to prove the need. A requirement was made by PUC that UEC look at other alternatives. Umatilla Electric looked for other alternative and this was the best solution. The benefit to this solution was that most of the transmission lines will be set in current right of ways.

Chair Smith calls for testimony in opposition or neutral.

Ken Bonney, resident has been attempting to contact UEC for over two months. Mr. Bonney's main complaint is that the easement requested by UEC is exclusive. They intend to take up 20% of his property and that will cause him to raise his already high property taxes.

Chair Smith calls for testimony in rebuttal.

Tommy Brooks, Umatilla Electric Representative. Mr. Brooks states testimony from Mr. Bonney did not address the criteria. UEC is following the process that is needed to obtain easements and have been doing so for many years. This meeting is part of the process and without easements they cannot move forward.

Tamra Mabbott, Community Development Director, inquired if property owners are represented by legal council or is UEC's legal council contacting landowners. Information was not known at this time.

Commissioner Nobles, inquired if UEC does not obtain easements from property owners if the project is a no go?

Mr. Brooks responded easement permission granted by landowners would be the preferred method to obtain, but there are other alternatives that can be implemented such as condemnation.

Commissioner Hinsley, requested clarification if property owners don't sign then UEC can get property anyways.

Mr. Brooks responded that there is a court proceeding that could take place, but they prefer not to go that route.

Commissioner Nobles, comment to follow up with property owners personally.

Chair, Smith, called for a motion. Motion to close the hearing by Commissioner Nobles. Motion was second by Commissioner Anderson. Voted: 4-0. Motion carried. Commissioner Nobles, abstained. Chair, Smith, voted to obtain a quorum.

Chair, Smith, called for a motion. Motion to approve conditional use permit with the conditions of approval and adopt the findings by Commissioner Nobles. Motion was second by Commissioner Anderson. Voted: 4-0. Motion carried.

- B. **Ochoa Conditional Use CU-8-18:** The applicant, Juan Ochoa, requests approval to establish a commercial/industrial machinery and equipment rental business. The applicant previously operated a trucking business and still owns a large number of trailers. The applicant is proposing to establish an office to lease/rent the trailers in the existing building and construct a new shop to maintain the trailers. The situs address is 30310 Highway 730, Umatilla, OR 97882.

City Planner, Brandon, stated this application is to allow the applicant to operate an equipment and trucking rental business. The question he would like the planning commission to consider is weather or not they want to allow this type of use in the general commercial zone. Typically, trucking uses are permitted in an industrial zone. The standards applicable to this application appear to have been met. Letter from BPA states concerns the location of the proposed shop and fencing location. Typically, outdoor storage requires screening and BPA typically does not allow fencing with an easement. Current equipment at location is being stored on BPA easement. Brandon's recommendation to Planning Commission is to continue the CU application to allow time to coordinate with BPA staff to ensure the approval meets BPA requirements.

Commissioner Nobles, inquired if applicant can handle with conditions?

City Planner, Brandon stated BPA easement on applicant's property is pretty significant. Applicant is aware of easements issues and requested on proceeding with CU.

Chair, Smith, questioned if a 6' fence is tall enough to obscure a semi-trailer.

City Planner, Brandon, stated no, but that is the standard. The issue is a 6' fence is the maximum allowed in the general commercial zone, however, this use is not typically allowed in this zone and if we were discussing industrial zones there would be a different fence height requirement.

Chair, Smith, called for a motion. Motion to leave record open and continue to July 24th hearing by Commissioner Anderson. Motion was second by Commissioner Nobles. Voted: 4-0. Motion carried.

- C. **City of Umatilla Zone Change ZC-1-18:** The applicant, City of Umatilla, is proposing to amend the Sections 10-1-6, 10-3A-2, 10-3B-2 and Chapter 11 of the City of Umatilla Zoning Ordinance. The amendment will allow Accessory Dwelling Units in residential zones where detached single-family dwellings are allowed and adopt site and design standards for Accessory Dwelling Units.

City Planner, Brandon, stated this will be a recommendation to City Council. SB 1051 requires a city with population of 2500 plus to allow Accessory Dwelling Units. This requirement will apply to two of our current zones R1 and R2. A majority of the

concerns are for older neighborhoods in City such as inadequate parking, sidewalks and impact to infrastructure. Brandon stated he received a letter from a resident, Carla McLane, residents' major concerns were; where would mailboxes be placed and how to address ADUs to accommodate emergency response vehicles. In the event more addresses are requested the post master generally does require a centralized location for mailboxes.

Commissioner Nobles, concerned regarding baseline code can it be changed specifically to address sewer and water capacity if on overload.

City Planner, Brandon, states it can be changed and would require a code amendment at a later date. Goal 11 in the Comprehensive Plan addresses public utilities. However, the SDC fees and utility standards are not in the zoning ordinance and ultimately defers to the City Manager for that judgment.

Tamra Mabbott, Community Development Director, would like to make note that if we are having limitation to our sewer and water infrastructure then no permit will be allowed based off that limitation that we do not have the capacity to sustain it.

Commissioner, Anderson, stated many houses already have 8-10 people living in them and now ADUs will allow more people in the lot. She feels as though she is the only one concerned with the amount of people that currently reside in homes.

Chair, Smith, clarified that planning commission can only pass code, they cannot discriminate on the amount of people living in a home.

Commissioner, Love, inquired if there are any stipulations on who can live in an ADU for example a mother in law, family member, etc.

City Planner, Brandon, states that is almost impossible to enforce. He researched what other cities are doing and Hermiston originally requested that ADUs do not charge rent. Hermiston's legal council suggest they remove that requirement.

Commissioner, Nobles, inquired if RV's would be allowed.

City Planner, Brandon, stated no, homes must meet building code and he posed the question to the commissioners if they would like to see restrict on ADUs such as mini homes, stick built, modular or manufactured home.

Commissioner, Anderson, would like to know what City Planners recommendations are.

City Planner, Brandon, states he recommend three items; the adoption of the state definition as found on page 93 of this packet, the amending of two residential codes to allow for ADUs zone R1 and R2 lastly, adopt siting standards as found on page 104 of this packet.

Commissioner, Nobles, inquired if 800 square feet for ADU would only be imposed to new construction and if there are fire code setbacks to be considered.

City Planner, Brandon, stated yes it does limit it to new construction and he will reached out to both Fire Chief Potts and Fire Marshall Goff, to see if they have any recommendations.

Chair, Smith, would like to know what the Council wants, finish product? If so discussion needs to be continued to next meeting to address several items discussed this evening such as; emergency response vehicle accessibility, placement of mailboxes, addresses, response from both Fire Chief and Fire Marshall, clarification on sewer and water capacity and lastly if manufactured homes can be permitted.

Chair, Smith, opened for public comment.

Chief Huxel, stated she has two concerns, parking and garbage. Not enough parking and garbage is a problem.

Community Development Director, Tamra, stated city code address minimum parking requirement. If applicant cannot meet minimum requirement, applicant will not be granted permission to build ADU. As far as garbage, City does not require garbage service, however, a recommendation to require it can be made.

Bruce McLane, 170 Van Buren Drive, stated he will leave his paper comments with staff. He has an issue receiving mail because of congestion. He is not opposed to ADUs, if done properly could be a real benefit.

Commissioner, Anderson, recommends City Planner reach out to Post Master to see what solution can be made.

Chair, Smith, called for a motion. Motion to leave record open and continue July 24th hearing by Commissioner Anderson. Motion was second by Commissioner Hinsley. Voted: 4-0. Motion carried.

VI. DISCUSSION ITEMS:

II. INFORMATIONAL ITEMS:

- A. Community Development Director, Tamra Mabbott, wanted to thank all the commissioners who attended the training and was open to thoughts. Commissioner, Nobles, thought JD Tovey and Bobbie were awesome. Commissioner, Hinsley, stated it opened her eyes to understand the waiting and way to comment.

III. ADJOURNMENT: Adjourned at 8:12pm.