

UMATILLA CITY PLANNING COMMISSION  
MEETING AGENDA  
July 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: None
- III. 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.
  - 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.
- IV. 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.
  - 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.
- V. DISCUSSION ITEMS:
- VI. INFORMATIONAL ITEMS:
- VII. ADJOURNMENT

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**CITY OF UMATILLA PLANNING COMMISSION  
REPORT AND RECOMMENDATION  
FOR  
CONDITIONAL USE CU-8-18**

**DATE OF HEARING:** July 24, 2018

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

**I. GENERAL INFORMATION AND FACTS**

**Applicant:** Juan Ochoa, PO Box 1327, Pasco, WA 99301.

**Property Owners:** Mi Tierra Real-Estate Investments Inc., PO Box 1327, Pasco, WA 99301.

**Land Use Review:** Conditional Use to establish a new use/business on the property.

**Property Description:** Township 5N, Range 28E, Section 16AD, Tax Lot 200.

**Location:** The subject property is located at 30310 Highway 730, Umatilla, OR 97882.

**Existing Development:** The property is developed with a vacant commercial building formerly permitted as a fruit stand. The property was also approved for a cell phone retail store and professional office for labor employment services in 2013 (SP-1-2013).

**Proposed Development:** The applicant intends to establish a commercial/industrial machinery and equipment rental business.

**Zone** General Commercial (GC).

**Adjacent Land Use(s):**

Adjacent Property	Zoning	Use
North	GC & Exclusive Farm Use (Umatilla County Zoning Ordinance)	Highway 730 & existing vacant dwelling and vacant commercial property.
South	Light Industrial/Community Service	Vacant land and City water tower.
East	GC	Existing dwelling and commercial/mini storage units.
West	General Rural (Umatilla County Zoning Ordinance)	Vacant land primarily developed with transmission lines.

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

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 property is located along the South side of U.S. Highway 730 west of the intersection with Lind Road.

Joseph Cottrell II, BPA Field Realty Specialist, submitted a comment letter prior to the June 26, 2018, Planning Commission hearing. This letter raised concerns for the City and the Planning Commission decided to continue the hearing to the July 24, 2018, hearing to allow staff additional time to ensure that BPA's concerns and requirements were adequately addressed prior to reaching a decision on the application. As can be seen on the public notice map, which is not survey quality and not for legal use, and on images provided by BPA it appears that a portion of the graveled area proposed to be used for storage encroaches on BPA fee owned lands. In addition, the existing fence is believed to encroach on BPA fee owned lands and is located within a BPA easement. This application is only for that portion of land that Mr. Ochoa owns, any portion of the existing development that may be on BPA fee owned lands is not included as part of this decision.

There also appears to be a conflict between BPA requirements and City requirements. As addressed in Mr. Cottrell's letter and confirmed during conversations with staff, BPA generally does not allow activities that block maintenance crews, such as the installation of fences, or safety concerns, such as buildings, public roads, driveways, utilities, small structures, within a BPA easement. However, as addressed below in this report all outdoor storage is require to be screened from view with a six-foot sight obscuring fence, wall or vegetation.

## **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.

### **10-4D-5: CONDITIONAL USES PERMITTED:**

T. Commercial and industrial machinery and equipment rental and leasing (5324), subject to the following standard:

1. The maximum site area is limited to sixty thousand (60,000) square feet.

**Finding:** The proposed use is allowed as a condition use in the GC zone subject to a maximum site area of 60,000 square feet. The subject property is .96 acres or 41,817 square feet according to the County Assessor's records.

**Conclusion:** The subject property is less than the 60,000 square feet maximum site area allowed by this standard.

### **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 abuts commercial and industrial properties to the South and East. In addition, the lands to the West are encumbered by existing transmission lines that would limit development. Highway 730 separates the subject property from land uses to the North. The existing access point is identified in the I-82/ US 730 Interchange Area Management Plan as an existing access. Staff confirmed with ODOT that the property has an existing unpermitted approach that is considered legal under the status of presumed to be permitted.

**Conclusion:** The proposed site is located adjacent next to similarly zoned commercial and industrial property. In addition, lands to the North and West are separated by Highway 730 and existing transmission lines that would provide a buffer to development on adjacent properties. The existing access point is permitted as a preexisting approach.

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 addressed in this report the subject property is located adjacent to properties zoned commercial/industrial and developed with a mini storage business and dwelling. The proposed property is separated from adjacent uses to the North and West by Highway 730 and existing transmission lines. Therefore, the proposed commercial/industrial equipment rental business would have limited if any impacts to neighboring properties. However, the applicant also intends to construct a new building/shop on the property to maintain and repair the equipment available for lease or rent. Impacts generated from repair and maintenance activities have the potential to cause additional impacts such as noise and additional traffic. Therefore, a condition of approval will be imposed limiting repair and maintenance activities to equipment that is available for lease or rent and not open to the public.

**Conclusion:** Impacts identified by staff can be mitigated by a condition of approval to limit repair and maintenance activities to equipment available for rent and not open to the general public. Unless evidence to the contrary is provided the proposed use is not anticipated to generate significant impacts to neighboring properties.

### **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 applicant's submitted site plan show an existing 80' x 10' landscaped area located along the street frontage of the property. However, no information was provided to verify if the existing landscaped area has automatic irrigation. Therefore, the City will require the application to provide verification that the existing landscaped area has automatic irrigation or a landscaped architect certifies that the plants will survive without irrigation.

**Conclusion:** The submitted site plan includes an existing landscaped area located along the property frontage. However, the applicant will be required to provide verification that the existing landscaping has automatic irrigation or 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 subject property has been leveled and graveled during previous development. The applicant already has a number of trailers stored on the property. As required by this standard all outdoor storage must be entirely screened with a fence, wall

or vegetation. The submitted application materials and site plan do not address the use of outdoor storage or screening as required by this standard. In addition, based on comments received from BPA the applicant will be required to obtain a Land Use Agreement from BPA for all areas within a BPA easement including areas used for outdoor storage and the required screening. BPA staff indicated that they would be willing to work with the property owner regarding screening and some fencing materials may be allowed subject to approval by BPA.

**Conclusion:** The submitted application materials do not address the use of outdoor storage and garbage collection areas. Based on comments received from BPA the application will be required to obtain a Land Use Agreement from BPA for any portion of the property located within a BPA easement. The applicant must submit and updated site plan showing the location of areas to be used for outdoor storage and screening.

- 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 property has direct road frontage onto Highway 730. The proposed use of the property is not anticipated to generate enough vehicle and pedestrian traffic to warrant right-of-way improvements to Highway 730. ODOT was sent notice of this application and will have the opportunity to provide comment on the application.

**Conclusion:** The property has direct frontage on Highway 730. Highway 730 is a State maintained road. The proposed business is not anticipated to generate enough vehicle and pedestrian traffic to warrant 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 subject property has direct access to Highway 730 and does not have access to a side street or ally. Therefore, there is no other alternatives to provide access to the property.

**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 subject property has direct access via Highway 730. The property is located in an area that has not been improved with sidewalks or other pedestrian transportation systems. However, the customer parking area has an existing sidewalk that connects the automobile parking areas and the building entrance.

**Conclusion:** The subject property is located along a portion of Highway 730 that has not been improved with sidewalks or other pedestrian transportation facilities. However, a pedestrian walkway is provided from the automotive parking areas to the building entrance as required by this standard.

- 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 subject property has been developed with an existing building that will serve as office space for the proposed business. The existing building is oriented towards the fronting street and incorporates windows facing the fronting street. Due to the nature of the business it is unlikely the window will be used as display areas due to the size of the rental equipment. However, to the extent practical the existing building complies with the intent of these standards. The applicant also proposed to develop the property with a second building located behind the existing building. The building would be used to repair and maintain the equipment available for rent. The new building would be considered an accessory or secondary building on the property and would not face a fronting street. Therefore, the new building is not required to incorporate ground floor window or architectural or decorative elements.

**Conclusion:** 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 oriented towards the fronting street and incorporates windows facing the fronting street to the extent practical. No additional design elements are necessary or required. The proposed new building would be used as a mechanical shop to repair and maintain the equipment for rent. The proposed building is not considered the primary building and is not required to meet the design elements required by these standards.

- 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:** Access to the site will be provided from an existing access approach. The I-82/US 730 Interchange Area Management Plan (IAMP) identifies the existing connection point as an existing private approach.

**Conclusion:** No new connection is proposed or necessary and as address above the existing access point is acknowledged as a legal existing access point by ODOT. This criterion is not applicable

- 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 connections are proposed or necessary.

**Conclusion:** No new access connections are 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:** Access to the site will be from an existing road approach. No new connections are proposed.

**Conclusion:** No new connections are proposed. These criteria are 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:** Access to the site will be from a single exiting road approach and a driveway is not proposed.

**Conclusion:** No driveway is proposed or necessary. These criteria are not applicable

- 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:** The proposed business is not part of a phased development.

**Conclusion:** The proposed business does not include a phased development. 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 approach is considered to be a legal nonconforming access due to the fact that it existed prior to the adoption of the City's regulations but has not received an approved road approach from ODOT and does not meet the City's current design standards as it exceeds the maximum width allowed for an access along a major arterial road. No new access connection permits are requested and ODOT considers the existing access point legal under the statutes of presumed to be permitted.

**Conclusion:** The existing access point is considered a nonconforming access feature. However, the applicant is not requesting a new access connection permit. This criterion is not applicable.

- 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 only has frontage on Highway 730.

**Conclusion:** The subject property only has frontage on Highway 730. 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. As part of the Condition Use process notice was sent to ODOT for comment. In addition, notice for site plan review was sent to ODOT in 2013 and no comment was received. Within the IAMP area, developments that trigger a significant increase in vehicular access, as established in the comprehensive plan, may require a traffic impact analysis and/or transportation system improvements to mitigate traffic impacts. The City does not believe that the proposed uses will generate the 250 average daily trips (ADT) that would automatically require a traffic impact analysis.

**Conclusion:** The City provided ODOT with the required notice and opportunity to comment on this Condition Use application. Comment was received from ODOT and as addressed in this report the existing access point is a legal unpermitted access point and ODOT did not consider this application as a change of use. Unless additional evidence is submitted this criterion is satisfied.

#### **CUZO 10-4D-7: PROPERTY DEVELOPMENT STANDARDS:**

The following property development standards apply to all new developments in the GC zone and are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout each zone district.

Existing developed properties are expected to meet these requirements to the extent reasonably possible. Similar to findings that demonstrate how a development proposal meets applicable standards, findings shall also justify why a proposal is not able to meet applicable standards for existing developed properties or structures. Cost may be considered, but shall not be the sole determinant if the cost is reasonable within the overall scope of the development proposal.

#### **C. Special Site and Building Design Standards:**

2. Off Street Parking, Loading and Unloading: See chapter 9 of this title for specific design standards for parking spaces and parking areas.

a. Off street parking shall not be located within five feet (5') of a property line separating the subject property from a public street.

**Findings:** The applicant's submitted site plan show the existing parking spaces are located 10 feet from the property lines that has frontage onto Highway 730.

**Conclusion:** The front property lines is the only property lines that has frontage on a public street. The submitted site plan show the proposed parking spaces are not located within 5 feet of the property lines separating the subject property from a public street.

b. Existing or proposed off street parking areas between the front or side of a building and the public right of way shall be separated from the right of way with a minimum three foot (3') wide landscape strip (see landscape requirements).

**Findings:** The applicants submitted site plan show the parking space located in the front of the building between the building and public right of way. However, no landscaping is shown on the site plan. Therefore, the applicant will be required to submit a modified site plan with the required three-foot minimum landscape strip. All new landscaping is subject to the requirements of Sections 10-9-2(D) of the CUZO.

**Conclusion:** The submitted site plan does not comply with this requirement. However, the applicant may submit a modified site plan with the required three-foot landscape strip or provide the required off street parking in a different location that does not require a landscape strip.

- c. Parking bumpers shall be set at least six feet (6') from the right of way for parking spaces established perpendicular to the right of way. Parking bumpers shall be securely fastened to the ground.

**Findings:** The applicant's submitted site plan show the parking bumpers would be located more than 6 feet from the right of way.

**Conclusion:** If the application chooses to provide a landscaped strip as required by the previous standard the submitted site plan would comply with this criterion. However, the applicant may also modify the submitted site plan and change the location of the required parking spaces. A modification will be required to locate parking bumpers at least six feet from the right of way for parking spaces established perpendicular to the right of way.

- d. A designated area (or areas) for loading and/or unloading of materials or freight shall be provided to ensure all such activities occur entirely on site.

**Findings:** The applicant's submitted site plan does not directly address a loading and/or unloading area. However, the subject property is large enough to accommodate a dedicated loading and/or unloading zone.

**Conclusion:** The applicant's modified site plan will be required to designate an area or areas for load and/or unloading of materials or freight.

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

The applicant, Juan Ochoa, requests approval to establish a commercial/industrial machinery and equipment rental business. 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-8-18, 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.

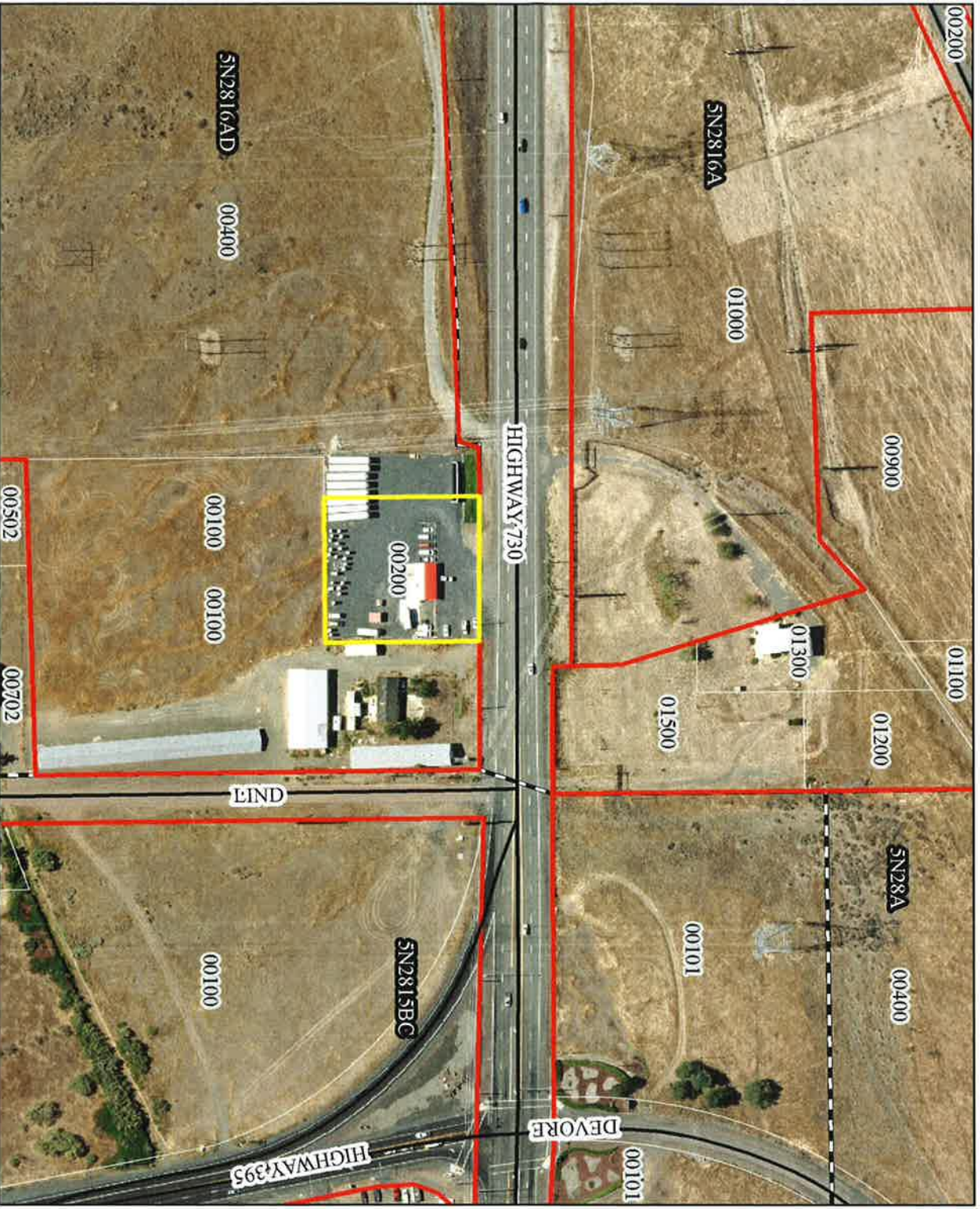
2. The applicant shall provide verification that the existing landscaped area has an automatic irrigation system or provide verification from a landscape architect that the plants will survive without irrigation.
3. The applicant must submit and updated site plan showing outdoor storage areas with the required screening, loading/unloading areas and parking spaces as required by Title 10, Chapter 9 of the City of Umatilla Zoning Ordinance. In addition, the applicant must provide the required three-foot landscape strip or provide the required off street parking in a different location that does not require a landscape strip.
4. The applicant must obtain a Land Use Agreement from BPA for use of any portion of the property that will lie within a BPA easement area.
5. Repair and maintenance activities shall be limited to equipment available for rent or lease only and not open to the public.
6. A conditional use approval may only be transferred to a new property owner or business operator after approval by the Planning Commission. Any significant change in the use, or any material changes in city regulations governing the use prior to a transfer request will require new conditional use approval.
7. 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.
8. Failure to comply with the conditions of approval established herein may result in revocation of this approval.
9. The applicant must 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
- Exhibit C – BPA Letter
- Exhibit D – BPA Easement Image (enlarged)

PROPERTY OWNERS WITHIN 100'  
NOTICE AREA  
FROM SUBJECT PROPERTY

MAP	TAXLOT	OWNER
5N2816AD	100	LIND BERNARD S
5N2816AD	200	MI TIERRA REAL-ESTATE INVESTMENTS INC
5N2816AD	400	USA



*Exhibit A*

OCHOA CONDITIONAL USE (CU-8-18)  
 JUAN OCHOA, APPLICANT  
 MI TIERRA REAL-ESTATE INVESTMENTS INC., OWNER  
 MAP #5N2816AD, TAX LOTS 200

Legend



Subject Property

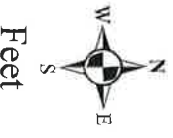
Streets

City Limits

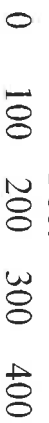


Assessor's Maps

Tax Lots (5/7/18)

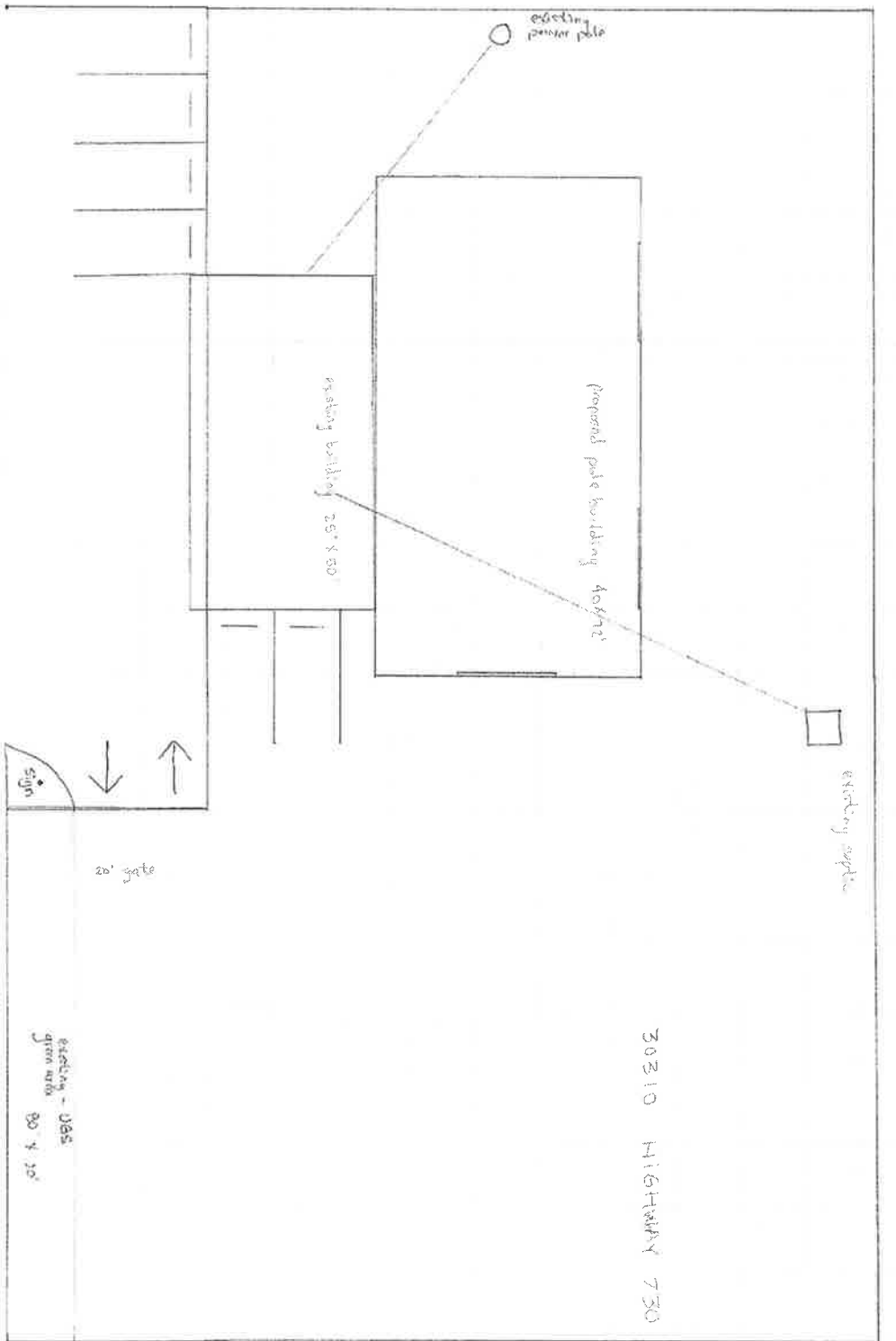


Feet



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 6/5/2018

# Exhibit-B





*Exhibit-C*  
**Department of Energy**

Bonneville Power Administration  
2211 North Commercial Avenue  
Pasco, Washington 99301

Transmission Services

July 17, 2018

In reply refer to: Ochoa Conditional Use Application CU-8-18  
BPA Tract No.: AEV-63A-A-2

Brandon Seitz, Umatilla City Planner  
City of Umatilla  
700 6<sup>th</sup> Street  
Umatilla, OR 97882

Dear Brandon:

The Bonneville Power Administration (BPA) has reviewed the above-mentioned proposed Conditional Use Application CU-8-18 and its relationship to BPA's transmission line easement that this application impacts. BPA does have some concerns with the activities that may occur within the proposed parcel. The owner will need to submit a land use application, and acquire a Land Use Agreement from BPA if any portion of the owner's development plans will lie within BPA's easement area.

Activities that block maintenance crews (such as the installation of fences) or safety concerns (such as buildings, public roads, driveways, utilities, small structures) need to be addressed prior to construction in order to avoid later modification, at the landowner's or developers expense.

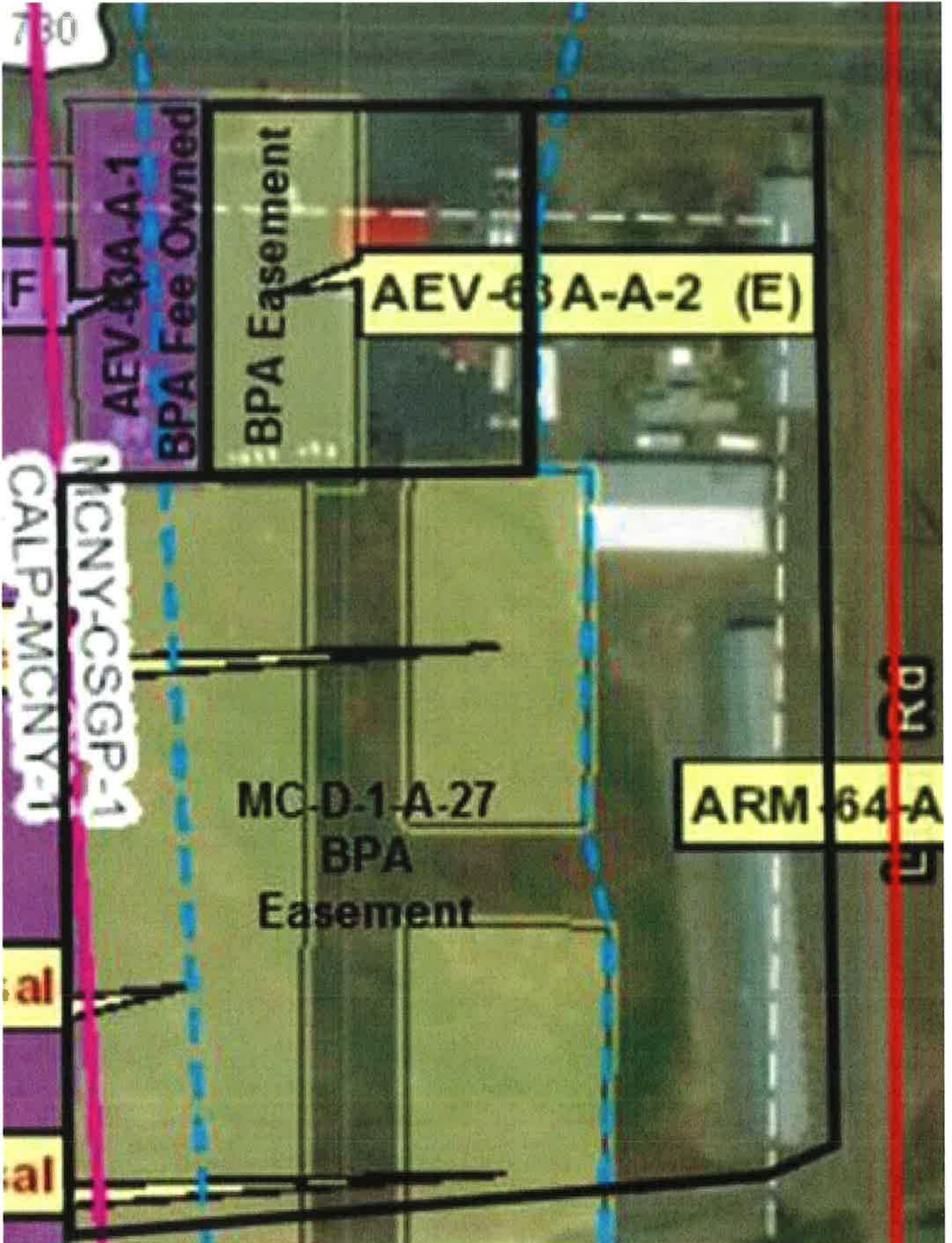
Thank you for the opportunity to review this application. If you have any questions regarding this request or need additional information, please feel free to contact me. I can be reached at (509) 544-4747 or by email at [jecottrell@bpa.gov](mailto:jecottrell@bpa.gov).

Sincerely,

A handwritten signature in black ink that reads "Joseph E. Cottrell II". The signature is written in a cursive style.

Joseph E. Cottrell II  
BPA Field Realty Specialist

Exhibit - D





**CITY OF UMATILLA PLANNING COMMISSION  
REPORT AND RECOMMENDATION  
FOR  
ZONE CHANGE ZC-1-18**

**DATE OF HEARING:** June 26, 2018

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

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**I. GENERAL INFORMATION AND FACTS**

- Applicant:** City of Umatilla, 700 6<sup>th</sup> Street, Umatilla, OR 97882.
- Land Use Review:** Zone Change application to implement siting standards for the development of Accessory Dwelling Units (ADU). The proposed amendment is a text amendment of the City of Umatilla Zoning Ordinance (CUZO).

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

The City of Umatilla is proposing to amend the CUZO to allow for the placement of ADUs. With the passage of House Bill 4031 and Senate Bill 1051 a city with a population greater than 2,500 is required to allow for at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

The City currently allows detached single-family dwellings in the Single-Family Residential (R-1) and Medium Density Residential (R-2) zones. The intent of the proposed text amendment is to adopt a definition for ADUs, identify which zones ADUs will be permitted in and implement siting and design standards for placement of ADUs.

**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 10-13-3: AMENDMENTS TO THE ZONING TEXT OR MAP:**

- A. Type IV Procedure: Amendments to the zoning title text or official map are considered a type IV procedure. A map change may be legislative or quasi-judicial, depending on the number of properties and area involved. A text change is always a legislative decision.
- B. Initiation Of Application: An application may be initiated by a property owner or authorized agent, the planning commission, or the city council.
- C. Narrative, Identification Required: An application shall include a narrative that demonstrates compliance with the approval criteria and a site and vicinity map identifying the property and adjacent properties. A traffic impact analysis (TIA), pursuant to section 10-11-10 of this title, shall also be submitted with all plan and zoning amendment applications.

D. Approval Criteria: An amendment to this title or official map shall comply with the following criteria:

1. The proposed designation is consistent with and supports the purposes of the portions of the city's comprehensive plan not proposed for amendment, or circumstances have changed to justify a change in the comprehensive plan.

**Findings:** The proposed text amendment would amend the CUZO to implement the State requirement to allow for the placement of ADUs in zones where detached single-family dwellings are allowed. No changes to the comprehensive plan or plan map are proposed.

**Conclusion:** The proposed text amendment would amend the CUZO to allow for the placement of ADUs not amend the comprehensive plan. The proposed text change is necessary to comply with State law. Therefore, the circumstances have changed to justify the proposed text amendment of the CUZO.

2. The proposed change will not affect the land supply for the existing zoning designation as related to projected need for the particular land use.

**Findings:** The proposed text amendment would change the text of the CUZO to allow for the placement of ADUs within the R-1 and R-2 zones and implement siting standards. No change to the plan/zone map is proposed. The existing zoning designations would not be affected as a result of this amendment.

**Conclusion:** The proposed text amendment will not change the existing zoning designations for any property within the City's Urban Growth Boundary (UGB). Therefore, the proposed text change will not affect the land supply of the existing zoning designations.

3. The proposed designation will not negatively impact existing or planned public facilities and services. In particular, pursuant to the Oregon transportation planning rule, proposed text and map amendments shall determine whether the proposed change will significantly affect a collector or arterial transportation facility and must comply with the requirements of Oregon administrative rule (OAR) 660-012-0060 as applicable. 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 City has concerns that the requirement to allow ADUs may negatively impact existing public facilities and services. The extent of the impacts to public facilities will vary depending upon the number of ADUs that are constructed. However, the City is required by State law to allow ADUs in the R-1 and R-2 zones which total approximately 1283 acres compared to 73 acres of residentially zoned lands, located in the Downtown Residential and Multi-Family Residential zones, that are not required to allow ADUs. While it is unknown how many ADUs will be constructed the impacts could be significant as over 90 percent of the residentially zoned land within the City will be required to allow ADUs. Therefore, staff recommends that ADUs be limited to one unit per detached single-family dwelling. By limiting the number of ADUs that could be developed the City can limit the potential impact to existing public facilities. Sanitary sewer and water systems could be significantly impacted by the addition of multiple ADUs specifically in older neighborhoods where existing lines may have limited capacity to handle a significant increase.

In addition to public utilities many neighborhood streets within the City have not been improved to a modern city street standard. Specifically, most of the older neighborhoods do not have curb, gutter and sidewalks and the shoulders are generally gravel and used for parking as many homes do not have off street parking available. A majority of these areas have inadequate off-street parking. Therefore, staff recommends that each ADU be required to provide a minimum of one off-street parking space per dwelling unit.

**Conclusion:** It is unknown to what extend the requirement to allow ADUs will impact the City's existing public facilities and services. However, when the density for over 90 percent of the City's residential zoned land has potential to be doubled by implementing the State requirement to allow ADUs. Therefore, staff recommends that the City impose standards to limit the potential impacts to existing public facilities and services by requiring the following site standards:

1. Limit the maximum number of ADUs allowed to one per legal detached single-family dwelling.
2. Require each new ADU to provide a minimum of one off-street parking space.

4. The site is suitable for the proposed use, considering the topography, adjacent streets, access, size of the site, availability of public facilities, and any other pertinent physical features.

**Findings:** The proposed text amendment would apply to all property zoned R-1 and R-2. The intent of the proposed siting standards is to ensure that the City has reasonable standards in place to ensure that new ADUs are suitable for placement in residential zones where they will be allowed. Staff recommends requiring that all new detached ADUS be located in the rear yard of the primary dwelling unless the ADU is located in a portion of a detached accessory building. For example, a garage could include an ADU and be located in a front/side yard. However, a stand alone detached ADU would be required to be located in the rear yard to maintain the residential appearance of the property. This requirement will ensure that the ADU is either located in a rear yard and not readily visible from the street or located within another accessory building.

**Conclusion:** The intent of the proposed text amendment is to implement reasonable siting standards to ensure that new ADUs are suitable for R-1 and R-2 zoned properties. To ensure that the residential character of the property is maintained new detached ADUs will be required to be located in the rear yard to maintain the residential appearance of the property.

5. Other sites in the city or the vicinity are unsuitable for the proposed use. In other words, ownership and desire to develop a particular use in themselves provide insufficient rationale for changing a zoning designation that does not support the interests of the city as a whole.

**Findings:** The intent of this standard is to show that a proposed amendment is necessary to accommodate the proposed use and to show that other sites within the City are not readily available to develop the propose use. The proposed text change is to allow for the placement of ADUs and implement siting standards. The City currently does not allow for the placement of ADUs in any zone within the UGB. Therefore, there are no other sites within the City that would be suitable for the proposed use without the proposed text amendment.

**Conclusion:** The proposed text amendment is to allow for the placement of ADU on all property zoned R-1 or R-2 and developed with a detached single-family dwelling. The City currently does not allow for the placement of ADUs in any zone within the UGB. Therefore, there are no other sites within the City that would be suitable for the proposed use.

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

The applicant, City of Umatilla, is proposing a text amendment to the City of Umatilla Zoning Ordinance to implement siting standards for the placement of Accessory Dwelling Units. The request appears to meet all of the applicable criteria and standards for this type of request. 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 Zone Change (ZC-1-18).

#### **VI. EXHIBITS**

Exhibit A – Draft Text Change

Exhibit B - Carla McLane Comment Letter

Exhibit C - Bruce McLane Comment Letter

Exhibit D - Fair Housing Council of Oregon Comment Letter

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The following definition is proposed to be added to Section 10-1-6 of the City of Umatilla Zoning Ordinance:

**Accessory Dwelling** – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

Underlined language proposed to be added; Bracketed [ ] language proposed for deletion by  
Zone Change application ZC-1-18

### **Chapter 3**

## **RESIDENTIAL DISTRICTS**

### **ARTICLE A**

#### **SINGLE-FAMILY RESIDENTIAL (R-1)**

##### **10-3A-1: PURPOSE:**

The R-1 District is intended for low density, urban single-family residential uses. The R-1 District corresponds to the R-1 designation of the Comprehensive Plan. (Ord. 688, 6-15-1999)

##### **10-3A-2: USES PERMITTED:**

The following uses and their accessory uses are permitted in the R-1 District:

1. Accessory uses, including an Accessory Dwelling subject to the provisions of Section 10-11-11 of this Title.
2. Family daycare providers and residential homes.
3. Home occupations subject to provisions of Section 10-11-1 of this Title.
4. 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. (Ord. 688, 6-15-1999; amd. Ord. 692, 9-7-1999)

##### **10-3A-3: CONDITIONAL USES PERMITTED:**

The following primary uses and their accessory uses may be permitted when authorized in accordance with the requirements of Chapter 12 of this Title:

1. Community Services uses, as provided by Chapter 6 of this Title. (Ord. 688, 6-15-1999)

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10-3A-4: DEVELOPMENT STANDARDS:

A. Dimensional Standards

Minimum lot area	8,000 square feet
Minimum lot width	50 feet
Minimum lot depth	90 feet
Minimum yard setbacks:	
Front and rear yard	25 feet total, with minimum yard 10 feet
Side yard	5 feet
Street side yard	10 feet
Garage	18 feet from any street except an alley
Maximum building height	35 feet

## ARTICLE B

### MEDIUM DENSITY RESIDENTIAL (R-2)

#### 10-3B-1: PURPOSE:

The purpose of the R-2 District is to allow single-family detached and attached residences on smaller lots, two-family and multi-family housing at moderate density. Site review is required for most uses. The R-2 District corresponds to the R-2 designation of the Comprehensive Plan. (Ord. 688, 6-15-1999)

#### 10-3B-2: USES PERMITTED:

The following uses and their accessory uses are permitted in the R-2 District:

1. Accessory uses, including an Accessory Dwelling subject to the provisions of Section 10-11-11 of this Title.
2. Family daycare providers, residential homes, and residential facilities.
3. Home occupations subject to provisions of Section 10-11-1 of this Title.
4. Single-family detached residences, including manufactured homes on individual lots subject to provisions of Section 10-11-8 of this Title.
5. Two-family and multi-family housing. (Ord. 688, 6-15-1999; amd. Ord. 692, 9-7-1999)

#### 10-3B-3: CONDITIONAL USES PERMITTED:

The following uses and their accessory uses may be permitted subject to the provisions of Chapter 12 of this Title:

1. Boarding house.
2. Community Services uses as provided by Chapter 6 of this Title.
3. Manufactured home parks.
4. Office or clinic for a doctor, dentist or other practitioner of the healing arts, attorney, architect, engineer, surveyor or accountant. (Ord. 688, 6-15-1999)

#### 10-3B-4: DEVELOPMENT STANDARDS:

##### A. Density:

One dwelling per three thousand five hundred (3,500) square feet.

##### B. Landscaping:

Except for lots intended for single-family detached dwellings, a minimum of fifteen percent (15%) of lot area shall be devoted to landscaping, exclusive of landscaping required for parking areas. The minimum dimension of any landscaped area shall be five feet (5').



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C. Open Space:

At least two hundred (200) square feet of outdoor open area easily accessible from the interior of the dwelling shall be provided for each ground floor dwelling unit. Part of the required area may include a private screened patio.

D. Dimensional Standards

Minimum lot area	5,000 square feet
Minimum lot width	50 feet
Minimum lot depth	90 feet
Minimum yard setbacks:	
Front and rear yard	10 feet
Side yard	5 feet
Street side yard	10 feet
Garage	18 feet from any street except an alley
Maximum building height	35 feet

10-3B-5: LIMITATIONS ON USE:

Uses other than single-family detached residences, accessory uses to single-family detached residences, and home occupations are subject to site plan review.

## Chapter 11

### SUPPLEMENTARY PROVISIONS

#### 10-11-1: GENERAL ACCESSORY USE PROVISIONS:

Accessory uses shall comply with all requirements for the primary use except where specifically modified by this title and shall comply with the following limitations:

##### A. Home Occupation:

A home occupation shall be conducted completely within a residence by the occupant of the residence. No more than one nonresident employee shall engage in the business. The residential character of the building shall be maintained with no exterior changes to the appearance or structure of the property and no signs shall be visible from the public street. A home occupation shall occupy less than one-quarter (1/4) of the ground floor areas of the main building. Home occupations shall not include repair of vehicles.

##### B. Fences, Walls, And Similar Barriers:

1. Fences within the vision clearance area described in section 10-11-4 of this chapter, shall not exceed three feet (3') in height and shall not create an obstruction to the vision of drivers.
2. Outside of the vision clearance area, fences are limited to a maximum of six feet (6') in height, except that fences and walls, railings or mature hedges shall not exceed four feet (4') in height within the required front yard or side yard along a flanking street.
3. A fence inspection permit from the city is required for all fences. The amount of the fee shall be set by resolution.

##### C. Greenhouse:

A greenhouse or hothouse may be maintained as an accessory use to a residence only if there are no sales.

##### D. Guesthouse:

A guesthouse may be maintained as an accessory use to a dwelling provided that there are no cooking facilities in the guesthouse. (Ord. 688, 6-15-1999)

#### 10-11-2: PROJECTIONS INTO REQUIRED YARDS, SETBACK & HEIGHT EXCEPTIONS:

##### A. Limit:

Comices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than two feet (2') into a required yard or required open space.

##### B. Setbacks:

Regardless of the side yard requirements of the district, a side or rear yard may be reduced to three feet (3') for an accessory structure erected more than sixty-five feet (65') from a street

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other than an alley and provided that the structure is detached from other buildings by six feet (6') or more and does not exceed a height of one story nor an area of more than five hundred (500) square feet.

C. Building Height Limitations:

The following types of structures or structural parts may exceed the building height limitations of this title:

1. Antennas for radio communications.
2. Belfries.
3. Chimneys.
4. Church spires.
5. Flagpoles. (Ord. 688, 6-15-1999)

10-11-3: MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS:

No lot area, yard, or other open space, or required off street parking or loading area existing on or after the effective date of this title, shall be reduced in area, dimensions, or size below the minimum required by this title, nor shall any lot area, yard, or other open space or off street parking or loading area which is required by this title for one use be used as the lot area, yard, or other open space or off street parking or loading area requirement for any other use, except as provided in chapter 9 of this title. (Ord. 688, 6-15-1999)

10-11-4: VISION CLEARANCE:

A vision clearance area shall be an area that is roughly triangular in shape that is established at the intersection of a street, alley, or driveway. It is measured along right of way or property lines, according to the following requirements:

A. Residential Districts:

In a residential district, the minimum distance shall be thirty feet (30'), or at intersections including an alley or driveway, ten feet (10'), measured from the point of intersection.

B. Other Districts:

In commercial and industrial districts, the minimum distance shall be fifteen feet (15'), or ten feet (10') if the intersection includes an alley or driveway. (Ord. 688, 6-15-1999)

C. Access To Public Right-Of-Way:

Access to the public right-of-way (public or private driveway) shall not be located within the vision clearance area of an intersection, unless there is no other alternative for access to a site. (Ord. 710, 5-7-2002)

10-11-5: SWIMMING POOLS, FISH PONDS, OR OTHER DECORATIVE POOLS:

A. Fence Required:

Every manmade body of water with a depth of more than eighteen inches (18") at any point shall be completely surrounded by a six foot (6') high fence or comparable enclosure. The fence

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shall have a self-closing, self-latching gate, with the latch mechanism located at least four feet (4') above grade. The fence shall be designed to discourage children from climbing and have no openings, holes or gaps larger than four inches (4") in any dimension.

**B. Building Permit Required:**

A building permit is required for a swimming pool. Plans shall be filed with the city and meet the requirements of this chapter and the uniform building code. No pool shall be used until a final inspection is made by the city after its construction is completed.

**C. Setbacks:**

A swimming pool shall be set back from any interior side or rear property line by a minimum of five feet (5'). Any associated structures shall comply with setbacks for a building or accessory structure for the district in which it is located.

**D. Exceptions:**

This chapter shall not apply to public swimming pools or wading pools maintained and operated by any public entity. (Ord. 688, 6-15-1999)

**10-11-6: UTILITIES:**

In all industrial, commercial, and residential districts, all electrical, telephone, and cable television utility service installations or connections made as part of new construction of a building or structure, shall be placed underground in accordance with city standards. McNary Industrial Park is exempt from this requirement. (Ord. 688, 6-15-1999)

**10-11-7: EASEMENTS:**

When an easement is required, the following standards shall apply:

**A. Pedestrian Easements:**

In order to facilitate pedestrian access from streets, lots, or developments, to schools, parks, nearby streets, or other developments, an easement no less than ten feet (10') wide with a paved pathway no less than six feet (6') shall be required. Any sight obscuring barrier such as a fence or planting at the edge of the easement shall not exceed three feet (3') in height in order to maintain visibility of the walkway from adjacent properties.

**B. Open Space Easements:**

An open space easement may be required over areas in private ownership of the floodplain or areas with unique natural condition. Such easement shall preclude development of the area when limiting the use of a property is determined to be in the public interest.

**C. General Public Easements:**

When topography or other conditions make impractical the location of drainage facilities, sanitary sewer or water lines within the public street right of way, an unobstructed easement shall be provided across a property. Easements shall be of sufficient width to safely excavate buried facilities, but generally shall be no less than fifteen feet (15') in width. (Ord. 688, 6-15-1999)

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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:

- A. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet.
- B. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve inches (12") above grade.
- C. The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet (3') in height for each twelve feet (12') in width.
- D. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the dominant materials used on surrounding dwellings as determined by the city administrator.
- E. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in Oregon Revised Statutes 455.010.
- F. The manufactured home shall have a garage or carport constructed of like materials.
- G. The manufactured home is subject to any development standard, architectural requirement, and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.
- H. Each manufactured home shall be provided with a paved driveway no less than ten feet (10') wide for a single vehicle garage or carport or eighteen feet (18') for a two (2) vehicle garage or carport. (Ord. 692, 9-7-1999)

10-11-9: SINGLE-FAMILY DWELLING SITE STANDARDS:

- A. The single-family dwelling shall enclose a space of not less than one thousand (1,000) square feet.
- B. Each single-family dwelling shall have a garage or carport constructed of like materials and colors.
- C. Each single-family dwelling shall be provided with a paved driveway not less than ten feet (10') wide for a single vehicle garage or carport or eighteen feet (18') for a two (2) vehicle garage or carport. (Ord. 721, 6-3-2003)

10-11-10: TRAFFIC IMPACT ANALYSIS (TIA)

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A. Purpose:

The purpose of this section of the code is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to specified land use proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with an application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Analysis; and who is qualified to prepare the analysis.

B. Applicability:

A Traffic Impact Analysis shall be required to be submitted to the City with a land use application, when the following conditions apply:

1. The application involves one or more of the following actions:
  - a. A change in zoning or plan amendment designation; or
  - b. The proposal is projected to cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
    - 1) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the City Engineer). The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips; or
    - 2) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
    - 3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or vehicles queue or hesitate, creating a safety hazard; or
    - 4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
    - 5) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

C. Traffic Impact Analysis Requirements

1. Preparation.

A Traffic Impact Analysis shall be prepared by an Oregon Registered Professional Engineer that is qualified to perform traffic engineering analysis and will be paid for by the applicant.

2. Transportation Planning Rule Compliance.

See Section 10-13-3 Amendments to the Zoning Text or Map.

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3. Pre-application Conference.

The applicant will meet with the Umatilla Public Works Director and Planning Director prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected. The City shall also consult the Oregon Department of Transportation (ODOT) on analysis requirements when the site of the proposal is adjacent to or otherwise affects a State roadway.

D. Approval Criteria:

When a Traffic Impact Analysis is required, approval of the proposal requires satisfaction of the following criteria:

1. Traffic Impact Analysis was prepared by an Oregon Registered Professional Engineer qualified to perform traffic engineering analysis;
2. If the proposed action shall cause a significant effect pursuant to the Transportation Planning Rule, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis shall include mitigation measures that meet the City's Level-of-Service and/or Volume/Capacity standards and are satisfactory to the City Engineer, and ODOT when applicable; and
3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
  - a. Have the least negative impact on all applicable transportation facilities;
  - b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable;
  - c. Make the most efficient use of land and public facilities as practicable;
  - d. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
  - e. Otherwise comply with applicable requirements of the City of Umatilla Code.

E. Conditions of Approval:

The City may deny, approve, or approve a proposal with appropriate conditions.

1. Where the existing transportation system is shown to be impacted by the proposed action, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed action.
2. Where the existing transportation system is shown to be impacted by the proposed action, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed action may be required.

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10-11-11: ACCESSORY DWELLING UNIT SITE STANDARDS:

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure and shall conform to all of the following standards:

- A. A maximum of one Accessory Dwelling is allowed per legal detached single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).
- B. An attached or interior Accessory Dwelling shall not exceed 800 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 800 square feet.
- C. A detached Accessory Dwelling shall not exceed 1 story in height, unless the Accessory Dwelling is located in a portion of a detached accessory building (e.g., above a garage).
- D. A detached Accessory Dwelling shall be located in the rear yard of the primary dwelling unless the Accessory Dwelling is located in a portion of a detached accessory building.
- E. Each Accessory Dwelling shall be provided with one off street parking space.



# Exhibit - B

June 26, 2018

Planning Commission  
City of Umatilla  
P.O. Box 130  
Umatilla, Oregon 97882

RE: Accessory Dwelling Unit – Development Code Text Amendment

Commission Chair and Members,

Please accept this testimony, not in opposition, but with concern about what the impact could be if this type of development is initiated at any substantial rate within the city limits. My comments follow and are directed at the substantive criteria as outlined in the Report and Recommendation for this action.

The proposed designation is consistent with and supports the purposes of the portions of the city's comprehensive plan not proposed for amendment, or circumstances have changed to justify a change in the comprehensive plan.

The staff analysis of this criterion is incomplete and simply assumes that the city must implement the State's directive without analyzing its impact. There is also no analysis of how the city's comprehensive plan, particularly applicable Goal 10 Housing findings or policies, would either apply or be impacted. A review of the city's Goal 10 Housing Findings provides that "housing should be developed in areas that reinforce and facilitate orderly and compatible community development" and "the city should evaluate proposals for new housing construction in terms of the additional numbers of people with respect to impact on the natural environment, community services, utility support systems, projected housing needs, and the City's capital improvement programming." Both of these Findings are applicable to this action and can provide the city the ability to make this type of amendment with more focus and precision, rather than just allow ADUs to be sited on every residential lot zoned R-1 or R-2. The Housing Policy found at 10.9.105 states, "the City will re-assess Housing Needs at each Periodic Review." It is my understanding that the city is now exempt from Periodic Review, which means a Goal 10 written in about 1976 may continue to be ineffective. And planned Buildable Lands Inventory and Housing Analysis may provide updated information and data, but without updating the Goal 10 Housing Findings and Policies the city is left with its current framework from 1975 to make decisions in 2018 and beyond. I would encourage the Planning Commission to give consideration to your Goal 10 Housing Findings included above as you review this Zoning Ordinance amendment.

The proposed change will not affect the land supply for the existing zoning designation as related to projected need for the particular land use.

At this juncture a discussion about how this action could, although unlikely, nearly double the density of the two subject residential use zones is needed. It should be recognized that this amendment could affect land supply over time and would certainly color any future buildable lands inventory or housing analysis. While it is true that this amendment will not change the existing zoning designations, it could have a profound impact on the density and how these areas are developed and redeveloped. That potential impact should be acknowledged and mechanisms to address negative impacts should be identified and implemented. As the city pursues updates to the Comprehensive Plan and Zoning Ordinance it should be noted that the potential density of these zones has been nearly doubled with this action.

mechanism to work with the local Postmaster to implement centralized mail boxes to limit parking impacts and reduce mail theft.

The final part of my comment is to Exhibit A, particularly the portion 10-11-11: Accessory Dwelling Unit Site Standards. The proposed standards are intended to address the potential impacts from the development of ADUs and direct their placement. The following questions come to mind as I review these proposed standards:

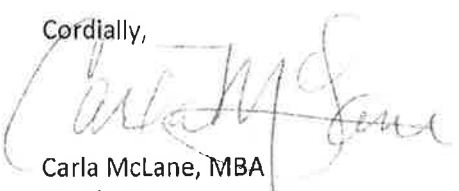
- There are no square footage standards assigned to the detached ADU when located in the portion of a detached accessory building. It is unclear if a detached accessory building larger than the earlier identified 800 square feet would be excluded from being converted or having an ADU placed on a to be constructed second floor.
- There are no setbacks included in this section and when reviewing the R-1 and R-2 standards ADUs are only held to the standards in this section. It could be argued that the other standards found in the R-1 and R-2 provisions are not applicable based the following language: "Accessory uses, including an Accessory Dwelling subject to the provisions of Section 10-11-11 of the Title."
- The R-2 development standards limit development to one dwelling to 3,500 square feet. Does the allowance for an ADU remove this limitation? If I have a 4,000 square foot lot can I site an ADU? This is unclear.

I would encourage the Planning Commission to carefully consider the changes you are being asked to make simply because the State has issued a mandate. The city should be sure that these allowances are in the best interest of the city and support the ways in which the city wants to grow. They should also be fully vetted for impacts to water, waste water, traffic, parking and other public services. While I do not anticipate that every home built in either the R-1 or R-2 use zones will have an ADU, it may be that the city will find there is a limit to how many can be accommodated. There should be incorporated into this process a mechanism by which the Planning Commission can further review the impacts to drive future changes.

One last note before I close. There is no limitation as to how these ADUs could be used. Is the intent that they are to be for residents? Or could they be used for short-term rentals to be listed through AirBNB or other similar listing services? The State mandate intends to get to needed housing, but without clear requirements in the Zoning Ordinance the city could find they are opening the door to another enforcement issue.

Thank you for the opportunity to comment on these proposed changes. I cannot encourage you enough to take the time you need to be sure these new provisions help the city meet our needed housing requirements. Please accept my apologies for not attending in person, but I have another evening commitment this evening. Should there be any questions or follow up needed community development staff know how to reach me.

Cordially,



Carla McLane, MBA  
Resident

Exhibit - C

Barry McLANE  
170 Van Buren Dr.  
Umatilla, OR.

I will limit my comments to:

Section III Analysis

Letter D.

Number 3.

I have a general comment, and a specific change to request.

My general comment is related to "Findings"

Since,

"The City has concerns that the requirement to allow ADU's may negatively impact existing public facilities and services"

and there has been no detailed, comprehensive review of all the potential impacts of allowing ADU's.

I would suggest that some trigger point be established that would require a detailed, comprehensive review of the impacts and allow the city to modify this document prior to it becoming a code enforcement or legal issue.

My specific requested change is related to "Conclusions"

I would suggest that number 2 be changed to the following.

"Require each new ADU to provide a minimum of one additional off-street parking space per bedroom in the ADU."

I think this more adequately and clearly defines the need for additional parking space.



June 26, 2018

Exhibit - D

City of Umatilla Planning Commission  
700 6th St  
Umatilla, OR 97882

**Re: SB 1051 Update**

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

Based on the staff report, the Commission appears to understand and support the goal to permit ADUs in order to help Newberg achieve its needed housing goals. However, we request the Commission reject the onsite parking requirement for ADUs because FHCO and HLA do not believe that parking requirements are a reasonable regulation under ORS § 197.312. The necessity to construct onsite parking is contrary to providing affordable housing options within city limits because construction of onsite parking increases the cost of ADU. There is less incentive ADU owners—who would otherwise contribute to the low and affordable housing market—to continue offering their units when costs rise; parking is one such cost that will push these ADU owners out of the market. The Commission's intent to add to the housing supply, therefore, will be negated. Where ADUs are be part of meeting affordable housing needs—both by being relatively more affordable in many cases themselves and by providing an income source that allows a homeowner to stay in their home—these requirements cannot attach.

HLA and FHCO urge the Commission to defer adoption of the proposed amendment until the parking requirement and accompanying issues have been addressed. Thank you for your



consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at [ldix@fhco.org](mailto:ldix@fhco.org) or reach her by phone at (541) 951-0667.

Thank you for your consideration.

Louise Dix  
AFFH Specialist  
Fair Housing Council of Oregon

Jennifer Bragar  
President  
Housing Land Advocates

cc: Kevin Young ([kevin.young@state.or.us](mailto:kevin.young@state.or.us))

**CITY OF UMATILLA PLANNING COMMISSION  
REPORT AND RECOMMENDATION  
FOR  
CONDITIONAL USE CU-6-18**

**DATE OF HEARING:** July 24, 2018

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

**I. GENERAL INFORMATION AND FACTS**

**Applicant:** Commonwealth Real Estate Services, Marcus Vance, 18150 SW Boones Ferry Road, Portland, OR 97224

**Property Owners:** Shady Rest MHC LLC, 1700 Adam Ave # STE 212, Costa Mesa, CA 92626-4865.

**Land Use Review:** The applicant is proposing to convert the RV spaces within the existing mixed-use RV and manufactured home park to 12 new manufactured home spaces.

**Property Description:** Township 5N, Range 28E, Section 18C, Tax Lot 1100.

**Location:** The subject property is located at 28716 Highway 730, Umatilla, OR 97882.

**Existing Development:** The subject property is currently developed with a mixed-use RV and manufactured home park.

**Proposed Development:** The applicant is proposing to convert the existing RV spaces to 12 new manufactured home spaces.

**Zone** General Commercial (C-1). The subject property is located within the City's Urban Growth Boundary (UGB) and is zoned under the 1972 Umatilla County Zoning Ordinance (UCZO).

**Adjacent Land Use(s):** The following zoning designation are from the UCZO and City of Umatilla Zoning Ordinance (CUZO)

<b>Adjacent Property</b>	<b>Zoning</b>	<b>Use</b>
North	Suburban Residential (UCZO)	Highway 730 and single-family dwellings
South	Exclusive Farm Use (UCZO) and Single-Family Residential (CUZO)	West Extension irrigation canal and vacant lots
East	Two Acre Residential (UCZO)	Single-family dwellings

West	Two Acre Residential (UCZO)	Single-family dwellings
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**II. NATURE OF REQUEST AND GENERAL FACTS**

The applicant, Commonwealth Real Estate, is proposing to convert the RV spaces within the existing mixed-use RV and manufactured home park to 12 new manufactured home spaces. The RV spaces that are proposed to be converted are located at the north end of the park in the center island between the two existing internal street.

**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 CUZO and UCZO implement the comprehensive plan goals and polices. If a request is found to meet or be capable of meeting the applicable standards and criteria in the CUZO and UCZO 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 and UCZO 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 and UCZO. If the request is found to meet all of the standards and criteria addressed in this report the request will comply with this standard.

**Conclusion:** The request is found to comply with all of the applicable standards and criteria of the CUZO and UCZO 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 request is not a community service use. The applicant intends to convert existing RV spaces within a mixed-use RV and manufactured home park to new manufactured home spaces.

**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 has been developed as a mixed-use RV and manufactured home park. The request is to convert the existing RV spaces into 12 new manufactured homes spaces. The park is located within the UGB and is not connected to City services and is served by an onsite septic system and well. Staff received comment from Umatilla County Environmental Health that the proposed conversion would exceed their jurisdiction, 2,500 gallons per day, and would fall under DEQ's jurisdiction. DEQ verified that a Water Pollution Control Facility permit would be required. A condition of approval will be imposed requiring the application to obtain a Water Pollution Control Facility permit and any other permits necessary to serve the proposed 12 new manufactured homes spaces.

Water use is regulated by two State agencies Oregon Water Resources Department (OWRD) and Oregon Health Authority (OHA) Drinking Water Services. The applicant will be required to submit written approval from OWRD and OHA that that proposed use is allowed under an existing permit or obtain the necessary permits/approvals necessary to serve the proposed 12 new manufactured home spaces. Public Notice was sent to OWRD and OHA for comment

The existing park has direct access to Highway 730 which is assumed to be adequate to accommodate traffic generated by the proposed conversion and existing manufactured home park. Notice was sent to ODOT for comment.

The park has been in existence for an extended period and the existing RV spaces proposed to be converted are located in the middle of the park and separated from neighboring land uses by the internal roads and existing manufactured homes spaces. Therefore, it is assumed that the proposed conversion would generate impacts similar to the existing park.

**Conclusion:** As addressed above the applicant will be required to submit written verification from the permitting agencies that the proposed conversion is allowed or obtain the necessary permits for conversion of the existing RV spaces. The existing park had been in operation for an extended period and the proposed conversion is anticipated to generate similar impacts to neighboring properties as the existing park.

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 addressed in this report the proposed development is to convert the existing



RV spaces located in the middle of the park, separated from neighboring properties by the existing internal roads and manufactured home spaces, to 12 new manufacture homes spaces. The existing park has been in operation for and extend period and has been compatible with the surrounding land uses since it was established. The potential impacts from the proposed conversion are anticipated to be similar to the existing park. The proposed development will not affect the land supply within any zoning district as the new manufactured home spaces would be located entirely within the existing park. In addition, the proposed conversion will increase housing availability by providing additional spaces for manufactured homes within the community.

**Conclusion:** The impacts from the proposed development, conversion of the existing RV spaces to 12 new manufactured homes spaces, are anticipated to generate impacts similar to the existing park. No impacts have been identified by staff that would require additional mitigation measures to limit impacts to the surrounding neighborhood and community.

## **SECTION 7.040 SUGGESTED STANDARDS GOVERNING CONDITIONAL USES**

(13) Mobile home park, trailer park:

A mobile home park or trailer park may be permitted as a conditional use provided it meets the requirements of Chapter 446, Oregon Revised Statutes, and the Rules and Regulations Governing the Construction and Sanitary Operation of Travelers' Accommodations and Trailer Parks adopted by the Oregon State Board of Health. In addition, the following minimum standards may apply:

The applicant will be required to obtain all of the necessary federal, state and local permits necessary to convert and operate the 12 new manufactured home spaces. It is the applicant's responsibility to obtain the necessary permits.

(a) Parking space requirements:

A parking space shall be provided for each mobile home or trailer space on the site. In addition, guest parking spaces shall also be provided in every mobile home or trailer park within 200 feet of the spaces served and at a ratio of one parking space for each two mobile home or trailer spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.

**Findings:** The applicant's submitted site plan shows two parking spaces for each of the new manufactured home spaces. Additional guest parking is also proved on each end of the converted RV spaces.

**Conclusion:** The submitted site plan shows two parking spaces per manufactured home spaces. The parking spaces are located on each manufactured home spaces and satisfy the required parking space and guest parking space. Therefore, the applicant exceeds the required one guest parking space per two manufactured home spaces.

(b) In order to protect the character of the neighborhood and to provide maximum privacy within the mobile home or trailer park, the officer may require a sight-obscuring fence or hedge not less than six feet in height enclosing the mobile home or trailer park except at points of ingress and egress. Suitable landscaping may also be required.

**Findings:** The existing park does not have a sight-obscuring fence enclosing the park but has been developed with landscaping within the park. As addressed in this report the RV

spaces to be converted to manufactured homes spaces are located in the middle of the park separated by the internal roads and existing row of manufactured homes spaces.

**Conclusion:** The new manufactured homes spaces would be located in the center of the park. The existing park has been in operation without a sight-obscuring fence or additional landscaping to enclose the park. As address above the proposed conversion is anticipated to generate impacts similar to the existing park. Therefore, a sight-obscuring fence or hedges enclosing the mobile home park are not required or necessary.

- (c) The site must have its primary direct access to a major arterial street as shown on the master road plan.

**Findings:** The existing park has direct access onto Highway 730. Highway 730 is a State Highway and is classified as a Major Arterial street in the City Transportation System Plan.

**Conclusion:** The existing park and proposed development has direct access onto Highway 730 a Major Arterial street.

- (d) No mobile home or trailer park should be created on a site of less than one acre in area.

**Findings:** County Assessors records show the subject parcel is 8.76 acres.

**Conclusion:** Based on the County Assessors records the subject parcel is 8.76 acres and exceed the minimum one-acre requirement.

- (e) Minimum lot area:

Mobile Homes - 3,000 square feet.

Vacation Trailers - 1,200 square feet.

Or as determined by the Department of Environmental Quality.

**Findings:** The applicant is proposing to develop 12 new manufactured home/mobile home lots or spaces. Each space is shown on the submitted site plan as 80 feet by 40 feet which results in spaces/lots area of 3,200 square feet.

**Conclusion:** As shown on the applicant submitted site plan all of the proposed new manufactured homes spaces would be 3,200 square feet in area.

- (f) Minimum lot width:

Mobile Homes - 40 feet.

Vacation Trailers - 30 feet.

**Findings:** As shown on the applicant's site plane each new lot/space would be 40 feet in width.

**Conclusion:** All of the proposed manufactured home spaces would be 40 feet in width.

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

The applicant, Commonwealth Real Estate, is proposing to convert the RV spaces within the existing mixed-use RV and manufactured home park to 12 new manufactured home spaces. The request appears to meet all of the applicable criteria and standards for this type of use. 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, and staff recommends approval of Conditional Use, CU-6-18, 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 starting construction activities.
2. The applicant shall obtain a Water Pollution Control Facility permit and other permits necessary from DEQ.
3. The applicant shall submit written proof from Oregon Department of Water Resources that the proposed conversion is allowed under the existing permit, does not require a permit or obtain the necessary approval/permits.
4. The applicant shall submit written proof from Oregon Health Authority that the proposed conversion is allowed under an existing permit/approval, does not require a permit or obtain the necessary approval/permits.
5. The applicant must obtain the necessary permits from Oregon Building Codes Division prior to starting construction activities.
6. If any historic, cultural, or other archaeological artifacts, or human remains are discovered during construction and installation of the RV park or associated infrastructure or structures, the applicant shall immediately cease construction activity, secure the site, and notify the appropriate agencies including but not limited to the State Historic Preservation Office, the City of Umatilla and the Confederated Tribes of the Umatilla Indian Reservation Cultural Resources Protection Program.
7. 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.
8. Failure to comply with the conditions of approval established herein may result in revocation of this approval.

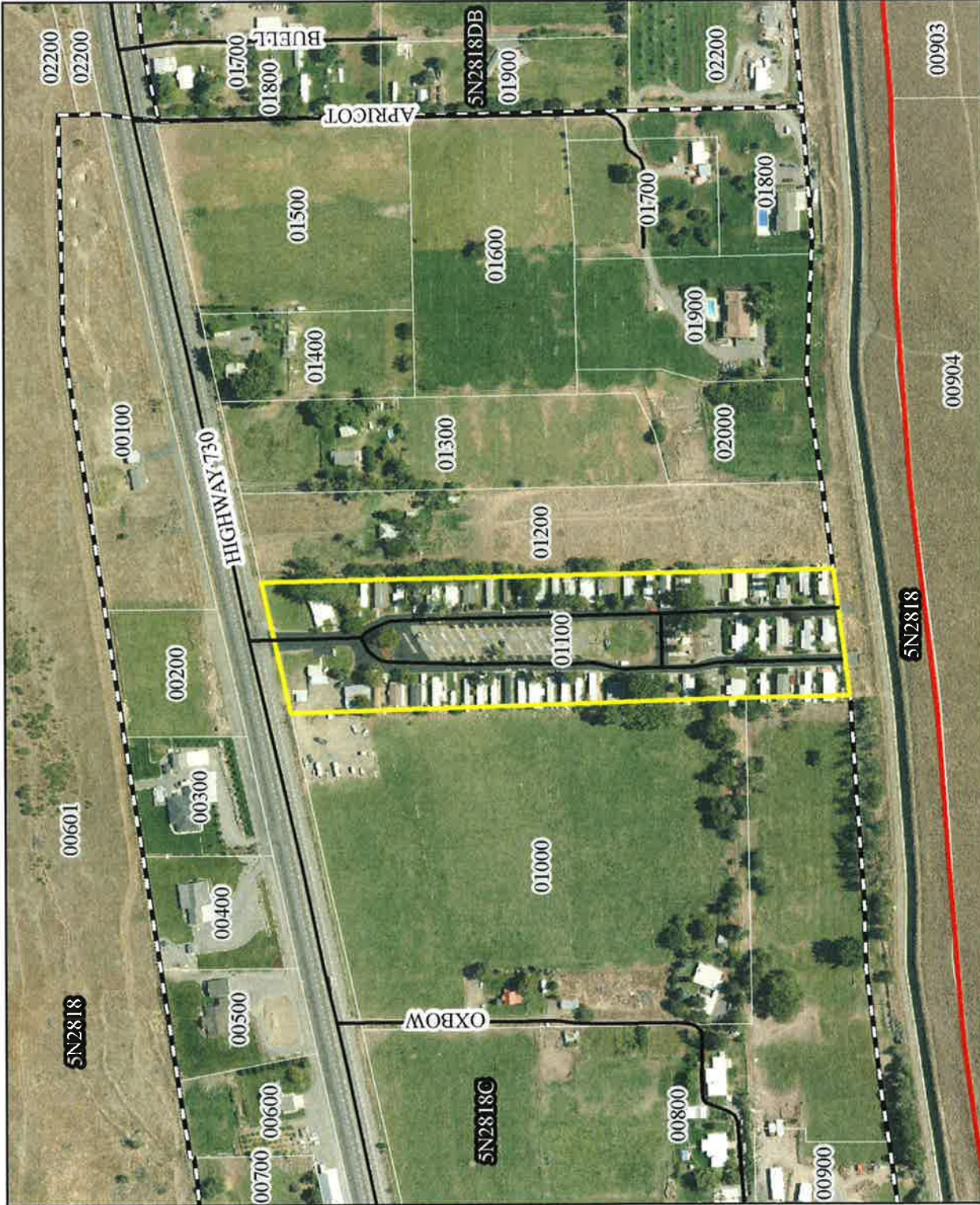
## **VI. EXHIBITS**

Exhibit A – Public notice map

Exhibit B – Proposed site plan

PROPERTY OWNERS WITHIN 100'  
NOTICE AREA  
FROM SUBJECT PROPERTY

MAP	TAXLOT	OWNER
5N2818C0	800	LORENCE ROBERT A & EUNICE ETAL
5N2818C0	1000	SHADY REST MHC LLC
5N2818C0	1100	SHADY REST MHC LLC
5N2818C0	1200	ROMIG TERESA & STAN

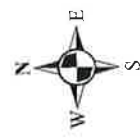


**COMMONWEALTH REAL ESTATE CONDITIONAL USE (CU-6-18)**  
**COMMONWEALTH REAL ESTATE SERVICES, APPLICANT**  
**SHADY REST MHC LLC, OWNER**  
**MAP #5N2818C, TAX LOTS 1100**

*Exhibit - A*

**Legend**

-  Streets
-  Subject Property
-  City Limits
-  Assessor's Maps
-  Tax Lots (5/7/18)



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 7/3/2018



Shady Rest MHC  
28716 Hwy 730  
Umatilla, OR 97882  
Scale: 1" = 40'

Exhibit - B

Manufactured Home  
Placement Per:  
ANSI A225.1-1994  
&  
IRC 2015

Existing RV Lots  
20, 21, 22

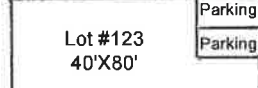
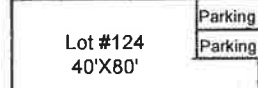
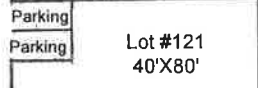
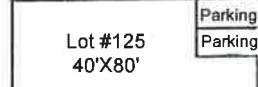
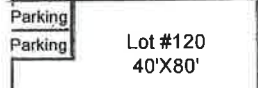
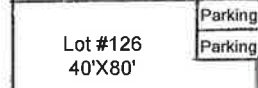
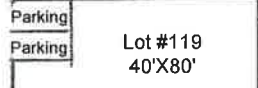
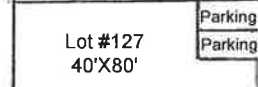
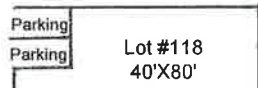
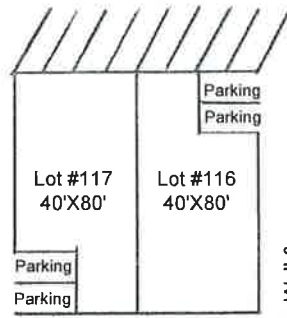
Proposed New  
Guest Parking

Existing Community Lots # 1-19

Proposed new lots #116- #122

Proposed new lots #123- #127

Existing Community Lots # 23-42



Proposed New  
Guest Parking

Existing Mailboxes

**CITY OF UMATILLA PLANNING COMMISSION  
STAFF REPORT  
FOR  
CONDITIONAL USE CU-7-18**

**DATE OF HEARING:** July 24, 2018

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

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**I. GENERAL INFORMATION AND FACTS**

**Applicant:** Kelly Nobles, PO Box 368, Umatilla, OR 97882.

**Property Owners:** KC Nobles Enterprises LLC, PO Box 368, Umatilla, OR 97882.

**Land Use Review:** Conditional Use to establish an RV Park.

**Property Description:** Township 5N, Range 28E, Section 17BD, Tax Lot 100, 190, 300 and 400.

**Location:** The subject property is generally located between I and L Streets north of Fifth Street and the rail spur.

**Existing Development:** The subject property is currently undeveloped.

**Proposed Development:** The applicant intends to developed the subject property with a 60 spot RV Park.

**Zone** Light Industrial (M-1).

**Adjacent Land Use(s):**

<b>Adjacent Property</b>	<b>Zoning</b>	<b>Use</b>
North	Community Service (CS)	Old Town Site
South	M-1	Rail spur and vacant lots
East	CS	Vacant lots and a single-family dwelling
West	CS & M-1	Vacant lots

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

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.

It should be noted at this point that typically a Conditional Use request is processed in conjunction with site plan review. However, due to the location of the site and required archaeological assessment the site plan may need to be modified and any ground disturbing work

needs to be assessed by Oregon State Historic Preservation Office (SHPO) prior to receiving City approval. There are a number of standards that relate to utilities and improvements that are required. Therefore, a condition of approval will be imposed that required the applicant to submit a site plan review application and construction plans that addresses in detail the location of all the required utilities and improvements. This requirement will follow the City's Type II review, a summary of the City Type II review process is outlined in Section 10-14-2 of the CUZO, and will allow affected land owners, interested parties and affected agencies the opportunity to submit comment on the final site plan and design.

The intent of this requirement is to provide the applicant the opportunity to obtain a decision from the City on the Conditional Use request based on the preliminary site plan. If approved the applicant will then be required to obtain the necessary permits from SHPO to identify and mitigate potential impacts to the site. Once the impacts to the site are know the applicant may finalize the site plan and construction plan and submit the required site plan application to the City. Affected land owners, interested parties and affected agencies will then have the opportunity to submit comment on the final configuration that has been assessed by SHPO.

### **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 unless there are policies that would specifically apply to an application. Section 5.6 of the City comprehensive plan outlines the polices specific to natural resources, scenic and historic areas and open spaces. The policies applicable to this application are addressed below. The map of historic places (Figure 5.3-1) in the comprehensive plan is provided as an attachment to this report.

Section 5.6.102 The City Recognized two sites as having archeological/historic importance. The sites are expected to be nominated to the "National Register of Historic Places."

This section of the comprehensive plan is outdated the "Old Town Site" or 35-UM-1 site has been accepted and is listed on the National Register of Historic Places and as an Oregon Historic Sites. This is not an applicable standard or criteria but is include for reference.

Section 5.6.103 The City will take action to mitigate any land use impacts in the future on these sites. The City will pursue an enhancement program adjacent to the sites with a museum and/or community center for public use (see Section 8.1.100).

The City is committed to ensuring the potential impacts to the site are properly mitigated.

Staff has received comment from Dennis Griffin, State Archaeologies, and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) regarding ground disturbing work that has already taken place. It is staff's understanding that two separate actions are necessary and that the applicant will need to obtain a permit(s) from the SHPO office. First the applicant will be required to submit a damage assessment to the SHPO office to determine if the ground disturbance damaged any cultural/historic deposits, and if it did, how the damage can be mitigated. It should be noted that this requirement is a SHPO requirement and is required by state statute regardless of the City's decision on this application. However, the requirement is listed here and will be included as a condition of approval for clarity moving forward. In addition to the damage assessment the applicant will need to coordinate with SHPO to complete an archaeological assessment of the property and mitigate any potential impacts to the site. That applicant is aware and acknowledges the requirement to obtain an archaeological permit.

As addressed above the applicant will be required to obtain an archaeological permit prior to any construction or ground disturbing activities taking place. A requirement of the archaeological permit is to notify affected tribes. It is staff recommendation that SHPO and CTUIR are the most qualified and have the staff and technical expertise necessary to review and mitigate any potential impacts to the site. The requirement to obtain an archaeological permit would satisfy the requirement that the City take action to mitigate any land use impacts to a historic site.

The CTUIR requested that a cultural resources monitor must be present for ground-disturbing work. However, as address above an archeological assessment falls under the jurisdiction of SHPO and SHPO is required to notify affected tribes. It is staff recommendation the SHPO is the correct agency to coordinate with CTUIR concerning the required assessment and any future ground disturbing work and impose appropriate conditions related to ground disturbing work.

**Conclusion:** The CUZO implements the comprehensive plan goals and polices. If a request is found to meet or be capable of meeting all of the applicable standards and criteria then the application is considered to comply with the comprehensive plan. This report outlines the comprehensive plan polices applicable to this application and addressed the applicable standards and criteria of the CUZO. If this request is found to meet or be capable of meeting all of the applicable standards and criteria as addressed in this report, subject to conditions of approval imposed in Section V of this report, the request will comply this requirement.

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 or be capable of meeting all of the standards and criteria addressed in this report the request will comply with this standard.

**Conclusion:** If the request is found to comply with all of the applicable standards and criteria of the CUZO as addressed in this report, subject to conditions of approval imposed in Section V of this report, the request will comply with this requirement.



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 request is not a community service use. The applicant intends to establish a RV park.

**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 located just north of the existing rail road spur and is currently only accessible via a private dirt access road off of 3<sup>rd</sup> street past the city wastewater treatment plant (WWTP). The area east of WWTP is undeveloped and multiple right of way vacations have been approved. Although the land is undeveloped the area is still mostly platted as a city subdivision including partial rights-of-way and alleys. The applicant is believed to have access via and permanent easement that was created when Third Street was vacated and use of a portion of undeveloped L Street. The applicant will be required to provide proof of legal access and obtain a right-of-way permit for any portion of the access road within the undeveloped City right of way.

The subject property is located next to vacant land to the north and west. The rail road spur and 5<sup>th</sup> street provide a large undeveloped area to the South. East of the property is an existing single-family dwelling located in an industrial zone. Therefore, potential impacts to neighboring land use are limited to the existing dwelling. As addressed in this report the applicant is required to provide screening and outdoor lighting will be required to be shielded to prevent glare onto adjacent properties.

As addressed above the applicant will be required to acquire an archaeological permit to mitigate any potential impacts to the site. The SHPO permit will identify if the proposed development will affect any cultural or historic deposits and identify measures to mitigate impacts to the site.

The applicant has discussed the development with the Public Works Director and has confirmed that City water and sewer services are available to the subject property.

**Conclusion:** City services are available in the area the applicant is believed to have access to an existing City street. The subject property is largely surrounded by undeveloped land and would have minimal impacts to the surrounding land uses. The existing single-family dwelling is the only sensitive land use located near the proposed development. The existing home can be protected by requiring screening and that all lighting be shield or directed downward to prevent projection onto neighboring properties. The suitability of the proposed use will likely be dependent upon the archaeological assessment. As address in this report the SHPO in conjunction with CTUIR is the permitting agency qualified to determine the suitability of the site based on potential impacts to a cultural/historic site. The conditions of approval requiring the applicant to obtain the necessary archaeological permit will ensure the site is suitable and any potential impacts are mitigated.

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:** The subject property is located in area that is largely undeveloped. Lands to the North and West are undeveloped. The property abuts a rail road spur and vacant lands to the South and the only existing development that abuts the subject property is an existing single-family dwelling. As addressed above the existing dwelling can be protected by requiring screening and lighting to be shielded or directed downward to prevent glare onto adjacent properties. Public facilities are available in the vicinity and can accommodate the proposed use. As addressed in this report the applicant will be required to obtain an archaeological permit and mitigate any potential impacts in accordance with State and Federal law.

**Conclusion:** As addressed in this report the subject property is largely surrounded by undeveloped property and separated from nearby uses by the rail spur and 5<sup>th</sup> street. The existing single-family dwelling can be protected by requiring screening and a buffer area. As addressed in this report the applicant will be required to obtain an archaeological permit that will identify potential impacts and will address mitigation measures necessary to protect the site from adverse impacts.

#### **10-12-2: STANDARDS GOVERNING CONDITIONAL USES:**

F. Recreational Vehicle Parks: Recreational vehicle parks shall conform to the following standards and requirements:

1. There shall be no long-term residential occupancy of a recreational vehicle park space. The maximum time any individual or vehicle is permitted is ninety (90) days within any one hundred eighty (180) day period. The applicant or subsequent park operator shall make his occupancy records available to the City to assure that this condition is met. Violation of the ninety (90) day occupancy limitation shall be grounds for immediate revocation of a conditional use permit.

**Findings:** As required by this standard a condition of approval will be imposed limiting the maximum time any individual or vehicle is permitted to 90 days within any 180-day period.

**Conclusion:** As required by this standard a condition of approval will be imposed limiting the maximum time any individual or vehicle is permitted to 90 days within any 180-day period. The applicant or subsequent park operator shall make his occupancy records available to the City upon request to assure compliance as required by this standard.

2. The minimum area for a recreational vehicle park shall be three (3) acres.

**Findings:** Based on the County Assessors records Tax Lot 190 is .56 acres, Tax Lot 100 is .76 acres, Tax Lot 300 is .91 acres and Tax Lot 400 is .56 resulting in a combined total

of 2.79 acres. Unless evidence is submitted by the applicant showing the County Assessors records are inaccurate or incorrect the subject property is less than the required three acres. The applicant believe that the Assessors records are incorrect due to a recording error. The applicant believes the entire right of way of 4<sup>th</sup> street vacated by City Ordinance 679 should have been titled to the previous owners of the property. Staff contacted the County Assessors office to review the believed recording error. At the time of this report additional information is not available from the County Assessors. The applicant has the burden of proof to demonstrate that all approval criteria and standards are, or can be, met.

**Conclusion:** Based on the County Assessors record the total acreage for the subject properties is 2.79 acres. Unless evidence is submitted into the record that show the subject properties are at least three acres total, the proposed RV park does not meet this standard. Therefore, unless evidence is submitted into the record to show the parcel is a minimum of 3 acres staff recommends this request be denied.

3. A site plan shall be submitted for the recreational vehicle park, showing space locations, buildings and purpose of buildings, open space and recreational facilities if any, street layout, and landscaping, as well as locations for public water supply, sewage disposal, fire hydrants, and sanitary facilities conforming to requirements of the State Health Division, the Oregon Department of Environmental Quality, and the Uniform Building Codes Agency.

**Findings:** The applicant has submitted a site plan for review, however, the submitted site plan does not show open spaces, recreational facility, landscaping, fire hydrants or connection points for city sewer and water services. The applicant intends to provide the additional detail at the Planning Commission hearing to address this standard. However, as address in Section II of this report. The applicant will be required to submit a site plan application including construction drawing to the City for review. The site plan application will be sent out for public comment pursuant to Type II review. The Site Plan review will be required to address landscaping and location of utilities and fire hydrants.

**Conclusion:** The applicant submitted site plan shows the general layout of the park. The applicant intends to provide additional detail at the Planning Commission hearing to address this standard. However, a condition of approval will be imposed requiring the applicant to submit a Site Plan application to the City. In addition to the criteria and standards required for site plan review, Section 10-13-2 of the CUZO, the site plan will be required to include construction plans that show the location of utilities. Notice will be provided to the affected land owners, interested parties and affected agencies for comment.

4. Domestic water and wastewater collection facilities shall be approved by the appropriate State agency. Connections to the City system shall be approved by the City Administrator.

**Findings:** The applicant intends to connect to City water and wastewater systems to serve the proposed RV park. The applicant has had preliminary discussion with the City Public Works Director and services are available to the site. As address above the applicant will be required to include construction plans with the required Site Plan Review application. The construction plans will provide the required detail for the City

Administrator to approve the connections.

**Conclusion:** The applicant intends to connect to City services and the required construction plans will provide the detail required for the City Administrator to approve or deny the proposed connections.

5. A recreational vehicle space shall have an area of not less than seven hundred (700) square feet, exclusive of driveways and common areas.

**Findings:** The applicant submitted site show does not list the area of the proposed RV spaces, however, a majority of the proposed spaces are a minimum of 25 feet by 30 feet, 750 square feet, starting at the western most RV spaces and increase in size as you move east. The proposed corner spaces are believed to be smaller than the required 700 square feet and the applicant is proposing to convert all of the spaces less than the required 700 square feet to additional parking and garbage collection areas. The applicant will be required to provide square footage of all proposed RV spaces on the required site plan review application and all spaces will be required to be a least 700 square feet.

**Conclusion:** The applicant submitted site plan does not directly address the size of each proposed RV space. However, the application intends to address the size of the RV spaces at the Planning Commission hearing and any spaces that are less than 700 square feet will be converted to other uses. The application will be required to provide verification that all proposed RV spaces are a minimum of 700 square feet on the required site plan application.

6. Park roadways shall have a minimum width of thirty feet (30') when on-street parking is proposed and twenty four feet (24') where no on-street parking is permitted. Roadways shall be designed and improved to City standards for paving, curbs, and sidewalks, unless the applicant demonstrates that an alternative construction standard and street design is more appropriate for the site.

**Findings:** The applicant's submitted site plan shows the proposed RV park would be rectangular in shape with a one-way park roadway around the perimeter of the park. The proposed roads would be a gravel surface and would not include curbs or sidewalks. The applicant's intent is to develop the park to a temporary standard, gravel roadways, with the intent to improve the site to City standards in the future. The proposed roadway is 25 feet wide and meets the minimum required width if no on-street parking is permitted. Therefore, a condition of approval will be imposed requiring that no on-street parking be allowed within the park.

As addressed in this report the subject property abuts rail road right of way to the south. The existing rail spur currently serves and existing agricultural fertilizer business established west of the subject property. In addition, the rail road right of way west of the Umatilla River has been vacated/abandoned by the rail road and the rail bridge over the Umatilla River has been removed. It is the applicant's hope that the existing rail spur will also be vacated providing direct access on 5<sup>th</sup> Street and would significantly affect the layout and design of the park. The applicant has indicated that should the rail spur be vacated he would then reapply for a modified site plan that would include improvement of roadways to a City standard. However, vacation of the existing rail spur would require the existing business to be relocated or to cease operation and the rail road to vacate the

existing right of way.

**Conclusion:** The proposed roadways would be 25 feet in width and improved to a gravel surface. This standard allows a 25-foot-wide road way if no on-street parking is allowed. However, the applicant intends to modify the proposed site plan at some point in the future should the existing rail road right of way be vacated. Therefore, staff recommends that a condition of approval be imposed to address the temporary/interim roadway improvements so that if the right of way is vacated the application will be required to obtain site plan approval including improvement of roadways to a City standard or that after 5 years the application will be required to improve the roadways to a City standard or request and receive an extension.

7. Each recreational vehicle space shall have at least one ten foot by twenty foot (10' x 20') parking space off-street exclusive of the recreational vehicle itself. Parking and driveway areas shall be paved.

**Findings:** The applicants submitted site plan does not show parking within the proposed RV spaces, however, the spaces would be a minimum of 25 feet by 30 feet and have space available to accommodate the required off-street. A condition of approval requiring that all RV spaces be provided with a minimum 10 foot by 20-foot parking space improved to a paved surface will satisfy this requirement. The applicant has indicated that he intends to address this standard in more detail at the Planning Commission hearing.

**Conclusion:** The submitted site plan does not address parking spaces within each individual RV space. The applicant intends to provide additional detail at the Planning Commission hearing. Therefore, staff recommends that condition of approval be imposed requiring a minimum 10 foot by 20-foot paved parking space be provided for each proposed RV space. The parking spaces must be show on the required site plan application.

8. Outdoor lighting shall be provided that is oriented to prevent direct illumination onto adjacent or abutting properties.

**Findings:** The applicants submitted site plan does not show outdoor lighting. The applicant has indicated that outdoor lighting would be provided within the proposed 10-foot utility easement shown on the submitted site plan. The applicant intends to provide additional information at the Planning Commission hearing.

**Conclusion:** The submitted site plan does not address the location of outdoor door lighting, however, the applicant has indicated that lighting would be provided within the proposed utility easement. The applicant will be required to show all proposed outdoor light on the required site plan and a condition of approval will be imposed required outdoor lighting to be shield or directed downward to prevent glare onto adjacent properties.

9. The recreational vehicle park shall be screened on all sides by a sight-obscuring planting, screening fence, or combination thereof that is at least six feet (6') in height. The recreational vehicle park owner or operator shall be responsible for the maintenance of such screening.

**Findings:** The applicant has indicated that the subject property is in a natural depression

below the existing rail spur and 5<sup>th</sup> street. The applicant proposes that no screening is necessary due to the natural topography of the site from 5<sup>th</sup> street. The standard requires sight-obscuring fencing or planting at least six feet in height. A combination of topography and planting could meet this requirement. The applicant also raises the issue that screening should not be required along the northern property line the site is not open to the public and access is restricted. However, screening along the remainder of the property line needs to be addressed.

**Conclusion:** The topography of the subject property provides a natural sight-break from existing development south of 5<sup>th</sup> Street. In addition, the lands to the north of the property are fenced and access onto the property is restricted. The applicant intends to provide additional detail at the Planning Commission hearing regarding screening of the proposed RV park. A combination of topography and a fence or planting could meet the six-foot sight-obscuring requirement.

10. The park shall provide piped potable water to accommodate not less than seventy five percent (75%) of the spaces available. One waste disposal dump station for RVs shall be provided with each one hundred (100) sites or fraction thereof. All water, sewer, and storm drain facilities both on-site and off-site shall be approved by the City Administrator.

11. Sanitary facilities shall be provided in accordance with State standards. Sanitary sewer shall be provided to not less than seventy five percent (75%) of the spaces.

**Findings:** As address in this report the submitted site plan does not provide details on the location of utilities within the RV park. The applicant intends to connect to City sewer and water and provide water and sewer. The applicant will be required to show on the required site plan and construction plans the location of all utilities and provide services to not less that 75 percent of the spaces. In addition, one waste disposal dump station for RVs will be required for each 100 RV spaces.

**Conclusion:** The required site plan and construction drawings must show all of the proposed sewer and water utilities within the proposed park and services shall be provided to not less than 75 percent of the spaces. In addition, one waste disposal dump station shall be required for each 100 RV spaces. The required construction plans will provide the City Administrator the required detail necessary to approve or deny the request

12. Trash receptacles shall be provided at the rate of thirty (30) gallons of refuse capacity for each two (2) recreational vehicle spaces or equivalent.

**Findings:** The applicant has indicated that trash receptacles will be provided at a rate of 30 gallons for each two RV spaces.

**Conclusion:** The applicant has indicated that trash receptacles will be provided at a capacity of 30 gallons for every two RV spaces. A condition of approval will be imposed requiring the applicant provide 30 gallons of refuse capacity for each two RV spaces, as show on the final site plan.

13. Each recreational vehicle space shall be provided with electrical service.

14. All plumbing facilities shall be inspected and approved by the City Administrator.

**Findings:** As addressed in the report, the submitted site plan does not include details on the location of utilities. The applicant intends to provide electrical services to each proposed RV spaces. The required construction plans will provide the necessary detail for the City Administrator to inspect and approve all plumbing facilities in accordance with City standards and policy.

**Conclusion:** The required site plan must show the location of electrical services and electrical services must be provided to each RV space. In addition, the required site plan must show the location of all plumbing facilities and provide the detail necessary for the City Administrator to inspect and approve the plumbing facilities in accordance with City standards and policy.

#### **IV. SUMMARY**

The applicant, Kelly Nobles, is requesting approval of a conditional use to establish a 60 space RV park. As addressed in this report the applicant will be required to submit a site plan application including construction plan for the proposed RV. The site plan application is subject to a Type II review process and will provide affected land owners, interested parties and affected agencies the opportunity to provide comment. The request appears to be capable of meeting all of the applicable criteria and standards for this type of use. However, 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 denial of Conditional Use, CU-7-18, based on information currently in the record. However, as addressed in this report the applicant intends to submit additional information the Planning Commission hearing and staff has provided recommended conditions of approval should the applicant provide the necessary to satisfy the applicable standards and criteria addressed in this report.

#### **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 coordinate with the State Historic Preservation Office to obtain all of the necessary permits including but not limited to completing a damage assessment for the ground disturbance that has already occurred and obtain an archaeological permit.
3. If any historic, cultural, or other archaeological artifacts, or human remains are discovered during construction and installation of the RV park or associated infrastructure, the applicant shall immediately cease construction activity, secure the site, and notify the appropriate agencies including but not limited to the State Historic Preservation Office, the City of Umatilla and the Confederated Tribes of the Umatilla Indian Reservation Cultural Resources Protection Program.
4. The applicant shall submit a site plan review application and construction drawing to the City for review prior to starting any construction activation. The site plan and

construction drawing shall include connections to City sewer and water (at least 75% of the RV spaces shall be provided water and sewer), sanitary sewer and water systems within the park, electrical services (All RV spaces shall be provided electrical service), one waste disposal dump station for RVs, location of outdoor lighting, landscaping, fire hydrants, area of proposed RV spaces (all RV spaces shall be a minimum 700 square feet), off-street parking (each RV space shall have at least one 10' x 20' paved parking space) and sight-obscuring screening.

5. Trash receptacles shall be provided at the rate of 30 gallons of refuse capacity for each two RV spaces
6. Five years from the date of this approval the applicant shall be required to improve the park roadways to a City standard for paving, curbs and sidewalks or obtain approval from the Planning Commission to extend the temporary standards.
7. No on-street parking shall be allowed within the RV Park
8. All outdoor lighting is required to be shielded and/or directed downward to prevent glare onto neighboring properties.
9. The applicant shall provide verification of legal access to the subject property.
10. The applicant shall obtain a right of way permit from the City public works department of use of any portion of City right of way.
11. The maximum time any individual or vehicle is permitted is ninety (90) days within any one hundred eighty (180) day period. The applicant or subsequent park operator shall make his occupancy records available to the City upon request to assure that this condition is met. Violation of the ninety (90) day occupancy limitation shall be grounds for immediate revocation of a conditional use permit.
12. 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.
13. Failure to comply with the conditions of approval established herein may result in revocation of this approval.

## **VI. EXHIBITS**

Exhibit A – Public notice map  
Exhibit B – Proposed site plan





NOBLES CONDITIONAL USE (CU-7-18)

*Exhibit-A*

KELLY NOBLES, APPLICANT  
 KC NOBLES ENTERPRISES LLC, OWNER  
 MAP #5N2817BD, TAX LOTS 100, 190, 300 & 400

Legend

Streets



Subject Properties



City Limits



Assessor's Maps



Tax Lots (5/7/18)

PROPERTY OWNERS WITHIN 100'  
 NOTICE AREA  
 FROM SUBJECT PROPERTY

MAP	TAXLOT	OWNER
5N2817AB	800	JOHANNESSEN DANIEL & LAURA
5N2817AB	801	USA
5N2817AB	802	JOHANNESSEN DANIEL & LAURA
5N2817BA	3800	USA
5N2817BA	4200	USA
5N2817BA	4500	USA
5N2817BA	5600	USA
5N2817BD	100	KC NOBLES ENTERPRISES LLC
5N2817BD	190	KC NOBLES ENTERPRISES LLC
5N2817BD	300	KC NOBLES ENTERPRISES LLC
5N2817BD	400	KC NOBLES ENTERPRISES LLC
5N2817BD	13300	MRT EXPLORATION CO



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 7/3/2018

Exhibit-B

# PROPOSED RV COURT

## 60 TOTAL SPACES

LOCATED IN THE NW 1/4 OF SEC. 17, TWP. 5 N.,  
RNG. 28 E.W.M., UMATILLA COUNTY, OREGON.

CLIENT: **KELLY NOBLES**  
1090 STEPHENS AVENUE  
UMATILLA, OREGON 97882

### SURVEYOR'S NARRATIVE

THIS SURVEY WAS UNDERTAKEN IN MAY OF 2018 AT THE REQUEST OF KELLY NOBLES. THE PURPOSE OF THE SURVEY IS TO CREATE A DESIGN OF A PROPOSED 60 SPACE RV COURT LOCATED IN NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF UMATILLA, UMATILLA COUNTY, OREGON.

THE EXTERIOR BOUNDS OF THE PARENT PARCEL, HAVE BEEN COMPUTED AND GENERATED FROM EXISTING RECORDS OF SURVEYS, EXISTING ROAD RIGHTS OF WAYS, VACATED ORDINANCES, RAIL ROAD RIGHTS OF WAY AND UMATILLA COUNTY TAX MAPS.

NO FIELD WORK HAS TAKEN PLACE BY THIS FIRM DURING THIS DESIGN PROCESS, AND IT SHOULD BE NOTED THAT THIS DESIGN IS TENTATIVE IN NATURE ONLY AND IS TO BE UTILIZED FOR A VISUAL REPRESENTATION FOR THE PLANNING PROCESS. IT SHOULD FURTHER BE NOTED THAT THE DESIGN AS SHOWN SHOULD NOT BE UTILIZED FOR ENGINEERING PURPOSES.

### SURVEYOR'S DISCLAIMER

THE PROPOSED 60 SPACE RV COURT IS TENTATIVE IN NATURE ONLY. THE BEARINGS AND DISTANCES AS SHOWN HEREON HAVE BEEN GENERATED FROM A COMPARISON OF PREVIOUS SURVEYS IN THE GENERAL VICINITY, RAIL ROAD RIGHTS OF WAYS, ROAD RIGHTS OF WAYS AND UMATILLA COUNTY TAX MAPS. ROAD BEARINGS AND DISTANCES MAY DEVIATE SLIGHTLY ONCE ACTUAL FIELD MEASUREMENTS ARE PERFORMED. NO PROPERTY LINES HAVE BEEN ESTABLISHED OR RECORDED AS OF 14 MAY 2018. CORNER BEEN SET ON THIS PROPOSED 60 SPACE RV COURT AS OF 14 MAY 2018.

### SURVEYOR'S CERTIFICATION

I, BRIT L. PRIMM, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON HEREBY CERTIFY THAT THIS MAP CORRECTLY REPRESENTS A SURVEY COMPUTED UNDER MY DIRECT SUPERVISION IN MAY 2018, IN COMPLIANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING LAW, AS ESTABLISHED BY ORS CHAPTER 92. I FURTHER STATE THAT THE DESIGN AS SHOWN WAS GENERATED BY MYSELF AND MR. KELLY NOBLES.

DATE: 04 MAY 2018

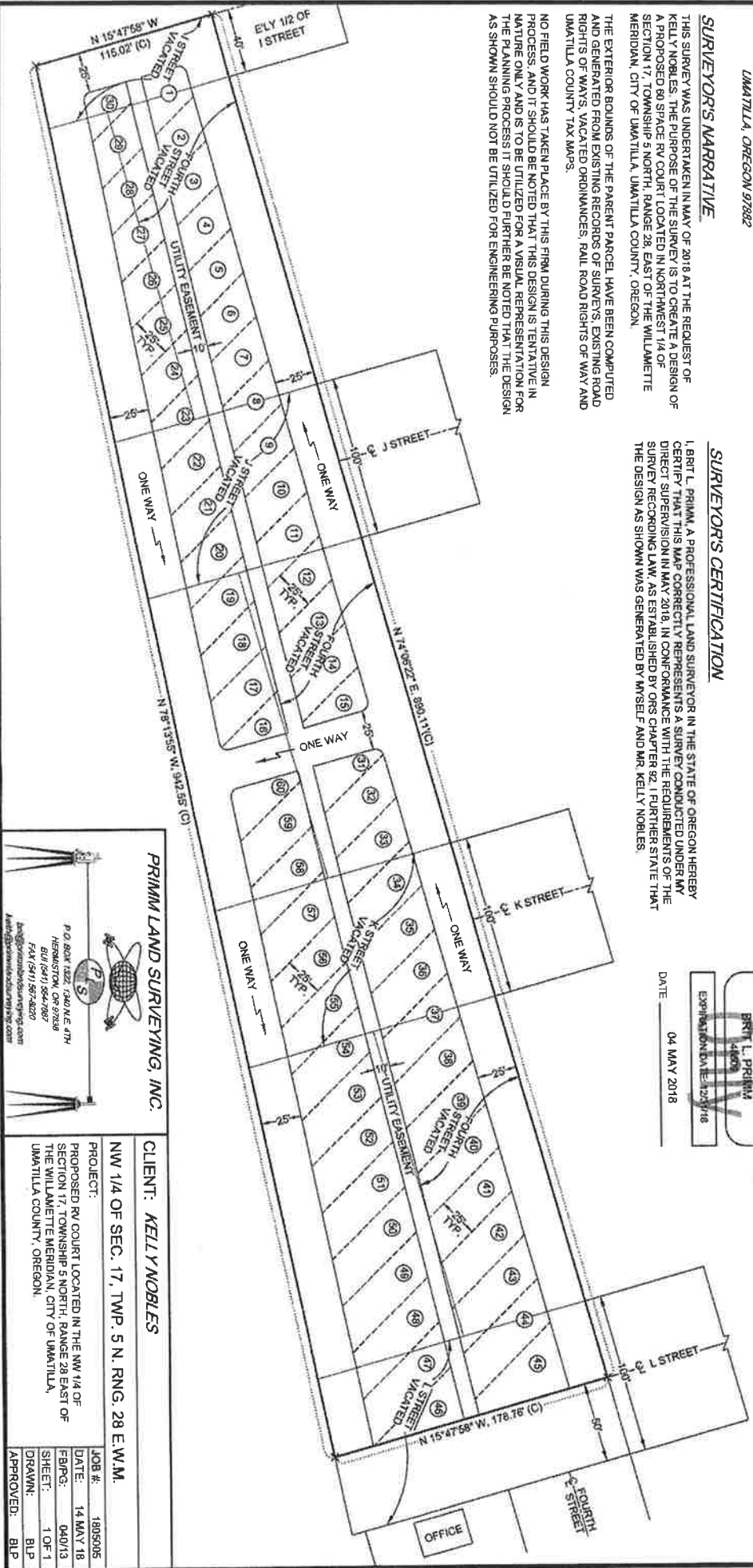
EXPIRATION DATE: 02/29/18

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

**BRIT L. PRIMM**  
4409  
JULY 13, 1999  
OREGON

1" = 60'

- LEGEND
- X COMPUTED
  - NOTES
  - (C) CALCULATED



PRIMM LAND SURVEYING, INC.

P.O. BOX 1022, 1340 N.E. 4TH  
HERMISTON, OR 97839  
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land@primmlandsurveying.com  
www.primmlandsurveying.com

CLIENT: **KELLY NOBLES**

PROJECT: NW 1/4 OF SEC. 17, TWP. 5 N. RNG. 28 E.W.M.

PROPOSED RV COURT LOCATED IN THE NW 1/4 OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF UMATILLA, UMATILLA COUNTY, OREGON.

JOB #:	1805005
DATE:	14 MAY 18
FBPG:	040713
SHEET:	1 OF 1
DRAWN:	BLP
APPROVED:	BLP