

UMATILLA CITY PLANNING COMMISSION

MEETING AGENDA

November 27, 2018 - 6:30 P.M.

Umatilla City Hall, Council Chambers

---

- I. CALL TO ORDER & ROLL CALL
  
- II. PLEDGE OF ALLEGIANCE
  
- III. APPROVAL OF MINUTES: None
  
- IV. UNFINISHED BUSINESS: None
  
- V. NEW BUSINESS:
  - A. **CTUIR Variance V-2-18:** The applicant, Confederated Tribes of the Umatilla Indian Reservation, are requesting a variance to allow two off-premise directional signs at two locations within the Port of Umatilla McNary Industrial Park. The signs will provide location and contact information for the Port of Umatilla and the Wanapa Industrial Site. The subject properties are identified as Tax Lots 1400 and 1500 on Assessor's Map 5N28A.
  
- VI. DISCUSSION ITEMS:
  - A. Annual Reporting Discussion
  
- VII. INFORMATIONAL ITEMS:
  
- VIII. 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  
REPORT AND RECOMMENDATION  
FOR  
VARIANCE V-2-18**

**DATE OF HEARING:** November 27, 2018

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

**I. GENERAL INFORMATION AND FACTS**

**Applicant:** Confederated Tribes of the Umatilla Indian Reservation, 46411 Timine Way, Pendleton, OR 9780

**Property Owners:** Port of Umatilla, PO Box 879, Umatilla, OR 97882 (Tax Lot 1500) & United Grain Corporation, 228 S Main St, Pendleton, OR 97801 (Tax Lot 1400).

**Land Use Review:** A variance request to allow two off-premise directional signs at two locations within the Port of Umatilla McNary Industrial Park.

**Property Description:** The properties are Tax Lots 1400 and 1500 on Assessors Map 5N28A.

**Location:** Tax Lot 1400 has an assigned address of 775 Beach Access Road and Tax Lot 1500 is located directly to the east.

**Existing Development:** Tax Lot 1400 is developed as the regional office of United Grain Corporation. Tax Lot 1500 is undeveloped.

**Proposed Development:** The applicant is requesting a variance that would allow for the construction of two off-premise directional signs. The signs would be eight feet by four feet (8'x4').

**Zone** Heavy Industrial (M-2).

**Adjacent Land Use(s):**

<b>Adjacent Property</b>	<b>Zoning</b>	<b>Use</b>
North	M2 (City of Umatilla Zoning Ordinance)	Two Rivers Correctional Institution
South	Exclusive Farm Use with Natural Area Overlay zone (Umatilla County Development Code)	The property is not developed and is primarily covered with wetlands as shown on the National Wetlands Inventory
East	M2 (City of Umatilla Zoning Ordinance)	Undeveloped industrial lands

West	Heavy Industrial M2 (Umatilla County 1972 Zoning Ordinance)	Undeveloped industrial lands
------	---	------------------------------

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

The applicant, Confederated Tribes of the Umatilla Indian Reservation (CTUIR), are requesting a variance to allow two off-premise directional signs at two locations within the Port of Umatilla McNary Industrial Park. The signs will provide location and contact information for the Port of Umatilla and the Wanapa Industrial Site.

There are undeveloped Port industrial lots and CTUIR industrial lands, located outside the UGB, that currently are not served by a City street or utilities. The ongoing Wanapa Road project would provide a new road and utility access to the Port of Umatilla and CTUIR industrial lands. The proposed directional signs will depict the size and location of those lots as well as provide contact information for interested parties.

The sign code is in Article A, Chapter 2, Title 8 of the City code and contains the applicable provision and regulations relating to signs within City Limits. Section 8-2A-17 states the Planning Commission of the City shall act on all request for variances and appeals of sign permit determinations. The Planning Commission shall conduct hearings for a variance in the same manner and shall apply the same standards as are used for variance hearings.

## **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 10-13-1: 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.

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:** The area is zoned industrial and is being developed with a new road and utilities, at the time of submission the proposed road/utilities have not been formally accepted by the City, that will serve the properties shown on the proposed signs. Once the road/utility work is finalized there will be approximately 400 acres of previously inaccessible land available for development. The proposed signs will provide location/direction information to traffic within the industrial park and will also serve as a subdivision sign promoting development of the lots and providing contact information. Due to the size of the lots it would not be practical to provide a directional sign on each individual lot. In addition, the signs will be located on lots shown on the proposed signs. Therefore, the need for the adjustment is due to the size of the lots within the industrial park which would make

individual directional signs impractical.

**Conclusion:** The lots that would be shown on the proposed signs will be provided with a new road and utility infrastructure to accommodate new development. Due to the size of the lots within the industrial park requiring individual directional signs on each lot is impractical. Therefore, the need for the variance is due to the size of the lots that makes individual direction signs impractical.

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

**Findings:** The proposed signs will provide direction information, lot size and contact information for ten (10) tax lots. The proposed signs will include location and contact information for the lot they are located on and include directional/contact information for the surrounding lots. The proposed variance will result in the applicant being able to meet the need for signage with two signs instead of requiring a sign on each individual lot. Therefore, the proposed variance will meet the applicant's needs with the fewest number of signs.

**Conclusion:** Approval of the requested variance would reduce the number of signs needed to provide directional information and contact information for interested parties. Therefore, the variance request would be the minimum necessary to accommodate the need to provide directional and contact information for the industrial lots located along the proposed new road.

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.
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:** The intent of these standards are to require an applicant to demonstrate there is a constraint or circumstances that apply to an application that do not generally apply to other uses or properties in the area.

The proposed signs will provide directional information, advertise availability of lots and provide contact information for the ten (10) tax lots that will be severed by the proposed new road. As addressed in this report the proposed signs fill multiple uses for the properties by providing directional information and advertising the lots for potential development. Section 8-2A-7 of the City Code allows temporary subdivision signs to be erected on tracts of land designated as a subdivision advertising sale of the tract or lots in the tract. The proposed signs would provide advertising for a tract or lots located within the long subdivision, however, the Wanapa Industrial Site is not part of the long subdivision. In addition, the signs would provide directional information for the lot the sign is located on and the surrounding lots. Therefore, the proposed variance would allow the applicant to develop the property with fewer signs rather than requiring on individual lots.

**Conclusion:** The proposed signs may be considered a mix use sign. The proposed signs

provide directional information for the lot on which they are located and the surrounding industrial lots. In addition, the sign will provide advertisement and contact information for the surrounding industrial lands available for development. Approval of the proposed variance will allow the applicant to develop the properties with signage allowed on other properties in the vicinity with fewer overall signs.

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 request is to allow two off-premise signs that would serve the surrounding industrial lots. As addressed in this report approval of this variance would allow the properties to be developed with signage consistent with the sign code with fewer overall signs. Therefore, the cumulative effect would result in fewer signs than requiring individual signs on each lot.

**Conclusion:** The applicant could pursue sign permits for each individual lot to provide the needed directional and advertising signage. Granting the proposed variance request would result in fewer total signs than requiring signs on each individual lot. Therefore, the cumulative effect of the request would result in fewer signs to serve the applicant's needs while remaining consistent with the sign code and type of signs allowed.

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

**Findings:** As addressed in this report the applicant could develop each individual property with a directional sign. However, approval of the variance will allow the applicant to provide the needed signage with fewer overall signs.

**Conclusion:** Approval of the variance will allow the applicant to develop the property with needed signage with fewer overall signs. The proposed signs will provide on-premise directional information and directional information for the surrounding undeveloped industrial lots.

#### IV. SUMMARY AND RECOMMENDATION

The applicant, Confederated Tribes of the Umatilla Indian Reservation (CTUIR), are requesting a variance to allow two off-premise directional signs at two locations within the Port of Umatilla McNary Industrial Park. The request appears to meet all of the applicable criteria under Section 10-13-1 of the City of Umatilla Zoning Ordinance. 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 this variance request, V-2-18, to allow two off-premises directional signs within the Port of Umatilla Industrial Park, subject to the conditions of approval contained under Section V of this report.

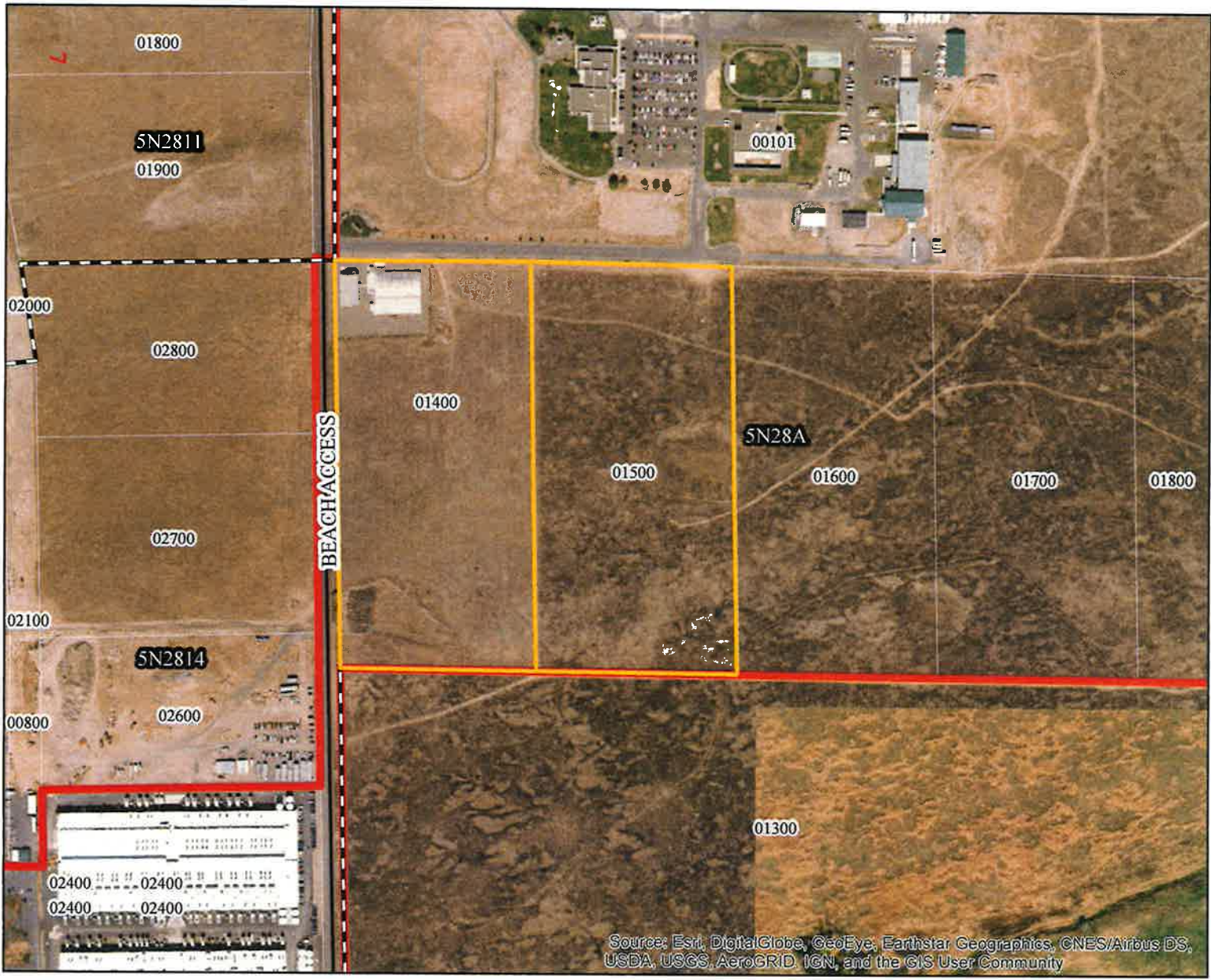
## **V. CONDITIONS OF APPROVAL**

1. The applicant shall obtain approval of a sign permit for each proposed sign prior to construction.
2. If any historic, cultural or other archaeological artifacts, or human remains are discovered during construction the applicant shall immediately cease construction activity, secure the site, and notify appropriate agencies including but not limited to the City of Umatilla and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program.

## **VI. EXHIBITS**

Exhibit A – Public Notice Map

Exhibit B – Applicant’s Sign Materials



PROPERTY OWNERS WITHIN 100'  
NOTICE AREA  
FROM SUBJECT PROPERTY

MAP	TAX LOT	OWNER
5N281100	01900	UMATILLA PORT OF
5N281400	02600	UMATILLA PORT OF
5N281400	02700	UMATILLA PORT OF
5N281400	02800	UMATILLA PORT OF
5N28A000	00101	STATE OF OREGON DEPT OF
5N28A000	01300	DEPT OF INTERIOR BIA
5N28A000	01400	UNITED GRAIN CORPORATION OF OREGON
5N28A000	01500	UMATILLA PORT OF
5N28A000	01600	UMATILLA PORT OF

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**CTUIR VARIANCE (V-2-18)**  
**CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION, APPLICANT**  
**PORT OF UMATILLA & UNITED GRAIN CORPORATION, OWNERS**  
**MAP #5N28A, TAX LOTS 1400 & 1500**

**Legend**

- Streets
- Subject Properties
- City Limits
- Assessor's Maps
- Tax Lots (10/1/18)

**Exhibit A**



Feet

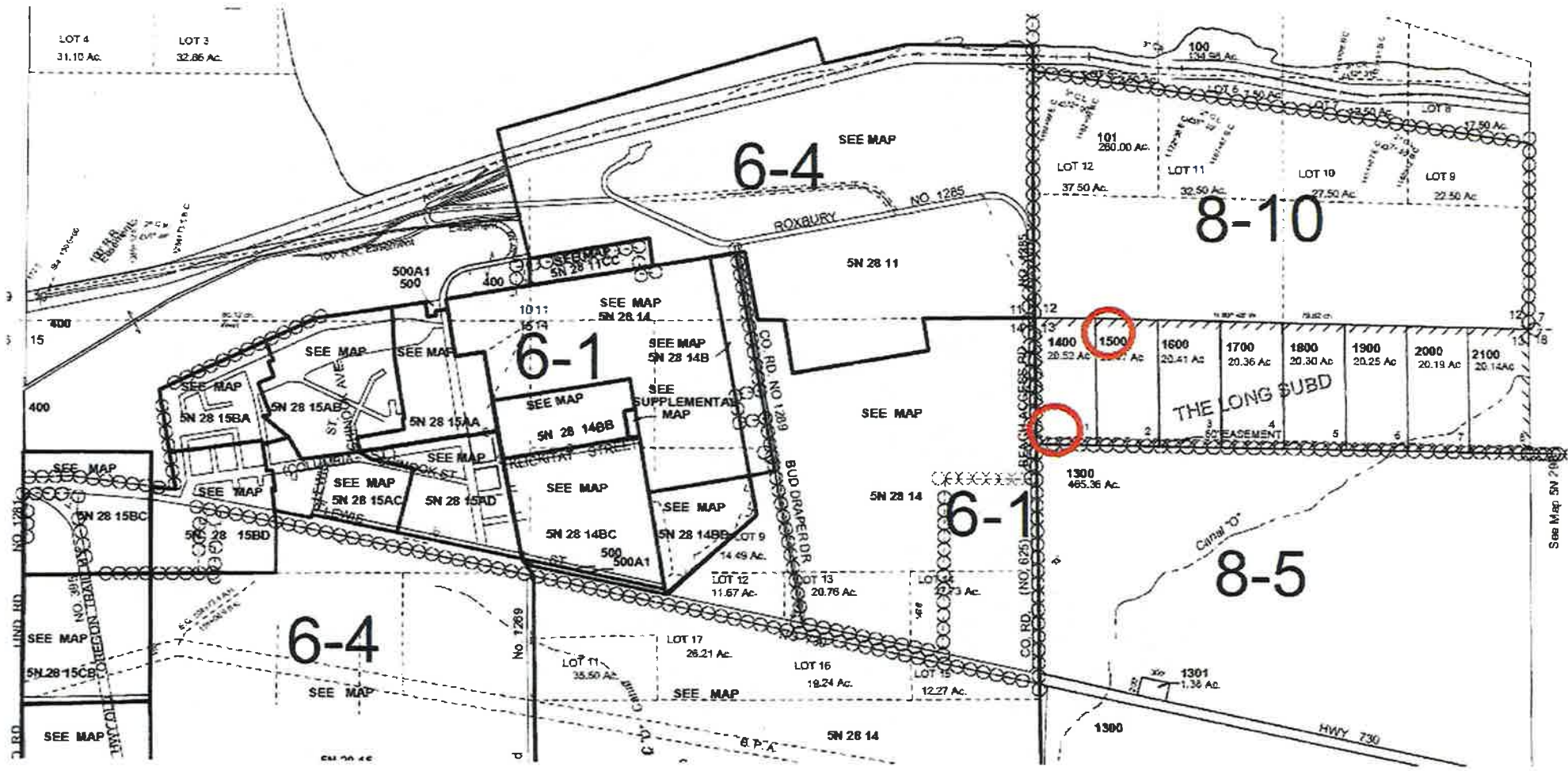
0 200 400 600 800 1,000



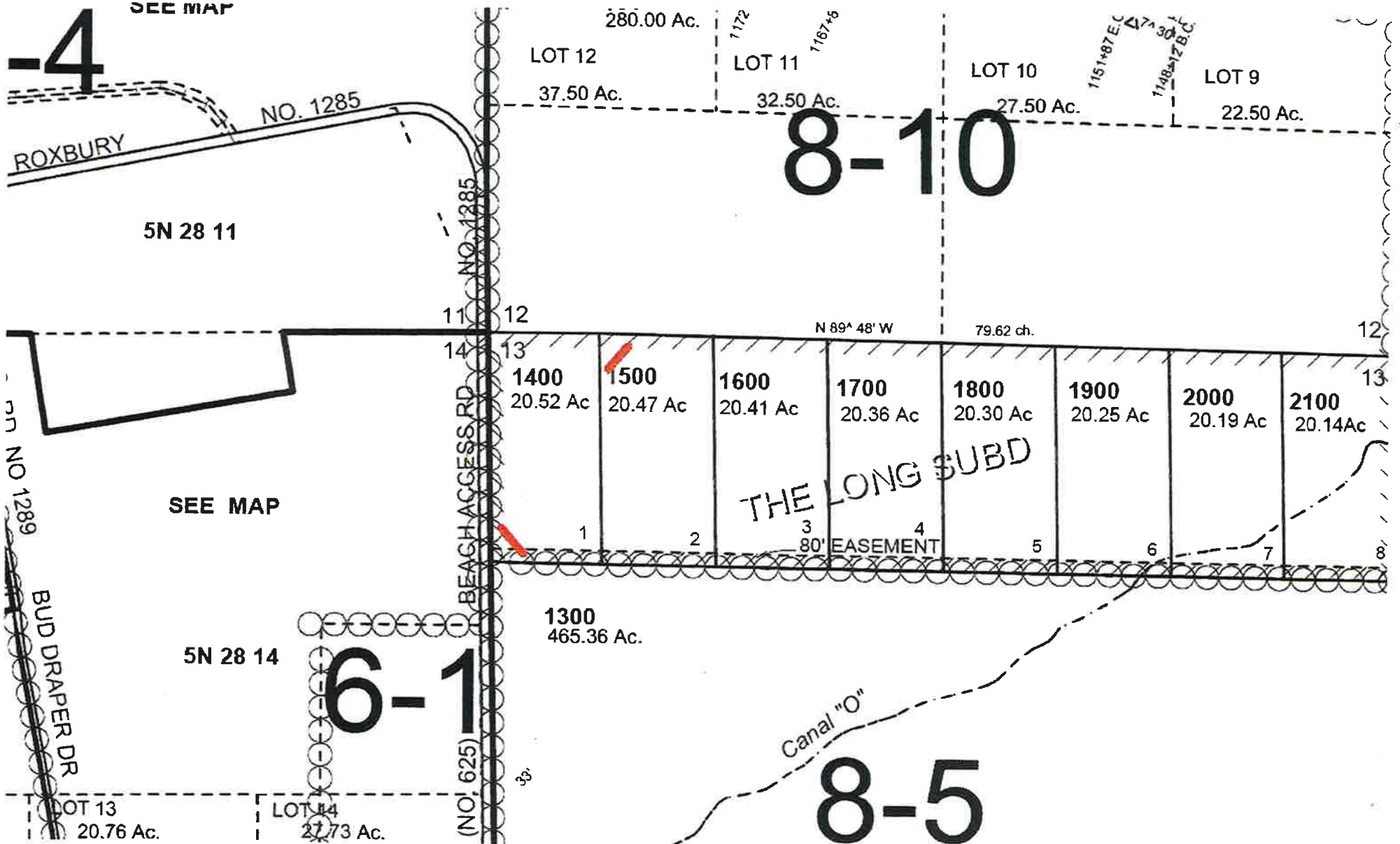
MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Brandon Seitz, on 11/6/2018

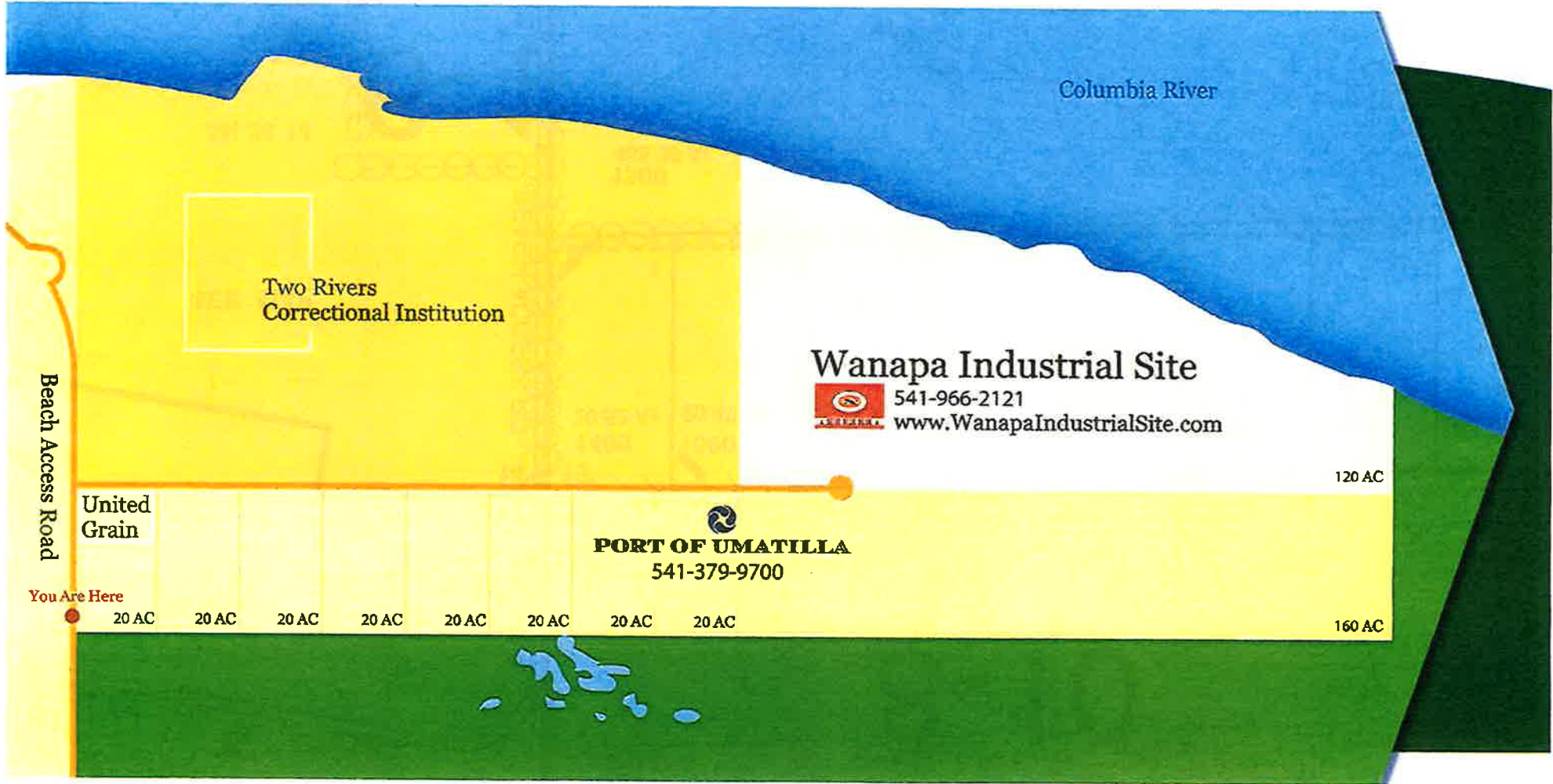


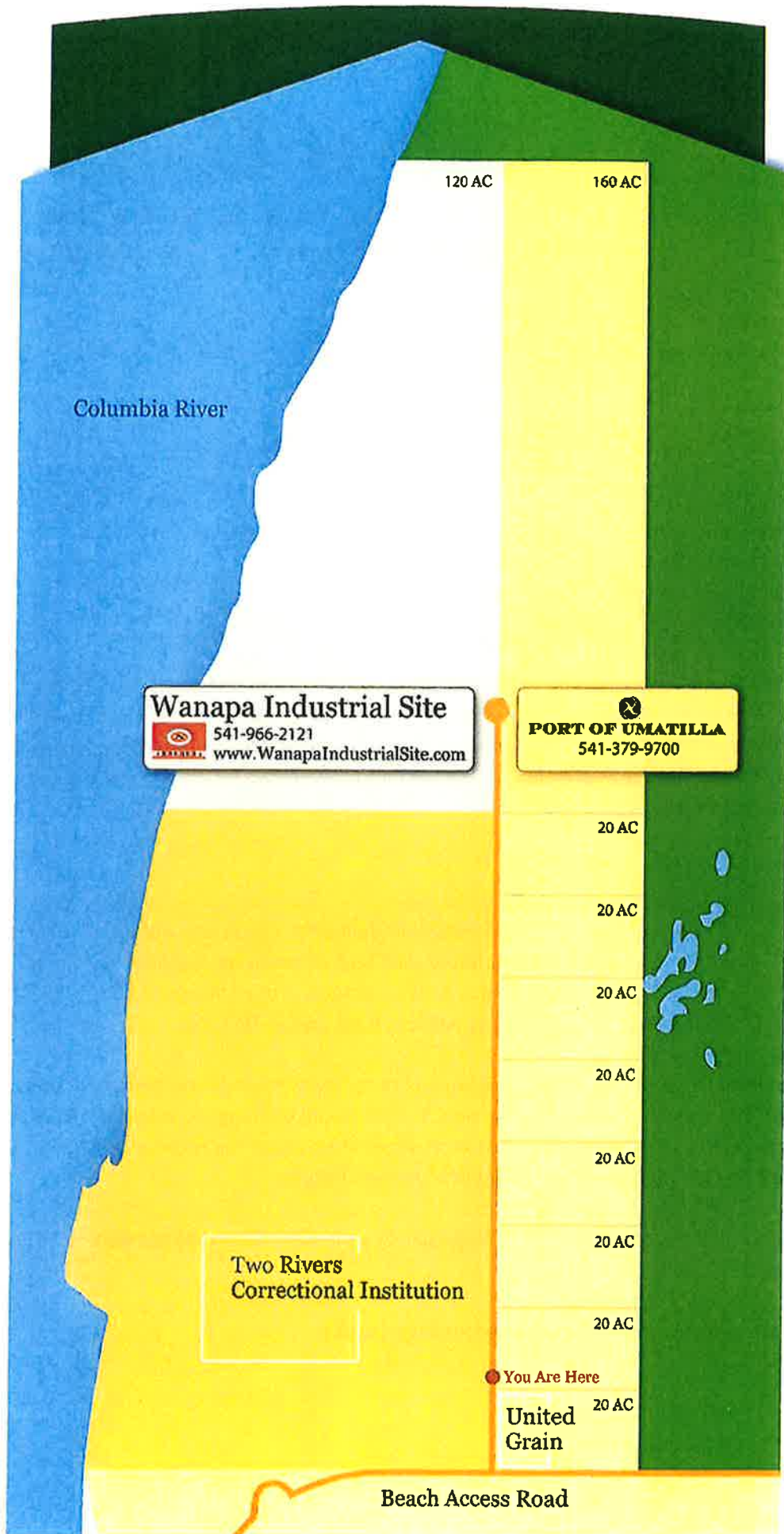
# Exhibit B













# City of Umatilla

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

November 19, 2018

MEMO

TO: Planning Commission

FROM: Tamra Mabbott, Community Development Director *TJM*

Brandon Seitz, Planner *BS*

CC: Dave Stockdale, City Manager

As you are aware, we have a new City Manager, Dave Stockdale. He has been a very positive asset for the city and with staff. Among many of his mentoring efforts, he has directed each department to focus on the City Code. While Planning Commission and staff are diligent to follow city land use codes and Oregon Revised Statutes for application review, hearing procedures, etc., it appears one provision of the city code may have been overlooked.

Chapter 1 of title 2 of the City Code.

*B. Records; Reports: The commission shall elect a secretary who need not be a member of the commission. The secretary shall keep an accurate record of all commission proceedings. The commission shall on October 1 of each year make and file a report of all its transactions to the city council. (Ord. 264, 3-18-1959)*

Community Development Department staff would like to have your input on these two items, election of a secretary and an annual report to city council. Staff would be happy to assist with both if you so desire. If any commission member has historical information about the secretary role and/or the October reporting to City Council, please let Brandon and I know.

This item is included on the November 27<sup>th</sup> agenda. City Manager Stockdale will also be attending and can share his ideas about this topic.

For your convenience, a copy of Title 2 Chapter 1 is attached.

# Chapter 1

## PLANNING COMMISSION

### 2-1-1: COMMISSION CREATED:

### 2-1-2: MEMBERSHIP; COMPENSATION:

### 2-1-3: TERMS OF OFFICE; VACANCIES:

### 2-1-4: ORGANIZATION AND PROCEDURE:

### 2-1-5: QUORUM; RULES AND REGULATIONS:

### 2-1-6: STAFF; TECHNICAL ADVISORS:

### 2-1-7: POWERS AND DUTIES:

### 2-1-8: ITEMS SUBMITTED FOR COMMISSION APPROVAL:

### 2-1-9: RENAMING STREETS PROCEDURE:

### 2-1-10: COMMISSION RECOMMENDATIONS:

### 2-1-11: HEARINGS OFFICER:

### 2-1-1: COMMISSION CREATED:

The city planning commission for the city is hereby authorized and established by this chapter. (Ord. 264, 3-18-1959)

### 2-1-2: MEMBERSHIP; COMPENSATION:

The commission shall consist of the city administrator and the public works superintendent as ex officio members, and seven (7) other members to be appointed by the mayor, with confirmation by the council, not more than two (2) of whom shall be nonresidents of the city residing within the urban growth area. The commission shall receive no compensation. (Ord. 652, 3-4-1997)

### 2-1-3: TERMS OF OFFICE; VACANCIES:

At the first meeting of the commission, the seven (7) appointed members shall choose their term of office by lot as follows: one for one year, two (2) for two (2) years, two (2) for three (3) years and two (2) for four (4) years. Immediately thereafter, the members shall notify the mayor and council in writing of such allotment. The successors shall hold office for four (4) years. Any vacancy shall be filled by appointment of the mayor with the approval of the council for the unexpired term of the predecessor in the office. Any member(s) appointed prior to the effective date of ordinance 652, adopted March 4, 1997, may serve out the remainder of his or her term of office. Subsequent appointments or reappointments of nonresidents of the city to the commission must meet the residency requirement of section 2-1-2 of this chapter.

- A. Removal: A commission member may be removed following a hearing before the city council for good cause. Good cause shall include absence from three (3) consecutive meetings or fifty percent (50%) of meetings in any six (6) month period, failure to divulge a conflict or bias or other action or deed not deemed to reflect the best interest of the community. (Ord. 767, 1-3-2012)

### 2-1-4: ORGANIZATION AND PROCEDURE:

- A. **Officers:** The commission, at its first meeting, shall elect a president and vice president, who shall be members appointed by the mayor and who shall hold office during the pleasure of the commission.
- B. **Records; Reports:** The commission shall elect a secretary who need not be a member of the commission. The secretary shall keep an accurate record of all commission proceedings. The commission shall on October 1 of each year make and file a report of all its transactions to the city council. (Ord. 264, 3-18-1959)

### **2-1-5: QUORUM; RULES AND REGULATIONS:**

Four (4) members of the commission shall constitute a quorum. The commission may make and alter rules and regulations for its government and procedure consistent with laws of this state and with the city charter and ordinances. It shall assign to the commission an office or headquarters in the city hall, if possible, in which to hold its meetings, transact the business and keep its records. (Ord. 619, 6-7-1994)

### **2-1-6: STAFF; TECHNICAL ADVISORS:**

The commission may employ consulting advice on municipal problems, a secretary and such clerks as may be necessary; and pay for their services, and for such other expenses as the commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of duties as members of this commission, as authorized by the city council. (Ord. 264, 3-18-1959)

### **2-1-7: POWERS AND DUTIES:**

Except as otherwise provided by law, the commission may:

- A. Recommend and make suggestions to the city council and to all other public authorities concerning laying out, widening, extending, parking and locating of streets, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishment of zones of districts limiting the use, height, area and bulk of buildings and structures.
- B. Recommend to the City Council and all other public authorities plans for regulation of the future growth, development and beautification of the Municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the City in order to secure to the City and its inhabitants sanitation, proper service to all public utilities, harbor, shipping and transportation facilities.
- C. Recommend to the City Council and all other public authorities plans for promotion, development and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged in industrial pursuits.

- D. Advertise the industrial advantages and opportunities of the Municipality and availability of real estate within the Municipality for industrial settlement.
- E. Encourage industrial settlement within the Municipality.
- F. Make an economic survey of present potential possibilities of the Municipality with a view to ascertaining its industrial needs.
- G. Study needs of existing local industries with a view to strengthening and developing local industries and stabilizing employment conditions.
- H. Do and perform all other acts and things necessary to carry out the provisions of ORS 227.010 to 227.120.
- I. Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the City and of the area six (6) miles adjacent thereto. (Ord. 264, 3-18-59; 1993 Code)

## 2-1-8: ITEMS SUBMITTED FOR COMMISSION APPROVAL:

- A. All subdivision plats located within the City limits, and all plans or plats for vacating or laying out, widening, extending, parking and locating streets or plans for public buildings shall first be submitted to the Commission by the Public Works Superintendent or other proper Municipal officer, and a report thereon from the Commission secured in writing before approval is given by the proper Municipal official.
- B. All subdivision plats and all plats or deeds dedication land to public use in that portion of a county within six (6) miles outside the limits of any City shall first be submitted to the City Planning Commission, if no such Commission exists, to the Public Works Superintendent and approved by the Commission or Public Works Superintendent before they shall be recorded.
- C. It shall be unlawful to receive or record such plan, plat or replat or deed in any public office unless the same bears thereon the approval, by indorsement, of such Commission or Public Works Superintendent. However, the indorsement of the Commission or of the Public Works Superintendent of the City with boundaries nearest the land such document affects shall satisfy the requirements of this Section in case the boundaries of more than one City are within six (6) miles of the property so mapped or described. If the governing bodies of such cities mutually agree upon a boundary line establishing the limits of the jurisdiction of the cities other than the line equidistant between the cities and file the agreement with the recording officer of the County containing such boundary line, the boundary line mutually agreed upon shall become the limit of the jurisdiction of each City until superseded by a new agreement between the cities or until one of the cities files with such recording officer a written notification stating that the agreement shall no longer apply.
- D. Copies of all ordinances for establishment of boundaries of any zone or district provided by ORS 227.090, and all 15 ordinances regulating or limiting the use, height, area, bulk and construction of buildings to be submitted to the

Council before they are presented to the Council, shall be first submitted by the Auditor or City Recorder to the Commission to make its recommendation. The Auditor or City Clerk, shall immediately so notify the Council, and the Commission shall make its recommendation thereon in writing to the Council. The Commission shall first hold a public hearing at such time and place as may be directed by the Council, and make a careful and appropriate investigation thereon. Before final action is taken by the City Council, or any department of a City government, on the location or design of any public building, bridge, statue, park, parkway, boulevard, playground or public grounds the same shall be submitted to the Commission for consideration and report. Unless the City Council definitely names a longer period for the return of a report specified in ORS 227.090 to 227.120, the approval of the Commission to any matter so referred to it in accordance with the provisions of those sections shall be deemed to have been given at the end of thirty (30) days after the receipt of the matter in writing by its secretary unless the Commission submits a report thereon prior to that time. (Ord. 264, 3-18-59; 1993 Code)

## **2-1-9: RENAMING STREETS PROCEDURE:**

- A. Within six (6) miles of the limits of any City, the Commission, if there is one, or if no such Commission legally exists, then the Public Works Superintendent, shall recommend to the City Council the renaming of any existing street, highway or road, other than a County road or State highway, if in the judgment of the Commission, or if no such Commission legally exists, then in the judgment of the Public Works Superintendent, such renaming is in the best interest of the City and the six (6) mile area.
- B. Upon receiving such recommendation, the Council shall afford persons particularly interested, in the general public, an opportunity to be heard at a time and place to be specified in a notice of hearing published in a newspaper of general circulation with the Municipality and the six (6) mile area not less than once within the week prior to the week within which the hearing is to be held. After such opportunity for hearing has been afforded, the City Council by ordinance shall rename the street or highway in accordance with the recommendation or by resolution shall reject the recommendation. A certified copy of each such ordinance shall be filed for record with the County Clerk or Recorder, and a like copy shall be filed with the County Assessor and County Surveyor. The County Surveyor shall enter the new names of such streets and roads in red ink on any filed plat and tracing thereof which may be affected, together with appropriate notations concerning the same. (Ord. 264, 3-18-59; 1993 Code)

## **2-1-10: COMMISSION RECOMMENDATIONS:**

The Commission may make recommendations to any person, copartnership, corporation or public authority. However, such recommendation shall not have the force or effect of a law or ordinance, except when so prescribed by law or by City ordinance. Any person, copartnership or public authority having charge of the construction, placing or designing of buildings or other structures and improvements, or objects of art, may call upon the Commission for a report thereon. (Ord. 264, 3-18-59)

## **2-1-11: HEARINGS OFFICER:**

The City Council may appoint one or more public hearings officers to conduct the public hearings of the Planning Commission and to serve at the pleasure of the appointing authority. Such hearings officer may or may not be a member of the Planning Commission. (Ord. 378, 12-6-76)