

## **HERMISTON PLANNING COMMISSION**

**Regular Meeting**

**July 12, 1995**

Chairman Carper opened the meeting at 7:35 p.m. Commissioners Fialka, Van Schoiack, Wamsley and Sargent were present. Commissioners Saylor and Daggett were excused, and Commissioners Knight and Michael were absent.

### **Minutes**

Commissioner Sargent moved and Commissioner Wamsley seconded that minutes of the June 14 regular meeting be approved. Commissioner Fialka abstained; Chairman Carper and Commissioners Van Schoiack, Wamsley and Sargent voted yes. Motion carried unanimously.

### **Final Plat/K & D Estates (Replat of Moyer Subdivision)/Knerr & Dixon**

Denny Edwards presented the final plat of K & D Estates, a replat of Moyer Subdivision. Butch Dixon, one of the owners, was also present. As background, Planning and Administrative Assistant Henson explained that Moyer Subdivision, an R-1 subdivision approved by the planning commission in 1978, has 12 lots, 6 of which have frontage on S.E. View Circle, an unimproved cul-de-sac. It is bounded by the Maxwell Canal to the north, S.E. 8th Street (unopened) to the west, E. View Drive to the south, and S.E. 9th Street to the east. None of the lots have been built on, but the original developers installed sewer lines to serve every lot. No easements for sewer line maintenance were dedicated on the 1978 plat, and it mistakenly showed S.E. 8th Street as a 60-foot right-of-way. S.E. 8th Street is actually a 50-foot right-of-way, with 2 half-street portions of right-of-way north of the Maxwell Canal and south of E. Highland Avenue yet to be obtained.

Dave Knerr and Butch Dixon purchased Moyer Subdivision and are proposing a replat named "K & D Estates" to eliminate one lot and reconfigure the remaining 11 lots. Because of the aforementioned S.E. 8th Street right-of-way discrepancy, there is a 5-foot strip of private land between S.E. 8th Street and Lots 1 and 2 of Moyer Subdivision. Thus these two lots technically have no frontage on 8th, and Lot 1 is effectively landlocked. Because the developers own the 5-foot strip, they are able to correct this problem through the replat by incorporating the strip into Lots 1 and 2 of K & D Estates, making the lots 5 feet deeper. Staff discussed the option of dedicating the 5-foot strip for street purposes but decided that a 50-foot right-of-way was adequate. As replatted, all 11 lots exceed the 9,000 square foot minimum size required in the R-1 zone.

At the request of city staff, the replat provides utility easements for sewer line maintenance. There is a 25-foot easement running through the back of Lots 3, 4 and 5; another 25-foot easement running through the back of Lots 6, 7 and 8; and an additional 10-foot easement adjacent to the 30-foot irrigation district easement which runs along the north side of Lots 1, 4, 5, 6, 7 and 11. The developers have met with

and received approval from the Hermiston Irrigation District. Staff reviewed the replat, found it meets City requirements and recommended approval.

Commissioner Fialka asked what the remaining square footage of Lots 5 and 6 would be after the irrigation district easement was deducted. Mr. Edwards indicated both have over 10,000 square feet plus over of 4,000 square feet within the easement. Planning and Administrative Assistant Henson asked Mr. Dixon if they had reached an agreement with the district regarding installing a pipe in that area. Mr. Dixon said that the recent storm delayed studies of the flow but they do plan to enclosed the canal.

Commissioner Fialka moved and Commissioner Sargent seconded to accept the final plat of K & D Estates. Motion carried unanimously.

#### **Final Partition Plat/Uceny/N. First Street**

Ron McKinnis presented the final partition plat of a 2.51 acre parcel of land owned by John Uceny located on the east side of N. First Street between the Midway Tavern to the south and Shelco Electric to the north. The city council approved the annexation of this property on June 12, 1995, with an effective date of July 5, 1995. At the time of annexation, the property was given a C-2 zoning designation.

Planning and Administrative Assistant Henson said that in preparation for commercial development, the owner is proposing to partition his property into two parcels. There is no minimum lot size in a C-2 zone, and Parcel 1 will be 1.82 acres and Parcel 2 29,028 square feet. In addition, as a condition of annexation, Mr. Uceny is dedicating the east 40-feet of the property for N.E. North Street right-of-way purposes. Staff reviewed the replat and found it met City requirements. Approval of the partition plat was recommended subject to review of the right-of-way dedication by the city engineer and city attorney.

Discussion followed on whether this partition plat would require council approval because of the street right-of-way dedication, and City Planner Wheelhouse indicated staff would confirm necessary procedures with the city attorney.

Mr. McKinnis said that he had submitted the partition plat to Hermiston Irrigation District approximately two weeks ago but as yet had no response from them. Because staff felt that HID had been given ample time for response, City Planner Wheelhouse recommended granting approval of this partition plat and the next agenda item, a partial replat, subject to HID approval.

Following further discussion, Commissioner Sargent moved and Commissioner Van Schoiack seconded to accept the partition plat subject to irrigation district approval and review by the city engineer and city attorney. Motion carried unanimously.

**Final Partial Replat of the Hermiston Orchards, Block H, Portions of Lot 11 and 12**

Ron McKinnis presented the final partial replat of portions of Lots 11 and 12 in Block H, Hermiston Orchards Addition, described as 4N 28 11DD 900. Planning and Administrative Assistant Henson explained that the R-1 zoned property is located south of and adjacent to Highland Hills Elementary School on S.E. 10th Street. It is bisected by a lot line which originally divided Lots 11 and 12 in Block H, Hermiston Orchards. The new owner of this property wishes to site a manufactured home in a manner that would cross the old lot line. In order to comply with the building code, state statutes and zoning requirements, the owner is proposing a replat to eliminate the old lot line running through his property.

The lot will be 22,554 square feet in size, which exceeds the 9,000 square foot minimum for an R-1 zone. City staff reviewed the partial replat and recommended approval. The Hermiston Irrigation District was given the partial replat approximately two weeks ago and as yet had not responded.

The lack of timely response from the irrigation district was again discussed. City Planner Wheelhouse said that the City and HID disagree on interpretation of the 1989 state statute that outlines the procedures to be followed on review and approval of plats, partial replats and partition plats. It is HID's interpretation that they must approve the proposals prior to presentation to the City. Staff felt the statute specifies that all affected bodies need to sign off prior to recording with the County but not necessarily in any particular order. Commissioner Wamsley felt the planning commission should follow the City's interpretation. He then moved and Commissioner Fialka seconded to accept the final partial replat. Motion carried unanimously.

**Reschedule August Planning Commission Meeting to August 16**

City Planner Wheelhouse explained that last year, the planning commission suggested rescheduling the August planning commission meeting to avoid potential conflict with Umatilla County Fair activities. Following discussion, it was the consensus of the commission to reschedule the August planning commission meeting from Wednesday, August 9, to Wednesday, August 16.

**Status Report/RV Park Facility on Fairgrounds**

City Planner Wheelhouse briefly reviewed the status of the RV park on the Umatilla County fairgrounds. She explained that the fairgrounds is located in an R-2 zone, and as a governmental structure or use, it is permitted as a conditional use in the zone. For an undetermined number of years, RVs were allowed to park on the property during the county fair. Because the spaces were used in conjunction with fair activities, the City determined this to be an accessory use.

When it was brought to the City's attention in 1993 that the RV spaces were being rented out year round to the public for uses not related to fair activities, the City

contacted the fair manager to discuss the situation. As part of the discussion, City staff agreed that the use, which had been in existence for some time, could continue if the nonconforming use was formalized and if the area was brought up to RV park standards as outlined in the City's zoning ordinance. Following a second discussion in October of 1994, the fair manager picked up a conditional use permit application from the City.

The County planning department became involved, and at the December 1994 planning commission meeting, a county planner and a fair board member discussed the options available for possible improvement and expansion of the RV park, both to provide facilities for exhibitors during the fair and for other non-fair users and also as a means of generating revenue for the fair. One option they discussed was to leave the facility as it is, and a second option was to improve the existing facility in the current location. The third option discussed was to improve it in its current location or relocate it to a new location, either of which the county board would designate as a county park. The advantage of a county park status was the possibility of state parks funding for improvements.

At that time, the staff and planning commission expressed several concerns relating to any proposed expansion. Restroom and shower facilities were not up to code. The non-conforming use was expanded illegally without permits. A sewer line was installed without obtaining permits, and no inspections were made. Allowing a year-round RV park for the general public (as opposed to use during fair related activities) in the center of town, and in a zone where RV parks are not allowed, was felt to be not appropriate regardless of whether it was a private or a county park.

At that meeting, the County indicated they would provide a site plan to the City and that they planned to do a market and economic analysis to determine whether upgrading the spaces to code would be worthwhile before deciding whether to submit a formal proposal to the City. The City has received neither the site plan nor the market analysis nor any kind of proposal.

In April of this year, Umatilla County Commissioner Bill Hansell contacted City Manager Brookshier regarding the RV park and the possibility of the fair board designating the area as a county park in order to be eligible for state parks funding for improvements. City Planner Wheelhouse sent Mr. Hansell copies of the planning commission minutes and previous letters pertaining to the RV park situation and asked that the County contact the City to set up a meeting to further discuss the situation. Subsequently, City Attorney Brewer wrote a letter to County Counsel Bill Jones. Mr. Jones in turn wrote back to Mr. Brewer that the intent of Mr. Brewer's letter was not clear, and he needed more information.

City Planner Wheelhouse said City Manager Brookshier asked that the planning commission review the situation and make a recommendation on how they felt the

City should proceed. Chairman Carper felt the area was inappropriate for an RV park. Commissioner Sargent felt having spaces available for fair and school activities served a purpose but that a year-round RV park open to the general public was not necessarily appropriate for the area. Commissioner Van Schoiack said the space rental on the fairgrounds was less than privately run parks and felt that was unfair competition. Building Official McDonald said some of the spaces were experiencing sewer problems because a sewer line apparently had not been installed properly. Commissioner Sargent asked if the park could be closed because of these problems. Building Official McDonald replied it could be. Several commissioners suggested that the County be given a deadline for responding to the City regarding resolution of this situation. Commissioner Fialka felt the deadline should be after the conclusion of this year's fair and suggested September 1. He felt the original number of spaces should be brought up to code to be used for only fair related activities.

Building Official McDonald felt that use of the spaces for fair or school related activities was appropriate. However, in 1993 the County agreed to bring the spaces up to code and nothing has been done. City Planner Wheelhouse summarized the issues concerning the current use and possible expansion of this park as follows: It is located in an area not zoned for an RV park, the location in the center of town is not appropriate for an RV park whether privately owned or a county park, the existing park is not up to code, and no permits were obtained for the expansion of the park and installation of utilities. It was pointed out that businesses and residents of the city are not allowed to proceed as the County has done.

Following further discussion, it was the consensus of the planning commission to recommend that the County be given a deadline of September 1 to present an acceptable plan to the City to bring the existing spaces at the park up to code and that the spaces be used only for fair and school related activities.

### Comments

Planning and Administrative Assistant Henson briefly reported on the Livable Oregon conference he attended.... said that the Highway 395 Corridor Land Use/ Transportation Plan final presentation went well and that the County will be adopting the transportation plan in the near future. Representing the City at the meeting were Councilors Severson and Cutsforth, Planning Commissioner Saylor, and Planners Wheelhouse and Henson. City Planner Wheelhouse indicated the City would not be adopting it at this time as it will be incorporated into the City's transportation system plan and will be adopted jointly. Work on the City's transportation plan will begin in approximately two months.

There was no further business, and the meeting adjourned at 8:20 p.m.