

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, May 18, 2023 6:30pm

COMMISSIONERS

PRESENT: Suni Danforth, Chair, Don Wysocki, Vice Chair, Sam Tucker, Kim Gillet, John Standley, Emery Gentry, & Tammie Williams

COMMISSIONERS Tami Green

ABSENT:

PLANNING STAFF: Megan Davchevski, Planning Division Manager, Tierney Cimmityotti, Planner II/GIS & Bailey Dazo, Administrative Assistant

NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. RECORDING IS AVAILABLE AT THE PLANNING OFFICE

CALL TO ORDER

Chair Danforth called the meeting to order at 6:31 pm and read the Opening Statement.

NEW HEARING

LAND DIVISION REQUEST #LD-2N-209-23: DONALD & FRANCES BARNETT, APPLICANTS/DONALD & FRANCES BARNETT, TIM & LESLIE CAIN & DONNA SISK, OWNERS. The applicants seek approval to Replat Lots 1 through 8, Block 4 of Geanakopulos Addition into three lots. The subject properties are located southwest of Pendleton, in the unincorporated community of Reith. The applicants’ proposed replat reconfigures the lots to eliminate several shared lot lines and adjust the shared lot lines between Lots 4 and 5 and Lots 5 and 6. The land use standards applicable to the applicant’s request are found in Umatilla County Development Code Section 152.697(C), Type III Land Divisions.

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. Commissioner Gentry stated the applicants are long time family friends, and Donald Barnett has worked with his father on different logging projects in the past. Commissioner Gentry clarified he had no knowledge of the applicants’ request prior to receiving the Planning Commission Hearing Packet in the mail. Chair Danforth determined that there were no conflicts of interest pertaining to this matter. Commissioner Gentry agreed with Chair Danforth’s decision. Chair Danforth called for the Staff Report.

STAFF REPORT

Megan Davchevski, Planning Manager, presented the Staff Report. Mrs. Davchevski stated the applicant’s request to replat Lots 1 through 8, Block 4, of Geanakopulos Addition, to vacate the shared lot lines between several lots and relocate the lines between Lots 4 and Lot 5 and Lots 5 and 6. The subject properties are located in Geanakopulos Addition Subdivision, southwest of Pendleton and in the unincorporated community of Reith. Mrs. Davchevski said the properties are located north of Main Street and between Hill and Delphi Streets. She explained there is an existing

shop building on proposed Lot 2, that currently crosses the shared lot line between Lots 5 and 6. Mrs. Davchevski explained the proposed replat will correct this and result in approximately 3.24 feet between the structure on Lot 2 and the shared lot line with Lot 1. The replat will result in a total of three lots.

Mrs. Davchevski stated a notice of the applicants' request, and the public hearing was mailed on April 28, 2023, to the owners of properties located within 250-feet of the perimeter of Lots 1 through 8 and to applicable public agencies. She said the notice was published in the East Oregonian on May 6, 2023, notifying the public of the applicants' request before the Planning Commission on May 18, 2023. The criteria of approval are found in the Umatilla County Development Code Section 152.697(C), Type III Land Divisions. The standards for reviewing a replat generally consist of complying with development standards and survey plat requirements.

Mrs. Davchevski finalized the Staff Report by stating the Planning Commission is tasked with determining if the application satisfies all the criteria of approval based on the facts in the record. The proposed Conditions of Approval address the survey and recording requirements with final approval accomplished through the recording of the final survey plat. Mrs. Davchevski concluded the Staff Report by stating the Planning Commission decision is final unless timely appealed to the County Board of Commissioners. Chair Danforth asked if there were any questions for staff. No further questions were asked.

APPLICANT TESTIMONY: Applicant, Frances Barnett, 41410 Birch Creek Rd, Pendleton, OR 97801. Commissioner Tucker walked in and apologized for joining the Planning Commission hearing a few minutes late. Mrs. Barnett began her testimony by stating there has been some turmoil with current and previous neighbors regarding lot lines on her property and tax lot #2500. She explained there has been an encroachment associated with the property for over 60 years. Mrs. Barnett believes this land division is the best solution for making a bad situation comfortable and livable for everyone involved. Commissioner Standley asked the applicant if she can further explain the background history of the property? Mrs. Barnett informed that there has been an encroachment regarding the east side of the property and believes this first occurred in the 1950s when the dwelling was first built. Mrs. Barnett explained the property owners at that time were aware of the encroachment. She believes was in place prior to the previous owners purchasing the property in 1968. Mrs. Barnett further explained the previous property owners of tax lot #2500, who bought their property in 1969, were aware of the encroachment as well. She expressed at that time, a neighbor who needed a little more land on their side, agreed with a friendly handshake. Mrs. Barnett said these agreements do not happen with handshakes anymore.

Mrs. Barnett stated she believes that when she purchased the property her realtor had knowledge of the encroachment. She stated two months after her and Mr. Barnett closed on purchasing the property, issues arose with the current neighbor, who resides on tax lot #2500. Commissioner Wysocki asked Mrs. Barnett if there was any disclosure of the encroachment to her or Mr. Barnett prior to purchasing the property? Chair Danforth objected the question. Mrs. Barnett expressed that the Planning Commissioners have a right to know if she or Mr. Barnett knew about the encroachment prior to purchasing the property. She explained that they were not given a disclosure document and two other documents when purchasing the property. Mrs. Barnett alleged that the

realtor signed her name on the documents. She expressed that the lot lines had been problematic since buying the property and she wants to resolve the encroachment issue.

Commissioner Standley asked if the survey documents Mrs. Barnett provided show accurate acreage and lot lines pertaining to the adjoining property? Mrs. Barnett said that the survey documents were completed by Survey One, Inc and are indeed accurate and legitimate. She explained that on her side of the property, east of the house, there is a fence line that does not meet a 20-foot set back from two structures due to the lot line they are requesting to be moved. Mrs. Barnett further explained, that she contacted a surveyor to see if it was possible to reconfigure the lot line to meet the 20-foot setback, which would require moving the adjoining neighbor's property line farther to the east.

Chair Danforth interrupted and asked Commissioner Tucker if he has any ex parte contact regarding this matter? Commissioner Tucker stated he did not have any ex parte contact pertaining to this request. Chair Danforth acknowledged Commissioner Tucker's response. Commissioner Tucker asked if Mr. Barnett was the owner of Pine Creek Logging, Inc? Mrs. Barnett replied yes. Commissioner Tucker stated he knows of Mr. Barnett but has had no contact from the applicant nor has been told information regarding this request. Commissioner Tucker asked Mrs. Barnett if there was a dispute with the neighbor that did not get resolved? And would a Planning Commission hearing resolve the dispute? Mrs. Barnett responded yes, that was correct. Chair Danforth asked if there were any further questions for the applicant? None were asked. Mrs. Barnett said she had some questions about the Precedent and Subsequent Conditions of Approval, on page 7 of the hearing packet. Chair Danforth clarified that the hearing was not completed yet, and there has not been as decision. Chair Danforth called for proponents, opponents, or testimony from public agencies. There were none. Chair Danforth called for rebuttal. There was none. Chair Danforth closed the hearing for deliberation.

DELIBERATION

Commissioner Williams stated she was comfortable with approving this request. Chair Danforth agreed with Commissioner Williams and believes a land division would be a good solution for the applicants. Commissioner Standley made a motion to approve Type III Land Division, Replat Request, #LD-2N-209-23. Commissioner Gentry seconded the motion. Motion passed with a vote of 7:0.

NEW HEARING

LAND DIVISION REQUEST #LD-5N-899-23: WILLIAM & SARAH E. ANDERSON, APPLICANTS/OWNERS. The applicants, Will & Sarah E. Anderson, seek approval to replat the east half of Lot 2, and all of Lot 3, Block 5 of Hat Rock Tracts. The subject property is located in Hat Rock Tracts Subdivision, east of Umatilla, just south of the Columbia River. The land use standards applicable to the applicants' request are found in Umatilla County Development Code Section 152.697(C), Type III Land Divisions. Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. There were none. Chair Danforth called for the Staff Report.

STAFF REPORT

Tierney Cimmiyotti, Planner, presented the Staff Report. Ms. Cimmiyotti stated the subject property is located in Hat Rock Tracts Subdivision, east of Umatilla, just south of the Columbia River. Ms. Cimmiyotti said the request is to Replat the east half of Lot 2 and all of Lot 3, Block 5, of Hat Rock Tracts Subdivision, to remove the shared lot line for a homesite. The east half of Lot 2 and all of Lot 3 are currently undeveloped. She added the subject property has road frontage along both Hill Top Drive and River View Drive, both are platted public roads. Ms. Cimmiyotti further explained, the existing acreage on the east half of Lot 2 is 0.14 acres and Lot 3 is 0.29 acres. Proposed Lot 1 would be 0.43 acres. Notice of the applicants' request and the public hearing was mailed on April 28, 2023, to the owners of properties located within 250-feet of the perimeter of tax lot #1400. She stated the notice was also published in the Eastern Oregonian on May 6, 2023. Ms. Cimmiyotti shared that the applicants' provided reasoning for the replat request is to establish a homesite. Ms. Cimmiyotti said the criteria for approval are contained in Section 152.697(C), Type III Land Divisions, are provided in underlined text.

Ms. Cimmiyotti finalized the Staff Report by stating the Findings and Conclusions of the Planning Commission shall include two copies of the tentative plan upon which the decision is noted and any conditions described. Approval by the Planning Commission shall be final upon signing of the Findings and Facts unless appealed. Ms. Cimmiyotti concluded the Staff Report by stating approval of the tentative plan shall not constitute acceptance of the Final Replat for recording. However, such approval shall be binding upon the County for purposes of preparation of the replat, and the county may require only such changes in the replat as are necessary for compliance with the terms of its approval of the tentative plan.

Chair Danforth stated she had a question the second half of the hearing packet, on Page 3. She asked if the map, on the west half of tax Lot 2, is the original plat map? Ms. Cimmiyotti clarified there were originally 5 lots on Block 5, Lot 2, on the east side, is a portion of tax lot #1400. She explained the west side of Lot 2 is on the neighboring tax lot to the west. Ms. Cimmiyotti clarified that is not the request today, the parcel where the applicant wants to place the home needs to meet setbacks from that lot line. Ms. Cimmiyotti further explained that is why the lot line is being requested to be removed. No further questions were asked.

APPLICANT TESTIMONY: Applicant, William Anderson, 33987 Hill Top Dr., Hermiston, OR 97838. Mr. Anderson stated he did not have any further comments and his request is self-explanatory. He explained they are not adding or moving any lot lines, they are removing one, so they can place a home on their property. Mr. Anderson further explained they are requesting to remove a 73-year-old lot line. Mr. Anderson said in his research, he found that Hat Rock Tracts Subdivision has six other dwellings along lot line. He expressed he wished there were easier options in place to remove old lot lines, like in this case. Chair Danforth asked if there were any further questions for the applicant? Commissioner Standley asked, by moving the lot line over to tax lot #1401, is this request encroaching any set back requirements from any structures on the property? Ms. Cimmiyotti clarified the applicants are not moving lot lines, they are removing a lot line, so the applicant can place a dwelling to meet setback requirements. Commissioner Standley retracted his question. Chair Danforth called for proponents, opponents, or testimony from public

agencies. There were none. Chair Danforth called for rebuttal. There was none. Chair Danforth closed the hearing for deliberation.

DELIBERATION

Commissioner Gentry made a motion to approve Type III Land Division, Replat Request, #LD-5N-899-23. Commissioner Standley seconded the motion. Motion passed with a vote of 7:0.

OTHER BUSINESS

Mrs. Davchevski introduced the new Planning Commissioner, Kim Gillet. Commissioner Gillet has a business owner background and comes from the Hermiston area. Mrs. Davchevski stated staff received a resignation email from Commissioner Hinsley effective May 18, 2023, who will no longer be serving on the Planning Commission. She stated because of this resignation, there is one Planning Commissioner vacancy to fill.

Mrs. Davchevski explained in the last Planning Commission hearing on April 27, 2023, she mentioned there could possibly be a controversial matter in a future hearing. She stated staff did not received a hearing request for that matter and the applicant withdrew their application.

Mrs. Davchevski shared that the Board of County Commissioners and the Department's liaison Commissioner, Commissioner Dorran, is supporting the Community Development Department with hosting a Planning Commission training. She further explained the training will be regarding land use in Oregon, provided by John Morgan from Chinook Institute. Mrs. Davchevski said the training will be June 20th & June 21st, 2023, 6 PM–9 PM. This will take place instead of the June Planning Commission hearing. The location of the training has yet to be determined.

Chair Danforth stated House Bill (HB) 3181 caught her attention today, the bill directs State Department of Energy and Department of Land Conservation and Development to convene a work group to examine barriers, opportunities and other issues related to renewable energy and transmission project siting in Oregon. Chair Danforth said what she recently learned is the bill will streamline and expedite siting of large energy projects and will restrict county siting requirements of large sites. Mrs. Davchevski shared that Bob Waldher, Community Development Director, has tracked HB 3181, and she will need to get an update from him. She stated what she read on HB 3181, it does pertain to counties in Eastern Oregon. Chair Danforth believes the bill will allow energy development without having to go through a County's standard process, expediting the process.

Chair Danforth referred to a project in Echo, Oregon, that has been contested by the Umatilla County. Chair Danforth asked staff if they had any updates? Mrs. Davchevski stated the Umatilla County Commissioners are working with County Council on the next steps on that matter, but a decision has not been made. Chair Danforth expressed that she hopes Umatilla County takes this matter to Oregon Supreme Court. Chair Danforth expressed, it is our right as a County to make the Development Code stricter, not less restrictive than State Statute and Administrative Rule. Mrs. Davchevski advised that is the reason the County appealed that decision, she stated she will share Chair Danforth's comment with Mr. Waldher and Commissioner Dorran.

ADJOURNMENT

Chair Danforth adjourned the meeting at 07:06 pm.

Respectfully submitted,
Bailey Dazo, Administrative Assistant

Minutes adopted by the Planning Commission on July 27, 2023