

**MINUTES**  
**UMATILLA COUNTY BOARD OF COMMISSIONERS**  
Meeting of July 2, 2014  
9:00 a.m., Rm 130, Umatilla County Courthouse  
Pendleton, Oregon

\*\* \*\* \*\* \*\*

**Commissioners Present:** Bill Elfering, Chair; George Murdock, Vice-Chair  
**Absent:** Larry Givens, Commissioner  
**County Counsel:** Doug Olsen  
**Members and Guests Present:** Gina Miller, Joanne Manson, Shane Finck, Tamra Mabbott, Patty Perry, Cheryl Ray

\*\* \*\* \*\*\*\*

**CALL TO ORDER**

The meeting was called to order at 9:05 a.m. Chair Bill Elfering reminded all present that the meeting was a public forum.

**Pledge of Allegiance.** Those in the room stood, saluted the flag and recited the Pledge of Allegiance.

Chair Elfering asked for a moment of silence for the recent passing of two county employees, Patti Chapman in Elections and Mark McLeod in Assessment & Taxation.

**Awards/Recognitions/Correspondence.** None at this time.

**Minutes.** None at this time.

**Additions to Agenda.** No additions to the agenda.

**Recognition of Visitors/Public Input:**

Chair Elfering asked if there was anyone who wished to address the Board. None were noted.

**Agenda – Business Items**

Chair Elfering noted the Public Hearing regarding the Annual Development Code Update would be deferred until 10 a.m.

1. **Water on Roadways.** Gina Miller, County Code Enforcement Coordinator made the staff presentation. Code Enforcement is requesting the Board to consider new proposed approach to raising awareness, in this case, about road hazards created by water on county roadways from agricultural irrigation. Pursuant to ORS 368.256 – Water on Roadways – when complaints are received, the state statute requires enforcement. The proper landowner needs to be determined and contacted for purposes of enforcement. The suggestion is to place a tag on the equipment with information of landowner to be tracked. Ms. Miller presented suggested prototypes for tags. The idea is to make contact on the ground where violations are occurring. She noted Greg Silbernagel at the Water Master’s office has received complaints as well, and she will discuss the

issue with him. Board discussion included: fine the landowner, increase fines, warning process, repeat offenders, wording on warning tags. Leasing property vs. actual landowner, ways to warn – notices will ultimately go to the landowner. Tamra Mabbott, Planning Director, provided clarification about cancellation of water rights – that is not something in which the county is involved. It would be the last resort of continued and/or repeated violations. Ms. Mabbott noted the county will not go in that direction.

**Commissioner Murdock moved to approve the proposed “WARNING” tags program for notifying irrigators of potential violations of ORS 368.256. Seconded by Commissioner Elfering. All voted aye. Carried 2-0.** Ms. Mabbott noted the County Road Department is involved in this matter because of the detriment on the roadways. Code enforcement is not out looking for these problems, but they are handling complaints and working with raising awareness. Commissioner Murdock noted irrigators moving equipment across roadways as well as watering issues cause problems on roadways.

2. New Positions in Human Services. Doug Olsen reported. New positions are sought for the Human Services Department. Two new Mental Health Associates (Ranges M19, M23 or M24A) and two new Office Assistant IIIs (Range 12) are requested. Funding for the positions will be paid from the new funding received for the expansion of the program. Commissioner Murdock noted this will be funded by enhancement through GOBHI. Sustaining funding is attached/included. **Commissioner Murdock moved to approve new Mental Health Associates and Office Assistant IIIs for the Human Services Department. Seconded by Commissioner Elfering. All voted aye. Carried 2-0.**
3. New Local Workforce Services (Investment Area) – Commissioner Murdock noted this realignment of the Workforce Task Force will require resolutions to adopt. He recently attended a meeting at Hood River wherein need was noted. Support is sought for the application for the new Eastern Region area. **Commissioner Murdock moved to adopt Order BCC2014-047 regarding new Local Workforce Investment Area. Seconded by Commissioner Elfering. All voted aye. Carried 2-0.**
4. Payable to NOWA. Doug Olsen noted approval is sought for the final 2013-14 payment of \$20,000 contribution to the Northeast Oregon Water Association (\$40,000 was paid earlier – this is the balance allocated). **Commissioner Murdock moved to approve payment to NOWA of \$20,000. Second by Commissioner Elfering. All voted aye. Carried 2-0.**
5. Payable to Mustangers. Commissioner Murdock reported. He noted a memo had previously been provided to the commissioners. Approval is sought for a grant to the Mustangers (Pendleton Mustangers Riding Club) in the amount of \$24,000 for reimbursement for the purchase of bleachers. Funding will be from the Community Services Development Reserve Fund and Tourism. There is a growing tourism/economic impact – team roping (700 + participants). **Commissioner Murdock moved to approve payable to Mustangers, Inc. Seconded by Commissioner Elfering. Board discussion: Commissioner Elfering noted this will benefit the region. All voted aye. Carried 2-0.**
6. County Fair Booth. Commissioner Murdock reported that Jenna Hogan at Public Health/Human Services is taking the lead on the booth. Also, Cassie Wagner, an Echo High School graduate

will be the County Fair Booth Coordinator. He noted Mary Corp of Extension Service met with him about the involvement of the Master Gardener Program. And, so far, there are volunteers from Emergency Management, the Jail and Veteran's Services among others will be manning the booth. This year there will be a very large county representation at the fair.

Nothing further (Commissioner reports) until the public hearing at 10 a.m. Chair Elfering adjourned the regular Board meeting at 9:30 until that time.

Chair Elfering reconvened the meeting at 10 a.m. Before starting public hearing, however, Commissioner Elfering introduced Cheryl Ray. Ms. Ray stated she is from Mill Creek, 61738 Mill Creek Road, Walla Walla. She lives 13 miles from Walla Walla, 2 miles over the Oregon state line (thus a Umatilla County resident). She advised that Mill Creek Road is paved to state line and is gravel for 3 miles to Tiger Canyon Road where she lives. The National Forest starts there. Ms. Ray expressed concern about the isolation of area, security issues, increase in traffic and large trucks (dust issues) – she feels there is no law in that area. She is concerned about lack of patrolling on that road. She requested the County Commissioners consider patrols in that area. In particular, she asked the Commissioners to consider having Sheriff's patrols on the weekends and also that they consider dust suppression by the Road Department.

Commissioner Elfering suggested she contact the Sheriff's Department and the Road Department directly (she said she had not contacted either department). Chair Elfering noted the Board of Commissioners would investigate the issues Ms. Ray brought forth today; he thanked her for attending today and appreciated her concerns as she expressed them. Ms. Ray noted her experience with grant writing could possibly help raising funds if needed; her neighbors are supportive and concur with her concerns. There was further discussion about paving, taking concerns to the appropriate departments, and the Board discussing options. The Commissioners thanked her for coming today.

7. Chair Elfering called the public hearing to order. He noted the first order of business is to consider Zoning Proposal for Umatilla Army Depot and secondly to update the Umatilla County Development Code. He explained the process.
  - A. Planning and Zone for Umatilla Chemical Depot. Chair Elfering called for abstentions. None were made. He then asked for a staff report from Tamra Mabbott, Planning Director. Ms. Mabbott introduced Joanne Manson from the Oregon National Guard. Ms. Mabbott referred to the packet before the Commissioners and provided a summary. Umatilla County, the Applicant, is requesting a Comprehensive Plan Amendment #P-108-13; Text Amendment T-13-051 and Zone Map Amendment #Z-299-13. Amendments include a plan and zone designation for the Umatilla County portion of the Umatilla Army Depot. Specifically, the action will apply Comprehensive Plan designations for military, industrial and wildlife habitat and zoning Designations Depot Industrial, Depot Refuge and Army Depot Transition Zone. The property is located west of the City of Hermiston, north of Interstate 84 and west of Interstate 82; a small portion is located just east of I-82 and south of Lamb Road. There has been a plan for zoning in Umatilla County since the Depot's closure.

Ms. Mabbott noted the Planning Commission reviewed the Plan and Code changes at its 05/22/14 meeting and voted unanimously to recommend the Board of Commissioners adopt the changes.

She noted the adopted Plan and Code changes will be inserted into the county code. The long-range plan took many years; the Planning Commission agreed on the different uses specified in the packet. The Oregon National Guard will take the administrative area, which is the South gate off of I-84 -- that will go to National Guard. Almost 1,000 acres was set aside for industrial development (blue areas on map shown on the monitors – very valuable property). Today, we need to look at LRA proposal for zoning industrial. Exhibit 14 is a new exhibit (a redacted version of the Development code and Comprehensive Plan amendments). The green area on the map is wildlife habitat – the plan designation is there and zoning is appropriate. When the military conveys the property, there must be an economic value established. Ms. Mabbott highlighted the three zones.

Ms. Mabbott referred to the SE corner, 884 acres (area 2) – some of LRA wanted commercial development – this is pretty contrary to land use planning. She compared this need to downtown areas for thriving business. 5% of industrial area can be used for commercial or retail areas. Of the 884 acres, 44 acres can be with commercial or retail use. It is uncertain what to expect at this time. There is need to address the transportation planning rule when property is rezoned.

Lastly, Morrow County is also involved – the zone as proposed by LRA has been adopted – the parties worked together with the CTUIR as well. Change has been made to the zone name as presented to work with National Guard’s request/requirement. Work is in progress for long-range plan for the subject property. It is our hope in collaboration with National Guard for anything with purposes of military training. Ms. Mabbott noted there has been good collaboration among parties involved.

Chair Elfering asked about the parcels in question – parcels 1, 2 and 3. Ms. Mabbott went over the map; she noted deed restrictions, industrial standards and designations (i.e. refuge area or other). There are questions about federal standards/restrictions. There is good infrastructure at the main depot. Commissioner Murdock asked about roads. Joanne Manson noted that there are about 15 to 20 miles over all the 7,500 acres. Chair Elfering asked about roads to be transferred to county, to which Ms. Mabbott replied there is a preference to dedicate some roads as public roadways, not necessarily to be declared as county roadways. Commissioner Murdock added that, with minimal control, he does not want the county to be responsible for those roads.

Chair Elfering thanked Ms. Mabbott. He then asked if there were any in favor of proposals? Any proponents? None were noted. He then called for any in opposition. Joanne Manson, Oregon Military Department from Salem, noted she has opposition as to the maps as shown. She noted her boss (Mr. Hutchinson) attended the May 22<sup>nd</sup> Planning Commission public hearing (today he is at Morrow County’s meeting discussing the same zoning issues there; thus, her attendance here today). Ms. Manson referred to map “brown area” of the map to be labeled for military. The second point is that military zone. (Ms. Mabbott clarified the packet presented that day did not include language as it came before the planning commission.) Ms. Manson talked about military activities – the louder types – are more on the west side of the Depot (Morrow County).

Due to some confusion about some information and maps regarding section 14 and proposed Planning Commission language referred to under tab 14 (Depot Zone outlines military zone, uses etc.), Ms. Mabbott requested a 5 minute break in order to check the information in her office.

Chair Elfering reconvened the meeting at 10:40 A.M. Ms. Mabbott provided the correct map (on the monitor); she noted the codification language under tab 14 will be proper language.

Commissioner Murdock asked for clarification based on what we just went through with information and maps, could the Board decide on findings to be adopted at a later date. Ms. Manson advised she would like to see the changes -- with correct language and proper zoning with the proper map and support of Planning Commission recommendation, she would withdraw the National Guard's opposition. Chair Elfering then asked for any comments from public agencies.

Patti Perry with CTUIR Planning Office noted the Tribe is in a neutral position regarding wildlife habitat. In regard to the title of zoning, she felt it should be corrected as to what is proposed on the Code. The zoning should be designed Umatilla Depot, Wildlife or Refuge Zone. Ms. Perry wanted to thank the county and planning office in coordinating with the Tribe to develop the Code. Pertaining to future ownership and management of the Refuge Zone, she noted it is a work in progress. Chair Elfering asked that with clarification, there is no opposition from the Tribe as noted by Ms. Perry. She affirmed. Chair Elfering asked for any other public agency comment? There were none.

Chair Elfering thanked all involved for the cooperative work in putting this amendment together of the Umatilla County Comprehensive Plan and Development Code for the Umatilla Army Depot. With completion of this portion of the process, he thanked all for their hard work.

**Commissioner Elfering moved to approve Ordinance No. 2014-06. Seconded by Commissioner Murdock. All voted aye. Carried 2-0.**

B. Hearing Code Update. Chair Elfering opened the hearing to amend the Comprehensive Plan and Development Code to Update and Revise Multiple Sections (See 06/25/14 memo to BCC from the Planning Department, listing items 1-12) :

Staff report was provided by Richard Jennings, Senior Planner. He noted he had been working on the update for a long period time. On May 22<sup>nd</sup>, the Planning Commission met and requested some changes and recommended approval to the Board of Commissioners. Mr. Jennings went through the proposed changes to the Development Code and to the Comprehensive Plan. He noted if there were questions after each item to please ask them.

Throughout the year legislative changes happen, upon code implementation, some revisions or changes are needed (based on administrative rules, comprehensive plan, etc.). This is the 6<sup>th</sup> time they have done code update review – it is a dynamic document. The hope is to be more in line and in compliance with the statutes.

Regarding item 1, which is Code Section 152.613, time limits on CUPs, Mr. Jennings went through the specifics of permit process to development (1 year process) and noted extensions may be requested. A change would be to give two years to perfect a conditional use permit (rather than one year with request for extension). If nothing is done, then the permit expires. In addition, Ms. Mabbott handed out changes requested by attorney, Wendie Kellington, and by attorney, David Hadley (pertaining to Update 2, “Modify Medical Hardship Dwelling Criteria”). She went

through the proposed changes for clarification. Mr. Jennings then clarified differences between those items about permits and process (state review involvement, out of BCC control).

Doug Olsen felt Ms. Kellington's proposal is vague. Terms and conditions with permit; approval process; conditions need to all be in compliance. Ms. Mabbott added that under sections A B C D – could say sections A-D are not retroactive (code to take effect 08/01/14). She compared this to a “certificate of occupancy” – that is, all conditions have been met. Mr. Olsen agreed that sections A-D are not retroactive; they apply to all land use applications after 7/2/14. Ms. Mabbott discussed clarifying language of applications vs. permits issued – she is comfortable with working with that language.

Ms. Mabbott also talked about Ms. Kellington's additional language under item 1 (UCDC 152.613, Time Limits for a CUP and Land Use Decision) and also under 3 (regarding bearing the burden of proof). And regarding conditional use permits, using term of “substantial” and type of use. Mr. Olsen suggested (and Ms. Mabbott agreed) striking F (language in blue). Nothing added to 3. To be clear, on A, Mr. Olsen suggested going with original proposal (not incorporating Kellington's proposed language) and also to strike the last sentence under A. Mr. Jennings went back to land use applications vs. permits. He suggested not putting in language under A, he feels it is not necessary. Ms. Mabbott clarified that based on attorney comments from Kellington that she liked the clarification language.

Mr. Olsen noted that any additional language would be added to the item based on consensus of the Board.

Item 2, Medical Hardship Dwelling criteria. The Planning Commission proposing adding a requirement to the definition about need for care. Need is based on medical hardship as opposed to other types of care (i.e. grounds, animals, daily living). Discussion included elderly parent needing help from a family member, functional mobility and the like. Ms. Mabbott noted the Planning Commission spent time looking at this issue as part of the process. The ADL language makes it less flexible and limiting. She mentioned comments by David Hadley in his letter dated 06/27/14 – “elderly” term. Chair Elfering expressed concern about adopting this issue (item 2, Medical Hardship). Ms. Mabbott noted the BCC could refer this item back to the Planning Commission for more discussion. Commissioner Murdock agreed this should go back for further review; he mentioned Commissioner Givens was absent and that he would like to be part of the process -- Commissioner Murdock felt this item is one that should not be decided today. Ms. Mabbott agreed, but staff concern is there is an abuse of the system based on current language and it needs to be addressed.

Commissioner Murdock indicated that the rest of the changes on the list did not need to be revised, that is items 3-12. Chair Elfering had questions on #3, 2. Home Occupation/Cottage Industry within the dwelling – what is this? Mr. Jennings replied this means cottage industry in the home and on the property specifically there.

Question was posed by Chair Elfering regarding parking limitation – does that include employees? He suggested it needs to be clear that parking is on the property -- customers/visitors. The suggestion was to add employees to that item.

There were no other questions of staff report. There were no Proponents, Opponents or Public comments. Chair Elfering then closed the hearing and deliberation by the Board.

Regarding Items 1 – 12, minus 2 (not deliberating on 2, medical hardships), Commissioner Murdock moved to approve, with modifications, and not including #2. Seconded by Chair Elfering. All voted aye. Carried 2-0.

There was no further business.

The meeting was adjourned at 11:30 a.m.

Respectfully submitted by

*Melinda Slatt*

Executive Secretary, Umatilla County Board of Commissioners