

UMATILLA CITY PLANNING COMMISSION

MEETING AGENDA

August 28, 2018 - 6:30 P.M.

Umatilla City Hall, Council Chambers

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- I. CALL TO ORDER & ROLL CALL
- II. APPROVAL OF MINUTES: June 26, 2018 & July 24, 2018 minutes
- III. UNFINISHED BUSINESS: None
- IV. NEW BUSINESS:
  - A. **Mo Mo Inc Conditional Use CU-9-18:** The applicant, Mo Mo Inc., requests approval to establish a doctor office. The applicant intends to convert an existing single-family dwelling into a primary care facility including patient care rooms and administrative offices. The subject property is located at 82346 Bucks Lane on Tax Lot 1300 on Assessor's Map 5N2816A.
  - B. **Nobles Code Interpretation CI-1-18:** The applicant, Clyde Nobles, is requesting a code interpretation to determine if manufactured homes are a permitted use within Downtown Residential zone. In addition, if manufactured homes are allowed to identify what siting standards are applicable to a Type I request to place a manufactured home within the Downtown Residential zone.
- V. DISCUSSION ITEMS:
- VI. INFORMATIONAL ITEMS:
- VII. ADJOURNMENT

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**CITY OF UMATILLA  
PLANNING COMMISSION  
June 26, 2018  
\*\*\*Draft Minutes\*\*\*  
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 24<sup>th</sup> 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 24<sup>th</sup> 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.

**CITY OF UMATILLA  
PLANNING COMMISSION  
July 24, 2018  
\*\*\*Draft Minutes\*\*\*  
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, Ramona Anderson and Thomas Love
  - B. **Absent:** Vice Chair, Heidi Sipe and Commissioner, Craig Simson.
  - C. **Late arrival:**
  - D. **Staff present:** City Planner Brandon Seitz and Community Development Coordinator, Esmeralda Horn.
- III. APPROVAL OF MINUTES:** Minutes for meeting held June 26, 2018 are not ready for approval at this time.
- IV. UNFINISHED BUSINESS:**
- A. **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 Seitz, noted application was continued from previous month due to concerns staff had, especially with applicant encroaching on BPA easement. Recommendation to amend site plan so BPA may review to meet all criteria.

Commissioner, Nobles, inquired if applicant has met with BPA.

City Planner, Brandon, stated he has contacted the applicant and let him know that BPA is willing to work with him. At this time, it is the responsibility of the applicant to contact BPA.

Commissioner, Nobles, requested clarification if application granted if it will hold.

City Planner, Brandon, stated application will hold as the applicant will be required to submit a site plan application and contact BPA prior to operating the business.

Commissioner, Love, inquired on how much leeway the applicant has on his property.

City Planner, Brandon, stated applicant would likely have to reduce the overall size of the building he is requesting to meet all setbacks and stay out of the easement.

Chair, Smith, opened for public testimony;

Chair Smith calls for testimony in support, opposition or neutral. None, no rebuttal.

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

No further discussion by commissioners.

Chair, Smith, called for a motion. Motion to approve by Commissioner Nobles. Motion was second by Commissioner Anderson. Voted: 4-0. Motion carried.

- B. 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 Seitz, stated application was continued from previous month. ADUs will impact two zones R1 and R2, City has an obligation to be straight forward in the zone ordinance due to legal concerns. Communication was made with Fire Chief Potts, he would like to see an 8-10' setback between dwelling units. Request cannot be accommodated since Fire code minimum is 6'. City would have difficult time imposing additional setbacks with no justification. Issue concerning parking can be resolved by requesting applicant to have one off street parking per unit. City Planner recommends not imposing anything more than that. City Planner researched what other cities are requiring or how they are addressing the parking issue and locally most cities require one off street parking minimum.

Chair, Smith, opened for public testimony;

Chair Smith calls for testimony in support, opposition or neutral. None, no rebuttal.

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

No further discussion by commissioners.

Chair, Smith, called for a motion. Motion to recommend approval to the City Council by Commissioner Nobles. Motion was second by Commissioner Anderson. Voted: 4-0. Motion carried.

## **V. NEW BUSINESS:**

- A. Commonwealth Real Estate Conditional Use CU-6-18:** The applicant, Commonwealth Real Estate Services, requests approval to convert the existing RV sites into manufactured home sites. The property is developed with a mixed-use RV park and manufactured home park. The applicant intends to convert the existing RV spots to 12 new manufactured home lots.



City Planner, Brandon Seitz, states applicant wishes to convert existing RV spots to 12 new manufactured home lots. Since location is in the Urban Growth Boundary, the 1972 Umatilla County Zoning Ordinance does apply. According to the UCZO all requirements in application have been met.

Chair, Smith, opened for public testimony;

Chair Smith calls for testimony in support, opposition or neutral. None, no rebuttal.

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

No further discussion.

Chair, Smith, called for a motion. Motion to approve the hearing made by Commissioner Hinsley. Motion was second by Commissioner Love. Voted: 4-0. Motion carried.

- B. **Nobles Conditional Use CU-7-18:** The applicant, Kelly Nobles, requests approval to develop a 60 site RV park. The applicant is proposing to develop the RV park to a temporary standard with the intent to reapply for a larger design if/when the existing rail spur is vacated. The subject property is generally located between I and L Streets north of Fifth Street and the rail spur. The property is identified as Tax Lots 100, 190, 300 and 400 on Assessor's map 5N2817BD.

Commissioner, Nobles, would like to recuse himself as he is the applicant.

City Planner, Brandon Seitz, would like to note for the record. Since Commissioner Nobles is recusing himself, Chair Smith, will now be a voting member for a quorum. Brief overview on ground disturbance work that took place at the location prior to application being submitted. City was contacted by both CTUIR and State Historic Preservation Office about ground disturbing work and will require a damage assessment. this requirement is included as a condition of approval for clarity purposes. Just to the north of proposed RV park is known as the Old Townsite Historic Area. Additionally, a state archaeological permit will be required for any work within a historic site. This permit requires an in-depth analysis to be made at the property location. At this time, we are only reviewing the conditional use permit, which will allow the applicant to establish the RV park. City planner recommends no site plan be reviewed or required until the archaeological review has been completed. States that SHPO recommendation after the assessment will satisfy City standards. Temporary road proposed by applicant does meet current City standards. However, the code allows for an interim standard. Recommendation to review in five years to require the applicant to bring road up to City standards or request an extension. City Planner would like to note that in the findings subject property was 2.79 which was not sufficient to satisfy RV park minimum area requirements, however, applicant contacted County to update records which reflect total property is 3.28. This meets

the requirement for an RV park. Letter was received from UPRR regarding proposed use, their concern is pedestrian access and signage near rail crossing on the adjacent rail spurs. Brandon is unclear if UPRR is aware the old rail bridge over Umatilla has been removed and UPRR property west of the Umatilla River has been vacated back to property owners.

Chair, Smith, opened for public testimony;

Kelly Nobles, 1050 Stephens Umatilla, OR, applicant, would like to give a brief overview regarding the ground disturbance. He contacted a contractor to clear the sage brush. While clearing the sagebrush, contractor brought a CAT to move a concrete slab. While working he noticed a blue CTUIR truck parked near the construction site. He then walked and spoke with the CTUIR employee and explained to the official what he was doing. The next day he received an email from the CTUIR employee addressing various statues. He notified the official he would like to cooperate with the entire process and was told he will need an archaeological permit which will conduct an assessment of the location. Mr. Nobles, would like address all standards addressed in the conditional use permit.

- The current stay is 90 days he would like PC to consider for this temporary five year use a stay of 9 months.
- Minimum acres for RV are 3 acres, requirement met.
- Site Plan pending archaeological review.
- 30-gallon garbage containers per 2 sites, requirement met.
- Sewer, water and sanitary lines will tie in with new hydrant and meter-discussion with Public Works Director in review.
- Minimum size of RV sites, requirement met.
- Minimum size of roadway 24', requirement met.
- Additional parking, requirement met.
- 10 x 20 park area will be adjacent to RV sites, requirement met.
- Lighting requirement met.
- RV privacy screening, met with neighbors they do not want privacy screen as will obscure view to Columbia River. Privacy fence review will be left pended until final design review.
- Dump station, requirement met.
- Water and sanitary services, requirement met.

Recommendation mirror standards in findings, no need to review.

Commissioner, Hinsley inquired why there is a 90-day minimum stay.

City Planner, Brandon Seitz, stated RV use is intended for temporary occupancy and not intended to be permanent dwelling. Staff also stated that 10 x 20 parking areas are required to be paved not gravel. Staff recommends applicant apply for a variance to change the length of time someone may stay at the RV park and to allow a gravel parking area. The code currently states both of those requirements as a shall which legally makes them a requirement without a variance.

Chair, Smith, calls for testimony in support, opposition or neutral.

Kimberly Nobles, 81299 Cooney Lane Hermiston, OR 97838, Ms. Nobles states an RV is a great solution for construction workers and would bring more people inside City limits. This would be a great solution for our local businesses to generate more income.

Clyde Nobles, 650 Monroe St Umatilla, OR 97882, Mr. Nobles stated in 1952 there was a baseball field down where the proposed RV site is-that land has already been disturbed. The RV is a great idea since Umatilla could use the extra people.  
Chair, Smith, calls for rebuttal. None.

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

No further discussion.

Chair, Smith, called for a motion. Motion to approve the hearing made by Commissioner Love. Motion was second by Commissioner Hinsley. Voted: 4-0. Motion carried.

**VI. DISCUSSION ITEMS:**

**II. INFORMATIONAL ITEMS:**

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

**CITY OF UMATILLA PLANNING COMMISSION  
REPORT AND RECOMMENDATION  
FOR  
CONDITIONAL USE CU-9-18**

**DATE OF HEARING:** August 28, 2018

**REPORT PREPARED BY:** Brandon Seitz, City Planner

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**I. GENERAL INFORMATION AND FACTS**

**Applicant:** Mo Mo Inc., PO Box 1290, Umatilla, OR 97882.

**Property Owners:** Mo Mo Inc., Po Box 1290, Umatilla, OR 97882

**Land Use Review:** Conditional Use to establish an office or clinic for a doctor, dentist or other practitioner of the healing arts, attorney, architect, engineer, surveyor or accountant.

**Property Description:** Township 5N, Range 28E, Section 16A, Tax Lot 1300.

**Location:** The subject property is located at 82346 Bucks Lane, Umatilla, OR 97882. The property is located north of the Highway 730 and Lind Road intersection.

**Existing Development:** The property is developed with and existing single-family dwelling.

**Proposed Development:** The applicant intends convert the existing single-family dwelling to a doctor's office/primary care facility including patient care rooms and administrative offices.

**Zone** Medium Density Residential (R-2).

**Adjacent Land Use(s):**

<b>Adjacent Property</b>	<b>Zoning</b>	<b>Use</b>
North	Single-Family Residential	Vacant land
South	General Commercial	Vacant land and Highway 730
East	Exclusive Farm Use (Umatilla County Zoning Ordinance)	Vacant land
West	Exclusive Farm Use (Umatilla County Zoning Ordinance)	Transmission lines and vacant land

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

The applicant, Mo Mo Inc., requests approval to establish a doctor's office on the subject property. The applicant intends to convert an existing single-family dwelling into a primary care facility including patient care rooms and administrative offices.

## **III. ANALYSIS**

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

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

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

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

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

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

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

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

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

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

**Findings:** The proposed use is not a community service use.

**Conclusion:** The proposed use is not a community service use. This criterion is not applicable.

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

and access, site size and configuration, adequacy of public facilities.

**Findings:** The subject property is surrounded by primarily vacant lands. North of the property is vacant land zoned Single-Family Residential (R-1). West of the property is developed with multiple transmission lines including large BPA easements that limits future development. East of the property is undeveloped federally owned lands managed by the Army Corp. South of the property is commercial lands under common ownership and Highway 730.

Highway 730 is an adequacy transportation facility to serve the proposed doctors office. The existing access locations are considered grandfathered approaches. Discussions with ODOT is that changing the use of the property to a doctor's office would likely not trigger a change of use for the approaches. ODOT was send notice of this application and will have the opportunity to provide additional comment.

The property is currently served by City water and served by and onsite septic system. Therefore, the applicant will need to provide verification from Umatilla County Environmental Health that the existing septic systems is adequate to serve the proposed use or obtain the necessary approval/permit to upgrade the system to serve the proposed use.

**Conclusion:** The proposed site is surrounded by primarily undeveloped lands, except for the existing transmission lines, and Highway 730. The proposed use would have limited impacts to neighboring land uses. Highway 730 is adequate to serve the proposed use and the existing access points are believed to be adequate. A condition of approval will be imposed requiring the applicant to obtain the necessary approval/verification from Umatilla County Environmental Health that the existing septic system is adequate to serve the proposed use or obtain the necessary approval.

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

**Findings:** As address above the subject property is surrounded by primarily undeveloped lands with the exception of existing transmission lines and Highway 730. The proposed use would likely have no impacts to the surrounding properties. The applicant has served Umatilla County for 18 years in a number of medical roles and has a statewide patient base. The primary care/doctor's office will provide medical services/resources to the local community.

**Conclusion:** No impacts have been identified by staff that would require mitigation. As address above the subject property is surrounded by largely vacant/undeveloped lands. Unless evidence to the contrary is provided the proposed use is not anticipated to generate significant impacts to neighboring properties and will provide additional medical services/resources to the community.

## **CUZO 10-13-2: SITE REVIEW:**

### **B. Application:**

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

- a. Landscaped areas shall be provided with automatic irrigation unless a landscape architect certifies that plants will survive without irrigation.
- b. Landscaping shall be located along street frontages and building fronts to enhance the street appearance of a development.

**Findings:** The subject property does not have frontage along a street, therefore landscaping along a street is not required. There is existing landscaping located along the building front, however, the applicant has indicated that new landscaping will be installed with automatic irrigation.

**Conclusion:** The applicant intends to provide landscaping along the building front. A condition of approval will be imposed requiring automatic irrigation unless a landscape architect certifies the plants will survive without irrigation.

- c. Outdoor storage and garbage collection areas shall be entirely screened with vegetation, fence, or wall.

**Findings:** The applicant is not proposing any outdoor storage or garbage collection areas.

**Conclusion:** No outdoor storage or garbage collection area is proposed.

- d. Based on anticipated vehicle and pedestrian traffic and the condition of adjacent streets and rights of way, the city may require right of way improvements including, but not limited to, paving, curbs, sidewalks, bikeways, lighting, turn lanes, and other facilities needed because of anticipated vehicle and pedestrian traffic generation. Minimum requirements shall conform to the standards of subsection 11-4-2C of this code, minimum street standards and the public works standards.

**Findings:** The applicant has indicated they are anticipating approximately 50 daily trips to be generated from the proposed doctor's office. As addressed in this report the subject property is served by Highway 730. Highway 730 is adequate to serve the proposed use and the addition of approximately 50 daily trips would not require improvements within the right of way.

**Conclusion:** The property has access to Highway 730 a State maintained highway. The proposed doctor's office is anticipated to generate 50 daily trips. The addition of 50 daily trips would not require right of way improvements.

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

**Findings:** The property has access to Highway 730. The subject property does not have access to a side street or alley. Therefore, no other alternatives are available to provide access.

**Conclusion:** The subject property does not have access to an alley or side street. Therefore, there is no alternative for access other than Highway 730.

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

**Findings:** The property has access to Highway 730, however, is located in an area that has not been improved with sidewalks. The existing home has an asphalt parking area that will be improved to provide customer and ADA parking. Hard surface walkways will be provided between parking areas and the primary entrance.

**Conclusion:** The applicant's site plan shows parking areas will be provided with a hard surface walkway connecting the parking areas to the entrance. The applicant will be required to clearly identify walkways and walkways shall be separated from vehicles by curbs, raised bumpers, planter strips or similar barriers.

- g. The primary building and entry orientation shall be to the fronting street rather than a parking lot.
- h. All buildings shall incorporate ground floor windows along street facades, with at least twenty percent (20%) of any wall within thirty feet (30') of a street consisting of display areas, windows, or doorways.
- i. Building facades facing a street shall include changes in relief such as cornices, columns, gables, bay windows, recessed entries, or similar architectural or decorative elements.

**Findings:** The intent of these standards are to require new buildings to be oriented towards the fronting street and incorporate design elements and windows to attract customers. The subject property has been developed with an existing dwelling that is proposed to be converted to a doctor's office. The existing building is not oriented towards the fronting street and is located over thirty feet (30') from a street. Therefore, these criteria are found to not be applicable to this application.

**Conclusion:** As address above the intent of these standards are to require commercial and industrial uses to orient new buildings towards the street frontage and incorporate design elements and windows to attract customers. The existing building is not subject to these requirements.

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

**Findings:** The proposed use will not include a drive-through.

**Conclusion:** The proposed use will not include a drive-through. This criterion is not applicable.



4. Access Standards For All Uses

- a. New Connections: New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this title and public works standards, unless no other reasonable access to the property is available.

**Findings:** The applicant is not requesting a new connection. The applicant intends to use the two existing road approaches. Discussion with ODOT indicates that the proposed use would likely not trigger a change of use for the approaches.

**Conclusion:** No new connections are proposed or necessary.

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

**Findings:** No new connection is proposed or necessary.

**Conclusion:** No new connection is proposed or necessary this criterion is not applicable.

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

**Findings:** There are no adjacent commercial or office properties.

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

- d. Separation Distance: The city may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:

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

**Findings:** The applicant intends to utilize the two existing access points onto the subject property. No new access point is proposed or necessary

**Conclusion:** No new access point is proposed or necessary. This criterion is not applicable.

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

- (1) If the driveway is one way in or out, the minimum width shall be ten feet (10') and

appropriate sign(s) designating the driveway as a one-way connection shall be provided.

- (2) For two-way access, each lane shall have a minimum width of ten feet (10').
- (3) The length of a driveway shall be designed in accordance with the anticipated storage length of entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on site circulation.

**Findings:** The applicant's submitted site plan shows there are two existing driveways onto the property. Both driveways are gravel and ten feet in width. The applicant intends to use the existing driveways as one way in one way out access creating a one-way loop. Both driveways are over 200 feet in length and are sufficient in length to accommodate queuing traffic.

**Conclusion:** The applicant's submitted site plan shows the existing driveways are ten feet in width. The applicant intends to create a loop type driveway with a one way in and one way out. The applicant will be required to provide signage to indicate the direction of traffic for the one way driveways.

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

**Findings:** This application is not part of a phased development. The applicant has indicated that adjacent properties may be used in further develop the site into a wellness center. However, no other applications have been submitted for consideration. Future development of adjacent land will be subject to this standard and will be required to consolidate access.

**Conclusion:** The proposed use is not part of a phased development. The applicant owns adjacent properties that may be developed in the future. As required by this standard new development on adjacent lands would be required to consolidate access. This criterion is not applicable.

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

**Findings:** The existing approaches are considered grandfathered approaches by ODOT and not considered nonconforming access features.

**Conclusion:** The existing access points are considered grandfather approaches by ODOT. The existing access features are not nonconforming access features.

- h. Reverse Frontage: Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification. This requirement may be waived or modified when a commercial or industrial use would be

required to take access from a street in a residential neighborhood.

**Findings:** The subject property does not have frontage to a street. However, access is provided by access easements and existing approaches located on Highway 730. The subject parcel does not have access to more than one street.

**Conclusion:** the subject property does not have street frontage and does not have access to more than one street. This criterion is not applicable.

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

**Findings:** The IAMP area identified by the City of Umatilla Comprehensive Plan extend along Highway 730 from its intersection with Highway 395 west to Eisele Drive. The subject property is located within the IAMP. The applicant has provided verification from ODOT that both existing access points are recognized by ODOT as grandfather approaches. Preliminary discussions with ODOT indicated that the existing approaches were permitted as a residence and for sale of used farm/construction equipment and changing the use to a doctor's office would likely not trigger a change of use for the approaches.

**Conclusion:** The City held a pre-application meeting with the applicant and ODOT to discuss the proposed doctor's office. As discussed in this report the existing approaches are considered grandfather by ODOT and changing the use of the property to a doctor's office is not believed to trigger a change in use for the approaches. Notice of this request was sent to ODOT for comment. Unless additional evidence or comment is received this criterion is satisfied.

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

The applicant, Mo Mo Inc., requests approval to establish a doctor's office on the subject property. The applicant intends to convert an existing single-family dwelling into a primary care facility including patient care rooms and administrative offices. The submitted materials meet or are capable of meeting the standards and criteria of approval as addressed in this report. Therefore, based on the information in Sections I and II of this report, and the above criteria, findings of fact and conclusions addressed in Section III, staff recommends approval of Conditional Use, CU-9-18, subject to the conditions of approval contained in Section V.

#### **V. CONDITIONS OF APPROVAL**

1. The applicant must obtain all federal, state and local permits or licenses prior to operating the business.
2. The applicant shall provide verification that the landscaped area has an automatic irrigation system or provide verification from a landscape architect that the plants will

survive without irrigation.

3. The applicant must provide verification from Umatilla County Environmental Health that the existing septic system is adequate to serve the proposed use or obtain the necessary permits to bring the system into compliance. The applicant may also obtain the necessary approval/permits from the City to connect to City sewer.
4. The applicant shall provide a hard surface walkway from the parking area to the building entrance. Walkways shall maintain a clear width of at least five feet (5') and shall be separated from vehicles by curbs, raised bumpers, planter strips, or similar barriers. Walkways through parking areas or crossing driveways shall be clearly identified by a different material or pavement markings or both.
5. The applicant must establish the proposed use within one year of the date of the final approval unless the applicant applies for and receives an extension prior to the expiration of the approval.
6. Failure to comply with the conditions of approval established herein may result in revocation of this approval.
7. The applicant shall obtain a City business license prior to starting operation of the business.

## **VI. EXHIBITS**

Exhibit A – Public Notice Map

Exhibit B – Applicant's Site Plan



PROPERTY OWNERS WITHIN 100'  
NOTICE AREA  
FROM SUBJECT PROPERTY

MAP	TAXLOT	OWNER
5N2816A0	00900	MOON KENNETH & LINDA
5N2816A0	01000	USA
5N2816A0	01100	MOON KENNETH & LINDA
5N2816A0	01200	MO MO INC
5N2816A0	01300	MO MO INC
5N2816A0	01500	MO MO INC

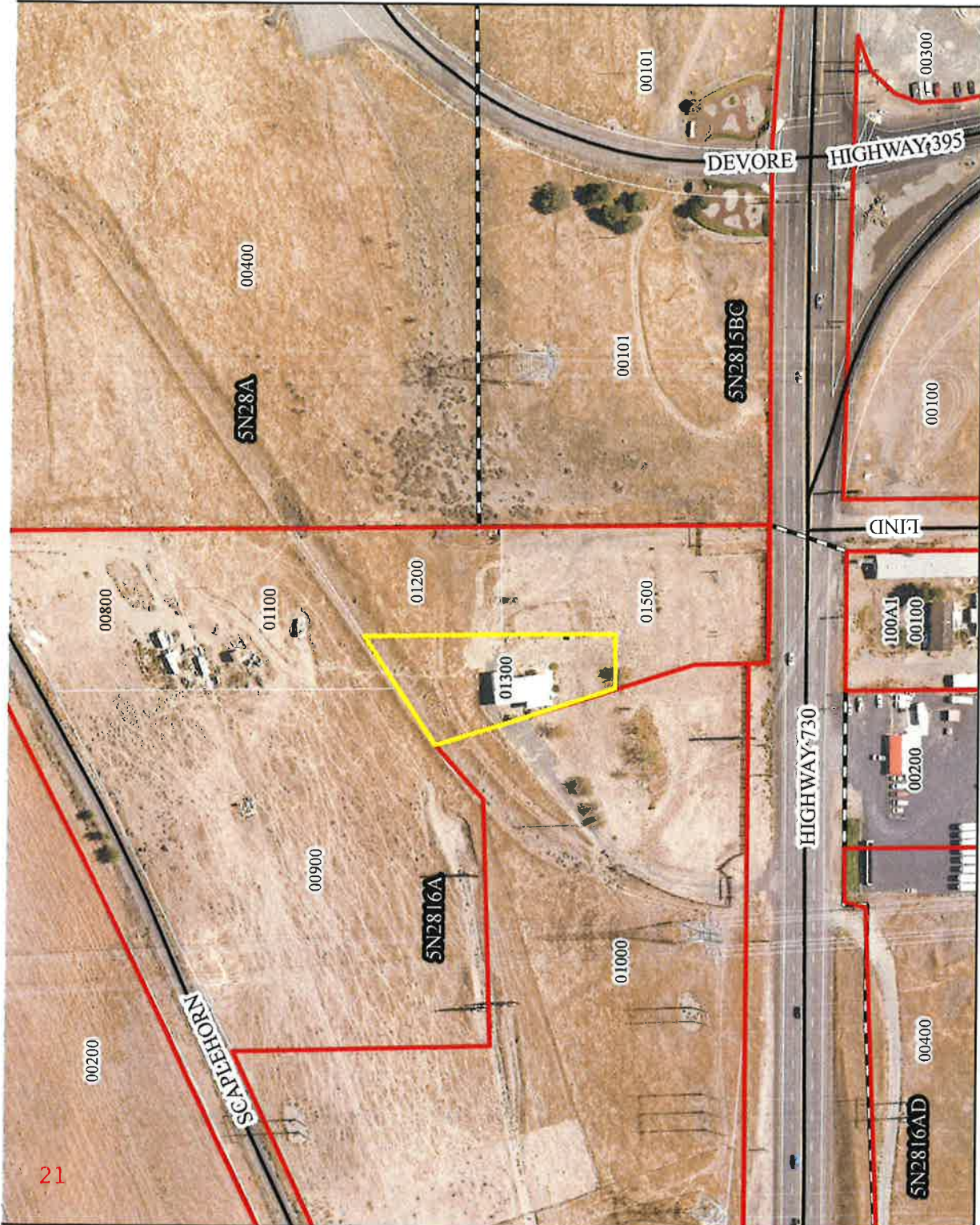


Exhibit A

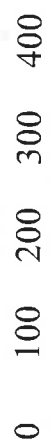
MO MO CONDITIONAL USE (CU-9-18)  
MO MO INC., APPLICANT & OWNER  
MAP #5N2816A, TAX LOT 1300

Legend

- Streets
- Subject Property
- Tax Lots (7/31/18)
- City Limits
- Assessor's Maps



Feet



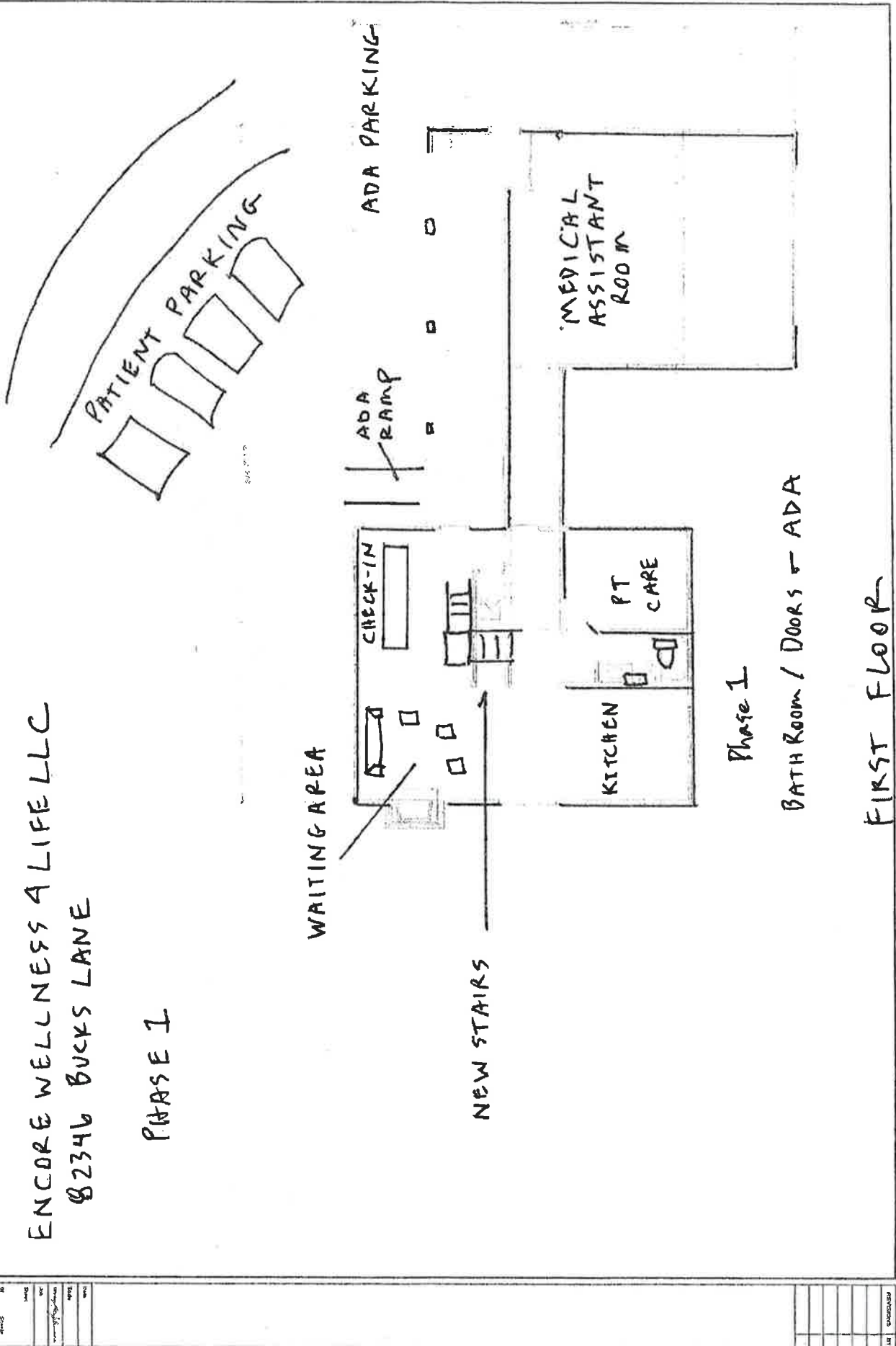
MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Brandon Seitz, on 8/7/2018



# Exhibit B

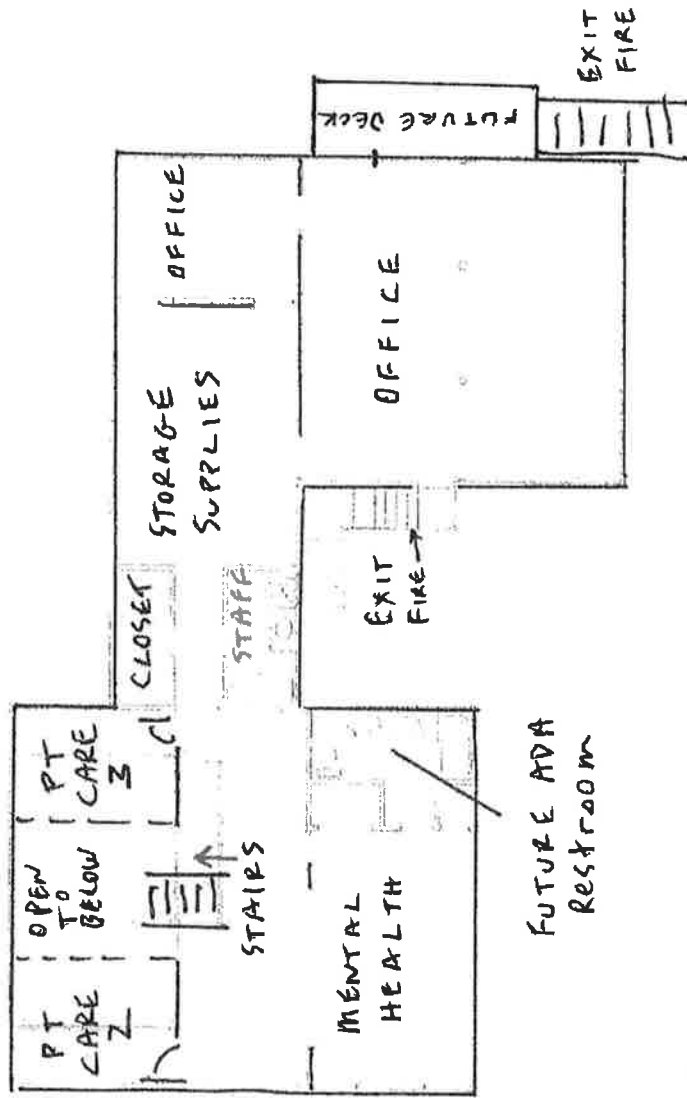
ENCORE WELLNESS A LIFE LLC  
82346 BUCKS LANE

PHASE I



ENCORE WELNESS 4 LIFE LLC  
82346 BUCKS LANE

PHASE 2



SECOND FLOOR





**CITY OF UMATILLA PLANNING COMMISSION  
STAFF REPORT  
FOR  
CODE INTERPRETATION CI-1-18 (Type III Review)**

**DATE OF HEARING:** August 28, 2018

**REPORT PREPARED BY:** Brandon Seitz, City Planner

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**I. GENERAL INFORMATION AND FACTS**

**Applicant:** Clyde Nobles, 650 Monroe St, Umatilla, OR 97882.

**Land Use Review:** Code Interpretation and/or Use Determination

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

The applicant, Clyde Nobles, is requesting a code interpretation to determine if the code allows manufactured homes as a permitted use within Downtown Residential (DR) zone. In addition, Mr. Nobles is requesting an interpretation to determine if manufactured homes are allowed what siting standards are applicable to a Type I request to place a manufactured home within the DR zone.

Section 10-14-2 D (Summary of the Approval Process) establishes a code interpretation or use determination as a Type III decision and is required to be held before the planning commission.

**III. ANALYSIS**

The applicant is requesting a code interpretation to determine: 1) if manufactured homes are an allowed use in the DR zone; and, 2) if allowed what siting standards are applicable to placement of a manufactured home in the DR zone. For reference text from the City of Umatilla Zoning Ordinance (CUZO) provided below is underlined.

The uses permitted in the DR zone are listed below for reference:

The following uses and their accessory uses are permitted in the DR district:

Attached single-family dwellings or multi-family dwellings.

Expansion of existing commercial businesses with frontage along 6th Street shall be permitted within the DR district provided that the entire expansion site is located within a distance of two hundred feet (200') of the 6th Street curb. Such expansion includes parking and service areas that directly support such businesses.

Family daycare provider, residential homes and residential facilities.

Professional, financial, business, medical, dental and professional service offices are

permitted only if the entire site is located within a distance of three hundred fifty feet (350') of the 6th Street curb.

Single-family dwellings existing at the time of the adoption of this article. The owner of an occupied single-family dwelling may upgrade that dwelling provided said dwelling is used for the same purpose.

The DR zone allows development of attached single-family dwellings (SFD) and multi-family dwellings. Existing SFDs are allowed to be maintained or upgraded provided the dwelling is used for the same purpose. The definition of a SFD, two-family dwelling and dwelling unit are provided below.

DWELLING, SINGLE-FAMILY: A detached or attached residential dwelling unit other than a mobile home, occupied by one family and located on its own lot.

DWELLING, TWO-FAMILY: A building containing two (2) dwelling units; also called a duplex.

DWELLING UNIT: One or more rooms designed for occupancy by one family and not having more than one cooking facility. For the purposes of this title, a travel trailer is not a dwelling unit.

Therefore, by definition, all SFDs are required to be located on individual lots and contain one dwelling unit. A building containing more than one dwelling unit would be considered a two-family dwelling or a multi-family dwelling (three or more dwelling units). Staff's interpretation is that an attached dwelling is attached to another dwelling, not an accessory structure such as a garage. For example, a detached SFD may be attached to a garage/carport and is still considered a detached SFD. However, an attached SFD must be attached to another dwelling that shares a common wall located on the property line. A building containing two dwelling units located on one lot is considered a two-family dwelling.

The Single-Family Residential (R-1) and Medium Density Residential (R-2) zones specifically allow for the placement of manufactured homes (see below). The Multi-Family Residential (R-3) and DR zones allow attached SFDs (see below). However, it does not list manufactured homes as an allowed use. The introductory provision of the manufactured homes site standards location in Section 10-11-8 of the CUZO is also provided below:

10-3A-2: USES PERMITTED:

The following uses and their accessory uses are permitted in the R-1 District:  
One single-family detached dwelling structure or one manufactured home subject to provisions of Section 10-11-8 of this Title is permitted on each lot.

10-3B-2: USES PERMITTED:

The following uses and their accessory uses are permitted in the R-2 District:  
Single-family detached residences, including manufactured homes on individual lots subject to provisions of Section 10-11-8 of this Title.

10-3C-2: USES PERMITTED:

The following uses and their accessory uses are permitted in the R-3 District:  
Attached single-family residences.

10-3D-2: USES PERMITTED:

The following uses and their accessory uses are permitted in the DR district:  
Attached single-family dwellings or multi-family dwellings.

10-11-8: MANUFACTURED HOME SITE STANDARDS:

Manufactured homes used as permanent residences and meeting the following standards are allowed outside of manufactured home parks on individual lots in any district where single-family residences are allowed:

The uses allowed in each zone provides for two interpretations: 1) that manufactured homes are allowed in any zone where single-family residences are allowed, including attached and detached SFDs; 2) that manufactured homes are specifically not listed as an allowed use in the R-3 and DR zones and are therefore not intended to be allowed. However, ORS 197 requires that City's allow manufactured homes on individual lots zoned for single-family residential uses.

Based on the State Statue, uses allowed, introductory provision and definitions provided above it is staff's recommendation that manufactured homes are an allowed use in all zones that allow single family residences. Therefore, manufactured homes are an allowed use within all of the existing residential zones within the City as all of the existing residential zones allow for either a detached or attached SFD. For reference, it is staff's interpretation that "single-family residential uses" includes all SFDs attached or detached.

Staff offers the following interpretation to clearly identify the standards and criteria applicable to placement of a manufacture home within the DR zone. The definitions of a manufacture home park, lot and lot line are provided below for reference.

LOT: A unit of land that is created by a subdivision or partition of land, which meets the minimum lot requirements as established by this title.

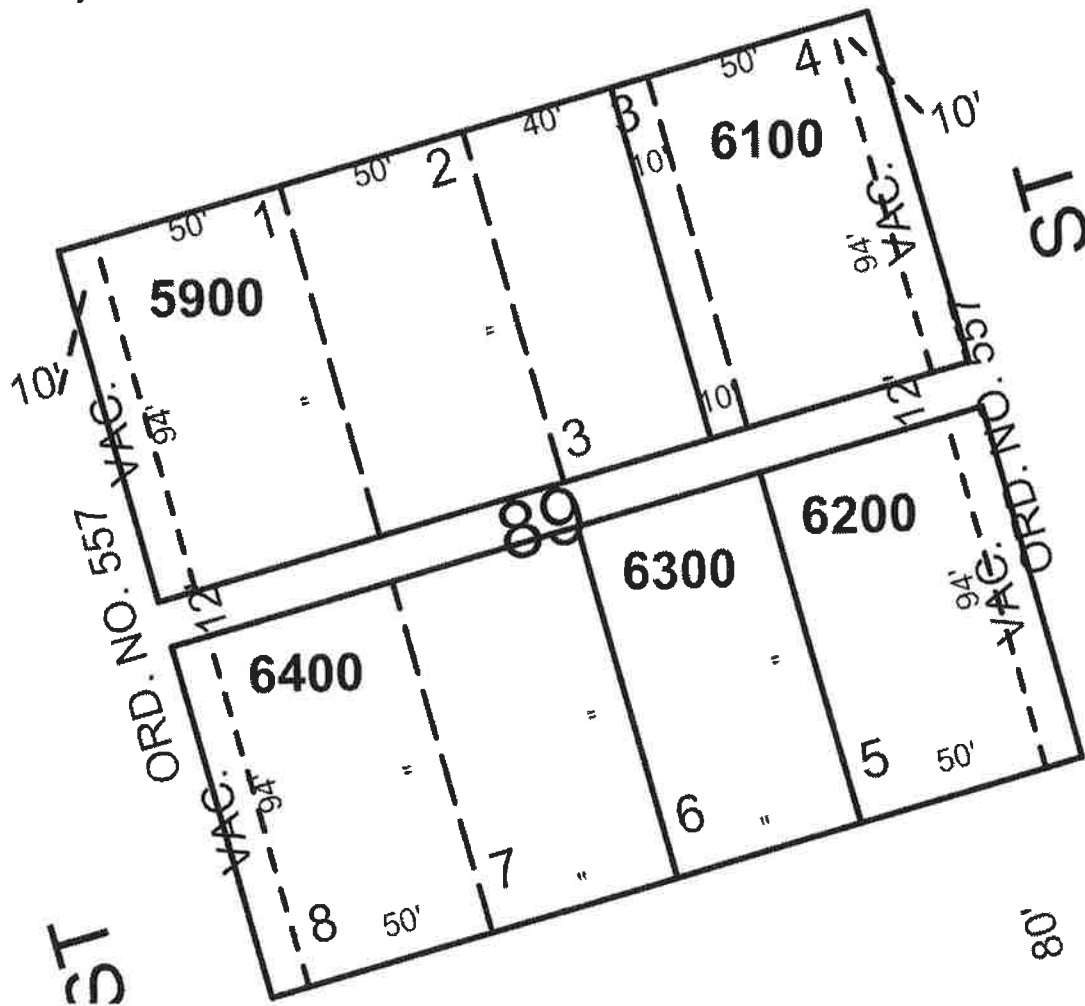
LOT LINE: The property line bounding a lot.

MANUFACTURED HOME PARK: Any place where manufactured homes are located on the same lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid for the rental or use of facilities. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot.

As addressed above all SFDs, attached or detached, are required to be located on individual lots by definition. However, there are properties within the City that have been adjusted to include portions of other lots or units of land. The definition of a lot only partially accounts for units of land that have been legally adjusted.

As an example, the image below shows a portion of a Tax Lot map located with City Limits. Tax Lot 6100 includes all of lot 4 created by the original subdivision, ten feet (10') of vacated right

of way and ten feet (10') of lot 3. Using the definitions of a lot and lot line staff would interpret the lot for purposes of siting a structure or dwelling to be the entire unit of land including the portion of lot 3 and vacated right of way. In addition, Tax Lot 6400 would only qualify for one SFD as the unit of land that was created includes all of lots 7 and 8 and ten feet (10') of vacated right of way.



#### IV. SUMMARY

The applicant, Clyde Nobles, is requesting a code interpretation to determine if manufactured homes are a permitted use within Downtown Residential (DR) zone. In addition, if manufactured homes are allowed to identify what siting standards are applicable to a Type I request to place a manufactured home within the DR zone.

It is staff's recommendation that manufactured homes are an allowed use within the DR zone as an attached SFD. Finally, staff's recommendation is to interpret the code so that all manufactured homes must be on an individual lot and meet the manufactured home site standards in Section 10-11-8 of the CUZO and the development standards in Section 10-3D-4 of the CUZO.