

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of September 17, 2014
9:00 a.m., Room 114, 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

Members and Guests Present: Matt Hughart, Kittleson Company; Frank Angelo, Angelo Planning; Bob Heffner, Budget Officer; Tom Fellows, Public Works Director; Rich Moroney, Perennial Power; Matt Evans-Koch, Milton-Freewater; Casey Severe, Pendleton; Russ Pelleberg, City of Umatilla; Bob Ward, City of Umatilla; Gary Roberts, Road Department – Surveyor; Mr. & Ms. Tom Darby and neighbors from Kosmos Road area; Tamra Mabbott, Planning Department Director

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CALL TO ORDER

The meeting was called to order at 9:07 a.m. Chair Bill Elfering reminded all present that the meeting was a public forum.

Awards/Recognitions/Correspondence. None today.

Chair Elfering asked if anyone wished to address the Board. None at this time.

Minutes for July 30 and August 4, 2014. **Commissioner Givens moved to approve minutes of the July 30 and August 4 meetings. Seconded by Commissioner Murdock. Carried, 3-0.**

Additions to Agenda. None.

Recognition of Visitors/Public Input: Chair Elfering noted that visitors could provide information at this time. None were noted, other than on the regular agenda.

Agenda

1. **ODOT Wildhorse Creek Quarry.** Chair Elfering called the public land use hearing to order at 9:00 a.m. and read an opening statement. He noted the first item is regarding an aggregate site. That hearing will be followed by the other two public land use hearings regarding the IAMP. And, other public hearings would follow at their assigned time.

Chair Elfering asked for staff input after reading an opening statement. Shane Finck, Planner, presented. This will be a text amendment (he referred to a Power Point presentation projected on monitor). In regard to Goal 5, there is protection to limit conflicting uses in the area and this will be maintained as a significant inventory site. It is not a daily use quarry as it has varied use. In

2012, a conditional use permit was applied for by the County. This will be added as site 6. Refer to #P-109-14 and T-14-054 and Zoning Map amendment #Z-301-14. He discussed the EFU zone – analysis was done. Second slide was a map showing the location and the applicant request. Next slide was an aerial map showing boundaries in blue and also shows a residence in yellow. Commissioner Givens asked about the road (Shane confirmed it is Adams Road). Next slide was map of buffers with overlay protection of Goal 5 to not allow development within 500 ft. He looked at impacts on site, a required part of the analysis. During a Planning Commissioner hearing, Mr. Rhinehart asked about Wildhorse Creek and a year-round spring that flows north towards Wildhorse Creek. He presented map showing 1991 survey done by Fish & Wildlife. (see National Wetlands Inventory map, slide 5). This confirms Mr. Finck’s analysis that there is not a wetland indicated. Commissioner Givens asked about the spring. Is it off the map? Where is it located? Shane responded. Re: 303D, in Staff Report, p. 6 is Mr. Finck’s analysis of other item regarding aggregate and relation to Wildhorse Creek. Berms may be required on boundary of quarry to prevent run off. Tamra Mabbott, Planning Department Director, talked about protocol to protect any damage to the stream. Mr. Finck noted Noxious Weeds are also addressed – to implement and maintain a weed program and to maintain berms around mining areas.

Mr. Finck referred to the Commissioners’ packets about inserting items into the existing list. No questions were posed. Chair Elfering asked for any of those present to speak in favor? None were heard. He asked Casey Severe if he wished to address the Board. Mr. Severe responded that he was not necessarily a proponent. He went on to talk about tax lots and differences in the maps he looked at with the Planning Department compared to the maps presented that day. He is concerned about stockpiling aggregate and about the spring. He referred to the wetlands map and noted the green line. He asked what the access would be if they stockpile? He also talked about driveways – will they have to come up the old rail-bed and onto his property? He would like some discussion (but without an ODOT representative in attendance, that cannot be answered).

Mr. Severe went on to say the spring does run year round and it is pretty consistent. Damage may be caused by stockpiling, but he doesnot know at this time. He pointed out his property on the two maps (a total of 2 acres). He pointed out the old rail-bed as some access, or there is a driveway for the old “Havana Grain” area. Mr. Severe’s property is on the North side of the road. Commissioner Murdock pointed out that gravel is stored on the other side from Mr. Severe’s property; he saw the area after inspecting the recent fire.

Commissioner Givens asked about Mr. Severe’s property line and the fact he may need to have the boundary line identified with a survey. Commissioner Givens asked Ms. Mabbott and she referred the question to Mr. Finck to answer being more familiar. He believes ODOT acquired the property around 2005. The one map they have did not show ODOT owned the other side of the highway; the on-line maps show something different. He noted that Tracie Diehl in GIS found a survey that included the ODOT portion showing they owned it. Tax Lots 100, 600 and 700 are owned by ODOT. Mr. Severe’s concern is dealing with State rather than a neighbor wondering if they will work with him. He did not realize until this week that the sliver of land in question is owned by ODOT. If the CUP is granted, he felt that somehow the stockpiling should be addressed on the other side of the highway. Commissioner Givens addressed staff, noting he would like to see well delineated property line markers. Tom Fellows, Public Works Director, noted the property line survey was done by his department and it should be on file (he believes

ODOT has a copy). Commissioner Givens pointed out the need for survey to determine boundary lines. Chair Elfering agreed that markers for survey are needed. Ms. Mabbott added that a copy of the survey could be provided to Mr. Severe as an adjacent landowner.

Ms. Mabbott asked about plot plan. Mr. Severe said he would like ODOT to stay within its property. He has developed his property over the last several years – he bought it from Jim Duff. Later on (with prior planning department staff knowledge, someone who is no longer employed by the county) it was discovered that Mr. Severe’s Conditional Use Permit expired – he will have to reapply to further develop his property. He asked about conflicts now with the aggregate site if he builds a home – they are in the middle of the 500 foot impact area. Ms. Mabbott noted this is the first she had heard of the CUP expiring – she said the issue could be tabled. Or, the BCC could table action. Chair Elfering said he is not comfortable with taking action today; he felt more investigation should be made based on Mr. Severe’s comments today. Commissioner Givens talked about a lot of record from Mr. Severe. Ms. Mabbott discussed setting a date in November to give enough time to look into issues expressed. She asked if Mr. Severe has problems being within the 500 foot area. Mr. Severe replied he would not if they worked within their own area. **Commissioner Givens moved to continue the hearing until 11/26/14, 9:00 in Room 130 of the County Courthouse. Seconded by Commissioner Murdock. Carried, 3-0.** Chair Elfering closed the public hearing.

2. Land Use Hearings – I-82/Lamb Road IAMP and for I-84/Army Depot Access Road IAMP. Chair Elfering commenced the public hearings for both interchange management study areas (IAMPs). He asked for any abstentions or objections? None were heard. He read the required criteria. He then asked for a staff report from Tamra Mabbott. She reported that a few months ago, a zone change was adopted and the part that will be transferred to the IRLA and with a grant made possible by the federal government (through UMADRA). Ms. Mabbott introduced Frank Angelo and Matt Hughart, who will present information today. She also noted that Tom Fellows attended meetings from Public Works standpoint. Mr. Angelo referred to the Power Point slides projected on monitor. Whenever there are significant impacts to interchanges, it is required to analyze and study. There are two being addressed today. Separate IAMPs were prepared. He provided background and noted existing land use and then future land use and zoning. The future development was studied. He discussed the IAMP process (referring to that slide on the monitor). They came up with a transportation improvement plan and he referred to aerial maps. The interchanges do not currently allow large truck movement, they need some changes for future development. The next slide showed needs of changes to the roadway for longer-term improvement so that different vehicle types can move efficiently. The next slide showed future vision improvements (over the next 20 years). There are alignment scenarios to consider in the planning process. The next slide, Access Management Plan, identifies ¼ mile within interchange to private points of access. Commissioner Givens asked about a loop interchange, according to the map shown, why isn’t a loop alignment also on the North side? Mr. Hughart noted that one side shows more traffic movement there compared to the other side. He noted that projections show a loop ramp as presented is more needed on South side. The projections are realistic after lengthy study of that whole area. This is a long-term plan (20 years). Development in the future will be considered and adjusted accordingly.

The second part of the presentation is for the Army Depot Road Interchange. Mr. Hughart noted this is future re-use; it will be the main point of access for the Oregon National Guard. The next

slide is near term improvements detail. There are minor things to look at along Gun Club Lane. The next slide is longer-term and vision improvement details, impact to Morrow County. The interchange may need to be updated to more efficient needs of industrial truck traffic (more of a “what if” scenario). Commissioner Givens asked about the railroad area and if it limits this interchange. Chair Elfering responded this is more of a “back door”. Commissioner Murdock asked about truck traffic (i.e. Fed Ex and the Truck Stop). Ms. Mabbott noted this impact was included in study area. She also talked about potential truck stops and pointed out the areas on the map, noting that one has since been withdrawn. In summary, Mr. Hughart noted this will be adopted in County’s TSP and adoption regarding the Comprehensive Plan. They tried to create modifications to county impact study requirements. He talked about the hairpin turn shown on Near-Term improvements plan slide.

Chair Elfering asked for any more questions. None were heard. He asked for any proponents? None were heard. He asked for any opponents? None were heard. He asked for any comments from public agencies? None were heard. There was no rebuttal. Chair Elfering closed the Hearing. Deliberation was called. Commissioner Murdock noted the long process and thanked Ms. Mabbott and Planning Department staff for their hard work. Commissioner **Murdock moved to approve Ordinance 2014-09 Amending the Comprehensive Plan and Development Code to Approve and Incorporate I-82/Lamb Road Interchange Area Management Plan. Seconded by Commissioner Givens. Carried, 3-0.** In regard to **Amending the Comprehensive Plan to Approve and Incorporate I-84/Army Depot Access Road Interchange Area management Plan**, Commissioner Murdock moved to adopt **Ordinance 2014-10. Seconded by Commissioner Givens. Carried, 3-0.** Ms. Mabbott also asked for a motion to adopt the findings on both reports; Commissioner Givens so moved. **Seconded by Commissioner Murdock. Carried, 3-0.**

3. Supplemental Budgets, FY14-15. Chair Elfering called the public hearing to order. Bob Heffner, Budget Officer, presented a staff report. Budget Order 2015-10 is regard to CARE, which is modifying its business plan to include two additional employees and increase its Contingency which will require an increase of \$143,913 in CARE Personnel Services appropriations and an increase of \$15,763 in Contingency. Support for the appropriations increase will be provided by increase in fees from participating schools and from an increase in state grants. There were no questions. Mr. Heffner then presented Budget Order 2015-11 in regard to Community Corrections, which is modifying its business plan by adding a new parole/probation officer, increase some operating costs, adding two new vehicles and new video conferencing equipment, and increasing its contingency. The changes will require a \$73,000 increase in Personnel Services, \$20,700 increase in materials and Services, \$56,248 increase in Capital Outlay and \$41,912 increase in the Contingency. The increase will be supported by a higher than expected beginning cash position.

Chair Elfering asked for any in opposition? None were heard. He then closed the public hearing. Commissioner Murdock noted under CARE, a major portion of funding is a significant increase from Hermiston School District -- almost \$90,000 for CARE services. **Commissioner Givens moved to adopt Budget Order 2015-10. Seconded by Commissioner Murdock. Carried, 3-0.** **Commissioner Murdock moved to adopt Budget Order 2015-11. Seconded by Commissioner Givens. Carried, 3-0.**

4. Appointment to HELP Board. Mr. Olsen noted the term for the Umatilla County representative on the Helix Enhancement Launch Program Board expired 6/30/14. Commissioner Elfering is willing to serve as the county representative. **Commissioner Murdock moved to approve Order No. BCC2014-066. Seconded by Commissioner Givens. Carried, 3-0.** Mr. Olsen noted there will be a recommendation to be presented soon from the Helix School District.
5. Hwy 395 North Economic Development Planning Study. Mr. Olsen noted the second phase of the Highway 395 North project includes contracting with a consultant to do an economic study. Two proposals were submitted in response to the RFP. County and state staff reviewed the proposals, interviewed and toured the study area with Eric Hovee. The recommendation is to award the contract to Hovee & Company. Funds for the contract are from a grant from DLCD. **Commissioner Givens moved to award the contract for the Highway 395 study to E.D. Hovee & Company and authorize staff to develop the contract and negotiate amendments to the grant, where necessary, with DLCD. Seconded by Commissioner Murdock. Carried, 3-0.**

Chair Elfering called for a recess at 10:15. Reconvened at 10:30. Chair Elfering opened the public hearing for:

6. Birch Creek Road Legalization, Road No. 550. A staff report was presented by Gary Roberts, surveying foreman of the County Road Department. This will establish the road around Tum a Lum Bridge that is being rebuilt. This is for right of way and needs to proceed. Commissioner Givens noted on the survey he was at the property Sunday – the stakes are up. Mr. Roberts said ODOT is tying in the monuments that the County survey set up and there will have to be a significant realignment of where the bridge is now located. Commissioner Givens also talked about tax lots on the east and north side of Birch Creek Road (owned by Hydenwright). Mr. Cope stood and noted his wife’s family is the Hydenwrights. He owns property on the north side of bridge and he and his wife are trustees for property on the other side of the bridge. Commissioner Givens is familiar with the property – his great grandparents lived in that vicinity.

Chair Elfering asked for any questions. None were heard. Chair Elfering asked for any proponents/those in favor? None were heard. He then asked for any opponents? None were heard. Mr. Cope then asked Commissioner Givens for his opinions about the project – he wanted to know where it would go before he can plan for the future with his property. He advised the septic system at his mother-in-law’s house needs to be dealt with in the near future. Mr. Roberts noted the monetary part will be covered by a contract to cover expenses. Commissioner Givens and Mr. Roberts talked about substructure problems with the “Tum a Lum” Bridge. The angle and approach will be changed to reconnect with Birch Creek Rd; the planning stage still in the works. Mr. Roberts referred the Commissioners to a package of information and maps. Commissioner Murdock noted when he was finished reviewing them, he would give Mr. Cope his copy of the papers on this project. Mr. Cope provided history and background about the original placement of the bridge (his wife’s family (grandparents) did not want their property split in half to work it).

Chair Elfering closed the public hearing on the Birch Creek Road No. 550. **Commissioner Givens moved to approve the legalization of a portion of Birch Creek Road, County Road No. 550, Order No. RD2014-16. Seconded by Commissioner Murdock. Carried, 3-0.** Commissioner Givens noted to Mr. Cope that this is something he spearheaded for safety reasons as he is familiar with the bridge. He told Mr. Cope if he had questions, to contact him.

7. Vacation/East Highland Extension, County Road No. 1198. Chair Elfering opened the public hearing at 10:40 a.m. He asked for a staff report from Gary Roberts. Mr. Roberts noted in early 90s that John Walchli worked with the county for this area. Mr. Roberts noted markers, now section monuments are set and problem with gaps to where there is property owned by Harold Burns – a strip of property needs to be revised to move right of way line to property align with section and make access proper. Mr. Roberts noted the revised legal description will line up properly with the roadway. Tom Darby from Hermiston, stood and advised that he lives on Kosmos Road – but is interested in this item as well. His questions were answered by Mr. Roberts.

Chair Elfering asked for any proponents. None were heard. Chair Elfering asked for opponents? None were heard. Chair Elfering closed the public hearing. Commissioner Givens noted this realignment is basically being done so it doesn't impact access issues for property owners. This also makes the road a legal county road. Chair Elfering advised the roadway used to be just a trail, but now is a definite road. **Chair Murdock moved to approve Order No. RD2014-18, Vacating of Deeded Property No Longer Needed for Road Purposes Lying Adjacent to East Highland Extension, County road No. 1198. Seconded by Commissioner Givens. Carried, 3-0.**

8. Eastside Road Legalization. Chair Elfering opened the public hearing at 10:50 a.m. He asked if there were any conflicts of interest. None were heard. He asked for a Staff Report by Gary Roberts. He noted this is same reason to establish right of way for legal road. That intersection will be completely reconfigured. It will require vacation or something else. Commissioner Givens noted the connection intersection. Mr. Roberts said this area needs to be cleaned up (aligned) and made safer. There were no questions. Chair Elfering asked for those to speak in favor? None were heard. He then asked for any opponents. None were heard. He then closed the public hearing. **Commissioner Givens moved to approve Order No. RD2014-19 for legalization of a Portion of Eastside Road, County Road No. 575. Seconded by Commissioner Murdock. Carried, 3-0.**

Commissioner Givens provided background information about the Eastside Bridge. He wondered if historic designation could become an issue. Mr. Roberts discussed standards that need to be met for historic bridge designation. Commissioner Givens advised this bridge was built in the early 50s. Mr. Roberts advised the cut-off date is built before 1950. Discussion included options for the bridge -- where it could be placed if designated historic, including a park; bike path; pedestrian path – and maybe others.

Commissioners' Reports

Commissioner Murdock noted nothing to report since he previously made his report at the BCC staff meeting Monday.

Chair Elfering talked about the recent tour of the OSU Ag Experiment Station (Phil Hamm is the director) -- a very interesting facility. Commissioner Murdock advised he felt the facility and its work are tied to economic development. A yearly tour is a good idea to keep in touch with current experiments. The Board discussed inviting Phil Hamm to a near future staff meeting – perhaps early October.

9. Kosmos Road. Chair Elfering opened the public hearing at 11:00 a.m. He asked for any abstentions or conflicts. None were heard. He asked for the staff report by Gary Roberts. Mr.

Roberts talked about the survey in conjunction with other roads previously discussed. The section line needs to be addressed – this will be to center the road and align with right of way. There were no questions. Chair Elfering asked for any proponents. He asked Tom Darby and Marjorie Darby if they had comments. Mr. Darby asked about the actual road and actual alignment. Mr. Roberts noted it has been a legal road, it just needs to be realigned to relocate properly. This will make the right of way to where the road actually is. Mr. Roberts also talked about Loop Road and where the stake is marked. Mr. Darby asked if any land would be moved? Mr. Roberts said property lines will not change at all. Ms. Darby asked why it has to be changed – it's been this way for 60 years. Mr. Roberts reiterated that it is to line up where the road currently is so that the legal description matches. He also discussed private surveys vs. county surveys. He noted the left side of the current road is straight, but the right side is not. Graders are large and seem to be wider and wider – Mr. Darby notes a lot of dust with increased truck traffic with development of large farms, etc. – eventually, they would like to see the road paved. Maybe a study could be done? Chair Elfering said the county road department could do such a study about paving the road. Mr. Darby pointed out 4-5 years ago he talked with then Commissioner Doherty, who said a study could be done, but nothing was done. Mr. Darby again pointed out the dust problems with increased traffic and the need to pave even a part of the road. Chair Elfering talked about the financial aspect, noting the county does not have the budget at this time. There was discussion about alternate sources – Commissioner Givens talked about criteria to qualify for funding for paving projects. This is something to be considered and discussed. Commissioner Murdock asked if the Board could take a moment later in the meeting to take action to authorize a study.

Chair Elfering asked for any opponents. None were heard. He closed the public hearing. **In the Matter of Legalization of a Portion of Kosmos Road, County Road No. 1172, Commissioner Givens moved to approve Order No. RD2014-20. Seconded by Commissioner Murdock. Carried, 3-0.**

Commissioner Murdock moved to authorize a Transportation Department study of Kosmos Road for farm to market regarding improvements and paving. Seconded by Commissioner Givens. Carried, 3-0.

Mr. Darby asked about when the study would be done. He suggested having the study done at start of harvest.

10. Transfer of Jurisdiction of Roads to City of Umatilla. Chair Elfering called the public hearing to order at 11:15 a.m. Mr. Roberts provided the staff report. Chair Elfering asked for any proponents. Bob Ward, City Manager of Umatilla, addressed the Board. In this case, the City of Umatilla desires to expand the park system, in particular on the old town site. The County owns a part of the property in this area. In exchange for the transfer of the parcel, the City would take over subject roads and the maintenance required. There were no other proponents. Chair Elfering asked for opponents. None were heard. Chair Elfering closed the public hearing to deliberate. Commissioner Givens asked if the Port was aware of the county looking to transfer the jurisdiction of these roads to the City of Umatilla. Mr. Ward noted he did not believe that is the case. He advised me that he believes there is a degree of awareness on the Port's part concerning the roads transfer. Commissioner Givens noted support of the City of Umatilla's vision; however, he is not comfortable moving forward with this transfer until there is good contact with the Port of Umatilla. He is not opposed, but feels the Port should be noticed before

the County makes a decision. He wants good collaboration with all – there is a need to keep things as uncomplicated as possible. In addition, he wants all parties to be informed and be involved. Chair Elfering agreed with Commissioner Givens' assessment. Commissioner Murdock noted this is a public hearing and it has all been posted (but Mr. Roberts noted it was not published as there is no requirement to do so). He added that postings were placed on power poles and at intersections on all area roads, at the courthouse, Umatilla City Hall and the like for about a month. Commissioner Givens reiterated his feeling that the Port should have the opportunity to weigh in, as a professional courtesy, for its involvement. He wants all to be on the same page and to be cautious. Mr. Olsen also noted this subject was also discussed at a Umatilla City Council meeting. Mr. Ward is not averse to this (delaying a decision) and there is no time limitation on these items. He would like the invitation to come from the County to the Port. Commissioner Givens asked Mr. Olsen if both items concerning City of Umatilla should be deferred. Mr. Olsen replied if the Board of Commissioners deferred on both items, they would need to name a date and time to continue the public hearing. Commissioner Murdock noted as point of record, invitation for the day's agenda items was not made to the Port by the County.

Commissioner Givens moved to continue the public hearing on these two items regarding the City of Umatilla until the 10/15/14 Board of Commissioners meeting in the County Courthouse Room 130, at 9:00 a.m. Seconded by Chair Elfering. Commissioner Murdock voted no. Carried, 2-1.

There was no further business.

The meeting was adjourned at 11:32 a.m.

Respectfully submitted,

Melinda Slatt

Executive Secretary

Umatilla County Board of Commissioners