

**MINUTES**  
**UMATILLA COUNTY BOARD OF COMMISSIONERS**  
**LAND USE HEARING**  
Meeting of October 12, 2016  
9:00 a.m., Room 130, Umatilla County Courthouse  
Pendleton, Oregon

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**Commissioners Present:** Vice-Chair Larry Givens and Commissioner Bill Elfering  
**Absent:** Chair George Murdock

**Members and Guests Present:** Melissa Homan, Rod Rainey, Darrel & Donna Gage, Mary & Sale Vaughan, Ivan Meads, Brandon Seitz and Tamra Mabbott

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**CALL TO ORDER**

The meeting was called to order at 9:00 a.m. by Vice-Chair Larry Givens. He welcomed all and reminded those present that the meeting is a public forum. The purpose of the meeting is for a continuation of the public hearing on appeal of conditional use request #C1264-16. He then turned the gavel over to Commissioner Elfering to conduct the meeting.

Commissioner Elfering recalled from the 9/28/16 meeting that public testimony was concluded; today the Board will go back into session for deliberation and a decision. One request was made for a business plan and site plan to be submitted to the Board by the applicant, Rodney Rainey. Therefore, there is one item to submit into the record. **Commissioner Givens moved to submit into the record planning staff's 10/6/16 memo attaching the requested site plan and the Power House Residential Drug Treatment Center Business Plan, on the condition to coordinate it into the proper numbered exhibit. Seconded by Commissioner Elfering. Carried, 2-0.**

Deliberation:

Commissioner Givens had questions for planning staff. Regarding precedent conditions, fire code, item #2 – who will make sure fire inspection is conducted? Brandon Seitz, Assistant Planner, noted the Fire Marshall will make the inspection; upon approval, they will send County Planning a copy. His second question was about parking: what is being required? What is surface? Mr. Seitz advised there is currently a gravel parking lot and 15 parking spaces are required to match the maximum number of patients; however, the surface is not noted. Regarding subsequent condition of fence, he noted when the Planning Commission met they had some adamant requirements about a fence – are there specifications? Mr. Seitz noted there is an existing fence on the eastern property line, but the Planning Commission did not want to specify the type of fence so the applicant could make that decision (to match up with the current fence). The only condition was that the fence continues to the shop for a buffer to extend to the edge of the property. Commissioner Elfering noted in looking at the map, “eastern” should be corrected to “western” (and to the south). Mr. Seitz agreed it is properly western (to be corrected). In response to a question from Commissioner Elfering about whose driveway shows on the map, Mr. Seitz advised it is the facility’s driveway.

Tamra Mabbott, Planning Director, noted to the west the property owners are the Pooles.

Commissioner Givens felt a fence requirement needed to be specified; it should be on both sides and should match up to the current fence. Regarding the height of the fence, Ms. Mabbott advised the law is a fence is not to exceed 6 feet .

Commissioner Elfering had no more questions to ask. He expressed it is personally a difficult decision about the type of facility; yet it is permitted within land use codes in the County. The last session noted this facility meets the convalescence definition requirement; he had researched many sources for the definition and all referred to recovering to health over a period of time. **Under the rules, he would have to vote to deny the appeal; Commissioner Elfering so moved.**

Commissioner Givens made additional comments: if he was a neighbor, he would not be comfortable having the facility there. However, it is legal. That does not mean we like it or think it is right. He was not saying what they are doing is not right – maybe it is just the area that is not right. He referred to an example of a marijuana facility in a neighborhood he recently toured in Jackson County. He did not blame the people for not wanting it in their neighborhood; however, the facility managers were required to provide complete visual blocking using an 8 feet solid fence with security lights. These things create problems in rural residential areas. He also noted many places where he saw guards armed with machine guns/ weapons. In our county, it is a different situation and the issues are not the same as those in Jackson and Josephine Counties. Again, it is legal, but neighbors do not think it is right. **He accepted the motion to deny the appeal. Discussion has been made. Commissioner Givens seconded the motion. Carried, 2-0.**

Commissioner Elfering pointed out there is also a condition that in 1 years' time the Planning Department will evaluate the facility's permit. He encouraged Mr. Rainey to work with neighbors going forward to make sure it works.

Ms. Mabbott asked the Board to adopt findings with modifications that the proposal is in terms of a convalescent facility. **Commissioner Givens so moved to approve. Seconded by Commissioner Elfering. In addition, approval includes a condition on the fence, item #8, which is to be on both side properties and to extend the entire length of the property – Commissioner Givens agreed that is correct.** Mr. Seitz will make the changes. **Carried, 2-0.**

Commissioner Givens asked that both parties are advised of the process for any further appeals; Ms. Mabbott noted this will be done.

Commissioner Elfering closed the public hearing at 9:16 a.m. He handed the gavel back to Commissioner Givens to go back into the regular Board meeting. Commissioner Givens asked for any further business. Hearing none, he adjourned the meeting at 9:16 a.m.

Respectfully submitted,

*Melinda Slatt*

Executive Secretary Umatilla County Board of Commissioners