

**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, June 24, 2010**  
**6:30 p.m., Umatilla County Justice Center, Media Room**  
**Pendleton, OR**

\*\*\*\*\*

**COMMISSIONERS**

**PRESENT:** David Lynde, Clinton Reeder, Gary Rhinhart, John Standley, Tammie Williams, Don Wysocki, David Lee  
**ABSENT:** Frank Kaminski, Rick Colgan  
**STAFF:** Heather Haueter, Richard Jennings, Carol Johnson, Gina Miller, Julie Alford

\*\*\*\*\*

**Note: The following is a summary of the meeting. A recording of the meeting is available at the Umatilla County Planning Department.**

**CALL TO ORDER:**

Commissioner Rhinhart called the meeting to order at 6:30 p.m., and reminded all present that the meeting is a public forum. The business on the agenda was introduced and the chairman explained the policy and procedure of the public hearing, asking that those attending practice the standards of good etiquette and provided information on the appeal process.

**APPROVAL OF MINUTES:**

Commissioner Lynde moved approval of the minutes of May 27, 2010 as presented. Commissioner Lee seconded the motion. Minutes were approved by consensus.

**NEW HEARING:**

- **CONDITIONAL USE REQUEST, #C-1162-10**, application submitted by Gene & Linda Jacobson, applicant/property owners. The applicants are requesting approval of a temporary hardship mobile home. The mobile home currently located on the property was established in 2002 as a temporary hardship mobile home for Linda Jacobson's mother, Elizabeth Harris. Elizabeth Harris no longer resides in the hardship home and the applicants now are requesting approval of this mobile home for another family member. The property is located at 84576 Telephone Pole Road, Milton-Freewater, and also known as Tax Lot #1300 on Assessor's Map #6N3630. A hardship dwelling is allowed in the EFU Zone under Section 152.060(J) of the Umatilla County Development Ordinance (UCDO). The criteria of approval are found in UCDO Sections 152.576, 152.061, 152.059 (K)(IX), 152.013 & 152.615.

There were no abstentions or objections to the jurisdiction of the Planning Commission.

**Staff Report:** Carol Johnson, Senior Planner, presented the staff report, explaining the location and request. The applicants/land owners are Gene and Linda Jacobson, who own a 5-acre parcel of EFU (Exclusive Farm Use) zoned land, located at 84576 Telephone Road, Milton-Freewater, Oregon. In 2002, the Jacobson's and Linda's mother, Elizabeth Harris, received county approval for a Conditional Use Permit for placement of a mobile home for a temporary hardship, based on Mrs. Harris' advanced age and health problems. The hardship home was scheduled for an annual review and renewal based on the continued need by Mrs. Harris. The Planning Department received a phone call in 2008 from a neighbor, indicating that Mrs. Harris was no longer living in the temporary hardship home. Code Enforcement contacted Mrs. Jacobson, and learned that Mrs. Harris was in a nursing facility, but was expected to return home. During a follow-up by Code Enforcement in early 2009, it was learned that Mrs. Harris would not be returning from the nursing facility. The Jacobsons indicated that the temporary mobile home would be put up for sale. Later in 2009, Code Enforcement discovered that the temporary mobile home was occupied by the Jacobsons' son, who was unemployed at the time. In February 2010, the Jacobson's received a formal request from Code Enforcement to remove the temporary mobile home. In March 2010, the Jacobsons submitted an application to establish the use of the mobile home for hardship suffered by Gene Jacobson.

Approval of the Conditional Use would allow the Jacobson's son to continue to live in the hardship mobile home. The Planning Department processed the Jacobsons' request administratively and sent out public notices to surrounding property owners on April 30, 2010. The Planning Department received two comment letters from notified property owners; one letter was from a neighboring couple who were troubled that in such a short time the Jacobsons went from being caregiver's to needing care. In the second comment letter, the neighbor communicated that Mrs. Harris had been gone for awhile and others had since occupied the hardship home. This neighbor also stated that he had observed Mr. Jacobson come and go in his contractor's pickup and operating backhoes and hook-up and load equipment. It was also this neighbor's opinion that Mr. Jacobson was not in need of a caretaker, and that Mrs. Jacobson could provide the other care that Mr. Jacobson would need, including helping around the place. The neighbor concluded that the hardship home for Mrs. Harris should have been removed when she left. Due to these comments and concerns, the Jacobson hardship home request was directed to today's public hearing.

Approval of hardship homes on EFU land must be based on medical need or hardship for the care of an aged or infirm person or persons, pursuant to OAR Chapter 66D, Division 33, Section 130, Number 10. In addition to substantiating that the applicant has a medical hardship requiring care, other criteria include the set-up of the mobile home. These standards may be reviewed on pages 10-12 of the packet given to the Planning Commission. The set-up standards were previously met in 2002, when the hardship home was established for Mrs. Harris. In support of the medical hardship, a letter was received from Dr. Scott T. Frye, dated March 25, 2010. In the letter, Dr. Frye indicates

that Gene Jacobson suffered an injury that resulted in physical damage and deterioration. The doctor states that it would be very helpful if the patient could have his adult son live with him to assist the patient throughout the home. Statements in the application submitted by Gene and Linda Jacobson explain that Mr. Jacobson's medical condition is the result of a staff infection and that there is need for hardship, associated with Mr. Jacobson's condition that could be alleviated by their son living on the property to assist in the care of their property, including feeding horses, spraying weeds, fertilizing pastures and cleaning the barn. The applicant's information also included that their son has his own job. The letter from Dr. Frye suggests that it would be helpful if the patient could have his adult son live with him to assist the patient throughout the home. The applicants are not requesting that the adult son live in their home to personally care for Mr. Jacobson. The applicants are requesting that the existing hardship home be allowed to remain on the property so that their son, Aaron, may continue to live in the mobile home and help with the property. It is not known whether the staff infection is related to the injury Dr. Frye refers to, or whether there are two unrelated medical conditions. Mr. Jacobson's doctor supports direct care in the home, due to an injury. The information supplied in the application bases the hardship on a staff infection and the need to have help with chores around the home and property. This is different from what Dr. Frye's letter supports. In addition, comments from area residents suggest that Mr. Jacobson's hardship may not be so serious or on-going. Therefore, the Planning Commission will need to make a finding under (B)-(1) and (C)-(3) of Section 152.576 that a medical hardship does or does not exist. If the Planning Commission finds that a hardship does exist, then it must be decided that, due to this medical hardship, it is necessary to have the applicant's adult son, Aaron Ceyton, live on the property in the temporary hardship mobile home or whether it is just for convenience.

The decision before the Planning Commission consists of three options; if the Planning Commission decides that the Jacobsons' Conditional Use Permit meets the standards for a medical hardship home in an EFU zone, then the Planning Commission must provide approval findings and conditions. If the Planning Commission decides that it does not have enough information in which to make a decision, then the Planning Commission may continue the hearing and request additional information. If the Planning Commission finds that the applicants do not meet the Conditional Use Permit medical hardship home standards, then the Planning Commission must make findings and conclusions denying the Conditional Use request. Again, if the Planning Commission approves the Conditional Use request for the Jacobsons' temporary hardship mobile home, the approval would require conditions. Staff has included for the Planning Commission's consideration, precedent and subsequent conditions listed on pages 14 and 15 of the packets. Commissioner Rhinhart asked if there were any questions for staff, and there were none.

**Applicant testimony:** Linda Jacobson and Gene Jacobson identified themselves and stated their address was 84576 Telephone Pole Rd, Milton-Freewater, Oregon. Mrs. Jacobson had the mobile home put on their property for her mother, and she lived there until 2008. In 2007, Mr. Jacobson got a staff infection and was flown to Harborview Hospital in Seattle, and spent two months there. He underwent several surgeries due to

the staff infection lodging in “pockets” throughout his body that required draining. He was not expected to live, but he did come home. In January 2008, Mrs. Jacobson’s mother had a stroke and was moved to Regency. She was in rehab during that time, to see whether or not she could return home. Mrs. Jacobson did not say anything at that time about her mother being at Regency, as she hoped that her mother would return home. Within several months, it was determined that her mother would not be able to return home, as she was totally paralyzed. Mrs. Jacobson put the house up for sale in the paper and on Craig’s List for more than a year. In the meantime, her brother moved in, so he could work on his house and he didn’t have to deal with all the dust. The brother moved out, and then her son had problems with a job and they moved him in. In the time that the son has been there, the son has helped around the house and property.

Mr. Jacobson had surgery on his hips, and muscles and tendons were torn so he can’t bend below his waist to pick up something heavy. He can work; he has a crew to help him load things, and he works with them. He cannot get down on the ground, or lift heavy things, so the son lifts the heavy things, and helps with the pasture, wood, weeding, cleaning the barn. Mrs. Jacobson said someone suggested to her that she ask for a hardship permit for Mr. Jacobson, and she said she had never even thought about it. She didn’t know that was something they could do, but the person said that they had done it, so she thought she would try. It has been a blessing for the son to be able to help. Mr. Jacobson demonstrated how he cannot move his hand as a result of the infection. He also stated how he is not able to get on the ground. He has a crew and a Washington license and has 2.5 people working for him. The “half” person is a student; he tries to use students to help them get through school. He does the best he can, but is limited in what he can do. Commissioner Rhinhart asked what kind of business Mr. Jacobson operates, and he replied that he is a contractor, doing landscaping, irrigation, pouring concrete, and small backhoe jobs. Commissioner Reeder asked if Mr. Jacobson was supervising most of the time on these jobs, and Mr. Jacobson replied that he does both.

Commissioner Standley commented that the doctor stated that it would be helpful to the patient if the adult son was there to help throughout the home. Commissioner Standley asked Mr. Jacobson to clarify what the doctor was trying to say. Mrs. Jacobson stated that she asked the doctor if he would mind writing a letter stating that Mr. Jacobson needs help, because the doctor knows them, and he knows their situation. She assumed that the doctor thought they needed help in the house, and actually they really need the help outside in the yard. Mrs. Jacobson stated that she could provide the care in the home. Commissioner Standley then asked if the son was not there, would they have to hire someone to help them, and she replied that they probably would, or ask family members to come and help. Commissioner Standley asked if there was room in the house for the son to live there, and Mrs. Jacobson stated they had one bedroom, but that the son is pretty settled already in the hardship home. Commissioner Standley stated that they would struggle with the intent of why the home was first set there, and now that has changed. He went on to further state that the Planning Commission would have to be cautious of how they handle this situation, referencing future hardship requests.

Commissioner Standley asked what the prognosis was for Mr. Jacobson, and he replied that the staff infection is gone, but he will have to live with the results for the rest of his life. He was at one time given only a 10% chance of living, so he is grateful just to be here. The infection was in his hip, lungs, back and going towards his heart. Commissioner Williams commented that he has this type of infection that could come back at any time. Commissioner Reeder asked Mr. Jacobson if he had ever been evaluated for what percentage of disability he has. Mr. Jacobson replied that he has never done this; he does the best that he can. Commissioner Williams commented that he works for himself, and just from the deficits she saw now, he couldn't work for someone else. He would be disabled. Commissioner Lynde asked about their son's job, and Mr. Jacobson replied that their son works hanging blinds. Commissioner Lynde went on to comment that their son works his job, and comes home to do chores around the property. Mrs. Jacobson stated that the son does not check on Mr. Jacobson in the house, but he feeds the horses, rakes the pasture, sprays for weeds.

Commissioner Wysocki asked about the letter from the doctor stating that there was an injury, and asked the Jacobson's to explain the connection from the injury to the staff infection. Mr. Jacobson explained that he had a little sore on the bottom of his foot, and it transferred up through his body and made pockets of infection. He didn't realize how sick he was; all he had was a fever sometimes and then he was fine. He was getting more and more sore, and eventually could hardly get out of bed. Even today he has trouble getting dressed because he can barely raise his leg. Commissioner Lynde asked if they had made any adaptations to their home to assist Mr. Jacobson. Mr. Jacobson stated that they have put a higher toilet in the bathroom and a grab bar for support. Commissioner Lynde asked how he enters the home. Does he use a ramp? Mr. Jacobson replied that he can use the stairs. Commissioner Standley asked if Mr. Jacobson qualified for a handicapped parking sticker. Mr. Jacobson said he has never asked for this. Commissioner Wysocki asked how long had Dr. Frye been his doctor and Mr. Jacobson replied six to eight years.

Commissioner Standley asked the Jacobson's to talk about how long they anticipated needing this hardship home, and did they anticipate Mr. Jacobson's condition getting any better? Mr. Jacobson stated that he just trying to maintain what movement he has now, and doesn't want to allow himself to become more handicapped. Commissioner Wysocki asked if their son was married. He is not, but has a son. Commissioner Reeder asked Mr. Jacobson if he was as fit and healthy as he thought he ever would be, and Mr. Jacobson replied yes, this was it. He does therapy, but will be stooped over the rest of his life. Mr. Jacobson misses horse riding the most. Commissioner Rhinhart asked if there were any other questions for the applicants. There were none.

**Opponent testimony:** None.

**Agency testimony:** None.

**Rebuttal testimony:** None.

Commissioner Rhinhart asked if there was need of a continuance, and seeing none, closed the hearing. Discussion followed on the testimony given. Commissioner Lee suggested they allow them a year, and revisit it then. Mrs. Johnson advised that the Conditional Use Permit in an EFU zone is good for two (2) years initially. Commissioner Williams commented that she is impressed that Mr. Jacobson has not applied for any disability compensation or a handicapped parking sticker. Commissioner Reeder asked the Planning Commission to look at page 10, #3 of the packet. He thought that this situation fit the circumstances, given the severity of Mr. Jacobson's medical condition. Commissioner Wysocki stated that the doctor's letter understated the condition and that the comment in the letter received by public notice (".... going from care giver to needing care") was ridiculous. He supports allowing the permit.

Mrs. Johnson advised the Planning Commission that they must come up with the findings, if they are going to allow the permit. She advised that the hardship must be based on the medical status of the applicant and unique to the individual needing help with care, medicine and assistance to use the restroom. She read the criteria from the Development Code for the Planning Commission. Due to the dilemma of the difference of what the doctor's letter stated and what the applicant was requesting, she did not specifically write findings. This was also a unique situation, having the hardship home already established on the property for a prior Conditional Use Permit, and with the son already living there due to problems he was having last year. There must be a finding from the Planning Commission that states that the medical certificate, or letter from the doctor, supports what is being requested by the applicant. If the Planning Commission determines that there is a hardship, then they must also find that it warrants having the temporary hardship home for the son. Commissioner Rhinhart commented that they might be looking at this a little differently if the hardship home wasn't already there.

Commissioner Lynde stated that the findings should be based on the stated medical condition, as this man doesn't have the stamina left in him to maintain the EFU zoned property. Commissioner Standley stated that they would have to hire help if the son was not there, and that would create a hardship as well. Commissioner Lynde stated that it comes down to pride in maintaining the property, but Commissioner Standley commented that the physical hardship for a hardship home is for someone who needs physical care. Mrs. Johnson clarified that the dilemma is whether or not he can maintain the property with the son living there, or could someone be hired to help. Is it purely a matter of convenience to have the son living there? Does this qualify as a legitimate hardship, as the one that was established for the mother several years ago, or because the son is already living there, it is just convenience? Commissioner Standley commented that this question will come around again on another Conditional Use Permit, and that is why they must consider this very carefully. Commissioner Williams stated that during the time that the mother was removed from the initial hardship home due to the stroke, Mr. Jacobson became very ill, and as a result, disabled. Commissioner Lynde commented that having the son present was a blanket of security for them. Commissioner Reeder asked Mr. Jacobson how old he was, and he replied 56, almost 57, but felt like 80 years old. Commissioner Reeder went on to state that this is a medical hardship for Mr. Jacobson. He noted that having a family member in a nursing home, like Mrs.

Jacobsons' mother, is like having a second job, and that this family deserves 2 years of time with a hardship home permit.

Mrs. Johnson read the findings to the Planning Commission; The Planning Commission finds that this qualifies as a medical hardship, thus allowing son Aaron Ceyton to live on the same premises. Per page 11, the finding is that the Planning Commission accepts the doctor's statement as proof of medical hardship. Commissioner Reeder asked that the word necessity was added to the finding, and not a convenience. Mrs. Johnson explained that the Zoning Permit will state that the occupant will be Aaron Ceyton, the Jacobsons' son. He cannot move out, and move in an uncle or cousin; it has to be Aaron Ceyton. The permit is unique to the individual. The Jacobsons corrected the spelling of their son's name from Ceyton to Cexton. Mrs. Johnson continued that the caregiver must always be a family member. Commissioner Wysocki asked, if the son were to get married, would this change anything. Mrs. Johnson replied no, it could remain under that same permit.

Commissioner Standley moved to accept the Conditional Use Permit into the record, and Commissioner Lee seconded the motion. Commissioner Rhinhart called for the question; motion carried 7:0.

#### **NEW HEARING:**

- The Federal Emergency Management Agency (FEMA) has updated the Flood Insurance Study (FIS) and adopted new Flood Insurance Rate Maps (FIRM) for Umatilla County, Oregon. Umatilla County proposes to adopt the new FIRMs and update the Flood Hazard Overlay Zone development regulations. The new FIRMs will be effective September 3, 2010. The FEMA Map Modernization Project developed computerized flood maps for Umatilla County, Oregon, and as a result of this project, the Special Flood Hazard Area (floodplain) may have changed.

**The Umatilla County Board of County Commissioners will consider the recommendation of the County Planning Commission at 1:30 PM on Tuesday, August 3, 2010 in Room 114 of the County Courthouse, 216 SE 4<sup>th</sup>, Pendleton, OR 97801.**

There were no abstentions or objections to the jurisdiction of the Planning Commission.

**Staff Report:** Senior Planner Richard Jennings presented the staff report. There are maps and flood panels available on the wall for viewing, as well as a Power Point presentation. After notice was initially sent out, many people wanted to know what had changed on their property in terms of the floodplain. The Planning Department can make individualized maps showing people's property at no cost to the property owner, and

there is a sign up sheet in the back for interested people. Commissioner Standley asked who was mandating the re-mapping, and Mr. Jennings replied that FEMA ( Federal Emergency Management Agency ) is the agency behind this map modernization. They have contracts with engineering companies to do the studies. The last survey was done in 1978, with the best hydrologic technology available at that time, to figure out where the floodplains were. During the map modernization process over the last few years, they have updated the Flood Insurance Study ( FIS ), which details what elevations that the water could get to, and the Flood Insurance Rate Map ( FIRM ). FEMA sent notice to the communities affected by these changes, and there was a time where they communities could appeal their findings. There has been a delay in this process because Milton-Freewater appealed the findings, and questioned the legitimacy of FEMA findings in regards to the levee. FEMA has mandated that we locally adopt the new maps and update our Development Code by September 3, 2010. Mr. Jennings advised that we have all the information pertinent to the FEMA map modernization and FIRM panels on the county's website. He also explained that the Planning Department will be able to put the county's data on the FEMA maps, like parcel and zoning information. The benefit of having this map modernization done is that now all the information is computerized and it can be brought into a GIS ( Geographical Information System ) system. The older information was not as clear, in regards to landmarks and roads. Commissioner Reeder asked if the light blue area on the maps was the expansion area, and Mr. Jennings replied that he did not put that on this particular map. The dark blue color indicates the floodway and the light blue is the AE, or base flood elevation. The blue colors are the floodplain, except for the zone X, which is not a special flood hazard area.

The map modernization project resulted in most parcels that had been in the floodplain were as before, and some were added. Only in a few rare exceptions were any parcels removed. The levee in Milton-Freewater was de-certified, so many of the new parcels added were as a result of this. Mr. Jennings commented that he is not here tonight to address the insurance rates or requirements. These questions are better directed to insurance agents or FEMA. Commissioner Williams stated that she went to a meeting in her city and they were told that their insurance rates would double as a result of this. Mr. Jennings explained that in the areas that were once zoned D, which was undetermined before, and are now zoned A, you can buy a preferred rate policy for the first 2 years, and then the rate goes back to the usual amount. There were several comments from the audience regarding the rates they have been quoted being more than 3 times their previous amounts. Mr. Jennings explained that the only thing the county has control of is adopting this new information into our Development Ordinance; the county is not involved in the setting of rates for flood insurance. The notice letters that were sent out were determined by a query of property owners in the flood plain.

Commissioner Rhinhart reiterated that Umatilla County has no control over any of this, and we do not determine the rates. He further commented that if Umatilla County does not adopt the new ordinance, residents will not be able to get FEMA flood insurance at all. Commissioner Reeder asked if all of Milton-Freewater is now in the floodplain. Mr. Jennings explained that not all of it is, but a vast majority now is in the AO zone, or a

shallow flooding zone. Mr. Jennings displayed a slide that demonstrated how much better the new information is than the previous 1978 data, and how the maps were changed with better elevation information. Commissioner Reeder asked how someone would go about finding out if their property was in the floodplain, and Mr. Jennings advised that they could contact the Planning Department to find out.

Mr. Jennings explained that the FEMA regulations must be adopted as a flood hazard overlay zone, and this is why we are doing a Zoning Map amendment to the maps. Commissioner Reeder asked how this applies to the UGA's ( Urban Growth Areas ), and Mr. Jennings said it would depend on the JMA ( Joint Management Agreement ) that was in effect between that city and the county, and who has the jurisdiction for zoning. Mr. Jennings further explained that the county will be removing the old text in the current ordinance for the overlay zone, and replacing it with language showing the updated data in a model ordinance provided by the DLCDC ( Department of Land Conservation and Development ). There were some definitions in the model ordinance that were well put together for floodplain administration, but some of the definitions from the current ordinance were better suited for Umatilla County and these were left in. There is a section on fences; they are not required to be permitted unless the property is in a floodplain. There hasn't been an update to the county's ordinance since 1999, so this was a good time to review this. The new ordinance doesn't change what has been implemented all these years; it provides clarification of what the duties of the floodplain administrator are, basic standards of development in the floodplain and clearer definitions.

Commissioner Standley asked if there was an existing house with a basement and it burned down, would someone be able to rebuild it. Mr. Jennings explained that the ordinance does not address particular scenarios like that, but he is creating a flow chart of what improvements or developments would need to be addressed by floodplain regulations. Homes that were present prior to these regulations being in place do not have to retrofit. Substantial improvements ( increasing the value of the home more than \$50,000 ) would be subject to the new codes. In some areas, basements are not allowed due to the floodplain. It is important to know if your property is in the floodplain, and what needs to be done to prevent damage in the event of a flood. The overall intent of the flood ordinance is to help prevent flood damage and loss of property value. It's meant to be beneficial to the property owner.

In response to a question from the audience, Mr. Jennings explained that the county does not have elevation information on file. If a property owner wants to know the elevation of their property, they will need to contact a surveyor. The county does have the expected water levels as determined by FEMA. Discussion followed on details of what modifications would have to be made in the new floodplain zones for development. Commissioner Williams asked who developed the new floodplain maps, and Mr. Jennings confirmed that FEMA did. They have provided us with their mapping information and the Planning Department can incorporate that with our computerized data to provide mapping information to property owners. Surveyors are the only ones who can provide exact elevation information.

Commissioner Reeder asked for confirmation of the process; FEMA has come out with a new set of maps, and then DLCD has helped with the ordinance language, and now the County has to adopt the ordinance for the floodplain hazard overlay zone. Mr. Jennings confirmed this is accurate, and that the planning staff modified the model ordinance to accommodate our county. Violations will be handled through the Code Enforcement ordinance and department. Commissioner Rhinhart commented that basically the options for the Planning Commission at this time are to approve or not to approve the new ordinance.

Discussion followed on the area below the McKay Reservoir, and the increasing flood insurance rates. Commissioner Standley reminded the assembly that this meeting was not to discuss the insurance rates, or to answer questions about insurance. Discussion followed on how property values will be going down as a result of the map modernization, and yet property owners will still be required to pay property taxes based on assessed values. Commissioner Williams commented that the city of Echo was very concerned about the impact of this re-mapping, and managed to get some of the mapping changed. She recommended talking to FEMA as a group, to get a better response as she did not have any luck as an individual. Commissioner Standley suggested they contact the water district for their area to contact FEMA as a group.

A member of the audience expressed that they thought a representative from FEMA would be in attendance of this evening's hearing. Mr. Jennings advised that FEMA held meetings last year in all the jurisdictions that were due to undergo changes due to the map modernization. That would have been the appropriate time to express concerns about what the changes were, as FEMA has now sent their Letter of Intent out and the changes will go into effect in September 2010. The Planning Department has contact information for DLCD representatives to give out, so concerned property owners can call them. There is also a contact for Jeff Woodard, FEMA, who deals exclusively with the flood insurance issues and questions.

A member from the audience asked what benefit to the county was there if this new ordinance was or was not adopted. Mr. Jennings explained that if the county does not adopt this ordinance locally, then no one residing in Umatilla County could qualify for flood insurance nor would anyone qualify for emergency funds during a flood event. Approving the ordinance is a gain for county residents; otherwise no money would come to assist anyone in the county from FEMA if there should be a flood. FEMA will not underwrite any coverage unless the county adopts the ordinance into their local ordinances. Mr. Jennings advised the group that the County is not receiving any money from FEMA for this action. Commissioner Williams stated for the record that she was upset with all the changes, but for the benefit of the County she will go along with this. A member of the audience asked about keeping livestock near the water line, and when the water line rises, the manure gets into the river. Commissioner Reeder advised the person to call Tom Straughn, Department of Agriculture, as they have a program to administer this particular issue. A member of the audience asked about getting a permit to work in the creek, and discussion followed on this topic. Water pollution needs to be

reported to the Oregon Fish & Game department, Department of State Lands, and if the pollution is agriculture related, it should be reported to the Department of Agriculture.

A member of the audience spoke about getting an elevation certificate to prove that your home is located out the floodplain. He had spoken with a surveyor at length about this, and the surveyor told him that getting an elevation certificate could help someone, or could also end up hurting them by proving they are in the floodplain. He also advised that elevation certificates are not transferable to new property owners; they would have to get their own. A brief discussion followed, and Mr. Jennings reminded the assembly that they were not here this evening to discuss the insurance issues, or “grandfather” clauses. The Planning Department can provide contact information for FEMA for these questions.

Commissioner Rhinhart asked if there were any other questions or comments. There were none, so Mr. Jennings advised the Planning Commission that they will need to vote on a recommendation to send this new ordinance to the Board of Commissioners for adoption. Commissioner Rhinhart closed the hearing; Commissioner Lynde moved to recommend the changes to the ordinance as presented to the Board of Commissioners, and Commissioner Reeder seconded. Commissioner Rhinhart called for the question; motion carried 7:0.

**Other business:** Commissioner Reeder commented that ODOT ( Oregon Department of Transportation ) is altering the shoulders along state highways. He is concerned that this action will result in accidents for motorists. He is asking the Planning Commission to support Planning Staff to raise this issue with the Board of Commissioners. Discussion followed on this topic. Commissioner Standley suggested they contact George Ruby, local ODOT representative, to discuss this. Commissioner Reeder stated that he will write a letter to ODOT regarding this matter.

#### **ADJOURNMENT:**

Commissioner Standley moved to adjourn this hearing, and Commissioner Lee seconded the motion; the motion passed with consensus, and the meeting adjourned at 8:28 p.m.

Respectfully submitted,

Gina Miller,  
Secretary