

UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, January 22, 2015
6:30 p.m., Umatilla County Justice Center, Media Room
Pendleton, Oregon

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COMMISSIONERS

PRESENT: Gary Rhinhart, Vice-chair, John Standley, Tammie Williams, Don Wysocki, David Lee, Don Marlatt, Suni Danforth.

ABSENT: Randy Randall, Chair, Cecil Thorne.

STAFF: Tamra Mabbott, Shane Finck, Connie Hendrickson

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Commissioner Rhinhart opened the meeting at 6:30 p.m. and read the Opening Statement.

John Standley moved to approve the minutes from the December 11, 2014 as presented. Don Marlatt seconded the motion and it passed by consensus.

New hearing: Commissioner Rhinhart identified the first hearing as #Z-304-14, a Zone Map Amendment application submitted by Richard and Tiah Devin. The amendment would change the zoning of the property from F-1 (Exclusive Farm Use) to FU-10 (Future Urban 10). The property is described as Assessor’s map #4N 28 15, tax lots 1300 and 1800.

Commissioner Rhinhart asked if there were any abstentions, bias, conflict of interest, declarations of ex parte contact or objections to jurisdiction. There were none.

Staff report: Planning Director Tamra Mabbott referred to a map showing the Devin property. She explained that there was a 19.5 acre parcel and a 1 acre parcel that are zoned F-1 which is a zone from the 1972 code that applies to some properties in the urban growth area of Hermiston, Umatilla and a small part of Milton-Freewater. The Devin’s discussed doing a Property Line Adjustment but because of the way the code is written it was not an option. If the zone change from the F-1, 19 acre minimum, to an FU-10, 10 acre minimum, is approved it would allow the Devin’s to submit an application for a Property Line Adjustment, creating two 10 acre parcels. Mrs. Mabbott described the surrounding properties and noted that some were located in Hermiston’s urban growth area and further north, some inside the city limits. She pointed out that the Devin’s properties were in a critical ground water area and in the LUBGWMA (Lower Umatilla Basin Ground Water Management Area) designated as such by the EPA (Environmental Protection Agency) because of high nitrates. She added that the addition of one well to continue to manage the land for farm and residential purposes will have a negligible impact on the land.

Mrs. Mabbott reported that two neighbors called after the public notice had been mailed and were concerned about future development in the area. She explained to them that this request would only allow for one more dwelling to be placed and that satisfied their concerns.

Mrs. Mabbott added that she had spoken with several callers who complained about Gettman Road which is a dirt road that provides access to the Devin's property. There is middle-school nearby and the road has a great deal of traffic. Mrs. Mabbott noted that adding one dwelling would not create a significant traffic impact but it would be reasonable to ask the Devin's to sign an Irrevocable Consent Agreement so that if land owners along that roadway want to form a Local Improvement District the Devin's would have to participate for their proportionate share.

Mrs. Mabbott told the Planning Commission members that their action tonight would be to make a recommendation to the Board of Commissioners. She noted that she was recommending two conditions: 1. The Irrevocable Consent Agreement, and 2. Completion of a Property Line Adjustment. The latter is not something that the Planning Commission needs to take action on.

Applicant representative testimony: David Hadley, 130 S.E. 3rd Street, Hermiston, OR. Mr. Hadley showed the city of Hermiston 2014 Comprehensive Plan map. He referred to the Devin property on the map and described the surrounding area. He noted that most of the F-1, Exclusive Farm Use, parcels in the urban growth area were not larger than 20-30 acres.

Mr. Hadley met with Clint Spencer, the Planner for the city of Hermiston. Mr. Spencer showed a portion of Hermiston's Comprehensive Plan Policies and Mr. Hadley read "Property owners whose properties are currently zoned for Exclusive Farm Use may retain that status if requested in writing." Mr. Hadley told the Commission that this language was put together in the mid 1980's when some land owners did not want to have their property re-zoned. Umatilla County adopted the Comprehensive Plan in 1983 which established the Future Urban 10 acre lots. He added that Umatilla County's Ordinance addressed the properties zoned F-1 and F-2 including the following language that "contact must be made with the property owners to see if they desire their property to be zoned FU-10."

Commissioner Rhinhart asked if any public agencies had provided comment. Mrs. Mabbott answered that she had phone conversations with Clint Spencer from the city of Hermiston and Grant Young from DLCDC (Department of Land Conservation and Development) and both were supportive of this application.

Commissioner Rhinhart closed the hearing and deliberations began. Commissioner Wysocki asked for clarification with regard to a discrepancy in acreage between the map and the findings. It was determined that the tax lot map showed tax lot 1300 as 19.5 acres and tax lot 1800 as 1 acre but the survey of the property found that tax lot 1800 is 20.03 acres and tax lot 1800 is 1.95 acres. Mr. Hadley remarked that if the zone change is

approved and the Property Line Adjustment is completed, the final recorded map will reflect the increased acreage.

Commissioner Williams made a motion to approve Zone Map Amendment #Z-304-14 which includes changing the zone map from F-1, Exclusive Farm Use, in the city of Hermiston's urban growth area to FU-10, Future Urban 10, with the conditions of an Irrevocable Consent Agreement and a Property Line Adjustment. Commissioner Standley seconded the motion. The motion was approved 7-0. Commissioner Rhinhart stated that this was a recommendation to the Board of Commissioners.

New hearing: Commissioner Rhinhart identified the hearing as #V-339-14 a Variance request application submitted by Bradley and Laura McMinn. The McMinn's installed a 20' X 50' carport structure. The request is for a variance to the setback standard from the 30 foot access easement that lies across the eastern side of the property. The carport is currently situated inside of the 30 foot access easement. The property is described as Township 2 North, Range 32 East, Section 34 BA, Tax Lot 902.

Commissioner Rhinhart asked if there were any abstentions, bias, conflict of interest or declarations of ex parte contact. There were none.

Staff report: Planner Shane Finck referred to an aerial photo of the McMinn's property pointing out the location of the new carport and gave the history of how this variance request came to be in front of the Planning Commission. It began with a Code Enforcement violation for failure to obtain a zoning permit to put up a structure. The McMinn's subsequently submitted a Zoning Permit application along with a variance to setbacks which was denied by the Planning Department so they requested a public hearing.

Mr. Finck referred to a photo of the carport taken by a Code Enforcement officer showing approximately where the property line was and showing that the carport was located too close to the line. The Olsen's, who are neighbors of the McMinn's, hired Steve Haddock of Witness Tree Surveying to survey the property. His survey showed that the carport is located 14 feet inside the access easement.

Commissioner Rhinhart asked about the PP&L easement. Mr. Finck told the Commissioners he had spoken with a representative from PP&L who informed him that he visited the property and there were no power lines running through their documented easement where the carport was placed. He added that because the structure was not on a foundation PP&L did not have concerns about its location. Commissioner Standley asked who would bear construction costs if the carport had to be moved. Mr. Finck responded that the representative from PP&L said it would be the owner's responsibility. Commissioner Danforth referred to a photograph of the area and asked if the transformer, phone utility and underground power box were located in the easement. Mr. Finck answered that they were. Discussion followed.

Mrs. Mabbott distributed a document to each of the Commissioners that was given to her by the McMinn's.

Applicant testimony: Brad McMinn, 43124 S.W. Gateway Ave, Pendleton OR. Mr. McMinn said he and his family moved to Pendleton approximately 1 ½ years ago and purchased their property on Gateway Avenue. During the time they have lived there, they've made significant improvements to the property. He stated that no water or electricity will be connected to the structure and requested that the moveable shed (carport) be allowed to stay in its current location.

Mr. McMinn commented that he is a disabled Veteran and allowing the shed to stay in its current location would give him the ability to continue using the space he has to produce the maximum amount of hay he can on his property. He referred to a photograph of his home and described the structures. Mr. McMinn referred to other photographs and pointed out structures on some properties in his neighborhood where there are setback violations. He explained that his carport is 10 feet from the edge of the roadway and the county has pending plans that would conflict with its' current location. He requested that the Planning Commission grant his request for a Variance. Discussion followed.

Commissioner Standley referred to Mr. McMinn's photograph #6 showing a barn that Mr. McMinn inferred was in a utility easement. Commissioner Standley informed Mr. McMinn that there is a significant difference between a dedicated county road right of way and a utility easement and the barn in question was not in a utility easement. He added that typically, easements are not allowed within other easements. He also commented that when using a photograph as evidence to help support his request, it would be helpful to make sure he has correct information.

Commissioner Wysocki asked Mr. McMinn if he had seen a correct survey of his property before he purchased it. He answered that he had seen what he thought was a correct survey but had not hired someone to survey the property. Commissioner Wysocki asked if Mr. McMinn was aware of the easement when he purchased the property and he answered that he was.

Proponent testimony: Barry McMinn, 1019 Hemlock Ave, Lewiston ID. Mr. McMinn stated that he and his brother Brad McMinn looked around Pendleton area for some rural properties for Brad and his family to purchase. They selected their current property believing that it would suit their needs and the lifestyle they wanted. Mr. McMinn commented that after his brother explained to him about the carport situation he told him he would probably have to move it. He noted that he has walked the neighborhood and reviewed the RR-2 zone on the county website. He commented that other properties had structures, etc. that did not meet the setbacks for the RR-2 zone. He added that the person who complained to Code Enforcement about his brother's carport is the same person who complained to the previous property owner about a tree in the easement. He is also the one who hired a surveyor to prove that the carport was in the easement.

Commissioner Standley commented that the Planning Commission is responsible for upholding the county codes. He added that even though there are times when they may sympathize with someone, rules must be followed.

Proponent testimony: Ed Miltonberger, 43589 SW Gateway, Pendleton, OR. Mr. Miltonberger stated that he's lived in that area 28 years and the McMinn's have been good neighbors since they moved there. He gave his opinion saying that the shed doesn't have an impact on the easement because it is a movable structure with no connection to water or power. Commissioner Standley asked who established the 60 foot easement and Mr. Miltonberger answered that Gary Sewell had when he developed the area.

Applicant testimony: Brad McMinn stated that his wife called the company they hired to install the structure and informed them that a zoning permit was required but he had not followed through to see if the proper permits were taken out. There was some discussion and Mr. McMinn stated that the carport was placed 2-3 feet from the fence on his property.

There was discussion regarding whether or not temporary structures, such as the McMinn's carport, which are anchored into the ground by rebar (reinforcing bar) and don't have a foundation, are required to get a building permit from State Building Codes. There was no definitive conclusion on the topic but Mrs. Mabbott noted that those types of structures required a Zoning Permit whether a building permit was required or not. She added that she had in the past notified the company that installed the McMinn's carport on two different occasions that they need to get land use approval before erecting those structures. Commissioner Wysocki asked Mr. McMinn why he chose this particular contractor and he answered that his neighbor had a carport placed in his driveway by that company and gave him an informational flyer.

Opponent testimony: Melinda Miller, 43090 SW Gateway, Pendleton, OR. Mrs. Miller said she and her husband built their home 19 years ago before the shared roadway had been developed. After the development occurred they were aware of the easement and placed their garage in an area on their property so it would comply with the setbacks, as did most subsequent builders. The exception to this was the person who previously owned the McMinn's property. She reported that he had placed a propane tank, fence and landscaping in the easement. She stated that it is unfortunate the McMinn's building was placed in the easement but it was ultimately their responsibility to ensure that the placement of the building complied with local zoning ordinances. She noted that the McMinn's have ample room to place the carport structure in another area on the property and respectfully requested that the variance request be denied. Commissioner Lee asked where her property was located and she pointed it out on the map. Discussion followed.

Commissioner Wysocki asked about a signed petition that had been mentioned previously. Mr. Finck explained that the petition was signed by some of the McMinn's neighbors and was a part of the application they submitted. The petition stated that the neighbors who signed it did not have a problem with the placement of the carport in its' current location. That document was not included in the Commissioners' packets. Mr.

McMinn had a copy of the petition and gave it to the Planning Commission. After some discussion it was determined that a total of 10 property owners, 4 on one side and 6 on the other, had a legal right to use the easement.

Opponent testimony: Garnet Olsen, 43066 SW Gateway Ave, Pendleton, OR. Mrs. Olsen stated that the variance request should not be granted because the recent survey showed that the carport was 14 feet into the easement. Mrs. Olsen referred to a memo from Mr. Finck to the Planning Commission and asked for clarification on what was being decided at this hearing. Mr. Finck stated that according to the code, the setback requirements are 20 feet from the easement and from the property line. If the variance request was granted the carport could be no more than 5 feet from the property line and the easement. Commissioner Lee commented that that should only apply to a structure on a solid foundation and not a movable structure. Discussion followed.

Mrs. Olsen read from a document she brought with her noting some disagreements had occurred between her family and the McMinn's. She stated that local zoning codes should be followed and property lines honored by everyone in the neighborhood.

Mrs. Olsen referred to the 1990 and 1995 Irrevocable Consent Agreements (ICA) which state that access for the parcels through the easement is solely from the southwest; Gateway Avenue. She noted that the property owners on the south end of the easement have maintained open space for emergency vehicles to maneuver through the area. The property owners on the north end have not adequately maintained their portion of the easement in order to allow unrestricted ingress and egress. There are 7 property owners that use the road easement for access to their properties and 10 property owners who have legal access to the easement.

Mrs. Olsen stated she had been told that a roadway serving this amount of residences should be 22 feet wide and allow two vehicles to pass one another. At this time, there is only room for one vehicle to drive through the easement in front of the McMinn's property.

Commissioner Rhinhart asked Mrs. Olsen how long she and her husband have lived on their property and she answered that they moved there in 2008. Commissioner Lee asked if the gravel road was a 20 foot road and Mrs. Olsen answered that is it was supposed to be a 22 foot road because of the number of residences along the easement, according to county road standards. Commissioner Wysocki stated that Gateway Avenue is not a county road it is a private road.

Commissioner Rhinhart asked staff if it was unusual to require a 60 foot easement and Mrs. Mabbott answered that it is not unusual, it is the county standard. Discussion followed. Mrs. Mabbott added that if that subdivision were being developed today a 60 foot easement would be required with between a 22 and 24 foot travel way that would be built up at least with gravel and possibly asphalt.

Mrs. Mabbott noted that all partitions require an Irrevocable Consent Agreement and the ICA follows the property. It would only take one property owner to petition to form an LID (Local Improvement District). If there is an ICA attached to a property, the property owner must participate in the LID. Discussion followed.

Other testimony: Steve Haddock, Witness Tree Surveying, PO Box G, Pilot Rock, OR. Mr. Haddock stated that he was here to explain some of the history of this development. He reported that when he began surveying full-time he interned with his father. While employed by his father, he surveyed the subject area and placed the monuments.

Mr. Haddock explained that with the current rules, when he is hired to develop a right-of-way, it must be dedicated on the plat. There are specific rules that must be followed and the legal rights must be well explained. This property was initially subdivided in 1989 by Edward Bo Sewell. Mr. Sewell applied to partition the 20 acre property into 3 pieces and according to county records, he was required to develop a dedicated 60 foot access easement. The easement would extend north and south and connect Gateway to Sunset Avenue (now called Elder). Mr. Haddock referred to a photograph and pointed out an area that was originally part of a subdivision called Pleasant Valley. He stated that all of the property between Gateway Avenue, Bridle Drive and Sunset Avenue was the property that Edward Sewell began to develop. When Mr. Sewell applied for the application to develop the area, one of the conditions was to sign and record an ICA but at that time, the county did not require a plat. Mr. Haddock explained that the county wanted a right-of-way and Mr. Sewell had one year to provide a map of the survey and the legal descriptions of the parcels.

Mr. Haddock noted that today when a plat has all of the necessary signatures and is recorded, the plat creates the rights. In the case of Mr. Sewell's subdivision that did not happen. The first thing recorded was the findings of fact stating what had to be completed and the first legal document recorded was the Irrevocable Consent Agreement. Mr. Haddock explained that the way the document was worded, the county required the easement to be a public right-of-way but did not get a dedication. Therefore it is a public right-of-way but not a county road. Because Mr. Sewell was the sole owner of all of the property at that time, any future divisions were subject to that agreement making future property owners subject to the agreement as well. The next documents recorded were deeds granting the property, "as described" to individual owners. Mr. Sewell sold the properties by meets and bounds descriptions not by a plat. Those title reports all read "subject to the Irrevocable Consent Agreement." The deeds all read "subject to and together with a non-exclusive easement." The term "non-exclusive" means that no one can be excluded from using the easement.

Mr. Haddock stated that in 1995 when all of the other properties began to be developed, there was no legal description of the easement that he could put on the plat because the legal rights were already established by previous documents. The plats they put together read "non-exclusive easement." The easement is used by Marion Jack Irrigation District, Pacific Power & Light and the telephone company. Mr. Haddock stated that before his

most recent survey he did not call for a “locates” because he was only requested to provide a map of the easement area and above-ground structures that are visible.

Commissioner Standley asked if the non-exclusive easement pertained to the full 60 feet and Mr. Haddock said that was correct, meaning that everyone has equal rights to the full width of the easement. Commissioner Rhinhart asked what was currently located in the easement. Mr. Haddock answered that there were trees along north end and fences on the east side in the roadway. The road was built piecemeal as people purchased the parcels and there are utility and telephone boxes, etc. in the easement, which is not uncommon.

Commissioner Standley asked if it was possible to drive down Gateway onto Sunset Avenue (now called Elder) and Mr. Haddock stated that there has been a gate across the entrance to Sunset/Elder for a very long time. He explained that it was a joint neighborhood agreement to place the gate there because the area had become popular with motorcyclists riding down Gateway, turning onto Sunset/Elder, then out on to Hwy 395 and back around to Gateway. Commissioner Standley asked about encroachments on the south end of Gateway and Mr. Haddock said the property owners on the south end of the road have the same easement rights as those on the north end.

Commissioner Wysocki referred to a map from 1999 and asked Mr. Haddock if he had re-established monuments during his last survey of the property. He answered that he was only requested to map the physical features of what was in the easement based on the original monuments he place there in 1999. He noted that one of the monuments was placed during a survey done by Wayne Harris in 1989. Commissioner Wysocki asked how landowners are notified that a survey will be taking place on a property. Mr. Haddock explained that by law he is required to present them (by mail or in person) with a written statement. The document informs the property owner who he is working for and outlines the State Statute (ORS 672.047) which allows him right of entry onto the property.

Commissioner Standley asked Mr. Haddock, for the record, to list his surveying credentials to help everyone understand why he has the authority to perform the work he does. Mr. Haddock explained that he has been registered in the state of Oregon since 2001; in the state of Washington since 2012 and he is also a certified Federal Surveyor, trained in tribal rights. He added that he was a registered intern when he performed his original survey in 1999 on this subdivision and was working under the supervision of his father who has been a registered civil engineer and surveyor since 1963. He stated that when he became a licensed surveyor in 2001 he started his own company.

Rebuttal testimony: Brad McMinn stated that after receiving the notification of violation from Code Enforcement he could have moved the carport but decided to exercise his right to apply for a Variance before the Planning Commission. Commissioner Standley commented that the way the property was described and developed in 1989 is different from the way it would be done today. He added that because of the definition of the term “non-exclusive easement” he was not comfortable allowing anyone to place their private property within that easement. He asked if Mr.

McMinn would object to moving his carport out of the utility easement if PP&L made that request of him and he answered that he would not.

Commissioner Standley stated that he was still unclear as to why Gateway Drive was not open all the way through Elder (Sunset). He added that if the property owners on the northern section of the road had to abide by the 60 foot easement the property owners on the southern section should have to as well. Commissioner Wysocki agreed that procedures were different in 1989 and this situation would not occur with today's standards.

Commissioner Wysocki asked Mr. McMinn if Mr. Haddock notified him that he would be on his property to survey the area. Mr. McMinn confirmed that Mr. Haddock knocked on his door and gave him a document stating his intentions and confirming that he had a legal right of entry.

There was discussion regarding the fact that the southern portion of the roadway (Elder/Sunset) was gated off. Mrs. Mabbott told the Commissioners staff would research it but that is was not germane to the request for a variance and the setback to the easement.

Commissioner Wysocki asked for clarification on what they were to decide with regard to the variance request; were they deciding whether or not to move the carport out of the easement or to move it 5 feet from the easement? Mr. Finck noted that the setback requirement for a structure is 20 feet from the easement. Commissioner Standley also asked if it mattered whether or not a structure was temporary or permanent and Mrs. Mabbott answered that any structure larger than 10 x 10 feet had to meet the 20 foot setback from the easement. Mr. Finck added that the variance process could allow a structure to be no less than 5 feet from the easement.

Further discussion followed regarding the southern portion of the easement being gated between Gateway Drive and Elder/Sunset. Mrs. Mabbott commented it was her understanding that some years back, the residents in that area petitioned for the through-way to be closed because of motorcycle traffic.

Commissioner Danforth commented that she was concerned about the future consequences of allowing the carport as a non-conforming structure to remain in the utility easement. She added that although Mr. McMinn stated he would move the carport if requested, it may be a problem if the property is sold and the new owner is unaware of that verbal agreement. Discussion followed.

Commissioner Rhinhart suggested that they recommend a variance for the McMinn's to move the carport 5 feet from the easement on the east side and 5 feet from the property line on the south side. Discussion followed.

Commissioner Williams pointed out that other possible encroachments into the easement including the gated closure at Gateway Drive and Elder/Sunset Avenue and any other code violations should be addressed so that the McMinn's are not being singled out.

Commissioner Danforth made a motion to approve variance request #V-339-14 requiring the applicant to relocate the structure in order to meet the minimum allowed variance distance of 5 feet from the access easement and the south property line. Commissioner Marlatt seconded the motion. The motion carried 7:0.

Commissioner Marlatt added that he agreed with Commissioner Standley about the fence/gate which blocks the through-way from Gateway Drive to Elder/Sunset Avenue being as much of a code violation as a structure encroaching into the easement. Mrs. Mabbott clarified that the difference is the county requires permits for structures but not for fences. She added that there is some legal record of the Board of Commissioners allowing a fence in that area. That is not something the Planning Department or the Planning Commission has the authority to approve. Discussion followed.

Other business: Mrs. Mabbott gave the Commissioners a draft copy of the 2015 Work Plan and explained that these are projects the Planning Department would like to try to work toward along with the land use applications submitted by the public.

There was discussion about the Medical Marijuana Dispensary Study Committee chaired by Mrs. Mabbott who stated it was possible that as early as next month they could have some land use standards to adopt with regard to the definition of a medical marijuana dispensary and the definition of a grow facility. Discussion followed.

Mrs. Mabbott announced that the Board of Commissioners approved the replacement of a planner position that has been vacant for at least 5-6 years.

Mrs. Mabbott referred to items 1-8 on the work plan saying that those items will be the first targets to accomplish. She noted that the other items are ongoing projects without a timeline and will be completed as time allows. She told the Planning Commission that they will receive invitations to the Hwy 395 Open House in February explaining that it is primarily an economic development and revitalization plan that will not require any action by the Planning Commission. She added that one of the concerns the committee may recommend looking into involves the zoning along the corridor. If the recommendation is for zoning changes, that would be heard by the Planning Commission. She noted that the Hwy 395 Technical Advisory Committee is comprised of land owners and business owners.

Mrs. Mabbott informed the Commissioners that Planner Shane Finck will be working in the Hermiston office on Tuesday's beginning in February allowing our department to advertise that the office will be staffed by a planner one day per week. Mrs. Mabbott reported that a training opportunity for staff, Planning Commission and the Board of Commissioners will be available soon. She added that she is on the board of the Oregon APA (American Planning Association) which has a grant from the state and other

funds available to help provide training for Planning Commission members. She suggested to the OAPA board that basic Planning Commission training is what is most needed for those in rural areas. This training will allow Planning Commission members to talk and listen to planning staff that work in other jurisdictions. Mrs. Mabbott added that during months when there are no land use applications on the agenda, staff could hold a training/work session on statutes, rules and process, etc.

Mrs. Mabbott stated that Umatilla County's Comprehensive Plan is 40 years old and portions of the plan have been amended but it has never been completely updated. One part Mrs. Mabbott suggested that particularly needed updating was Goal 9; the economy. The goals the county had for economic development 40 years ago are very different from the current goals. She added that the Board of Commissioners is receptive to thinking of ways to get the most from the money spent on economic development.

Commissioner Rhinhart asked if there were any updates on applications that were sent to LUBA (Land Use Board of Appeals). Mrs. Mabbott answered that the East End Rod and Gun Club hearing was held the previous week. Commissioner Danforth explained that H.T. Rea Farming Corp. appealed the Board of Commissioners decision to LUBA. She added that she had not been able to attend the hearing but other members of the gun club did attend and they were told LUBA's decision would be announced in 4-5 weeks. Discussion followed.

Mrs. Mabbott informed the Commissioners that the A&B Asphalt application was argued on December 23rd in front of LUBA. Discussion followed.

Mrs. Mabbott updated the Commissioners on a recent development regarding the dispute between the Port of Umatilla and the City of Umatilla. She added that she had been invited to sit in on some of the discussions they had and some leaders from the City of Umatilla suggested that the two parties attempt to come to an agreement without having to involve the courts. If they are able to reach an agreement, both sides would formally drop the appeal to LUBA.

Commissioner Rhinhart referred to an upcoming meeting for the Boardman to Hemingway transmission line and asked when it would take place. Mrs. Mabbott stated that the Board of Commissioners meeting with land owners would be held on Tuesday, February 17th. She added that the Planning Commission members would be put on the mailing list to receive the informational flyer. Discussion followed.

Mrs. Mabbott stated that she and Commissioner Rhinhart attended a recent BLM (Bureau of Land Management) meeting. She noted that some years ago the Planning Commission requested for the transmission line to follow I-84 because the area was already impacted but Idaho Power chose not to use that route. Discussion followed.

Mr. Finck asked if there were any other conditions that should be added the McMinn's variance request. Mrs. Mabbott listed compliance with the flood plain as a condition. Mr. Finck explained to the Commissioners that the area around the McMinn's property was

located in an “A” zone which required the carport structure to be anchored down to prevent it from tipping over, etc. if flooding occurred. The McMinn’s will have to apply for a flood plain development permit. Discussion followed.

Commissioner Rhinhart adjourned the meeting at 9:19 p.m.

Respectfully submitted,

Connie Hendrickson
Administrative Assistant

(Adopted by the Planning Commission on April 23, 2015)