

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of October 20, 2015
1:30 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

** **

- Commissioners Present:** Chair George Murdock and Vice-Chair Larry Givens
- Absent:** Commissioner Bill Elfering
- County Counsel:** Doug Olsen
- Members and Guests Present:** Casey Severe, applicant; Tamra Mabbott, Planning Director

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CALL TO ORDER

The meeting was called to order at 1:30 p.m. Chair George Murdock welcomed all and reminded those present that the meeting is a public forum. He read the statement regarding land use into the record. He asked staff to summarize to be followed by testimony both for and against. Questions can be asked by the Board and staff during testimony. When called, please step forward to the podium and announce your name and state where you live for the record.

Land Use Hearing

The purpose of the hearing is appeal of a Planning Commission decision, #LUD-175-14, Request for approval of a Non-Farm dwelling on 1.25 acre parcel, zoned EFU, Casey Severe, applicant and property owner. The Planning Commission approved the Non-farm dwelling, however, the applicant is requesting Board reconsideration of a condition of approval. The property is located to the south and east of Adams Road. Access to the parcel is Helix Highway, adjacent to the ODOT rock quarry and north of State Highway 11. Standards for approval are found in Umatilla County Development Code Section 152.059(8).

Chair Murdock asked for any abstentions. None were heard.

Staff Report was made by Tamra Mabbott, Planning Director. The Decision is considered a land use decision and standards are set forth in statute and the county development code. Mr. Severe applied for a non-farm dwelling. She elaborated about when he purchased property from prior owner; transfer allowances; staff recommendation and Board approval followed by approval by the Planning Commission (5 to 1 with 1 abstention). She referred to a map showing location of the property near Wildhorse Creek. It is a very small parcel where Casey Severe would like to place a dwelling.

Ms. Mabbott talked about condition of soil. By strict interpretation of the rule, a certified person needs to conduct the soil survey. Per an email from DLCD staff Katherine Daniels, the legal term is not a hard and fast requirement for soil survey regarding farm property, but there is some flexibility and the presumption can be rebutted. If the soil is not farmable, then a survey would not be required. Under Administrative Rule the Board may uphold the Planning Commission decision, but modify findings somewhat to remove the condition and findings would also reflect it is a unique situation given the history of the property.

Doug Olsen asked if the email was part of the record? Ms. Mabbott advised she believed it was in the Board packet.

Commissioner Givens moved to enter the packet of information and email from DLCD as noted. Seconded by Chair Murdock. Carried, 2-0.

Questions to staff: Commissioner Givens asked if a cost estimate was given for hiring a soil survey. Casey Severe noted there is a minimum of \$2,500 (over the phone quote) because it would be performed by a certified soil scientist. Ms. Mabbott noted that prior to the Administrative Rule, an area soil scientist previously could do a simple survey. The closest scientist now is in Bend. The cost to file an appeal is \$800. Commissioner Givens asked about a slab of concrete on the site (a grain elevator was there previously). Mr. Severe responded it is 1¼ acre parcel. The slab is still there, but he plans to put a home on the slab rather than digging up the slab. The area next to concrete slab will be a drain field (approved by DEQ). The ground is very disturbed, but all is old truck traffic.

Chair Murdock had no questions and noted he has visited the site several times. Commissioner Givens added he has not specifically viewed the site, but has driven by it.

Chair Murdock called for any proponents. Casey Severe, 301 NE Owens Court, Pendleton. He is appealing condition #1, which requires a soil survey. At the time the Planning Commission made the decision, the Planning department believed it was a mandatory requirement by DLCD. He asks for the condition to be removed so he can construct a non-farm dwelling.

There were no proponents and no rebuttal. Chair Murdock closed the public hearing at 1:45 p.m.

Deliberation: Commissioner Givens agreed the spot is unique and that a soil survey should not be required . **Commissioner Givens moved in the Matter of Affirming the Decision of the Planning Commission Approving Casey L. Severe's Application for Non-Farm Dwelling (with removal of condition 1 recommending adopting the request) and to adopt the findings of the Planning Commission, Order No. BCC2015-086. Seconded by Chair Murdock. Carried, 2-0.**

Meeting adjourned at 1:47 p.m.

Respectfully submitted,

Melinda Slatt

Executive Secretary
Umatilla County Board of Commissioners