

**UMATILLA PLANNING COMMISSION MEETING
AGENDA
COUNCIL CHAMBERS
MARCH 28, 2023
6:30 PM**

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

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF MINUTES**

3.a [February 28, 2023 Minutes](#) *Suggested Action: Approval*

4. **UNFINISHED BUSINESS**

5. **NEW BUSINESS**

5.a [Estrada Annexation \(ANX-1-23\)](#) *Suggested Action:*

The applicant, Steven Estrada, seeks approval to have his property, Tax lot 3201 on Assessors map 5N2817CA, situated in the City of Umatilla's urban growth boundary annexed into the City limits. Due to the contiguous border between his property and the City limits he has chosen to Annex into the City.

6. **DISCUSSION ITEMS**

6.a [Commission Information & Discussion](#) *Suggested Action: Opportunity for commissioners to ask and questions or share any information*

6.b [Community Development Director Check In](#) *Suggested Action: An update on things happening within the City of Umatilla*

7. **INFORMATIONAL ITEMS**

8. **ADJOURNMENT**

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

UMATILLA PLANNING COMMISSION MEETING

Minutes

COUNCIL CHAMBERS

FEBRUARY 28, 2023

6:30 PM

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

1. CALL TO ORDER & ROLL CALL

The meeting was called to order at 6:30 p.m.

A. **Present:** Commissioners Bruce McLane, Kelly Nobles, Carol Jones, Yesenia Leon-Tejeda

B. **Absent:** Keith Morgan, Jennifer Cooper, Enrique Navarro

C. **Late arrival:**

D. **Staff present:** Community Development Director, Brandon Seitz, Senior Planner, Jacob Foutz, JUB Transportation Planner, Spencer Montgomery

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

3.a **January 24th, 2023 minutes** *Suggested Action: Approval*

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

4. NEW BUSINESS

4.a **Chapter 12 Transportation TSP Update (PA-1-23)** *Suggested Action: A Plan Amendment application to amend Chapter 12 of the City of Umatilla Comprehensive Plan. The proposed text amendment will adopt and implement the new transportation system plan (2023) into Chapter 12 of the Comprehensive Plan by reference. As well as adopt by reference the previously adopted Interchange Area Management Plan (2011) and Pedestrian and Bicycle Master Plan (2003). The amendment will also remove the old transportation system plan (1999), Interchange Area Management Plan (2010), and Pedestrian and Bicycle Master Plan (2003) in Chapter 12 of the Comprehensive Plan.*

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

Chair McLane called for the staff report.

Planner Foutz gave the staff report, reviewing the criterion that must be met for the Plan amendment application.

Spencer Montgomery, contract staff gave a presentation on the process of for the creation of the TSP.

Chair McLane asked for testimony from the applicant. The applicant was City.

Chair McLane asked for public testimony in favor. None.

Chair McLane asked for public testimony in Opposition. None.

Chair McLane asked for neutral public testimony. None.

Chair McLane asked for a rebuttal. None

Chair McLane called for a motion to close the hearing of PA-1-23. Motion to close by Commissioner Nobles. Second by Commissioner Jones. Motion carried 4-0

Chair McLane asked for any comments or deliberation.

Chair McLane called for a motion for approval of PA-1-23. Motion to approve by Commissioner Nobles. Seconded by Commissioner Cooper. Motion carried 4-0

5. **DISCUSSION ITEMS**

- 5.a **Commission Information & Discussion** *Suggested Action: Opportunity for commissioners to ask and questions or share any information*

Chair McLane explained why he chose to have this added to the agenda, as a time for commissioners to ask questions.

- 5.b **Community Development Director Check In** *Suggested Action: An update on things happening within the City of Umatilla*

Director Seitz asked if the commission would like his check in to stay on the agenda, which they responded in the affirmative.

6. **ADJOURNMENT**

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**CITY OF UMATILLA PLANNING
COMMISSION
STAFF REPORT AND RECOMMENDATION
FOR
ANNEXATION ANX-1-23**

HEARING DATE: March 28, 2023

REPORT PREPARED BY: Jacob Foutz, Senior
Planner

I. GENERAL INFORMATION AND FACTS

Applicant: Steven Estrada
242 Main St, APT 246
Hermiston, OR 97838

Property Owner: Steven Estrada
242 Main St, APT 246
Hermiston, OR 97838

Land Use Review: Annex a property that is in the UGB and
contiguous to the City limits.

Subject Property Description: Single Family home located at 242 Tucker Ave,
Umatilla OR 97838, tax lot 3201 on Assessors
map 5N2817CA.

Existing Zoning: Urban Residential (UGB)

Proposed New Zoning: Single-Family Residential (R-1)

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

The applicant, Steven Estrada, seeks approval to have his property, Tax lot 3201 on Assessors map 5N2817CA, situated in the City of Umatilla's urban growth boundary annexed into the City limits. Due to the contiguous border between his property and the City limits he has chosen to Annex into the City.

Approval of this request is subject to Section 10-13-4 of the City of Umatilla Zoning Ordinance which requires a Type IV procedure review and for a zoning designation to be assigned that most closely corresponds to the Comprehensive Plan designation unless an amendment to the Zoning Map is also proposed.

City Staff recommends that if the annexation is approved, the property be zoned City Single-family residential as it is the designation that most closely corresponds with the subject property's current use and surrounding City Zoning.

III. ANALYSIS

The applicable decision criteria are listed in Chapter 13, Section 4C, as outlined in this report, and the procedures for a Type IV review are contained under Chapter 14, Sections 6(C) and 7 of the City of Umatilla Zoning Ordinance. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

A. City of Umatilla Zoning Ordinance Approval Criteria

All of the following criteria listed under Section 10-13-4C of the Zoning Ordinance must be satisfied and supported with findings and reasons as to how each criterion is met for this request to be approved.

1. *The site is within the urban growth boundary for the City.*

Findings: The site is located on Tucker Ave within the Urban Growth Boundary for the City of Umatilla. Tucker Avenue is located south of the Umatilla River and East of Powerline Road.

Conclusion: The site is located within the Urban Growth Boundary for the City of Umatilla.

2. *It is economically and technically feasible to provide services to the area.*

Findings: The City of Umatilla has water and wastewater facilities running along the North property line of the subject property on Tucker Ave. The subject property is connected to City water and wastewater. Due to the connection, the applicant has chosen to annex into the City of Umatilla. In addition to water and wastewater the access to the site is considered a service. Tucker avenue is not improved to a City standard and therefore will need to be improved along the frontage of the property to a City standard. A signed waiver of remonstrance agreement could allow for the annexation now, with the owner required to pay their proportionate share of improvements at a later date. This could be advantageous to the City and applicant, allowing for the improvements to be made at the same time other improvements to the road are made, creating a more uniform road.

Conclusion: The subject property will need to improve the frontage of the property to a City standard as required by the City of Umatilla public works standards unless a waiver of remonstrance is signed by the applicant and the City of Umatilla. This will be included as a condition of approval.

3. *The proposal is consistent with the Comprehensive Plan or substantial changes in conditions*

have occurred which render the Plan inapplicable to the annexation.

Findings: For annexation requests, Comprehensive Plan Policy 14.10.103 specifies that the City will annex lands upon request “when it is demonstrated that such annexations are consistent with the Comprehensive Plan policies and within the capabilities of the City’s services and facilities.” This policy is implemented in the City of Umatilla Zoning Ordinance, as outlined and discussed under Sections III(A)(1) and (2) of this report, which require property proposed to be annexed to be located within the urban growth boundary and for services to be technically and economically feasible to serve the property. As indicated above, these provisions were found to be met or capable of being met.

Conclusion: The Comprehensive Plan recognizes property within the urban growth boundary as land intended to be brought into the city limits when requested if services can technically and economically be provided to serve the use of the property. Services to the subject property already exist. The planning staff concludes that the proposal complies with all other applicable Comprehensive Plan policies concerning this annexation request.

B. City of Umatilla Zoning Ordinance Section 10-13-4(B) – Zoning Designation

When approving an annexation request, Section 10-13-4(B) of the Zoning Ordinance requires the City to assign a zoning designation that most closely corresponds to the Comprehensive Plan designation, unless an amendment to the Zoning Map is proposed.

Findings: Staff recommends that if the annexation is approved the property be zoned City Single-family residential as it is the designation that most closely corresponds with the existing Umatilla County urban residential designation as well as the surrounding City zoning. To avoid a nonconforming use and to match the subject property’s existing use, staff recommend the assignment of Single-family residential.

Conclusion: The Staff recommends that if the annexation is approved the property be zoned City Single-family residential as it is the designation that allows for the existing use to continue.

IV. SUMMARY CONCLUSIONS AND STAFF RECOMMENDATION

This request by the applicant, Steven Estrada, to annex Tax lot 3201 on Assessors map 5N2817CA, situated in the City of Umatilla’s urban growth boundary into the City limits and assign a City Single-family residential zoning designation will meet all of the applicable decision criteria for annexation into the city limits.

Therefore, based on the information in Sections I and II of this report, and the above review criteria, findings of fact, and conclusions contained in Section III, Staff recommends the Planning Commission recommend **APPROVAL** of this annexation request, ANX-1-23, to the Umatilla City Council to annex the following into the city limits;

Tax Lot 3201 on Assessors map 5N2817CA, known as 242 Tucker Avenue, Umatilla, OR 97882 as City Single-family Residential.

V. Conditions of approval:

1. The applicant shall improve the frontage of the property to a City standard as required by the City of Umatilla public works standards unless a waiver of remonstrance is signed by the applicant and the City of Umatilla prior to the approval of the ordinance.

EXHIBITS

Exhibit A Notice Map

Exhibit B Property owner signature/application

Exhibit C Draft waiver of remonstrance



ESTRADA ANNEXATION (ANX-1-23)

Tax Lot 3201 on Assessors Map 5N2817CA

*NOTICE GIVEN TO PROPERTY OWNERS WITHIN 100' Current Zoning: UGB Urban Residential
 Zoning after Annexation: City Single-Family Residential

Legend

- Subject Property
- Tax Lots 4-5-22
- 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 2/24/2023



CITY OF UMATILLA

Planning Department (541) 922-3226 ex.101
700 Sixth Street, Umatilla, OR 97882

Call
541-701-8984
Kristina
with questions.

File No. _____

CONSENT TO ANNEXATION

NOTICE TO APPLICANT: On original application form, please print legibly using blue or black ink, or type. Applicants are advised to review the list of submittal requirements indicated on each application form prior to submitting an application. **Incomplete applications will not be acted upon or scheduled for a public hearing until the Planning Department receives all required submittal materials and fees.**

SITE LOCATION AND DESCRIPTION

Tax Map #(S) 5N2817CA Tax Lot #(s) 3201

Tax Map #(S) _____ Tax Lot #(s) _____

Frontage street or address 242 Tucker Ave Umatilla OR.

Nearest cross street Powerline Rd.

Current zoning City of Umatilla _____ County of Umatilla

Site size (acres or square feet) 70ft x 106ft Dimensions 7,420

REASON FOR REQUEST (land development, land division, City utility connection, etc) City utility connection,

decreased land/home insurance premiums, eligibility for city services.

* Annexation will allow my voice and vote to be considered in all city ballots and planning issues.

APPLICANT Steven Estrada

Mailing address 242 Main St Apt 246 Hermiston OR 97838

Phone 541.371.9932 Fax _____ Email Sestrada2017@outlook.com

Applicant's interest in property Property owner

Signature _____ Date _____

PROPERTY OWNER Steven Estrada

Mailing address 242 Main St Apt 246 Hermiston OR 97838

Phone 541.371.9932 Fax _____ Email Sestrada2017@outlook.com

Adjacent property under same ownership (list tax lot ID) N/A

Signature _____ Date _____

If same as applicant, mark SAME. If there is more than one property owner, please attach additional sheets as necessary.

OFFICE USE ONLY

120 day time limit	Accepted as complete _____	Final decision by _____
DLCD 45-day notice required	Y/N Date mailed _____	Date of first hearing _____
Planning Commission hearing date	_____	Notice mailed _____
Notice to media	Publication date _____	Emailed _____
Notice of Decision	Date mailed _____	Appeal deadline _____
Associated applications	_____	_____

STRUCTURES Please indicate the type and number of structures on the site

Single Family Residence(s) 1 Multi Family Residence(s) 0
 Manufactured Home(s) 0 Travel Trailer(s) 0
 Other residential structure(s) 0 Barn/other ag building(s) 0
 Commercial building(s) 0 Industrial Building(s) 0
 Accessory buildings/structures 0 Other 0

SERVICE PROVIDERS Please indicate which of the following services are provided on the property

Water City of Umatilla Well Other/None Sanitary Disposal
 Sewer City of Umatilla Septic Other/None Sanitary Disposal

Does the property have access to **City streets**? (Y/N, please explain what and where) No, on county road.

Does the property have access to **County Roads**? (Y/N, please explain what and where) yes, on tucker connecting to powerline

If the property is subject to special assessment or debt from any special districts (fire, road, etc), please provide details.

NO.

LIVESTOCK Please list the number and type of all livestock currently present on the property (horses, cattle, sheep, goats, chickens, etc. Do not include domestic pets such as cats and dogs) N/A

BUSINESSES Are any businesses operating on the property? If yes, please describe. N/A

All businesses operating within the City of Umatilla must obtain a Business License.

Oregon's Land Use Planning Laws and Umatilla City Zoning Code require the Planning Commission to make "findings of fact" with regard to requests for annexations. The findings provide justifications to either approve or deny the application. Read the questions that follow and answer them as completely as you can. Your responses will be used by the City to make findings and evaluate the merits of your requests. The chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application. If you have any questions or desire assistance in completing this application, the planning staff is available to assist you. HOWEVER, THE APPLICANT HAS THE BURDEN OF PROOF REGARDING ALL REQUESTS FOR A LAND USE ACTION.

1. How is this annexation consistent with the City's Comprehensive Plan's Policies? If you think some policies are inapplicable to the annexation, please so indicate and briefly explain why. I feel that the annexation will align with the city current plans as it will continue to grow the reported city residents and expand the city limits.

2. If the area to be annexed is outside the City's Urban Growth Boundary, how will this annexation comply with statewide land use goals? Again, if you think that some state land use goals are inapplicable, please indicate and briefly explain why.

242 tucker ave is located within the citys Urban Growth Boundary.

3. How is the proposed use of the area to be annexed compatible with the adjacent property inside city limits?

This property is a single family home and compatible with the surrounding area.

4. What is the impact and need for this proposed annexation to the City?

AS I continue to invest in the city of Umatilla I feel it is important to grow and support the city goals. Having my property annexed will not only allow me a voice in city matters but allow my accessibility to city services.

SUBMITTAL REQUIREMENTS

The following items must be completed upon submittal of an annexation application. If you need assistance completing the forms, please contact the Planning Department. If you do not have a copy of the deed to your property to verify ownership, contact the Umatilla County Office of County Records at (541) 278-6236 or www.co.umatilla.or.us/records.htm.

1. _____ Original, signed Annexation **Application form**. This information is public record and must be reproduced so please type or write clearly using dark ink.
2. _____ Copies of the **deed(s)** for the property under consideration, and a **legal description** of the property if not shown on the deed(s).
3. _____ Original **Annexation Questionnaire** (page 3). This information is required for census purposes.
4. _____ Original, signed confidential **Census Information Form** (page 4). This information is required for census purposes.
5. _____ Original, signed **Petition for Annexation form**. The form must be signed by ALL property owners listed on the Umatilla County tax rolls and by at least 50 percent of the registered voters residing on the property.
6. _____ The appropriate **fee**.

Please note: The City must provide notice to the Department of Land Conservation and Development (DLCD) a minimum of 35 days prior to the Planning Commission hearing.

ANNEXATION QUESTIONNAIRE

The information on this form will be used to certify annexed population.

Return form to:
 Population Research Center
 PO Box 751 – PRC
 Portland State University
 Portland, OR 97207-0751

City of Umatilla, County of Umatilla

Annexation Ordinance number of Final Order number _____

Effective Date of Annexation _____

Please fill in all blanks on this form and attach all completed confidential census forms for all housing units both vacant and occupied. **Use one sheet for each inhabitable unit.** Make blank copies if necessary.

NOTE: Certifying annexations of 125 or more housing units requires an enumeration to be conducted under the supervision of the Population Research center and a census must be scheduled.

Inventory of housing units and Population at time of Annexation				
	Total	Occupied	Vacant	Persons
Units in single family structures	1	0	1	0
Units in multiple family structures	0	0	0	0
Mobile homes or trailers	0	0	0	0
TOTALS	1	0	0	0

Date of enumeration (count) Feb. 1. 2023

Enumerated by _____ Position _____ Phone _____

City contact person and title _____ Phone _____

The information from this completed questionnaire and census forms are the only data used to certify annexed population. Please **DO NOT** send maps, copies of the final ordinance, lists of addresses, etc. to our office unless you are requested to do so.

If there are any questions, or to schedule a census, contact Risa Proehl at the Population Research Center (503) 725-5103 or proehl@pdx.edu. Thank you.

CONFIDENTIAL

Census Form

Use one form per housing unit

City of Umatilla

Address 242 Tucker Ave

Housing Type

Tenure (check the appropriate boxes)

Single Unit Structure

Owner Occupied

Multiple Unit Structure

Renter Occupied

Trailer or Mobile Home

Vacant

Seasonal

RESIDENTS:

Last name

First name

1	<hr/>	<hr/>
2	<hr/>	<hr/>
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POPULATION RESEARCH CENTER

Portland State University

PO Box 751 – PRC, Portland, OR 97207-0751

(503) 725-3922

WAIVER OF REMONSTRANCE

THIS AGREEMENT, entered into this _____ day of _____, 2023, by and between Steven Estrada, ("Owner") and the City of Umatilla, a municipal corporation, ("City"),

WITNESSETH :

WHEREAS, the Owner has petitioned the City for annexation for the territory legally described as follows:

Umatilla County, Carelle Addition, Block I, Lot 9, Umatilla County, Oregon
Umatilla County Plat Map 5N2817CA, Tax Lot 03201

NOW, THEREFORE, in consideration of the City approving Annexation for the territory legally described above in the County of Umatilla, it is agreed as follows:

1. Owner will pay his proportionate share for the construction of any future waterline extensions or sewer main extensions which may serve the territory and to pay all water and sewer charges charged or assessed according to city ordinances and policies as they now exist or may hereafter be amended or adopted.
2. Owner agrees to comply with all ordinances, rules, regulations and policies of the City as they now exist or may hereafter be adopted or changed regarding the extension of waterlines and sewer mains.
3. Owner will pay his proportionate share for the construction of any street improvements, including curbs, gutters and sidewalks, which may serve the territory.
4. Owner understands that no extension of waterlines or sewer mains or street improvements to serve the territory may be made without the written approval of the City.
5. In the event the formation of a local improvement district which includes the territory described above, or any part thereof, the Owner promises and agrees to join in the petition to create any such district for the extension of waterlines or sewer mains or street improvements, or any combination of them, and waives and gives up for itself and its successors in interest any objection it may now have or hereafter may have to the formation of such improvement district and to the assessments to be made in the formation, activation and continuation of such district.
6. The owner for himself and his successors in interest in and to the territory described above, or any part thereof, waives and gives up the right of remonstrance that he or his successors in interests may have or hereafter may have to the formation of a local improvement district for the extension of waterlines or sewer mains or street improvements or any combination of them. In the event that Owner or his successors in interest in and to the territory described above, or any part thereof, fail to join in the petition for formation of said local improvement district, the Owner and his successors in interest do hereby constitute and appoint the then mayor or city administrator of the City as his attorney-in-fact and as the attorney-in-fact for each of the successors or owners of each or any part of the territory described above to sign and deliver a petition to the City to consent to the formation of such improvement district with full power to perform and bind the territory described above, and each and every part thereof, and to do all things necessary to complete the petition to create a local improvement district for the purpose of extending waterlines, or sewer mains or street improvements or any combination of them, and this power of attorney is coupled with an interest so as to be irrevocable as to the territory described above, or any portion thereof.

7. This agreement constitutes the complete understanding by and between the parties concerning the formation of local improvement districts. There are no other agreements or understandings between the parties, concerning this matter, oral, written or otherwise.

8. As used herein, the singular shall include the plural, and the plural the singular. The masculine and neuter shall each include the masculine, feminine and neuter, as the context requires. In construing this agreement and where the context so requires, all grammatical changes shall be implied to make the provisions in this agreement apply equally to corporations and to individuals.

Steven Estrada, Owner

STATE OF OREGON)
) ss. _____, 2023
County of Umatilla)

Personally appeared _____ and acknowledged said instrument to be his/her voluntary act and deed.

Before me:

Notary Public for Oregon
My Commission Expires:

CITY OF UMATILLA

By: _____
Caden Sipe, Mayor

STATE OF OREGON)
) ss. _____, 2023
County of Umatilla)

Personally appeared Caden Sipe who, being duly sworn or affirmed, did say that he is the Mayor of the City of Umatilla, an Oregon Municipal Corporation, and that said instrument was signed in behalf of said corporation by authority of its city council; and they acknowledged said instrument to be its voluntary act and deed.

Before me:

Notary Public for Oregon
My Commission Expires:

*Return to: City of Umatilla
 P.O. Box 130
 Umatilla, OR 97882*