

**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, October 27, 2011**  
**6:30 p.m., Umatilla County Justice Center, Media Room**  
**Pendleton, Oregon**

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**COMMISSIONERS**

**PRESENT:** Gary Rhinhart, Frank Kaminski, David Lynde, Clinton Reeder, Randy Randall, David Lee, Tammie Williams.

**ABSENT:** John Standley, Don Wysocki

**STAFF:** Richard Jennings, Carol Johnson, 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 Rhinhart called the meeting to order at 6:32 pm. He read the opening statement.

**APPROVAL OF MINUTES:**

Chairman Rhinhart asked if members of the Planning Commission had reviewed the minutes from October 10, 2011. There were two requests for changes by Commissioner Lynde and Commissioner Reeder. The minutes were approved by consensus with the noted changes.

**NEW HEARINGS:**

The first hearing was Plan Amendment #P-103-11 and Conditional Use Permit #C-1187-11. The applications were submitted by the Oregon Department of Transportation, ODOT. Commissioner Rhinhart read from the application which contained language requesting a plan amendment to the Umatilla County Comprehensive Plan significant site inventory to add the Cable Creek Quarry to the inventory of a small significant site. He noted also that a conditional use permit was being applied for to firmly establish the aggregate site. He described the physical location of the Cable Creek Quarry.

Commissioner Rhinhart called for any abstentions, bias, conflicts of interest, declaration of exparte contact and objections to jurisdiction. There were none.

Commissioner Rhinhart called for the Staff report.

Senior Planner, Richard Jennings, gave the staff report. He stated that the sight had been used by ODOT in the past and that it was a typical site like those along Highway 395 toward John Day where the bank had been cut and they had extracted rock. He went on to say that this site had not been shown on the inventory. He said that it did need to be added to the inventory in order for ODOT to continue to extract rock from this location.

Mr. Jennings said that it was a small significant site which meant that they would be removing only up to 500,000 tons of rock. He stated that was the reason for going through this process to add the site to the inventory and then issue a conditional use permit for them. Mr. Jennings said that if they wanted to extract more than 500,000 tons, then they would need to go through the Goal 5 process. But at this point they were asking that the Cable Creek Quarry site to be added to the inventory of significant sites which was found in the tech report which is part of the Comprehensive Plan. He stated that the administrative rules required that any site in the EFU must be listed on the inventory before they can extract rock. He said that is what the plan amendment is about and why they were going through the process.

Mr. Jennings stated that the next step in the process was the conditional use permit which would allow them to pull rock from the site. He noted that the Commissioners had an aerial photo map in each of their packets which showed where the stockpile of gravel was located on the south side of the road. He said that the extraction area was on the north side of the road which could be seen in the aerial map. The staging area where the processing would be done is on the south side of the road. As they extract the rock by blasting, they will be stopping traffic from both directions so that they can go across the road and move the material. The Conditional Use Permit requires that none of the equipment would be within fifty feet of the right of way and that when the project is complete, they would not leave debris, etc.

Mr. Jennings stated that there were no water rights on this site, so he placed as a precedent condition the need for dust control. He said that there would be a water truck on site for that purpose. He noted that Patrick Knight from ODOT was present at the hearing and would explain the project in more detail. He went on to say that there were a myriad of subsequent conditions; part of which included ODOT acquiring their DOGAMI permit.

Commissioner Kaminski noted that the stock pile was on top of Cable Creek and asked about the fish pasture. Mr. Jennings stated that there was an earthen berm between Cable Creek and the stock pile. Mr. Kaminski brought up the silt that would be created and Mr. Jennings referenced a site plan in the Planning Commission packet which showed a permanent berm on the southern side which would stop the silt from going into the creek. Mr. Kaminski asked if it was loose soil and Patrick Knight, from ODOT, explained that the top was loose but that the berm was well packed and because of that would stay in place. Mr. Jennings added that the top was vegetated which would aide in reducing

erosion. Commissioner Rhinhart stated that that berm had been place for as long as he could remember. Commissioner Kaminski asked if Cable Creek was a permanent waterway and Commissioner Rhinhart stated that it was.

Commissioner Rhinhart asked if anyone had any questions of Mr. Jennings. There were none. He then called Patrick Knight, ODOT, 3012 Island Avenue, La Grande, OR forward to answer explain the project and answer questions.

Mr. Knight stated that the first upcoming project was with the Tribe for some work on Camus Creek. He said that ODOT also had some maintenance projects during the summer and the fall along the highway which would be the reason for the processing at that site. He said that they were requesting for the Conditional Use Permit to last for about one year in order to get those jobs completed.

Mr. Knight explained that the job in the spring for the Tribe would probably require blasting. Mr. Rhinhart asked if they would blast from the top of the hill or from underneath. Mr. Knight said that he was not a geologist but that he thought that they usually went up on top and drilled down. Commissioner Rhinhart asked if there was any access to the top and Mr. Knight said that there was on the back side of the hill. He then described the route on the site map that the Planning members had.

Commissioner Rhinhart asked if this site was ever in the County aggregate inventory and Mr. Knight said that it was not. He stated that ODOT had been getting conditional use permits in the past but that they were currently working with Mr. Jennings to get more of these sites on the significant site inventory lists and go through Oregon's Goal Five. He said that he expected, at some point, to go through Goal Five on this site, as well.

Commissioner Reeder stated that if ODOT got that site fully inventoried, they would not have to keep applying for conditional use permits. Mr. Knight agreed and said that if they got the Goal Five coverage they would not have to get a conditional use permit, they could apply for a zoning permit and that would be an administrative action.

Mr. Jennings added that this was a small significant site. If they went through the Goal Five process, it would then be a large significant site and would go through the impact analysis.

Commissioner Rhinhart said that he had some concerns because the berm did not go all of the way around the site up to Cable Creek Road so that the run off water could not get down into Cable Creek. Rhinhart then asked if the site was in the flood plain. Mr. Jennings said that it was not mapped and Commissioner Rhinhart said that it would still be part of the flood plain because it was the same level as the creek.

Commissioner Rhinhart brought up the fact that people shoot guns in that area and wondered if there was some signage that could be erected, similar to the ODOT signage south of Pilot Rock that says "NO SHOOTING". Mr. Knight said that he would speak with Gary Van Houten, who was their geologist, and see what could be done.

Commissioner Reeder asked where the shooting took place and there was discussion that followed.

Commissioner Lynde then asked if the berm could be continued over to Cable Creek. Commissioner Rhinhart commented that Cable Creek Road was raised up higher than the pit and so was the staging area, so it would be good if the berm could be continued over the Cable Creek Road. Discussion followed.

Mr. Jennings stated that he would add the extension of the berm will add as a condition of the permit.

Commissioner Reeder asked where the truck traffic would cross the road. Commissioner Rhinhart pointed out the area on the map where the trucks would drive. Mr. Jennings said that during the time that the crews were working, ODOT would have flaggers for stopping the traffic on the road.

Commissioner Rhinhart stated that ODOT would be making gravel but that the majority of the rock would be for rip rap. Mr. Knight said that it would mainly be for rip rap but after that job was completed they would be doing some gravel and some processing for a chip seal job. Mr. Rhinhart asked if they would be sealing that road and Mr. Knight said he believed that they were.

Commissioner Rhinhart asked if there were any more questions. Commissioner Reeder asked for confirmation on the highway number stating that one map said hwy 341 and another map said hwy 244. Mr. Knight said that it was hwy 244. He stated that ODOT had their own mapping number.

Commissioner Rhinhart closed the hearing and called for a motion. Mr. Jennings clarified that there were two applications requiring two separate motions; a plan amendment and a conditional use permit. He said that the motion for the plan amendment would be to recommend to the Board of Commissioners that the quarry site be added to the inventory of significant sites in the comprehensive plan. He said that they could vote on the conditional use permit a pass it contingent on the plan amendment being approved.

Commissioner Reeder questioned if the conditional use motion and the recommendation goes forward but it gets held up, is the conditional use available to ODOT to use until such time as the next step got taken care of and Mr. Jennings answered that it was not.

Commissioner Reeder made a motion to accept the conditional use permit #C-1187-11 request as presented with the information provided as supporting evidence, precedent conditions, subsequent conditions as is plus the amendments. The motion was seconded by Commissioner Lynde.

Commissioner Rhinhart called question. Conditional Use Permit #C-1187-11 passed 7-0.

Commissioner Rhinhart called for a motion on the Plan Amendment. Commissioner Reeder moved that the Planning Commission recommend to the Board of Commissioners to change, as requested at this hearing, the map 5S 32 tax lot 3000, account #163959 as presented with the same amendments to precedent and subsequent conditions if they apply. Commissioner Lee seconded the motion

Commissioner Rhinhart called question. Plan Amendment #P-103-11 passed 7-0.

The next hearing was for Conditional Use Permit #C-1189-11 for a temporary hardship home for Martha Caldwell. Commissioner Rhinhart read from the application. He called the hearing to order and called for staff report.

Mr. Jennings stated that the dwelling would be a temporary hardship home. There is a mobile home and a stick built dwelling on the property. Mrs. Caldwell now lives in the single wide mobile home and the stick built home would be for a caregiver. He said that DEQ would need to allow a septic system to be put in for the stick built dwelling or connect it to the existing system.

He said that this would allow Mrs. Caldwell to continue to live in the single wide mobile home. He stated that she was in need of assistance and that there was a letter from her doctor which addressed that issue. He said that there was also a letter from Mr. and Mrs. McClure who would be the care givers.

Mr. Jennings said that Mrs. Caldwell was aged and did not drive and needed someone close by to help her. He went on to say that Mr. McClure was helping to run the wrecking yard which was on the property as well.

Mr. Jennings also said that Mr. McClure would eventually be registered with Capeco as a registered caregiver.

He stated that the only real issue was that the septic would have to be connected to the stick built home temporarily. Then, when Mrs. Caldwell no longer lived there, the stick built home would revert back to storage for which it was being used right now.

Commissioner Kaminski confirmed that no one was living in the stick built home at that time and that there was only one unit that was occupied.

Commissioner Rhinhart asked about Mrs. Caldwell's husband and Mr. Jennings stated that he had passed away about one month prior. Mr. Rhinhart went on to ask if the house was decent to live in and there was some discussion as to its livability. There was mention that it could be remodeled. Mr. Jennings said that there were repairs that needed to be done in the stick built house but that they could be accomplished over time as the McClure's stayed there if the permit were approved.

Commissioner Rhinhart noted that one of the conditions of the permit was that the septic had to be approved by DEQ and if it wasn't it would have to be connected to the septic

being used by the mobile home. Commissioner Reeder inquired as to the proximity of the dwellings to each other. Mr. Jennings stated that they were not too far apart from each other. Commissioner Reeder said that his concern was whether or not the new septic down grade from the old one. Commissioner Lee said that he was not sure if the old septic was even still in place and Mr. Jennings stated that that was one of the things that would have to be determined by DEQ. Mr. Jennings said that the septic system issue would have to be addressed and figured out before a zoning permit would be issued to them for the hardship home.

Mr. Jennings made note of the letters that were enclosed in the Planning Commission packets. He stated that they were from Ed McClure and Linda McClure, the people who would be care for Mrs. Caldwell and from her doctor.

Commissioner Rhinhart closed the hearing. Commissioner Randall made a motion that the Planning Commission accepts the hardship use permit for Mrs. Caldwell with the necessary corrections regarding the mobile home and with the DEQ condition being met. The motion was seconded by Commissioner Lynde.

Commissioner Rhinhart called for question. The Conditional Use Permit #C-1189-11 was passed 7-0.

Commissioner Rhinhart asked if there were any other business. There was none. A motion to adjourn was moved and seconded. Commissioner Rhinhart adjourned the hearing at 7:16.

Respectfully submitted,

Connie Hendrickson  
Administrative Assistant

(adopted by the Planning Commission on December 15, 2011)