

**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, March 28, 2013**  
**6:30 p.m., Umatilla County Justice Center, Media Room**  
**Pendleton, Oregon**

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**COMMISSIONERS** Randy Randall (Chair), Gary Rhinhart, John Standley,  
Tammie Williams, Don Wysocki, David Lee, Don  
Marlatt, Suni Danforth.

**ABSENT:** None.

**STAFF:** Tamra Mabbott, Richard Jennings, Carol Johnson, Gina  
Miller, Connie Hendrickson

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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:**

Chairman Randall called the meeting to order at 6:39 p.m.

The meeting began with the introduction of two new Planning Commission members.

Suni Danforth is a retired landscape contractor who comes from a construction and development background. She has been traveling and sailing with her husband for 16 years and has now come home to live in the Milton-Freewater area.

Don Marlatt is retired from 32 years of military active duty. He worked for Walla Walla County as director of the Emergency Management Program. He and his family have a farm in Umapine.

Minutes from the December 2012 hearing were not included in the Commissioners' packets for them to read so the approval of those minutes will take place at the next scheduled hearing.

Commissioner Standley nominated Commissioner Rhinhart the position of Planning Commission Vice Chair. The motion was seconded by Commissioner Williams and approved by consensus.

**PLANNING DEPARTMENT WORK SESSION**

Chairman Randall asked staff to review the Department Work Plan.

**Item 1 – The Smoke Management Operating Plan.** Planning Director Tamra Mabbott said that Clinton Reeder and Patty Perry drafted the first Smoke Management Ordinance.

That ordinance stated that there should be an operating plan and since one had never been crafted Gina Miller of the Planning Department worked with Mrs. Mabbott to author the plan. Chairman Randall asked if the plan had been completed by the target date of March 4, 2013. Ms. Miller said the operating plan had been drafted and approved by the Smoke Management Committee and was set to go before the Board of Commissioners for adoption on April 17, 2013. The plan will be updated on an annual basis.

Commissioner Rhinhart asked if the money for the Smoke Management and Burn Permits went to fund the Smoke Management Plan. Mrs. Mabbott said that the funds were not dedicated; they go into revenue for the Planning Department. The Smoke Management Permits, which are issued for agricultural burning, are \$50.00 and the Burn Permits, which are issued for residential yard debris burning, are \$20.00. Both permits are valid for the calendar year.

There was discussion about burn days being based on air dispersion and the factors which determine whether or not the air quality can be maintained if burning is allowed on a particular day.

Commissioner Rhinhart asked how many permits to burn are sold annually. Ms. Miller answered that in 2012 the Planning Department sold 186 Smoke Management Permits and 88 Burn Permits. In 2011 there were 190 Smoke Management Permits and 81 Burn Permits sold. Commissioner Rhinhart commented that quite a few people purchase the permits. Mrs. Mabbott stated that the farmers appreciate the privilege of being able to burn their fields so they are happy to comply with the rules.

**Item 2 – Natural Hazard Mitigation Plan (NHMP).** Senior Planner Richard Jennings said that a Natural Hazard Mitigation Plan had been adopted by the county in 2009. J.R. Cook and Ray Denny along with a steering committee put that plan together. The plan is to be revised every 5 years. The University of Oregon approached staff and indicated there were grant funds available to help update the plan. The update process has been on going since the middle of 2012.

Mr. Jennings named some of the types of events that would be considered natural hazards e.g. floods, wild fires, severe summer and winter storms, earthquake, volcano, landslides and drought. There are a number of goals to achieve through the mitigation plan such as public outreach, property damage prevention and many others, six in all. A list of both short term and long term Action Items had been created outlining steps to take for hazard mitigation. For each Action Item there is a lead agency; the majority of the time the lead is Umatilla County Emergency Management (UCEM). Other lead agencies are The Department of Land Use Planning, Public Works, Economic Development, The Watershed Council and The Fire Defense Board. There are partnering agencies also that work in cooperation with the lead agencies.

Since 2009 there has not been a lot of time spent on accomplishing the Action Items but from this point forward the plan will be given more attention. In order to get to this point in the update there have been multiple steering committee meetings where the Action

Items were addressed; some deleted, some added and a status report done for each. Mr. Jennings said there were comments that he was incorporating into the plan and he has almost completed the change memo which will go to FEMA (Federal Emergency Management Agency). Soon everything will be submitted to the University of Oregon for their review. If they approve the plan, it will be sent to FEMA. Upon the approval of FEMA the plan will be adopted by Umatilla County Board of Commissioners.

Commissioner Rhinhart asked if FEMA had sample plans that could be looked at and Mrs. Mabbott said they had models. Mr. Jennings invested a great deal of time looking at models in order to create this mitigation plan. Commissioner Marlatt who previously drafted the hazard mitigation plan for Walla Walla County and helped them to become storm ready has volunteered to be a part of the NHMP committee for Umatilla County.

Commissioner Standley said he lives in a fire risk area and would like to see consideration given to getting a plan to allow the farmer to plow a fire buffer zone. Mr. Jennings said that was the first short-term Action Item in the category of Wildfires; to talk to the necessary property owners and agencies about creating strategic buffer areas. He had recently spoken with Darcy Sexton of NRCS (Natural Resource Conservation Service) and she was open to putting that concept into CRP (Conservation Reserve Plan) management plans. The Fire Defense Board has been tasked as the lead agency for this item.

Board of Commissioners Chairman Larry Givens said there had been a meeting recently in the Mill Creek area with the Walla Walla District Board, US Forest Service, Oregon Department of Forestry and some people with agricultural interest. They had addressed that issue and had come up with some ideas of what could be done about adding fire buffers. He said he had spoken to Kevin Martin of the US Forest Service and they are becoming proactive in how to protect range land and forest land. It will be a slow process.

Mr. Jennings informed the Commissioners that the NHMP draft plan and meeting minutes can be viewed on the County's web site.

**Item 3 – Milton-Freewater Flood Map Revision.** In September of 2010 the Planning Commission adopted a new flood insurance rate map for the entire county. At that time the Milton-Freewater levee was decertified by the Army Corps of Engineers and no longer qualified as a flood control device. Because of the decertification FEMA revised the map and showed most of the city of Milton-Freewater in a flood zone. The Governor's Community Solutions Task Force, the City of Milton-Freewater, Commissioner Givens and State Sen. David Nelson convened a multiple agency effort and worked for a couple of years trying to get the levee restored. The city and the county then filed for a letter of map revision. FEMA required a public notice to be sent to the affected property owners which in this case was about 50 county residents. When FEMA approves the maps which will include recertification of the levee, virtually all of the City of Milton-Freewater will no longer be in a flood zone. About half a dozen property

owners will have more flood map on their properties but it will only be an issue if they want to build a structure in that flood plain.

Commissioner Givens sits on the Energy Environmental Land Use steering committee for the National Association of Counties (NACO) and because of the levee issues Milton-Freewater has gone through, as well as other areas throughout the United States, the committee voted support for lobbying Congress with House Resolution 395 which would require the Corps of Engineers to reevaluate their process of certification of levees and allow for variances in individual communities that deal with vegetation and how it is being affected by the ESA (Endangered Species Act). He will attend the NACO hearing in July in Hood River to vote for NACO to lobby Congress.

**Item 4 - Bylaws.** The current Bylaws have been in place since 1980. It was agreed that the Planning Commission would take some time to review the Bylaws and make recommendations at a later time.

**Item 5 - Aggregate ordinance update.** Division 23 rules for aggregate section 180 came out in approximately 1999 and were amended in 2004. The idea for this update is to incorporate state statutes into the Development Code so there is more clarity regarding the process of establishing a rock pit. The planned update, which is taken from the Administrative Rule, would make some changes to the conditional use permit process for aggregate sites. The inventory of aggregate sites would also need to be updated making it more compliant with the current code.

Mrs. Mabbott said a work group will be put together to discuss the aggregate update and she would like for it to include one or two Planning Commission members. She will contact members at a later time to see who would be interested in participating.

**Item 6 – Annual Code Update.** There have been several annual updates which have really refined the Development Code. For the next planned update staff will try to include updated to the Comprehensive Plan. All of the maps in the Comp Plan are outdated and a lot of the text has inconsistencies and is outdated as well. The goal is to update several sections per year. The Development Code language is on the Umatilla County website. When there has been a modification to a particular section, at the end of the section there is a reference to the Ordinance that was used to modify it and the date that it was done. The Ordinance numbers are highlighted and linked to the website for ease of reference.

**Other -** The remainder of the work plan list includes ongoing projects that the Planning Department will be working on for the next several years.

Commissioner Rhinhart asked about the transmission line legislative concept. County Commissioner Givens (from the audience) stated that there had been a phone conference and a rough draft together. There will be another phone conference this coming Monday. The final draft will be put together so it can be submitted to the Legislature.

Commissioner Rhinhart asked what the final draft would say. Mrs. Mabbott said that ideally counties should be master planning the transmission line corridors instead of reacting to them on a case by case basis. The focus of this legislation will be the gen tie lines, transmission lines that take the power from the project to the big grid. These lines are land use decisions not conditional use permits. The language of this update provides incentive for co locating the lines. If the criteria are met such as co locating or placing the line within an existing right of way it is an outright permit and not a land use decision.

Commissioner Standley asked if they had addressed the issue of a transmission line being regulated in order to be in the right of way. Mrs. Mabbott said the Umatilla Electric Co-op had a bill that would address that issue. That bill would require owners of a transmission line to work with the service provider to build and operate the line unless there is some other sort of agreement. The issue of public safety has been brought to the attention of the Public Utilities Commission (PUC) but they have not yet addressed it.

Local Reuse Authority – Mrs. Mabbott said she would like for Don Chance, who is the Executive Director of the Local Reuse Authority, to address the Planning Commission regarding the planned use for the land on the Army base. The base will be closed as a formal military base within the next year. 7500 acres is designated for the Oregon National Guard but there are 20,000 acres that have never been zoned or planned. It would be helpful to get the Planning Commission’s input in planning the future uses.

Critical Winter Range – The Oregon Department of Fish and Wildlife developed a new Winter Range map a couple of years ago. The map cannot be adopted by the county without an ESEE (Environmental Social Energy Economic) analysis which would determine the areas that would be considered critical. Then the Planning Commission would need to decide whether or not there should be any regulations or programs to mitigate or limit development in those areas. A lot more information needs to be gathered before a decision can be made.

Chairman Randall asked if Item 11 Small Scale Wind Siting Standards would be coming to the forefront. Mrs. Mabbott said that the standards that are in place now seem to be working. Commissioner Wysocki asked if there were engineering standards required for the towers. Mrs. Mabbott said she was not aware of any but it would be up to State Building Codes. She said she will look for a time to bring up this discussion during a future meeting.

There was discussion about the 500 megawatt Wheatridge Wind project which has a 25 or 30 mile stretch that runs through Umatilla County. Mrs. Mabbott said that Wheatridge was working with UEC to build and operate the transmission line. They are subject to the standards Umatilla County has in place. Discussion followed.

Commissioner Standley advised the new Planning Commission members to use caution when talking with people about land use matters outside of a public meeting. Everything said in the form of advice can be brought before the Planning Commission by the person with whom you were speaking. He added that they should not be afraid to ask questions

during a meeting so the details are clear and they can make informed decisions. He asked if there were any upcoming workshops that would help the new Planning Commission members and Mrs. Mabbott said she would find out.

Mrs. Mabbott told the Planning Commission that she had put together a type of training and information packet for the new Commissioners to help them be more prepared for their new positions. She said the Department of Land Conservation and Development (DLCD) had a website with a link to Oregon Statewide Planning training. There is a portion that talks about citizen involvement and the role of the Planning Commission.

Commissioner Givens asked Mrs. Mabbott if it would be a good idea to put together a list of criteria and issues for the Commissioners to follow as protocol during meetings; what to say and not to say because it can always come back. Mrs. Mabbott said that the Planning Commission had done a training session last summer regarding ethics, Robert's Rules of Order, etc. and that she had included the Robert's Rules of Order as part of the new Commissioners packets.

Chairman Randall adjourned the meeting at 8:05 p.m.

Respectfully submitted,

Connie Hendrickson  
Administrative Assistant

*Adopted by the Umatilla County Planning Commission on May 23, 2013*