

MS.MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of June 23, 2014
10:30 a.m., Rm 130, Umatilla County Courthouse
Pendleton, Oregon

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Commissioners Present: Bill Elfering, Chair; George Murdock, Vice-Chair; and Larry Givens, Commissioner

County Counsel: Doug Olsen

Guests Present: Nathan Rea, Phil Wright, Paul Melton, Verl Pressnall, Parvin Hallmark, Suni Danforth, Jon Crutchfield, Kandy Pressnall, Dennis Rea, Michael Robinson, Rachel Alexander, Tamra Mabbott

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CALL TO ORDER

This is special meeting – Land Use Hearing deliberation and decision of East End Rod & Gun Club. The meeting was called to order at 10:35 a.m. by Chair Bill Elfering. A hearing was held on 6/3/14 and was continued for deliberations 6/23/14 (today). Chair Elfering acknowledged that the original application was revised and the application does not include a request to expand the facility to the north; it does include the request to add structures/improvements, so long as the structures comply with OAR (Oregon Administrative Rule) 660-033-0120 and OAR 660-033-0130 (no enclosed structure with design capacity greater than 100 people). Chair announced that at this point the hearing was closed. Deliberation and decision will be based upon Planning Commission approval and evidence presented to the Board. The Board of Commissioners may decide 1 of 3 options – (1) to uphold the Planning Commission decision; (2) to uphold the Planning Commission decision with modifications to Findings of Fact and Conditions of Approval, or (3) to find that the East End Rod & Gun Club has failed to establish that it meets the requirements of ORS 197.770, specifically that the club was in operation on or before 09/09/95, which would be to reverse the Planning Commission decision.

Commissioner Givens asked if there was anything staff needed to clarify at this time. Planning Director Tamra Mabbott summarized the outline she provided the commissioners, which included three possible options for a decision but also reiterated the Commissioners could modify any of the three options if they would like. Depending on the decision, if they choose item 1 or 2, she recommended the Board review the conditions of approval as listed.

Commissioner Elfering asked a question for clarification regarding the referenced OAR relative to groups and structures; 2A, design capacity and total structures and number of people. Ms. Mabbott clarified that it referred to a group of structures. Limitations were noted and no objections were made in the application.

Commissioner Murdock pointed out he does not know that the Board of Commissioners has authority regarding limiting membership to the club. He further discussed times of operation, noise abatement and

safety. He said he doesn't believe alcohol should be served at the facility. He added that he leans to enhancement of the current footprint with no expansion.

Commissioner Elfering suggested they decide which of the three options for decision they were going to select. Commissioner Givens noted he does not think option 3 applies; he is not in favor of option 1; but he is in favor option 2. **Commissioner Givens moved that they accept option #2, upholding the Planning Commission decision with modifications to the Findings of Fact and Conditions of Approval. Seconded by Commissioner Murdock. No further discussion. All voted aye. Carried 3-0.**

Commissioner Elfering noted Option 2 has been decided. The Board will now determine the changes or clarification of the conditions. Ms. Mabbott noted the conditions and options to be discussed were displayed on the monitors.

Ms. Mabbott listed the **Precedent Conditions** and the Board discussed the conditions with Ms. Mabbott and County Counsel Doug Olsen:

Condition 1 is to obtain an access permit from County Public Works.

Condition 2 is to obtain a Zoning Permit for existing and proposed structures on the range.

Commissioner Givens asked if these two conditions had been met. County Counsel, Doug Olsen stated that the access permit has been requested, but the permit is in holding until the Board's decision today. Ms. Mabbott said they had not yet applied for the Zoning Permit. The Board agreed with and made no changes to the Precedent Conditions.

Ms. Mabbott continued, listing the **Subsequent Conditions**:

Condition 3 states that if outdoor lighting is installed it must be done in such a way as to minimize the glare to the residence on the property. The Commissioners agreed with this condition and made no changes.

Condition 4 states that the application shall be subject to an annual review by Code Enforcement to insure compliance with the conditions of approval. The fee for the annual assessment is set in the County Fee Schedule. The Gun Club originally asked to have this condition deleted stating that a written document from the county may be subject to appeal, but agreed to a modification instead. Ms. Mabbott said the annual review is regular protocol for many land use permits but that the procedure could be modified so that the club would only receive a letter if they were out of compliance.

Commissioner Givens compared the review with that of the annual review for a hardship home. Ms. Mabbott agreed and said the annual review is conducted 1 year from the date of the Zoning Permit.

Condition 5: hours of operation and conditions thereof. The gun club proposes different language (except it should be 8 a.m. and 9 a.m.) Just minor changes about events, consecutively held – neighbors need a break. Tactical training is only for law enforcement in the nighttime (unknown number of occurrences). Commissioner Elfering asked for clarification of language proposed by the Gun Club. He has no problem with changes by the Gun Club. Nighttime is after dark (not a set time). Discussion continued about differences between law enforcement and hobby shooters; no limits for law enforcement the way it is proposed. There may be the need to include parameters (for not shooting between 2- 3:00 a.m.). Commissioner Givens noted that is only for law enforcement, the regular hours of operation should end by 11 p.m. Commissioner Murdock suggested that a cut off time of 10 p.m. would be better.

Commissioner Givens suggested going through the rest of the list of conditions and coming to come back to condition 5.

Condition 6 states that the Gun Club shall operate within National Rifle Association (NRA) Range Safety Standards and submit documentation verifying that they are in compliance. The Board agreed with the condition and made no changes.

Condition 7 requires the Gun Club to implement the black flag procedure (cease fire) when farming is occurring in a field down range from shooting. Commissioner Givens suggested including and (as opposed to or) (black flag procedures and other similar notice procedures . . .) to provide greater safety. Ms. Mabbott noted there may be an issue in the future about black flag or a better process and alternatives for the best safety. Changes in the black flag safety procedure could be dealt with in the annual review process. The Board agreed to add the word and so additional safety procedure options could be implemented.

Condition 8 states that the Gun Club shall meet annually with adjacent land owners to go over procedures/process. Notices must be mailed 21 days prior to the meetings and notes from the meeting must be provided to the Land Use Planning Department. The Board agreed with the condition and made no changes.

Condition 9 requires the Gun Club to obtain a Zoning Permit for structures placed on the range and states that they must meet the requirements of OAR 660-033-0120 and OAR 660-330-0130. Commissioner Elfering suggested striking the text in parentheses saying that the structures need to comply with what the OAR says. After discussion the consensus was to strike the wording in parentheses (“no enclosed structure with design capacity greater than 100 people”).

Condition 10 requires implementation of noise abatement in order to comply with NRA noise recommendations. The Board agreed with this condition and made no changes.

Condition 11 addresses the membership limitation of 1,000. Commissioner Elfering noted the intent is to limit or control the usage of the facilities – roads, parking and asked if membership could be limited. It was stated that the cardlock system has a capacity of 1,000 member numbers. More than that would require the gate to be changed. Ms. Mabbott suggested rather than limiting the membership to 1,000, maybe something should be added that adequate parking be made available for one event of up to 1,000 – but the facility is not designed for a 1,000 person event –the club said for a single event, it is more like 100. Mr. Olsen noted there is a state ordinance about impeding the roadway. One way to address the issue is to limit capacity as to what is available at the site. Commissioner Givens requested staff work on including something about this – he does not want 500 to 600 vehicles. Ms. Mabbott noted that no offsite parking is allowed – parking is only allowed within the footprint. The limitation on membership will be removed and instead will require all event parking be on-site, and that no event parking be allowed off-site.

Condition 12 states that no alcohol is allowed on the range; no permanent on-site commercial food service or restaurant is allowed; catering for special events is allowed. The Gun Club proposal is about alcohol on premises when not shooting – and other items about catering food. Commissioner Murdock said he does not agree with alcohol being served on the range, but it can be consumed. Commissioner Elfering stated that alcohol consumption should be limited to outside of shooting hours. There was discussion regarding hours of shooting and alcohol consumption. It was mentioned that they did not need public criticism about shooting and drinking. Commissioner Givens gave the example of drinking and driving – it will be tough to police this – he agreed with Commissioner Elfering – no alcohol. Safety should be the top

concern. Ms. Mabbott asked Mr. Olsen for clarification regarding the EERGC proposed language – alcohol is allowed to be consumed when shooting is not occurring outside of hours of discharge of firearms in condition of approval 5; no permanent on-site commercial food services is allowed and no on-site restaurant is allowed; catering for special events is allowed.

The Commissioners returned to the topic of Condition 5 with regard to hours of operation ending no later than 10 pm or 11 pm; night time training for law enforcement is based on the time of year. Mr. Olsen noted there are no limitations on law enforcement training. The board wanted to find out about how many law enforcement trainings took place at the facility in a year. What is the current practice? Was there any testimony about how late? Commissioner Elfering talked about the possibility of change or modification after the decision. Tamra noted a change would have to be in writing and presented to the Planning Commission for review with a recommendation to the Board. Commissioners. Commissioner Givens supported the Gun Club proposal for the facility ending daily operations by 11 p.m. Commissioner Murdock suggested 11 p.m. between May 1 and September 30, and 10 p.m. between October 1 and April 30. **Commissioner Givens agreed to make the motion regarding Condition 5 with the change suggested by Commissioner Murdock. Seconded by Commissioner Murdock. All voted aye. Carried 3-0.**

Commissioner Givens moved to approve Option 2 with Findings and conditions as amended herein. Seconded by Commissioner Murdock. All voted aye. Carried 3-0.

The meeting was adjourned at 11:25 a.m.

Respectfully submitted,

Melinda Slatt

Executive Secretary
Umatilla County Board of Commissioners