

UMATILLA CITY PLANNING COMMISSION

MEETING AGENDA

September 25, 2018 - 6:30 P.M.

Umatilla City Hall, Council Chambers

I. CALL TO ORDER & ROLL CALL

II. APPROVAL OF MINUTES: August 28, 2018

III. UNFINISHED BUSINESS:

- A. **Nobles Code Interpretation CI-1-18:** The applicant, Clyde Nobles, is requesting a code interpretation to determine if manufactured homes are a permitted use within Downtown Residential zone. In addition, if manufactured homes are allowed to identify what siting standards are applicable to a Type I request to place a manufactured home within the Downtown Residential zone.

IV. NEW BUSINESS:

- A. **Nobles Appeal AP-1-18:** The applicant, Clyde Nobles, is appealing a decision of the Planning Department's to deny the Planning/Zoning Review for a Building Permit Application to place a manufactured home as an attached single-family dwelling. The subject property is located at the southeast corner of the intersection of G Street and 8th Street. The property is identified as Tax Lot 10400 on Assessor's Map 5N2817BD.
- B. **Nobles Variance Request V-1-18:** The applicant, Kelly Nobles, received approval to establish an RV on the subject property. The applicant is now requesting approval of a variance to increase the maximum time any individual or vehicle is permitted and to allow for the required parking space to be graveled. The subject property is generally located between I and L Street 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

Umatilla City Hall is handicapped accessible. Special accommodations can be provided for persons with hearing, visual, or manual impairments who wish to participate in the meeting by contacting City Hall at (541) 922-3226 or by using the TTY Relay Service at 1-800-735-2900 at least 24 hours prior to the meeting so that appropriate assistance can be arranged.

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

DATE OF HEARING: September 25, 2018

REPORT PREPARED BY: Brandon Seitz, City Planner
Report revised September 14, 2018.

I. GENERAL INFORMATION AND FACTS

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

Land Use Review: Code Interpretation and/or Use Determination

II. NATURE OF REQUEST AND GENERAL FACTS

The applicant, Clyde Nobles, is requesting a code interpretation to determine if the code allows manufactured homes as a permitted use within the Downtown Residential (DR) zone. In addition, Mr. Nobles is requesting an interpretation to determine if manufactured homes are allowed what siting standards are applicable to a Type I request to place a manufactured home within the DR zone. Section 10-14-2 D (Summary of the Approval Process) establishes a code interpretation or use determination as a Type III decision and is required to be held before the Planning Commission.

The City granted Mr. Nobles an exception and allowed Mr. Nobles to appeal a Planning Department decision to the Planning Commission. Therefore, Planning Staff has simplified this request to provide a clear interpretation of the different types of dwellings allowed as that seems to be the primary reason for the code interpretation/appeal.

III. ANALYSIS

The City of Umatilla Zoning Ordinance (CUZO) and Comprehensive Plan/Zoning Map designate four residential zoning districts within City Limits and identifies the uses permitted, conditional uses and developmental standards applicable within each zone. There are four primary dwelling options allowed within the various residential zones detached single-family dwellings, attached single-family dwellings, two-family dwellings and multi-family dwellings (see definitions below). However, it should be noted that there are some minor inconsistencies within the CUZO for specific language. For example, the Medium Density Residential zoning district allows single-family detached residences. Staff has interpreted a single-family detached residence to have the same definition as a detached single-family dwelling.

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

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

DWELLING, MULTI-FAMILY: A building containing three (3) or more dwelling units, each occupied by a family living independently of other families, and having separate housekeeping and cooking facilities for each family.

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

By definition a single-family dwelling is an attached or detached dwelling that is occupied by one family and located on its own lot. By definition a two-family dwelling is a structure containing two dwelling units and a multi-family dwelling is a structure containing three or more dwelling units. It should be noted that only single-family dwellings specifically have the requirement by definition to be located on their own lot. Staff has interpreted this in mean all single-family dwellings, attached or detached, are required to be on individual lots i.e. two single-family dwellings are not allowed on one lot regardless of the size of the parcel or density standards.

The definitions of a lot and lot line are provided below for reference.

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

LOT LINE: The property line bounding a lot.

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

As an example, the image below shows a portion of a Tax Lot map located with City Limits. Tax Lot 6100 includes all of lot 4 created by the original subdivision, ten feet (10') of vacated right of way and ten feet (10') of lot 3. Using the definitions of a lot and lot line staff would interpret the lot for purposes of siting a structure or dwelling to be the entire unit of land including the portion of lot 3 and vacated right of way. In addition, Tax Lot 6400 would only qualify for one single-family dwelling as the unit of land that was created includes all of lots 7 and 8 and ten feet (10') of vacated right of way.

IV. SUMMARY

Staff offers the following interpretations for Planning Commission's consideration.

1. All single-family dwellings, attached or detached, are required to be located on individual lots and occupied by one family.
2. An attached single-family dwelling is a dwelling connected to another dwelling via a common wall (party wall) located on the property line with each dwelling located on its own lot.
3. Manufactured homes are allowed outside of manufactured homes park where single-family dwellings, attached or detached, are allowed subject to the developmental standards of the underlying zone and site standards contained in Section 10-11-8 of the CUZO.

If Planning Commission concurs with the above interpretations a manufactured home would be a permitted use within the Downtown Residential zone as an attached single-family dwelling. An application would need to show compliance with the development standards in Section 10-3D-4 and the manufactured homes site standards in Section 10-11-8 of the CUZO.

Actions of the Planning Commission.

1. Agree with staff's interpretation of items 1-3 above.
2. Disagree with staff's interpretation and identify an alternative interpretation.
3. Agree with staff's interpretation and direct staff to proceed with a code amendment.

**CITY OF UMATILLA PLANNING COMMISSION
REPORT AND RECOMMENDATION
FOR
APPEAL AP-1-18**

DATE OF HEARING: September 25, 2018

REPORT PREPARED BY: Brandon Seitz, City Planner

I. GENERAL INFORMATION AND FACTS

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

Property Owners: Lucy Enterprises LLC., PO Box 1471, Hermiston, OR 97838-3471.

Land Use Review: Appeal of a decision by the Planning Department to the Planning Commission.

Property Description: Township 5N, Range 28E, Section 17BD, Tax Lot 10400.

Location: The subject property is located at the southeast corner of the intersection of G Street and 8th Street.

Existing Development: The property is currently undeveloped; however, the property was the site of the Umatilla Hospital and the foundation was never removed.

Proposed Development: The applicant intends to develop the property with an attached single-family dwelling.

Zone Downtown Residential (DR).

Adjacent Land Use(s):

Adjacent Property	Zoning	Use
North	Downtown Residential	Single-Family Dwellings
South	Medium Density Residential	City Shops
East	Downtown Residential	Single-Family Dwellings
West	Downtown Residential	Single-Family Dwellings

II. NATURE OF REQUEST AND GENERAL FACTS

The applicant, Clyde Nobles, is requesting an appeal of a decision by the Planning Department to deny the planning/zoning review for a building permit application to place a manufactured home as an attached single-family dwelling in the Downtown Residential (DR) zoning district. The applicant submitted a building permit application on July 13, 2018, for placement of a manufactured homes as an attached single-family dwelling in the DR zone. The Planning Department denied that request on July 26, 2018. Per Section 10-14-2 of the City of Umatilla Zoning Ordinance (CUZO) "review of a single-family residence for zoning compliance" is a Type I decision. In addition, Section 10-14-14 of the CUZO established that a Type I decision is not appealable to any other decision maker within the City.

Planning Staff recommended that Mr. Nobles pursue a Code Interpretation (CI-1-18) to determine the uses allowed in the DR zone and siting standards applicable to placement of an attached single-family dwelling. The Planning Commission held a public hearing and considered the Code Interpretation request but continued the hearing to September 25, 2018.

The applicant subsequently submitted a building permit application for placement of an attached single-family dwelling on August 29, 2018. The submitted application is identical to the permit submitted on July 13, 2018 and was denied by Planning Staff. To provide Mr. Nobles a clear path forward and decision on his application the City granted Mr. Nobles an exception and allowed him to appeal the Planning Department's decision to the Planning Commission.

To provide additional context Mr. Nobles submitted a series of applications, four manufactured home placement permits (MH-1-18, MH-2-18, MH-3-18 & MH-4-18), to the building department for placement of four manufactured homes on two lots owned by the applicant west of the subject property. Those applications were approved by Planning Staff, however, upon review of the subsequent request staff noted some inconsistencies within the CUZO. After review of the CUZO staff determined those permits were issued in error. The City will honor those approvals; however, all future permits are required to comply with the CUZO.

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 10-3D-1: PURPOSE:

The purpose of the downtown residential district is to accommodate higher density residential developments and office uses in the downtown area. Typical housing types include attached housing, apartments, townhouses, and condominiums.

Findings: This is not a relevant standard or criteria, however, it is included for context.

10-3D-2: USES PERMITTED:

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

Attached single-family dwellings or multi-family dwellings.

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

Family daycare provider, residential homes and residential facilities.

Professional, financial, business, medical, dental and professional service offices are permitted only if the entire site is located within a distance of three hundred fifty feet (350') of the 6th Street curb.

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

Findings: The applicant's submitted site plan (Exhibit B) shows two manufactured homes attached via a carport located on the same lot. It should be noted that while not part of the request the site plan also shows placement of 4 additional attached single-family dwellings and the relocation of the existing lot lines as part of an assumed street vacation/replat application. The applicant subsequently submitted a letter (Exhibit D) stating that his site drawing shows his intent to place 10 manufactured homes on the subject property using the 2,000 square foot density standard.

The primary dispute and subject of this appeal appears to be what constitutes as an attached single-family dwelling vs a two-family dwelling. The CUZO does not provide a specific definition for a "attached single-family dwelling" but rather defines a single-family dwelling as being either attached or detached.

DWELLING, SINGLE-FAMILY: A detached or attached residential dwelling unit other than a mobile home, occupied by one family and located on its own lot. (Section 10-1-6)

Staff interprets this definition to mean that a single-family dwelling may be detached or attached and must be occupied by one family and located on its own lot. It should be noted that the applicant's request is for placement of a manufactured home not a mobile home and that portion of the definition is not applicable to this appeal.

Based on the submitted site plan the primary issue appears to be the difference between an attached single-family dwelling and a two-family dwelling and the density allowed by code in the DR zone. From a practical standpoint the primary difference between a two family-dwelling, also called a duplex, and an attached single-family dwelling is the location of the property line. To be an attached single-family dwelling the home is required to be attached via a common wall to a second dwelling located on an adjacent lot. Whereas a two-family dwelling is a building containing two dwelling units located on the same lot. The definition of a two-family dwelling and dwelling unit are provided below.

DWELLING, TWO-FAMILY: A building containing two (2) dwelling units; also called a duplex. (Section 10-1-6)

DWELLING UNIT: One or more rooms designed for occupancy by one family and not having more than one cooking facility. For the purposes of this title, a travel trailer is not a dwelling unit. (Section 10-1-6)

Therefore, by definition a building containing more than one dwelling unit is a two-family dwelling or a multi-family dwelling if the building contains three (3) or more dwelling units. In addition, all single-family dwelling, attached or detached, are required by definition to be located on individual lots.

The applicant also indicated in his submitted letter (Exhibit D) that his proposed development could be permitted as a multi-family designation. However, Section 10-11-8 specifically states that manufactured homes used as permanent residences are allowed outside of manufactured homes parks where single-family residences are allowed. In addition, multi-family dwellings are not exempt from site review and the applicant would need to obtain the appropriate approval prior to the Planning Department signing off on a building permit application.

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: (Section 10-11-8)

Staff has interpreted this standard to allow manufactured homes on individual lots where single-family dwellings are allowed. Therefore, as required by this standard all manufactured homes located outside of a manufactured home park must be on individual lots and are not intended to be allowed as two-family or multi-family dwellings.

Conclusion: As addressed above the uses permitted within the DR zone are attached single-family dwellings or multi-family dwellings. The applicant's submitted site plan shows more than one attached single-family dwelling on each lot and the DR zone does not allow two-family dwellings. In addition, the CUZO specifically limits manufactured homes used as permanent residences to single-family dwellings on individual lots.

Therefore, staff recommends the application be denied as the proposed site plan does not comply with the requirement that all attached single-family dwelling be located on an individual lot and manufactured homes are not allowed as multi-family dwellings. The applicant may modify his site plan to located each attached single-family dwelling on an individual lot.

CUZO 10-3D-4: DEVELOPMENT STANDARDS:

- A. Density: For residential uses, the maximum allowable density shall be one dwelling unit per two thousand (2,000) square feet.

Findings: The subject property is .11 acres according to the Umatilla County Assessor's Summary Report. .11 acres converts to approximately 4,791 square feet. The subject property is large enough to comply with the density standards for two dwelling units.

Conclusion: The subject property is over 4,000 square feet and complies with the 2,000 square feet per dwelling unit required by this standard.

- B. Landscaping: 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'). Landscaping shall be located between a structure and the fronting street, or as best provides a pleasant environment for pedestrians. Landscaping may include street furniture and pedestrian amenities, including public plazas and similar features.
- C. Open Space: At least two hundred (200) square feet of outdoor open area easily assessable 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.

Findings: The applicant did not provide details for landscaping or open space with the application. The subject property is large enough to accommodate the required landscaped and open spaces areas. Staff typically would request additional information to show compliance with these standards.

Conclusion: The submitted material does not address the landscaping or open spaces areas required by these standards. However, the applicant could show compliance with the submission of additional information.

DIMENSIONAL STANDARDS

	<u>Freestanding Dwellings Or Structures</u>	<u>Attached Dwellings Or Structures</u>
Minimum lot area	5,000 square feet	2,000 square feet
Minimum lot width	50 feet	20 feet
Minimum lot depth	90 feet	90 feet
Minimum yard setbacks:		
Front and rear yards	12 feet	12 feet
Side yard	8 feet	0 feet
Side street yard	12 feet	12 feet
Garage	19 feet from any street except an alley	18 feet from any street except an alley
Maximum building height	35 feet	35 feet

Findings: The applicant’s submitted site plan shows the proposed structures would comply with the front and side yard setbacks. However, the site plan shows the proposed structure would be located on the rear lot line. The applicant could modify his site plan and place an attached single-family dwelling on each of the existing lots. The applicant may also be able to comply with the setback requirements if the street vacation and replat are finalized.

Conclusion: The submitted site plan does not comply with the required rear yard setback.

- D. Building Orientation: Buildings shall have their primary entrances oriented toward the street. On corner lots, building entrances shall face the primary street or may face the corner.

Findings: The applicant’s site plan shows the proposed building would be oriented towards the street.

Conclusion: The proposed building would be oriented towards the street.

- E. Building Materials: No special standards for building materials apply.

Findings: No special standards for building materials apply.

Conclusion: No special standards for building materials apply.

- F. Parking: Parking is not allowed in the front yard setback or in a side yard setback closer to the street than the adjacent building facade. Parking shall not be located between the building and the public street.

Findings: The proposed site plan shows the two dwelling units connected by a 10'x10' 8" structure. The note states "fire separation shall be provided using x 5/8 fire coded gypsum as required by R302 of ch. 3 of Ore. Residential Spec code for accessory structures (carports)". While it is unclear from the site plan what the attaching accessory structure would be it is assumed to be a smaller carport constructed of fire resistant materials. Therefore, parking would be provided behind the proposed structure in the proposed carports. However, it is unclear from the site plan how access would be provided to the smaller carport connecting the structures.

Conclusion: As addressed above it is assumed the connecting structure is intended to be a smaller carport. However, it is unclear how the carport would be accessed or if the larger carport would be used for both dwelling units or how access would be provided. Staff would recommend the applicant provide an updated site plan clearly identifying the location of all access driveways and parking spaces.

Garages And Carports: Garages and carports shall be located so that the garage door or carport opening is set back further from a street than the facade of the building. Garage doors shall be recessed a minimum of two feet (2') from the building facade for any garage that fronts on a public street other than an alley.

Findings: As addressed above it is unclear for the submitted site plan what the attaching structure is but it is assumed to be a smaller carport. Therefore, all of the proposed carports would be located further back from the street than the facade of the building.

Conclusion: The assumed carports would be located behind the proposed dwelling units and would be located farther back from the street than the building facades. Staff would recommend the applicant provide an updated site plan to show compliance with this standard.

- G. Pedestrian Walkways: For all multi-family dwellings, including attached single-family dwellings, pedestrian walkways shall be provided between buildings and the public right of way. When not connected to a public sidewalk, walkways between adjacent buildings shall be provided. All pedestrian walkways shall not be less than five feet (5') in width and constructed of concrete or other material easily distinguishable from vehicular pavements.

Findings: The submitted site plan shows the proposed dwelling would be provided with a ten-foot (10') walkway connecting the adjacent buildings and the public sidewalk.

Conclusion: The submitted site plan shows the proposed dwelling units would be connected to adjacent buildings and the public right of way/sidewalk by a ten-foot (10') walkway.

CUZO 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:

Findings: As addressed in this report manufactured homes are allowed as a permanent residences where single-family dwellings are allowed. Staff interprets this to allow manufactured homes on individual lots anywhere a detached single-family dwelling or attached single-family dwelling is allowed.

Conclusion: The application is for placement of two manufactured homes as attached single-family dwellings. The submitted site plan shows two manufactured homes located on the same lot. As required by this standard and the definition of a single-family dwelling two manufactured homes are not allowed on an individual lot outside of a manufactured home park.

- A. The manufactured home shall be multisectional and enclose a space of not less than one thousand (1,000) square feet.

Findings: The applicant's submitted materials include a hand out showing the design of the proposed manufactured home. However, the submitted material is very worn and difficult to read. It is assumed that the proposed home is the same or similar model to the manufactured homes previously approved. Staff believes the proposed manufactured home would be approximately 1,200 square feet and multisectional. Staff typically would require the applicant to submit additional information to show compliance with this standard prior to issuance of a building permit.

Conclusion: The applicant's submitted materials does not show compliance with this standard. As addressed above the proposed home is believe to comply with the requirement. Requesting a better-quality copy of the submitted materials would likely show compliance with this standard.

- 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.

Findings: The applicant is aware of this requirement and intends to comply. Compliance with this standard is typically imposed as a condition of approval on the Building Permit.

Conclusion: The applicant is aware of this requirement and imposing a condition of approval on the Building Permit would satisfy this requirement.

- 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.

Findings: The submitted material does not directly address the pitch of the roof. However, compliance with this standard may be show with a request for additional information. The proposed manufactured home is believed to comply with this standard.

Conclusion: The applicant's submitted materials does not show compliance with this standard. As addressed above the proposed home is believe to comply with the requirement. Requesting additional materials to show compliance with this standard would satisfy this requirement.

- 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.

Findings: As addressed in this report the hand out for the specific model to be placed is worn and difficult to read. However, it is assumed the proposed manufactured home would be similar to the previously approved models. The previously approved models complied with this requirement.

Conclusion: As addressed above the proposed home is believed to comply with the requirement. Requesting a better-quality copy of the submitted materials would likely show compliance with this standard.

- 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.

Findings: The submitted material does not directly address this standard. However, compliance with this standard may be show with a request for additional information. The proposed manufactured home is believed to comply with this standard.

Conclusion: The applicant's submitted materials does not show compliance with this standard. As addressed above the proposed manufactured home is believe to comply with the requirement. Requesting additional materials to show compliance with this standard would satisfy this requirement.

- F. The manufactured home shall have a garage or carport constructed of like materials.

Findings: As show on the submitted site plan the manufactured home would have an attached carport. Compliance with this standard is typically imposed as a condition of approval as the construction of a carport requires a separate permit from the Building Department.

Conclusion: It is assumed the proposed carport would be similar to the previously approved carports and would comply with this standard. A condition of approval on the building permit would ensure compliance with this standard.

- 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.

Findings: All of the standards required for a single-family dwelling (Section 10-11-9) are also required for manufactured homes. If the application complies with the standards as address in this report the application would comply with this standard.

Conclusion: All of the applicable standards are addressed in this report. If the application is found to meet the standards as addressed in this report the application would comply with this standard.

- 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.

Findings: As addressed above it is unclear on the submitted site plan what the attaching accessory structure would be and no driveways are shown on the submitted site plan to serve the proposed carport. Staff would typically request a new site plan with the necessary details to show compliance with this standard.

Conclusion: The submitted site plan does not show a driveway for the proposed carports. The applicant likely has sufficient space to comply with this standard but additional detail is necessary to show compliance.

IV. SUMMARY AND RECOMMENDATION

The applicant, Clyde Nobles, is requesting an appeal of a Planning Department decision to deny the planning/zoning review for a building permit application to place a manufactured home as an attached single-family dwelling in the Downtown Residential (DR) zoning district. 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 that the Planning Commission deny this appeal request, **AP-1-18**, and affirm the Planning Department's decision to deny the planning/zoning review for a building permit application to place a manufactured home as an attached single-family dwelling in the Downtown Residential zoning district.

V. EXHIBITS

Exhibit A – Public Notice Map

Exhibit B – Applicant's Submitted Building Permit

Exhibit C – Letter to Applicant from Community Development Director

Exhibit D – Letter to City Planner from Clyde Nobles (September 6, 2018)

Exhibit E – Letter to City Planner from Clyde Nobles (September 10, 2018)

Exhibit F – Applicant's Approved Site Plans

PROPERTY OWNERS WITHIN 100'
NOTICE AREA
FROM SUBJECT PROPERTY

MAP	TAXLOT	OWNER
5N281700	00900	UMATILLA CITY OF
5N281700	01000	UMATILLA CITY OF
5N2817BD	09900	ORTIZ JOAQUIN M
5N2817BD	10000	BARRETO GUADALUPE P
5N2817BD	10100	SKIDOG LLC
5N2817BD	10200	VIESCA SYLVIA
5N2817BD	10300	LUCY ENTERPRISES LLC
5N2817BD	10400	LUCY ENTERPRISES LLC
5N2817BD	10500	CAMPOS JAMIE &
5N2817BD	10600	ELODIA BARETTO
5N2817BD	10700	BRYAN ALICE
5N2817BD	10700	CAMPOS JAMIE &
5N2817BD	10700	ELODIA BARETTO
5N2817BD	10701	BRYAN ALICE

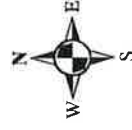


NOBLES APPEAL (AP-1-18)
CLYDE NOBLES, APPLICANT
LUCY ENTERPRISES LLC, OWNER
MAP #5N2817BD, TAX LOT 10400

Legend

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

Exhibit A



Feet

0 50 100 150 200 250



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 9/5/2018



City of Umatilla
BUILDING PERMIT APPLICATION
 (Requires site plan w/setbacks and two sets of building plans)



DEPARTMENT USE ONLY
 Permit No: _____
 Date Issued: _____ By: _____

Exhibit B

APPLICANT/OWNER INFORMATION

APPLICANT Clyde Nobles PHONE 541 922 4518
 ADDRESS 650 Monroe St CITY Umatilla STATE OR ZIP 97882
 PROPERTY OWNER Clyde Nobles / Betty Nobles PHONE 541 922
 ADDRESS 650 Monroe St CITY Umatilla STATE OR ZIP 97882

PROPERTY INFORMATION

Note: The applicant/property owner is responsible for reviewing title insurance and deed for any deed restrictions, easements or other encumbrances upon the property that may affect or limit construction.

1. ADDRESS 720 8th St. CITY Umatilla STATE OR ZIP 97882
 2. MAP # (T-R-S) 5N2E17BC TAX LOT 0104
 Lot Size X X X (Acres) _____
 3. PROPOSED USE _____
 4. VALUATION OF WORK (materials & labor) _____
 5. EXISTING DEVELOPMENT _____
 6. ZONING _____
 7. OVERLAY ZONES _____
 8. ACCESS City Street County Road State Hwy Private Rd
 Name of Road _____ Road # _____
 9. WATER SUPPLY City Water Private Well
 10. SANITATION City Sewer Private System (type) _____
 DEQ Permit # (if private) _____
 11. HEIGHT & SETBACKS
 Building Height 14' (from finished grade)
 Front Yard 12' L. Side Yard 0
 Rear Yard 12' R. Side Yard 0
 Riparian NO
 12. MANUFACTURED HOME Year 2018 Sq. Ft. 1279
 Make/Model Fleetwood 284835

JOB INFORMATION

1. TYPE OF WORK (check one) New Construction Addition Alteration Repair Replacement Demolition
 2. CONSTRUCTION TYPE (check one) 1 or 2-Family Dwelling Commercial Industrial Accessory Structure Multi-Family Other

APPLICANT'S SIGNATURE AND CONSENT AGREEMENT: I hereby certify that, to the best of my knowledge the above information is true and correct. All work to be performed will be in accordance with all governing laws and rules. I agree to comply with all conditions of approval that may be attached to this permit. I understand that separate permits are required for electrical, plumbing, and mechanical work. I am aware that this application if approved, becomes null and void if building construction is not commenced within 180 days, or is discontinued for 180 days. I further understand that, as the applicant, I am responsible for knowing whether the proposed use is limited or prohibited by any deed restrictions, easements or other encumbrances on the property, and I certify that all owners of the property consent to the use of the property for which application has been made herein.

I am the property owner doing my own work. with licensed subcontractors
 I am registered with the Construction Contractors Board.

Contractor name: _____ Address: _____ Phone: _____
 CCB Reg. # _____ Expiration Date: _____ City Business License No. _____

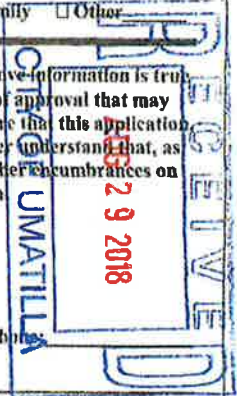
1. APPLICANT'S SIGNATURE Clyde C Nobles DATE 7-11-18
 2. PROPERTY OWNER'S SIGNATURE Clyde Nobles Betty Nobles DATE 7-11-18

For Official Use Only - reviews continued on back (Site Plan is: Attached On Building Plans)

PLANNING/ZONING REVIEW

1. LAND USE COMPATIBILITY Outright Use Subject to Standards Conditional Use PERMIT # _____
 2. BUILDING SETBACKS/MAXIMUM HEIGHT COMPLY? Yes No 3. FLOODZONE* Yes No If Yes, Zone _____
 4. WETLANDS* Yes No If Yes, Type _____ FEMA Map # _____ Base Flood Elevation _____
 5. ZONING AUTHORIZATION Approved Denied Reason for Denial See attached letter
 PLANNING SIGNATURE [Signature] Title City Planner Date 7/26/18

* See notes on back for explanation if Yes.



PUBLIC WORKS REVIEW

1. RIGHT-OF-WAY PERMIT REQUIRED Yes No If Yes, Reason: Utility Work Sidewalks Driveway Other

2. NONREMONSTRANCE AGREEMENT REQUIRED Yes No (If Yes, must be submitted prior to issuance of Certificate of Occupancy).

PUBLIC WORKS SIGNATURE _____ Title _____ Date _____

BUILDING PLANS REVIEW

1. BUILDING CODES COMPLIANCE: The building plans submitted with this application are APPROVED APPROVED AS NOTED
 NOT APPROVED. Reason plans not approved: _____

2. VERIFY/CALCULATE VALUATION:

- a) Floor area _____ X cost/sq. ft. _____ = \$ _____
- b) Garage area _____ X cost/sq. ft. _____ = \$ _____
- c) Deck area _____ X cost/sq. ft. _____ = \$ _____
- d) Total Valuation (a+b+c) \$ _____

3. LOCATION OF PLANS

- Rolled Plans (rolled storage)
- Property File (attached to permit application)
- Other (specify) _____

BUILDING SIGNATURE _____ Title _____ Date _____

BUILDING PERMIT AND RELATED FEES

A. BUILDING FEES (based on valuation)	B. WATER/SEWER HOOK-UP FEES*	C. RELATED FEES
Building Permit Fee \$ _____	Water Hook-up \$ _____	Zoning Review \$ _____
12% State Surcharge \$ _____	Sewer Hook-up \$ _____	Recording Fees \$ _____
65% Plan Review Fee \$ _____	Water SDC \$ _____	Special Assessment \$ _____
40% Fire/Life/Safety \$ _____	Sewer SDC \$ _____	\$ _____
MH Permit Fee \$ _____	Utility Deposit \$ _____	\$ _____
MH State Fee \$ _____	W/S/G Account Setup \$ _____	\$ _____
Total Building Fees \$ _____	Total Water/Sewer Fees \$ _____	Total Related Fees \$ _____

* Required for all new lots or parcels upon initial development. Standard water line is 1/2" for single-family residential use. Please let Utility Department know when making application for a building permit if a different size line is desired. Water and Sewer hook-up fees are greater for larger water lines.

TOTAL BUILDING/WATER/SEWER/RELATED FEES DUE \$ _____ (columns A+B+C) Receipt No. _____

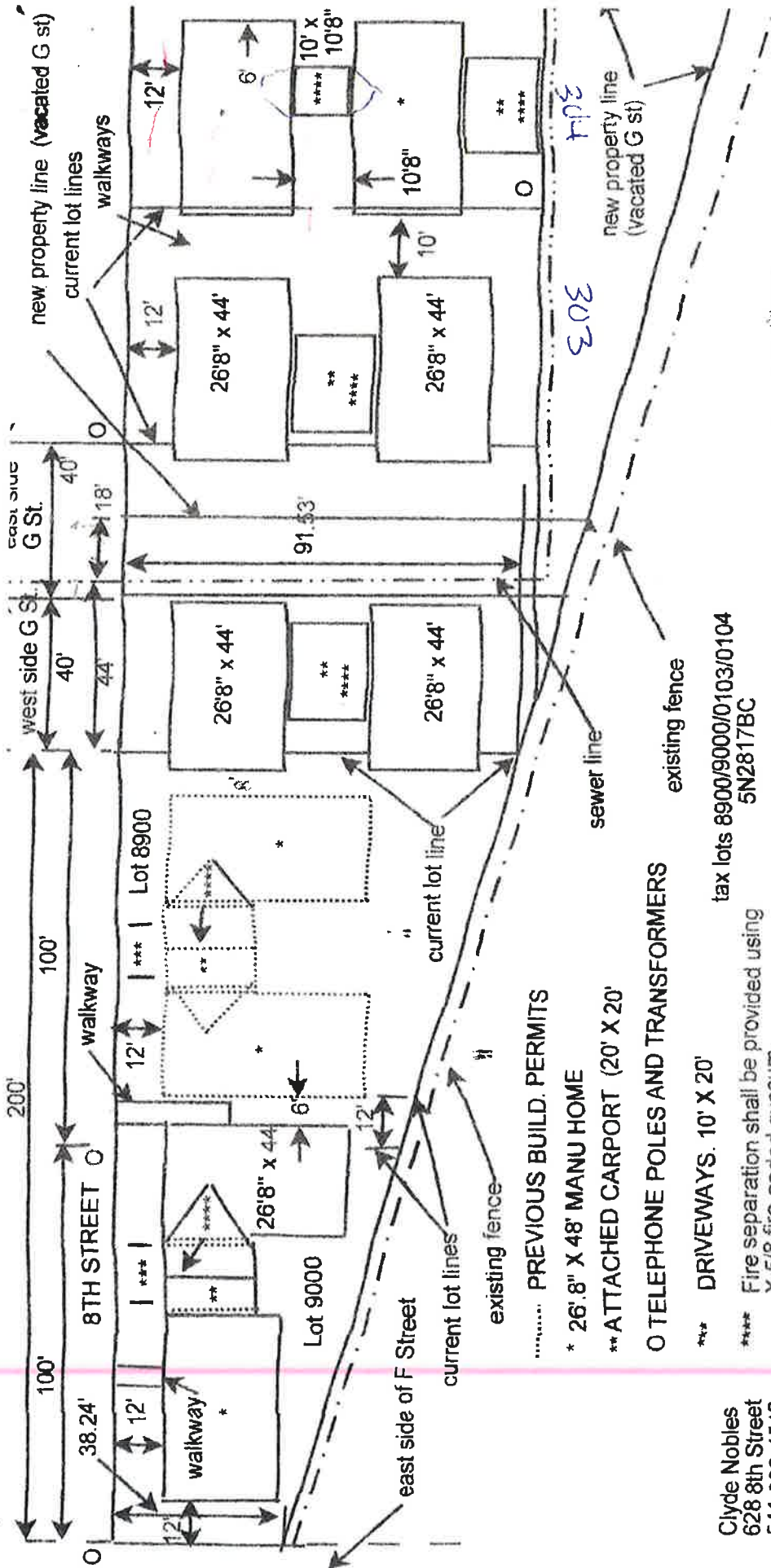
Conditions of Permit Approval:

1. _____
2. _____
3. _____
4. _____
5. _____

NOTES:

*** Call 811 or 1-800-332-2344 Before You Dig ***

1. When property is located in a flood zone, additional regulations may apply to the building or foundation design or to other changes to the site.
2. Permits for property wholly or partially within a wetland area identified on the Statewide Wetlands Inventory require the City to provide notice to the Oregon Division of State Lands (DSL) which may require a permit for removal or fill, or any other alteration to the site prior to the start of construction.
3. Separate plumbing, electrical and mechanical permits must be obtained.



scale 1 in = 30 ft
(not to scale)
file:hospital22.pdf

NOTE: Lot line between 8900 and 9000 to be removed before occupancy of building on lot line.

tax lots 8900/9000/0103/0104
5N2817BC

O TELEPHONE POLES AND TRANSFORMERS

*** DRIVEWAYS. 10' X 20'

**** Fire separation shall be provided using X 5/8 fire coded gypsum as required by R302 of ch. 3 of Ore. Residential Spec. code for accessory structures (carports).

..... PREVIOUS BUILD. PERMITS
* 26'.8" X 48' MANU HOME
** ATTACHED CARPORT (20' X 20')

Clyde Nobles
628 8th Street
541-922-4518
2/25/18



Fleetwood

1 A 111

www.fleetwoodhomes.com

10'0" x 10'0" x 10'0"



10'0" x 10'0" x 10'0"



2010-2011
MANUFACTURER OF THE YEAR
7 YEARS
2010-2011

10'0" x 10'0" x 10'0"

2011 FLEETWOOD HOMES INC. ALL RIGHTS RESERVED

...only 4.4 US DOLLARS PER SQUARE FOOT...
...FLEETWOOD HOMES INC. ALL RIGHTS RESERVED...



City of Umatilla

700 6th Street, PO Box 130, Umatilla, OR 97882
City Hall (541) 922-3226 Fax (541) 922-5758

Exhibit C

September 6, 2018

Clyde Nobles
650 Monroe Street
Umatilla, OR 97882

RE: Follow up to Planning Commission Meeting and Path Forward for your development on 8th Street

Dear Mr. Nobles:

As you know, Planning Commission did not make a decision on your code interpretation request C1-1-18. Rather, they kept the hearing open and continued the hearing to their next meeting on September 25, 2018. Planning Commission asked staff to review your original application to determine how you might be able to move forward with development of your property on Eighth Street.

History of Application Review at City

In Fall of 2017, City Manager Russ Pelleberg, myself, and City Planner Brandon Seitz had several meetings with you during which time staff expressed general support. Over the next several months staff worked with you and advised on the specific types of applications and processes you would need to follow to proceed with the vacation of G Street and for permitting of housing development.

On November 21, 2017, you submitted an application for Street Vacation. Over the following several months you submitted the required "Consent to Vacation" forms from surrounding landowners. Your Road Vacation was reviewed by Planning Commission at their February meeting and it was approved at the March 2018 meeting. The Road Vacation was approved by City Council on April 3, 2018.

Your first application for a duplex, on tax lot 900 of Map 5N 28 17BC, was approved by City Planner on March 20, 2018. (See attached permit.) That application included a total of four dwellings, two sets of manufactured dwellings connected by a carport. The land use permit was processed as a Type I Review, which is an outright use (ministerial action) process and does not require public notice or a hearing.

On July 13, 2018 you submitted another application for a duplex on tax lot 104 of Map 5N 28 17BC which was denied by City Planner on July 26, 2018. (See attached application and letter explaining the reasons for the denial was based on interpretation of city code.)

Subsequently, you and Planner Seitz met to discuss a path forward. Brandon explained that City Code does not allow for an appeal of a Type I application but offered to refer the code interpretation to Planning Commission at no charge to you. The staff report for the code interpretation is attached.

Path Forward

As noted above, Planning Commission did not make an interpretation to clarification of definitions. They asked staff to conduct more research and then continue the matter until the September 25th meeting.

Without any change to the interpretation of definitions, staff must rely on what is clearly permissible in code. In the Downtown Residential Zone, Single Family *attached* dwelling¹s and multi family dwellings² are allowed. Duplexes and two-family dwellings³ are not allowed.

Although Type I decisions are not typically appealable, the City has decided to grant an exception in this matter and Planner Seitz has referred your application for the second phase of the 8th Street development to Planning Commission. The matter will be heard on September 25, at 6:30 pm. At that hearing, Planning Commission can either uphold the decision or reject the decision. In the interim, if you would like to proceed working over the next few weeks, I recommend that you submit an application for two attached single family dwellings, one on each of your vacant tax lots on 8th Street. In order to meet setback requirements you may need to complete the G street vacation and replat the parcels.

Summary

I understand this is not the response you desire and that you are eager to proceed with your original concept. I apologize for any confusion and the frustration. However, city staff must follow the law. We have carefully vetted the issues with city attorney and believe the above to be the correct and legal path forward.

Cordially,



Tamra Mabbott
Community Development Director/Interim City Manager

CC: Phillip SpicerKuhn, City Attorney
Planning Commission
Brandon Seitz, City Planner

¹ Single-Family Dwelling is "a detached or attached residential dwelling unit other than a mobile home, occupied by one family and located on its own lot. 10-1-6 DEFINITIONS City of Umatilla Title 10 Zoning

² Multi-Family Dwelling is a "building containing three (3) or more dwelling units, each occupied by a family living independently of other families, and having separate housekeeping and cooking facilities for each family." Ibid.

³ Two-Family Dwelling is a "building containing two (2) dwelling units; also called a duplex." Ibid.

Exhibit D

650 Monroe St., Umatilla, Oregon 97882

6 September 2018



Reference: NOTICE OF PLANNING COMMISSION REVIEW letter
Dated September 5, 2018

ATTENTION: Brandon Seitz,

Your referenced letter addresses a building application to place a manufactured home as an attached single family dwelling. As you are aware from my site drawing that I intend to site 10 attached manufactured homes on two lots. Therefore, these attached manufactured homes would also be classified as multi-family. I had discussed with Russ, Tamara and you that my intention was to use the 2000 square foot density allowance for "attached dwellings" in the R4 zoning code to site 10 dwellings. The multi-family designation allows for 3 or more dwelling units per building. By attaching 3 or more manufactured homes together as a building structure, I think my project is also allowed in the R4 zone within the multi-family designation. My plan was to accomplish this project by building one dwelling unit (manufactured home) and associated carports, etc. at a time. I now realize it probably costs more in building fees to do the building applications and associated construction in this manner.

Also, I believe an attached single family dwelling means two single family dwelling units attached together on one lot to form a building (a duplex) located "on its own lot", and not two single family dwelling units located on separate lots and attached at a common contiguous lot line.

Your may observe that the 4 units nearing completion on lots 8900 and 9000 are attached to form a single building structure.

Since the planning commission directed Tamara to seek a way to allow my project to continue as tentatively approved by Russ, Tamara and you, please change the meeting agenda to also address the alternative of designating the project as multi-family as stated above.

Sincerely,


Clyde Nobles

file: umatillacity9618

Exhibit E



650 Monroe St.
Umatilla, Or. 97882

10 September 2018

Dear Brandon,

Please include the attached sheets in the planning meeting scheduled for 25 September 2018 as my response to my appeal.

Thank you.

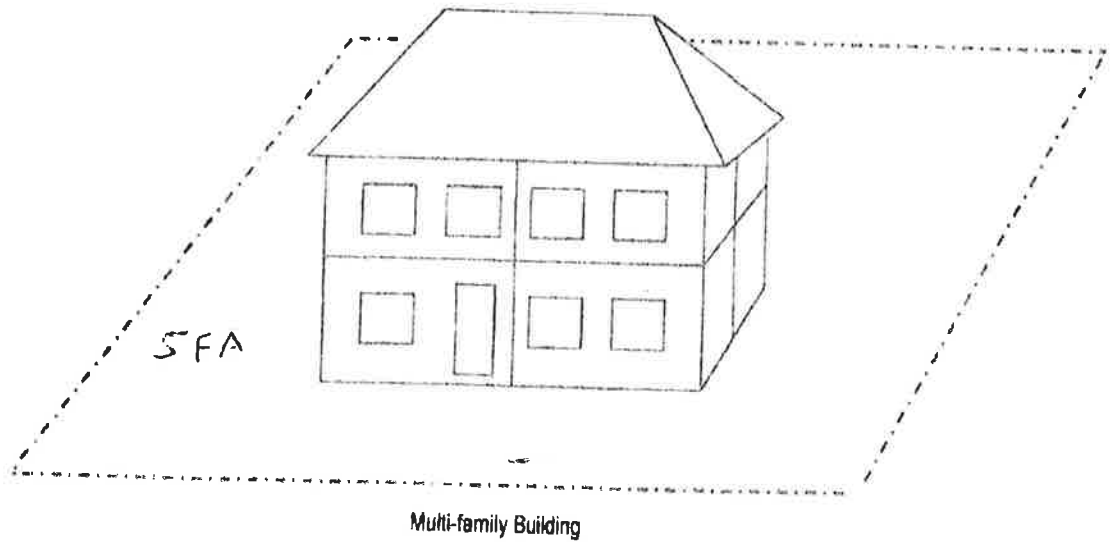
Sincerely,

Clyde Nobles
Clyde Nobles

ATTACHMENTS: SFA, SFD, MF AND 2F charts and details

File: UMATILLA CITY 91018

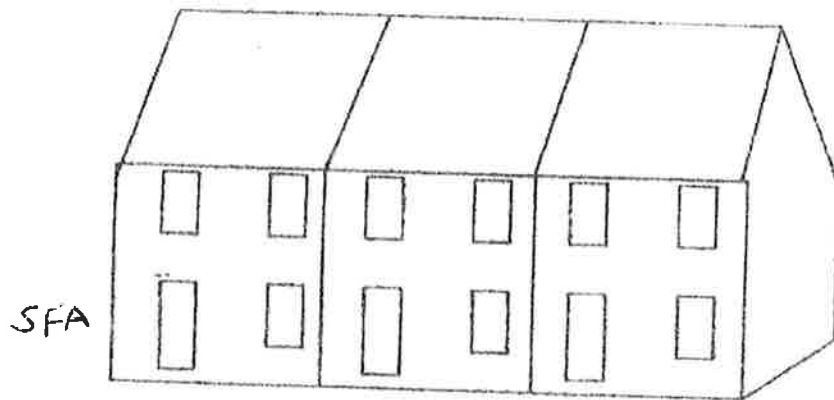
EXAMPLE:



Multi-family Building -

Dwellings, single-family attached townhome means three or more dwelling units where each unit is attached to other units by party walls, and where habitable spaces of different units are arranged in a side-by-side, rather than a stacked configuration.

EXAMPLE:



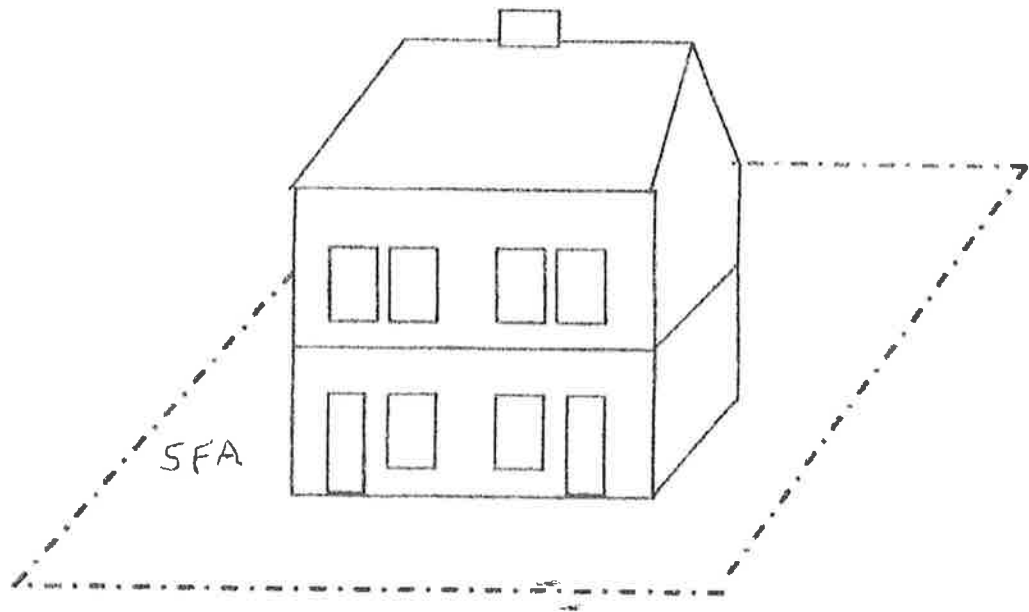
Single-family Attached Townhome: Three or more dwellings units in a row

Single-family Attached Townhome: Three or more dwellings units in a row

Dwelling, single-family detached means a single dwelling unit in a single building not attached to any other buildings other than those accessory to the dwelling.

Dwellings, two-family means a single building on a single lot, designed for occupancy by two separate dwelling units in a side-by-side or stacked configuration, and not attached to any other buildings other than those accessory to the dwellings.

EXAMPLE:

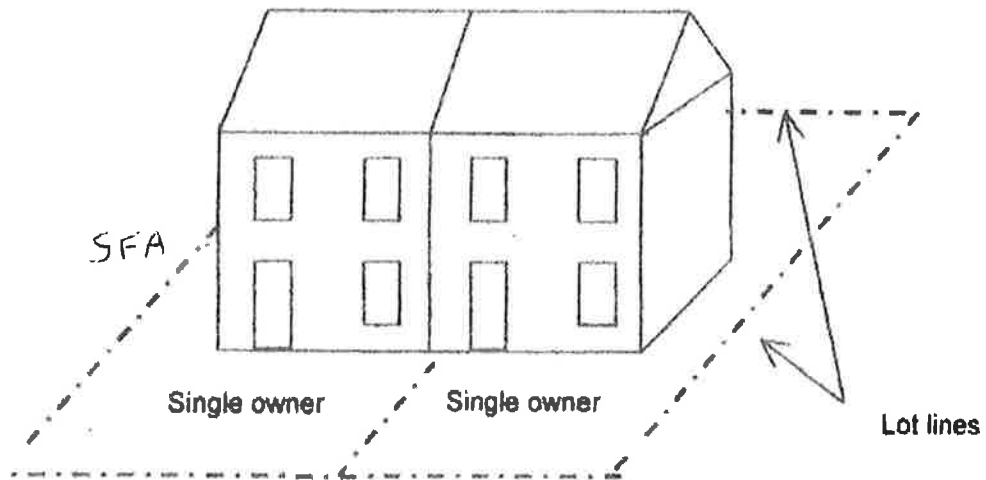


Two-family Home: One house with two units on a single lot.

Two-family Home: One house with two units on a single lot.

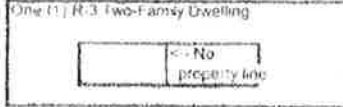
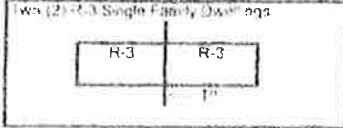
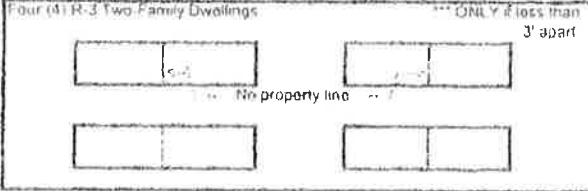
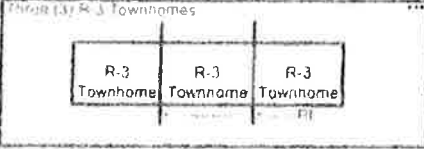
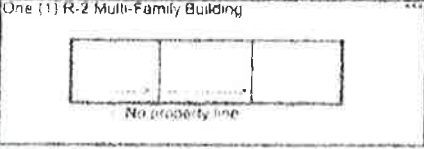
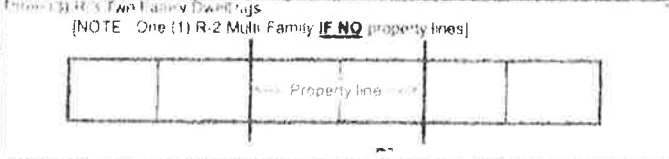
Dwellings, single-family attached duplex means a dwelling unit attached by a party wall to only one other dwelling unit in a side-by-side configuration, with each unit located on its own lot.

EXAMPLE:



Single-family Attached Duplex: Two units, each on its own lot.

**Single-Family Attached vs Detached
and
R-2 vs R-3**

SFA	<p>(A) One (1) R-3 Two-Family Dwelling</p> 	<p>AMANDA 1 Single Family Attached 1 Folder Fixture Tables - total for both dwelling units 1 Permit 1 Street Address with unit identification</p>	MH or RE
SFD	<p>(B) Two (2) R-3 Single Family Dwellings</p> 	<p>AMANDA 2 Single Family Detached 2 Folders Fixture Tables - separate for each dwelling unit 2 Permits 2 Street Addresses</p>	MH or RE
SFA	<p>(C) Four (4) R-3 Two-Family Dwellings</p> <p align="right">*** ONLY if less than 3' apart</p> 	<p>AMANDA 4 Single Family Attached 4 Folders 4 Permits 4 Street Addresses</p>	MH or RE
SFD	<p>(D) Three (3) R-3 Townhomes</p> 	<p>AMANDA 3 Single Family Detached 3 Folders Fixture Tables - separate for each dwelling unit 3 Permits 3 Street Addresses</p>	MH or RE
MF	<p>(E) One (1) R-2 Multi-Family Building</p> 	<p>AMANDA 1 Multi-Family Master or Multi-Family CM 1 Folder 1 Permit 1 Street Address</p>	MA or CM
2F	<p>(F) Three (3) R-3 Two-Family Dwellings</p> <p>(NOTE: One (1) R-2 Multi-Family IF NO property lines)</p> 	<p>AMANDA 3 Single Family Attached 3 Folders 3 Permits 3 Street Addresses</p>	MH or RE

© 2015

***State accessibility requirements need to be complied with

SFA Single-Family Attached
SFD Single-Family Detached
MF Multi-Family
2F Two Family

DWELLINGS ALLOWED PER LOT IN CITY OF UMATILLA ZONING ORDINANCES

ZONES	ALLOWED DENSITY/ DWELLING SQ FT	DWELLING TYPE	5,000 SQ FT LOT			8,000 SQ FT LOT		
			DWELLINGS ALLOWED	BUILDINGS ALLOWED	FAMILIES ALLOWED	DWELLING ALLOWED	BUILDING ALLOWED	FAMILIES ALLOWED
R1	8000	SFD	0	0	0	1	1	1
R2	3500	SFD***	1	1	1	1	1	1
		2 FAMILY	1**	0	0	2	1 DUPLEX	2
		MULTI	1*	0	0	2*	0	0
		SFA	1	0	0	2	1	2
R3	2000	SFA	2	1	2	4	1-2	2-4
		MULTI	2*	0	0	4	1	4
R4	2000	SFA	2	1	2	4	1-2	2-4
		MULTI	2*	0	0	4	1	4
R4	2000	FS	2	1	2	4	1	4

- * Not allowed, need 3 or more dwelling units
- ** Not allowed, need 2 dwellings
- *** Single-family detached including manu. homes on individual lots
- MULTI: 3 or more dwelling units
- DUPLEX: 2 dwelling units
- SFA: Single-family attached
- SFD: Single-family detached
- FS: Free standing dwellings

NOTES

: Also, must meet set-backs and other requirements stated in applicable zones

All land zoned for single-family residential uses must also allow for siting of manufactured homes

DWELLINGS ALLOWED PER LOT IN CITY OF UMATILLA ZONING ORDINANCES

ZONES	ALLOWED DENSITY/ DWELLING SQ FT	DWELLING TYPE	<u>15,000 SQ FT LOT</u>			<u>13,000 SQ FT LOT</u>		
			DWELLING ALLOWED	BUILDINGS ALLOWED	FAMILIES ALLOWED	DWELLINGS ALLOWED	BUILDINGS ALLOWED	FAMILIES ALLOWED
R1	8000	SFD	1	1	1	1	1	1
R2	3500	SFD***	1	1	1	1	1	1
		2 FAMILY	4	2 DUPLEXES	4	3	1 DUPLEX	2
		MULTI	4	1	4	3	1	3
		SFA	4	1-2	2-4	3	1	2
R3	2000	SFA	7	1-3	2-6	6	1-3	2-6
		MULTI	7	2	7	6	2	6
R4	2000	SFA	7	1-3	2-6	6	1-3	2-6
		MULTI	7	1-2	7	6	1-2	6
R4	2000	FS	7	3	7	6	2	6

* Not allowed, need 3 or more dwelling units

** Not allowed, need 2 dwellings

*** Single-family detached including manu. homes on individual lots

MULTI: 3 or more dwelling units

DUPLEX: 2 dwelling units

SFA: Single-family attached

SFD: Single-family detached

FS: Free standing dwellings

DRIVE-THROUGH USE: A commercial use that involves provision of a product or service through a window or similar opening in a building, in a manner that does not require the customer to leave his/her automobile.

DWELLING, MULTI-FAMILY: A building containing three (3) or more dwelling units, each occupied by a family living independently of other families, and having separate housekeeping and cooking facilities for each family.

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

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

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

EASEMENT: A grant of the right to use a specific portion of a property for specific purposes.

EFFICIENCY DWELLING UNIT: The unit shall have a living room not less than two hundred (200) square feet nor more than five hundred (500) square feet of floor area and shall be provided with a separate closet, kitchen sink, cooking appliance and refrigeration facilities each having clear working space of not less than thirty inches (30") in front. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

EMPLOYEE(S): All persons, including proprietors, who work on premises during the largest shift at peak season.

FAMILY: One or more persons related by blood, marriage, legal adoption or legal guardianship living together in a dwelling unit plus not more than four (4) additional persons; or an individual or a group of not more than five (5) persons unrelated by blood, marriage, adoption or legal guardianship living in a dwelling unit.

FAMILY DAYCARE PROVIDER: A daycare provider which accommodates fewer than thirteen (13) children in the provider's home; this is considered a residential use.

FENCE: An accessory structure designed and intended to serve as a barrier or as a means of enclosing a yard or other area, or other structure; or to serve as a boundary feature separating two (2) or more properties. A "sight obscuring fence" is a fence constructed of wood or masonry or similar solid material or a chainlink fence with slats that is at least six feet (6') high and that completely obscures the view from one side of the fence to the other.

FLOODPLAIN: The floodplain of the Umatilla area is defined as those areas that would be inundated by the maximum flood that occurs once every one hundred (100) years as identified by the U.S. army corps of engineers or the federal emergency management agency.

FLOOR AREA: The area included in surrounding walls of a building or portion thereof, or the area contained under a roof for structures without walls.

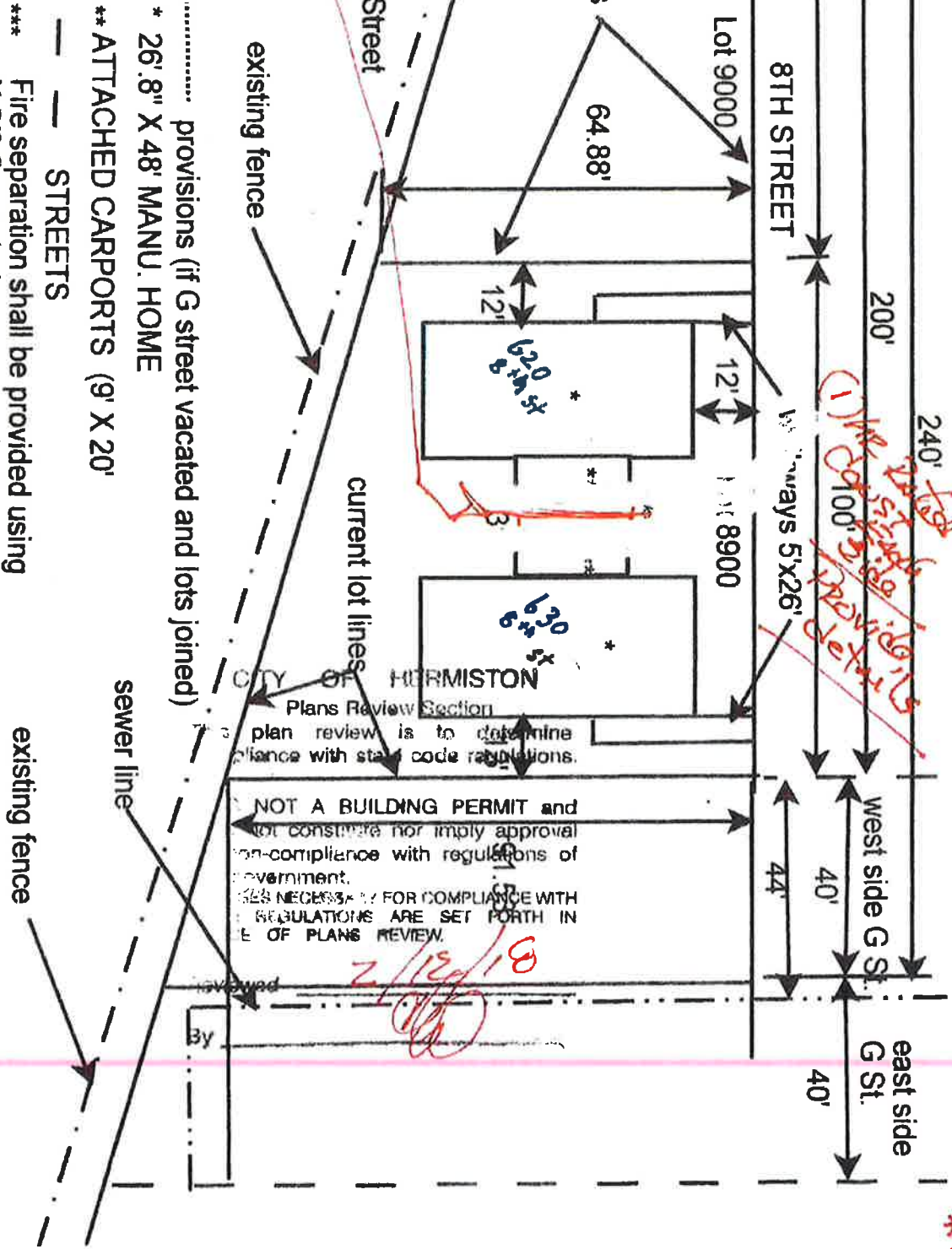
FRONTAGE: The portion of a property which abuts a public street.

FUNCTIONAL AREA OF INTERSECTION: The area beyond the physical intersection of two (2) roadways that is necessary to safely traverse the intersection considering the perception, decision making and maneuvering distance required, plus any vehicle storage length needed. The functional area includes the length of road upstream from an oncoming intersection needed by motorists to perceive the intersection and begin maneuvers to negotiate it. The upstream area consists of distance for travel during perception-reaction time, travel for maneuvering and deceleration, and queue storage. The functional area also includes the length of road downstream from the intersection needed to reduce conflicts between through

Exhibit F

Units shall be joined together w/ common wall the Firewall as detailed for Clyde by ckw.

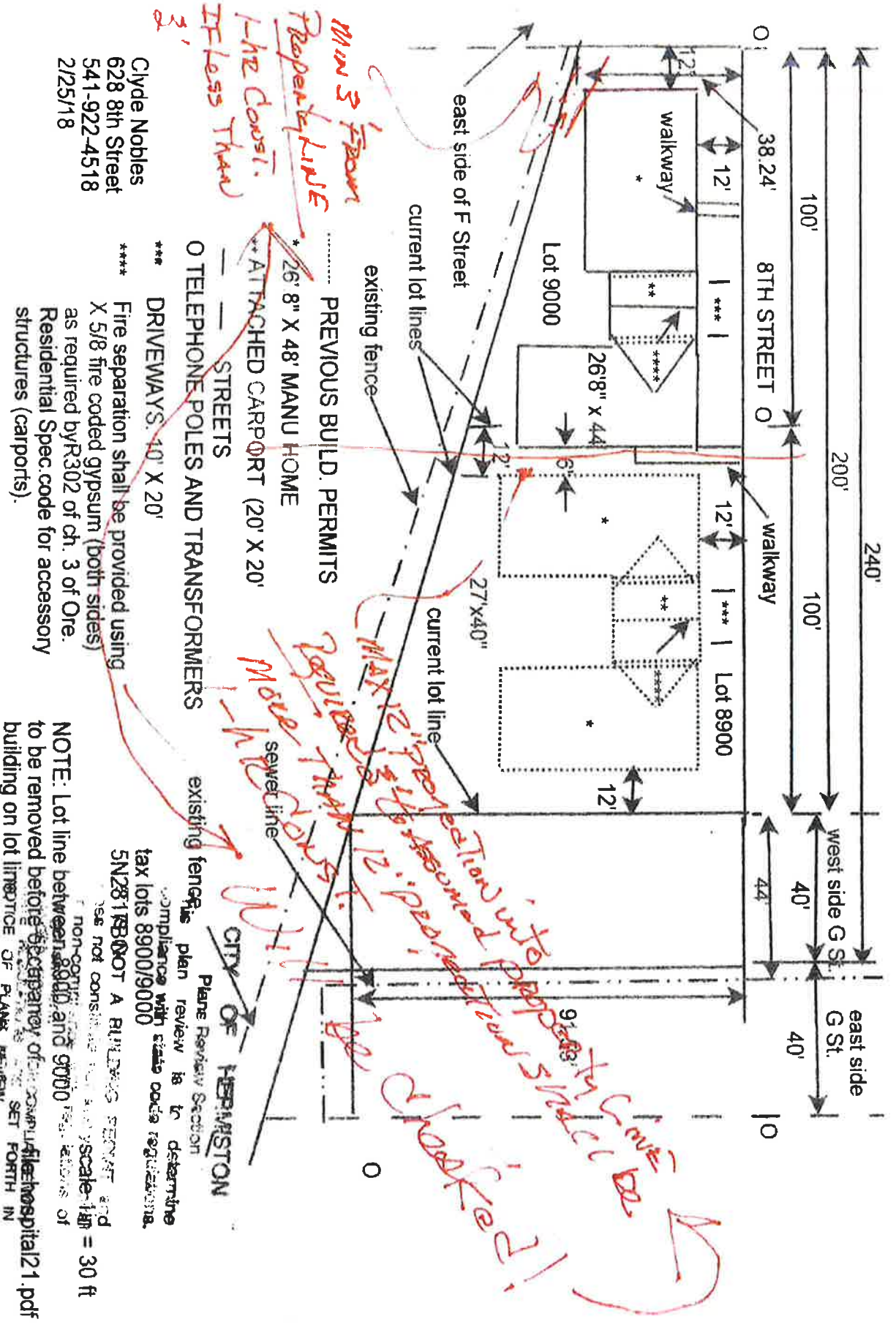
Clyde Nobles
628 8th Street
541-922-4518
2/8/18



- provisions (if G street vacated and lots joined)
- * 26' 8" X 48' MANU. HOME
- ** ATTACHED CARPORTS (9' X 20' STREETS)
- *** Fire separation shall be provided using X 5/8 fire coded gypsum on both carports as required by R302 of ch. 3 of Ore. Residential Spec. Code for accessory structures (carports).

tax lots 89000/9000
5N2817BC

scale 1in = 30 ft
file:hospitala120.pdf



Clyde Nobles
628 8th Street
541-922-4518
2/25/18

Min 3' from Property Line
1-1/2 Const. IF Less Than 3'
* 26' 8" X 48' MANU HOME
** ATTACHED CARPORT (20' X 20')
STREETS
O TELEPHONE POLES AND TRANSFORMERS
*** DRIVEWAYS: 10' X 20'
**** Fire separation shall be provided using X 5/8 fire coded gypsum (both sides) as required by R302 of ch. 3 of Ore. Residential Spec. code for accessory structures (carports).

MAX 12' separation into proposed street
sewer line
More than 12'
CITY OF HERMONSTON
Planning Section
Plan Review is to determine compliance with state code regulations.
tax lots 8900/9000
5N28119300T A RUILDING SEPARAT and see not constitute a final scale-1/8" = 30 ft
NOTE: Lot line between 8900 and 9000 to be removed before occupancy of building on lot
SET FORTH IN

Reviewed by _____

**CITY OF UMATILLA PLANNING COMMISSION
REPORT AND RECOMMENDATION
FOR
VARIANCE V-1-18**

DATE OF HEARING: September 25, 2018

REPORT PREPARED BY: Brandon Seitz, City Planner

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: A variance request to allow the maximum time any individual or vehicle is permitted within the RV park to more than ninety (90) days within any one hundred eighty (180) day period and to allow the parking and driveway areas to be graveled instead of paved.

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. The applicant has obtained approval of a conditional use request (CU-7-18) to operate an RV park on the subject property pending completion of the required site plan review and other conditions of approval.

Zone Light Industrial (M-1).

Adjacent Land Use(s):

Adjacent Property	Zoning	Use
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, received approval to establish an RV park on the subject property. The applicant is requesting approval of a variance to increase the maximum time any individual or vehicle is permitted within the RV park and to allow for the required parking and driveway areas to be graveled.

The applicant previously received approval of a conditional use permit (CU-7-18) to operate a 60 spot RV park on the subject property. The City of Umatilla Zoning Ordinance (CUZO) currently restricts RV parks from being used for long-term residential occupancy and limits the maximum time any individual or vehicle is permitted to ninety (90) days within any one hundred eighty (180) day period. The applicant is requesting a variance to allow a space to be rented for longer than 3 months. In addition, the CUZO requires that all parking and driveway areas to be paved. The applicant received approval to improve the internal roadways to an interim gravel standard for a period of five years. The applicant is now requesting a variance to allow a similar interim gravel standard for the parking and driveway areas.

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 0-13-1: VARIANCE AND ADJUSTMENT:

Variance and adjustment procedures are intended to allow modifications of specific standards when the approval authority finds that approval criteria are satisfied. A variance or adjustment shall not be granted if the effect is to vary the uses permitted in the zoning district, definitions, or the residential density.

The applicant is proposing two variance request that are being processed together. The standards that are the subject of the variance request are provided for reference.

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.

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.

The Planning Commission may grant approval of a variance to one, both or none of the standards listed above.

B. Variance: A variance is a request for more than a ten percent (10%) modification of a quantitative standard or qualitative criteria in this Title. The Planning Commission may grant an adjustment through a Type III procedure if all the following criteria are satisfied:

1. The need for the adjustment is beyond the applicant's control.

Findings: This standard is intended to require an applicant to demonstrate the specific circumstances apply to the subject property that generally do not apply to other properties in the same zone or vicinity i.e. irregular lot size or shape, topography or other circumstances over which the applicant has no control. The applicant has indicated that the size and access to the property could be dramatically altered by the potential vacation of the rail spur directly south of the property. The proposed graveled driveway and parking area is intended to be a temporary design. The timing and potential vacation of the existing rail spur is beyond the applicant's control.

However, the request to allow an individual or vehicle to exceed the current 90-day limit is based on the applicant's desire to accommodate construction workers and not a circumstance that is beyond the applicant's control.

Conclusion: The Planning Commission approved an interim standard that allows the applicant to develop the internal roadways to a temporary gravel standard for a period of five years unless the applicant obtains approval of an extension. The subject property would be affected by any potential vacation of the existing rail spur and the timing of a potential vacation is beyond the applicant's control. Staff recommends approving a variance to allow the applicant to develop the parking and driveway areas to a gravel surface with a condition of approval that all driveway and parking areas be improved to a paved surface at the same time the internal roadways are improved to a paved surface.

The reason for the variance to the long-term occupancy standard is primarily to accommodate construction workers. While staff acknowledges the city is experiencing growth the need for the request is based on the applicant's preference not a specific circumstance beyond the applicant's control.

2. To meet the need, the request is the minimum necessary variation from the requirement.

Findings: The applicant is proposing to improve the required parking and driveway areas to a gravel surface. As addressed above the applicant has indicated that the request would be temporary and the parking and driveway areas would be improved when the internal roadways are improved. Allowing the applicant to defer paving would be consistent with conditional use approval and would be the minimum necessary to accommodate use of the park at an interim standard.

The applicant does not propose a maximum time limit a potential customer would be allowed to stay within the proposed RV park. Without a maximum time limit staff cannot determine if the proposed variance would be the minimum variation necessary from the requirement.

Conclusion: Allowing the applicant to improve the parking and driveway areas to a graveled standard would be consistent with the Planning Commissions previous approval and would be the minimum time necessary to accommodate the applicant's request to improve the park to an interim standard.

The applicant did not propose a maximum time limit. If the intent of the variance is to allow a general exception to the long-term residency standard and not propose a maximum

length of stay the request would not comply with this standard.

3. There are development constraints associated with the property or the present use or permitted use of the property which make development of a permitted use impractical, or the variance is needed to allow the applicant to enjoy a substantial property right possessed by a majority of property owners in the same vicinity.

Findings: The applicant has indicated that other RV parks within Umatilla generally use gravel parking and driveway areas similar to his request. The applicant has also indicated that other RV parks within Umatilla do not follow the 3-month maximum stay requirement.

Staff acknowledges that other RV parks within the City have been developed with graveled parking and driveway areas. However, other RV parks within the City were approved prior to the City implementing RV park standards for roadways and parking areas. Previous approvals were handled on a case by case basis. Applications are subject to the standards in place at the time of submission and the fact that previous RV parks were not subject to the current standards is not reason to justify a variance to the standard.

Staff has reviewed previous approvals of RV parks within the City and it appears the other parks within the City are required to comply with similar long-term occupancy requirements. Staff acknowledges that those requirements have likely not been enforced in recent years.

Conclusion: Other permitted RV parks within the City have been approved and developed with graveled parking and driveway areas. However, as addressed in this report those applications were approved prior to the City implementing specific RV park standards. The applicant's request is consistent with the City's previous approval for internal roadways. Granting a temporary variance to run concurrent with the conditional use approval would allow the applicant to develop the property to an interim standard consistent with existing RV parks.

As addressed above staff acknowledges other RV parks within the City are likely not in compliance with conditions of approval addressing long-term occupancy requirements. Failure of City to enforce conditions of approval is not sufficient to demonstrate there are developmental constraints that would make the development impractical. In addition, requiring the applicant to comply with the long-term occupancy requirements would be consistent with the existing approvals for other RV parks within the City.

4. Either the circumstances that apply to the site or the present or a permitted use of the site do not typically apply to other properties in the same vicinity or district, and are unique or unusual; or it would be more detrimental to the public safety or more injurious to the public welfare to apply the requirement than to grant the proposed variance.

Findings: As addressed above the applicant has indicated that other RV parks within the City have been improved to a gravel standard and are allowed to exceed the long-term residential occupancy standard. Allowing the applicant to develop the parking and driveway areas to a graveled standard would be consistent with the previous approval issued by the City. In addition, as addressed in this report the potential vacation of the existing rail spur has the potential to drastically alter the current configuration and access points of the proposed RV park. Therefore, there are specific circumstances that apply to

the subject property that generally do not other properties.

As addressed in this report failure of the City to enforce a condition of approval is not sufficient to justify that long-term occupancy standards do not typically apply to other RV parks within the City.

Conclusion: The proposed RV park is located adjacent to an existing rail spur that currently serves one existing business. The rail spur dead ends at the Umatilla River approximately a half mile to the east. While it is unknown if or when a potential vacation of the rail road right of way would occur, a future vacation would drastically alter access to the subject property and likely the park configuration. Therefore, circumstances exist that do not typically apply to other RV parks within the City.

As addressed in this report other RV parks within the City are required to comply with the long-term occupancy standard. It is acknowledged that the City has likely not enforced those conditions of approval in recent years. The applicant has not demonstrated that circumstances apply to the proposed RV park that do not apply to other RV parks located within the City.

5. If more than one variance is requested, or a variance and adjustment, the cumulative effect of the requests will result in a project that is still consistent with the overall purpose of the district.

Findings: The applicant is requesting more than one variance. The applicant has requested a variance to the requirement that all parking and driveway areas must be paved. In addition, the applicant has requested a variance to the long-term occupancy standard for RV parks that limits the maximum time any individual or vehicle is permitted to 90 days within any 180 day period. Although the requests are being processed together the Planning Commission may approve or deny the request separately. The cumulative effect of approving both requests would allow the applicant to develop parking and driveway areas to an interim graveled standard and allows long-term occupancy.

Allowing an extended occupancy would result in a cumulative effect this is not consistent with the purpose of the district. As addressed in detail below the intent of the long-term occupancy standard is specifically not to allow long-term residential occupancy of a recreational vehicle.

Conclusion: As addressed in this report the request to allow a temporary graveled driveway and parking areas appears to meet the applicable criteria and would be consistent with the conditional use approval allowing an interim standard. However, the request to allow long-term occupancy would not be consistent with the intended purpose of the standard and therefore, would not be consistent with the overall purpose of the district.

6. The variance does not circumvent the purpose of the requirement or any provision of the Comprehensive Plan.

Findings: Allowing the applicant to develop the RV park to a graveled standard would be consistent with the conditional use approval and would allow the applicant to improve the RV park to an interim standard. As addressed in this report the applicant will be required to improve the parking and driveway areas to a paved surface as a condition of approval

consistent with the conditional use approval. Allowing development to a interim standard would not circumvent the purpose of the requirement as the applicant would be required to improve the parking and driveway areas to a paved surface complying with the requirement in the future.

The long-term occupancy standard in question specifically states “there shall be no long-term residential occupancy of a recreational vehicle park space.” The purpose of the standard is to not allow long-term occupancy and identify a maximum time limit and method for the City to verify compliance. A variance to allow long-term occupancy of an RV would circumvent the purpose of the requirement.

Conclusion: As addressed in this report allowing the applicant to develop parking and driveway areas to a graveled standard would essentially defer improvements within the park to a later date. The applicant will be required to meet the standard in the future or obtain an extension from the Planning Commission. Therefore, the request would not circumvent the purpose of the requirement but defer when the applicant will be required to meet the standard.

As addressed above the purpose of the long-term occupancy standard is clearly to not allow long-term occupancy of recreational vehicles. A request to allow long-term occupancy of a RV would circumvent the purpose of the requirement.

IV. SUMMARY AND RECOMMENDATION

The applicant, Kelly Nobles, received approval to establish an RV park on the subject property. The applicant is requesting approval of a variance to increase the maximum time any individual or vehicle is permitted within the RV park and to allow for the required parking and driveway areas to be graveled.

As addressed in this report the applicant has requested two variances that are being processed together and may be approved or denied separately. 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 the applicant’s variance request to allow parking and driveway areas to be improved to a gravel standard subject to the conditions of approval contained in Section V.

In addition, 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 Planning Commission deny the applicant’s variance request to allow a variance to the long-term residential occupancy of a recreational vehicle park space.

V. CONDITIONS OF APPROVAL

1. The applicant has obtained approval of a conditional use request to establish a RV park (Conditional Use #CU-7-18) and is allowed to develop the internal park roadways to a temporary gravel standard for a period of five years (condition of approval number six). The applicant shall be required to improve the parking and driveway areas to a paved

surface when improvements to the internal roadways are required or obtain approval from the Planning Commission to extend the temporary standard. A request for an extension shall be processed as an amendment to this application subject to a Type III approval process.

VI. EXHIBITS

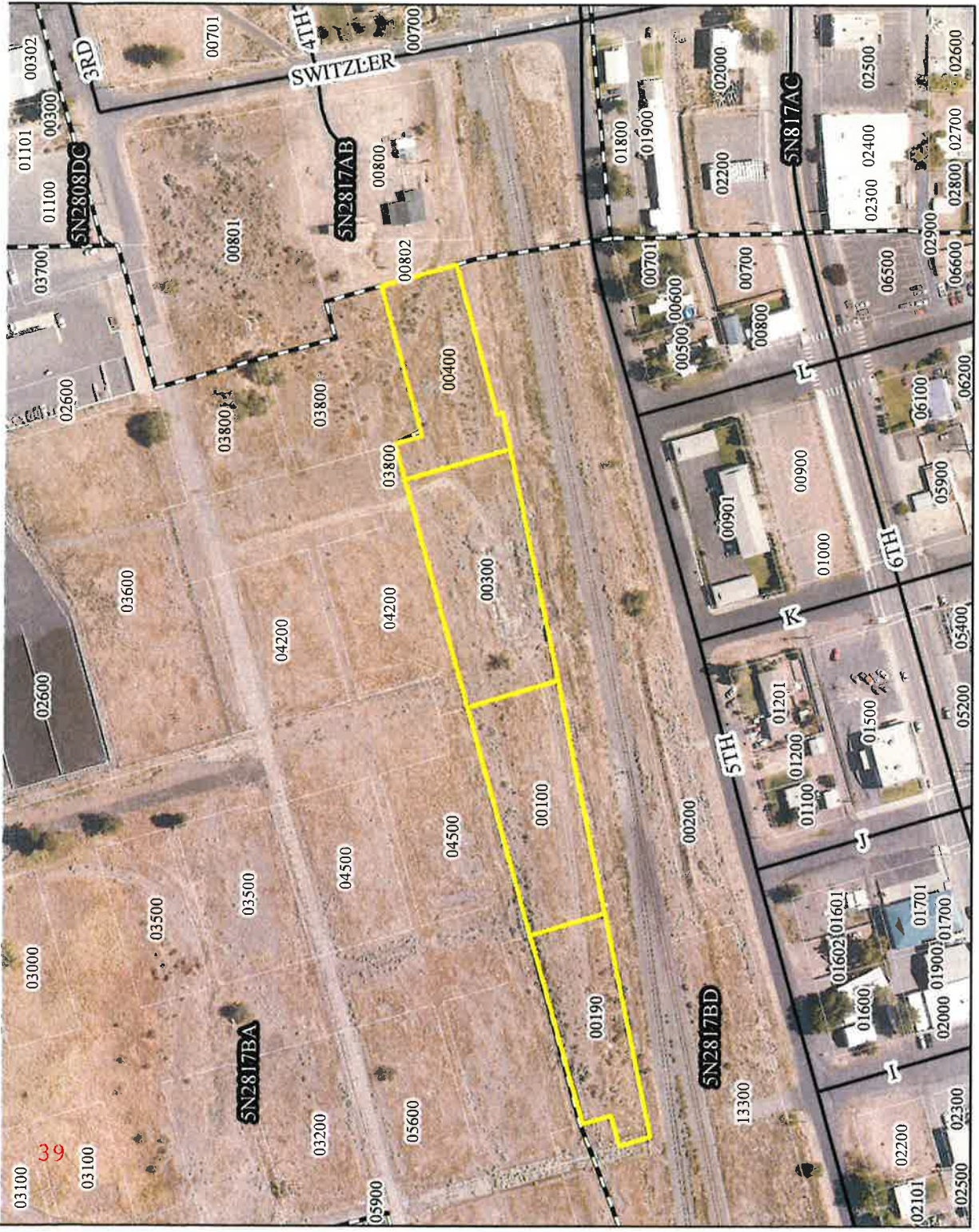
Exhibit A – Public Notice Map

Exhibit B – Applicant’s Site Plan (reduced)

**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

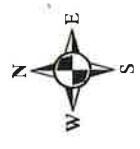


**NOBLES CONDITIONAL USE (V-1-18)
KELLY NOBLES, APPLICANT
KC NOBLES ENTERPRISES LLC, OWNER
MAP #5N2817BD, TAX LOTS 100, 190, 300 & 400**

Exhibit A

Legend

-  Streets
-  Subject Properties
-  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 Setz, on 9/5/2018

**CITY OF UMATILLA
PLANNING COMMISSION
AUGUST 28, 2018
Draft Minutes
COUNCIL CHAMBERS**

- I. CALL TO ORDER:** Planning Commission, Chair, Smith called the meeting to order at 6:30 p.m.
- II. ROLL CALL:**
- A. **Present:** Chair, Lyle Smith, Vice Chair, Heidi Sipe, Commissioners: Jodi Hinsley, Ramona Anderson and Craig Simson.
 - B. **Absent:** Commissioner, Kelly Nobles.
 - C. **Late arrival:**
 - D. **Staff present:** Community Development Director, Tamra Mabbott and Community Development Coordinator, Esmeralda Horn.
- III. APPROVAL OF MINUTES:** Minutes for meeting held June 26, 2018 and July 24, 2018. Motion to approve made by Jodi Hinsley, motion seconded by Ramona Anderson. Motion carried 4-0.
- IV. UNFINISHED BUSINESS:** None
- V. NEW BUSINESS:**
- A. **Mo Mo Inc Conditional Use CU-9-18:** The applicant, Mo Mo Inc., requests approval to establish a doctor office. The applicant intends to convert an existing single-family dwelling into a primary care facility including patient care rooms and administrative offices. The subject property is located at 82346 Bucks Lane on Tax Lot 1300 on Assessor's Map 5N2816A.

Community Development Director, Tamra Mabbott, noted a few pre-application meetings were held with applicant and a couple informal meetings. One thing to note is a traffic analysis was not required. As the business grows perhaps it will be required at that time. Also, a letter from BPA was recently received and forwarded to the Commissioners regarding no conflict with business and transmission lines located in that area.

Commissioner, Simson, asked what triggers a traffic impact analysis?

CDD, Tamra Mabbott, stated 250 trips and business logged only 52 trips.

Chair, Smith, opened for public testimony;

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

Kelly Payan, Office Manager, representative for Mo Mo, Inc. 1890 7th St, Umatilla, OR. Stated she is here to represent applicant and any questions that arise for this application.

Commissioner, Simson, asked what kind of practice will this be.

Kelly Payan, Agent, responded with patient care.

Chair, Smith, asked if they anticipate hiring a physician.

Kelly Payan, Agent, stated only Nurse Practitioner, Armstrong. She also stated the ground floor will be for patient care and top floor will be used for allergy, mental assistance and alternative medicine.

Commissioner, Anderson, inquired if affiliation will end with Hospital District.

Kelly Payan, Agent, stated yes.

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

Commissioner, Simson, stated he is happy to see someone occupying that building.

No further discussion.

Chair, Smith, called for a motion. Motion to approve with findings by Vice Chair, Sipe. Motion was second by Commissioner Hinsley. Voted: 4-0. Motion carried.

- B. Nobles Code Interpretation CI-1-18:** The applicant, Clyde Nobles, is requesting a code interpretation to determine if manufactured homes are a permitted use within Downtown Residential zone. In addition, if manufactured homes are allowed to identify what siting standards are applicable to a Type I request to place a manufactured home within the Downtown Residential zone.

Community Development Director, Tamra Mabbott, presented a matrix along with ORS 197.303 regarding definition on manufactured homes. She stated initially staff and planning commission approved subdivision, but after further review, City Planner, Brandon Seitz, has determined manufactured homes are not allowed in this particular zone. If moving forward planning commission intends to allow manufactured homes in downtown residential, request for recommendations on siting and construction standards.

Vice Chair, Sipe, stated she had a meeting with Brandon regarding subdivision as she thought this was a nonconforming use. Brandon explained thoroughly why it should be allowed. She doesn't feel great about taking this away after previously approved, however moving forward code interpretation is needed.

CDD, Tamra Mabbott, stated previous city manager informally allowed subdivision, but could direct staff to honor.

Chair, Smith, stated if this will be honored for Mr. Nobles, new meeting is needed to reconsider matrix.

Commissioner, Simson, stated the issue is not that they are manufacture homes, the issue is homes per lot.

Commissioner, Sipe, stated we need to send back to staff and have them advertise appropriately which will include types of home and siting standards.

CDD, Tamra Mabbott, stated this was advertised as a code interpretation, so the commission may make a logical interpretation this evening. Nobles project is not what is in front of the commission tonight.

Chair, Smith, opened for public testimony;

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

Clyde Nobles, 650 Monroe, Umatilla Oregon. Mr. Nobles read off his statement:

**JUSTIFICATION FOR ALLOWING MANUFACTURED HOMES IN
DOWNTOWN RESIDENTIAL ZONES** by Clyde Nobles

- (1) Manufactured homes are allowed in all areas where "single-family residential" homes are allowed.
 - (a) Cuzo 10-11-8: Manufactured homes used as permanent residences and meeting the following standards are allowed outside manufactured home parks on individual lots in any district where single-family residences are allowed.
 - (b) ORS 197.314 ...City and county shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses to allow for siting of manufactured homes...
- (2) City zoning ordinance precedent has been allowing manufactured homes in R1, R2, R3, and DR for last 30+ years. There are 8 manufactured homes within 3 blocks of the Nobles building site. City police building (formerly City Hall) is built with factory built homes. The Umatilla High school has two double wide manufactured homes. There are numerous manufactured homes in the downtown area, on South Hill and in Mc Nary City.
- (3) Nobles tentative plan to build high density attached manufactured homes on 8th street between F and H street which included vacating G street and alley between H and G streets (which has been approved by city) was approved by Russ Pellenberg, Tamara Mabbott, and Brandon Seitz. Four units have been built and approved.
- (4) Closing down the project has cost Nobles (rental income), city (taxes, charges for city services and building fees) and merchants (new tenant customers) many dollars.
- (5) The changing of the planning staff's interpretation of the city ordinances comes with the resigning of the city administrator, Russ Pellenberg, and the complaints to city staff from a council member and neighbors.
- (6) Bias against manufactured homes should not affect the interpretation of the City of Umatilla Zoning ordinances.

Kim Nobles, 81299 Cooney Lane, Hermiston, Or. Stated she has seen original map with all manufactured homes placed on map approved and would like a copy of that map.

Betty Nobles, 650 Monroe, Umatilla, OR 97882. Mrs. Nobles urges everyone to go check out the homes that will bring people to Umatilla. Stated Clyde did everything by the book and it's unfair that it is being questioned now.

Chair, Smith, called for a motion. Motion to keep record open made by Commissioner Sipe. Motion was second by Commissioner Anderson. Voted: 4-0. Motion carried.

Chair, Smith, called for a motion. Motion to continue hearing to September 25, 2018 made by Commissioner Sipe. Motion was second by Commissioner Anderson. Voted: 4-0. Motion carried.

Mr. Nobles, stated he would go to Council then LUBA.

Chair Smith, stated a motion needed to grandfather the next four homes.

Motion was suggested by Mrs. Sipe, to allow project on 8th St to continue.

CDD, Tamra Mabbott, stated she would be more comfortable advising PC to advise staff to further review original project.

Motion made to advise staff to revisit original decision that approved the entire project, rather than in phases. Motion made by Vice Chair, Sipe. Motion seconded by Commissioner Simson. Motion carried 4-0.

Chair, Smith, stated findings are needed to review approval to make sure we do not violate laws.

Motion made to review other jurisdiction siting standards and construction standards for multi-residential zones so that we may compare ours to others in the County and State. Motion made by Vice Chair, Sipe. Motion seconded by Commissioner Hinsley. Motion carried 4-0.

No further discussion by commissioners.

VI. DISCUSSION ITEMS:

I. INFORMATIONAL ITEMS:

II. ADJOURNMENT: Adjourned at 7:43 pm.

