

**MINUTES**  
**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, August 25, 2016**  
**6:30 p.m., Umatilla County Justice Center, Media Room**  
**Pendleton, Oregon**

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**COMMISSIONERS**

**PRESENT:** Randy Randall, Chair, Suni Danforth, Don Marlatt, Don Wysocki,  
Tami Green, Cecil Thorne  
**ABSENT:** Gary Rhinhart, Vice Chair, Clive Kaiser, Tammie Williams  
**STAFF:** Bob Waldher, Tamra Mabbott, Tierney Dutcher

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**NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. A RECORDING OF THE MEETING IS AVAILABLE AT THE PLANNING DEPARTMENT OFFICE.**

**CALL TO ORDER:**

Chair Randall called the meeting to order at 6:30 p.m. and read the opening statement and called for the Staff Report.

**CONTINUED HEARING**

**LAND DIVISION REQUEST, #LD-1S-093-16, Oregon Department of Transportation (ODOT), applicant/owner,**

The subject property is located in the unincorporated community of Meacham, at the corner of College Street and Third Street in Township 01S, Range 32E, Section 03AB. The applicant requests approval for a subdivision replat of Lots 1 through 9, Block 3, of the Town of Etna into two lots. The criteria of approval are found in Section 152.697(C) of the Umatilla County Development Code.

**Staff Report:** Bob Waldher, Senior Planner, presented the staff report. He stated that the applicant, ODOT, submitted the application on June 15th, 2016 for the replat of Lots 1 through 3 and Lots 4 through 9, Block 3, of the Plat of the Town of Etna, requesting to replat into two lots. The subject property, owned by ODOT, is located in the unincorporated community of Meacham, at the corner of College Street and Third Street, in Township 1S, Range 32E, Section 03AB; Tax Lots #1400 and 1500. The property is zoned Unincorporated Community (UC). Public notice was sent out on July 12th for the July 28th hearing. The July 28th hearing did not have a quorum so it was continued to the present meeting. No letters or comments have been provided by public or agencies at this time.

The criteria of approval for a Type III Land Division are found in Section 152.697(C) of the Umatilla County Development Code. A copy of the Preliminary Findings and

Conclusions addressing the criteria of approval is provided in the hearing packet. The Planning Commission's task for this application is to determine if the application complies with the applicable land use standards and whether or not they vote to approve the proposed replat.

**Applicant Testimony:** Patrick Knight, Planner and Bret Elithorp, Region 5 Surveyor, ODOT, 3012 Island Avenue, La Grande, OR 97850. Mr. Knight said they are mostly there to answer any questions the Planning Commission may have. Chair Randall stated that he reviewed the packet of materials and didn't see a problem but wanted to know more about their end goal and purpose is in the Replat. Mr. Knight said there is currently an old house on one of the lots that needs to be removed because of mold. They are required to have a night manager at that location and need a new dwelling built. In the process of rebuilding the dwelling they must reduce some of the lot sizes to meet structural setback requirements. Chair Randall stated that it sounded like a basic setback issue for building a new dwelling at a later date. Mr. Knight agreed. Commissioner Wysocki asked if the house would be owned by the State of Oregon. Mr. Knight said yes, and there are no plans to sell off any property. Chair Randall asked more about the night watch operation. Mr. Knight said the manager stays onsite overnight to monitor the equipment. Mr. Waldher added that the property is zoned Unincorporated Community (UC) so the dwelling will be authorized with a Zoning Permit through the planning office. Mrs. Mabbott stated that the replat is fairly straight forward, but all replats are required to be approved by the Planning Commission.

Chair Randall called for declarations of ex-parte` contact, biases, conflicts of interest or abstentions from any member of the Planning Commission. There were none.

**Opponent Testimony:** No opponents.

**Public Agencies:** No comments.

Chair Randall closed the hearing and moved to deliberation. Commissioner Danforth moved to approve Land Division #LD-1S-093-16. Commissioner Marlatt seconded the motion. Motion passed 6:0.

#### **OTHER BUSINESS:**

**Chopin Wind, LLC Technical Oversight Committee:**

Micah Engum, 404 SE Dorion Suite 226 Pendleton, OR 97801. Mr. Engum represents Chopin Wind, LLC, owners of the Chopin Wind Project. The Chopin Wind Project is nearing the end of construction and a letter was sent requesting a Planning Commission member to participate on the project's Technical Oversight Committee (TOC). The purpose of the TOC is to review the avian, fish and wildlife impact monitoring plan. Umatilla Board of County Commissioners (BCC) conditions of approval for the project require that the TOC includes one Umatilla County Planning Commissioner, one landowner or tenant farmer, one project owner representative and two Umatilla County residents.

Mr. Engum asks for the Planning Commission to appoint one member who may be interested in serving on the TOC. Also, he is planning to ask the BCC for a variance or exception to the requirement of two Umatilla County residents serving on the TOC. Mike Denney is interested in participating, however Mr. Denney currently resides in College Place, WA and is not a Umatilla County resident. As a longtime member of the Blue Mountain Audubon Society, as well as his participation on other wind project oversight committees, Mr. Denney would offer valuable expertise and knowledge of avian species in the region. Mr. Engum asks for the Planning Commissions support in requesting the exception from the BCC. Commissioner Marlatt stated that he supports the decision to include Mike Denney. He has heard him speak before and was very impressed on his knowledge and fairness on issues. Commissioner Danforth and Chair Randall also agree he would be a valuable resource to the TOC.

Commissioner Wysocki asked if the TOC is a BCC requirement. Mrs. Mabbott stated that it is a requirement per our Umatilla County Development Code (UCDC) section 152.616 (HHH), but it also was added as a condition of approval by the BCC. Commissioner Marlatt asked if the BCC determines who is a member of the committee. Mr. Engum said it is decided by the UCDC but some positions are optional. The UCDC states that “[a] Fish, Wildlife and Avian Impact Monitoring Plan shall be designed and administered by the Wind Power Generation Facility owner/operator’s wildlife professionals. The plan shall include the formation of a technical oversight committee to review the plan, and consist of the following persons: (1) The landowners/farm tenants. (2) Wind Power Generation Facility owner/operator representative. (Chair) (3) Oregon Department of Fish and Wildlife representative, if the agency chooses to participate. (4) Two Umatilla County residents with no direct economic interest in the project and recommended by the applicants for appointment by the Umatilla County Board of Commissioners. (5) U.S. Fish and Wildlife representative, if the agency chooses to participate. (6) Umatilla County Planning Commission member.”

Commissioner Wysocki asked what the time commitment will be on an annual basis. Mr. Engum replied that he anticipates one-hour meetings, once or twice a year. The meetings will include presentations from wildlife professionals and advisors who administer the avian, fish and wildlife impact monitoring plan. The responsibility of the TOC is to review and guide the future of the plan. Mrs. Mabbott added that the environmental reports are presented to the Planning Commission annually.

Mrs. Mabbott asked about the second person they have in mind to fulfill the two resident requirement. Mr. Engum said they have asked a farmer in Umatilla County, Charles (Chuck) Price. They will have Joshua Franklin from Chopin Wind and Sheldon Ferguson is the tenant farmer they have asked to participate.

Chair Randall asked if any commissioners would be interested in volunteering to be on the Chopin Wind Project’s TOC. Commissioner Danforth expressed interest. Chair Randall moved to elect Commissioner Danforth as the Planning Commission representative to serve as a member of the Chopin Wind LLC TOC. Sunny added that they would like to support Mike Denney’s participation and Mr. Engum’s request for a

variance from the BCC. She was concerned that if the variance is granted, the position could go to someone who was not from the region. Mr. Engum stated that he understands the language and why it was set up that way. Mr. Denney is from the region and they do not plan on asking anyone from outside the region to serve on the TOC. The Planning Commission passed by consensus.

**Quorum Requirements & Bylaws Review.** Mrs. Mabbott, Director, Umatilla County Planning Department stated that it is important to have a quorum each month. We need at least five Planning Commissioners to attend each hearing. She noted that the Bylaws are from 1980, but the quorum part is statutory, so it cannot be changed. She encouraged the Planning Commission to review the Bylaws and report back if there are any areas they would like to update.

The next hearing is scheduled for October 20<sup>th</sup>, 2016. The regular scheduled December Planning Commission hearing date would fall on December 22<sup>nd</sup>, 2016. It was agreed to move the December hearing up one week to December 15<sup>th</sup>, 2016. There was a discussion on holding Pendleton Planning Commission hearings at the Umatilla County Courthouse. The Planning Commissioners agreed they are open to trying new locations.

**ADJOURNMENT:**

Chair Randall adjourned the meeting at 7:11 p.m.

Respectfully submitted,

Tierney Dutcher  
Administrative Assistant

(Minutes adopted by the Planning Commission on \_\_\_\_\_)