

UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of Thursday, June 13, 2013
1:30 p.m., Room 114, County Courthouse, 216 SE 4th St
Pendleton, Oregon 97801

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COMMISSIONERS PRESENT: Larry Givens (Chairman), Bill Elfering
ABSENT: None.
COUNTY COUNSEL: Doug Olsen
STAFF: Richard Jennings, Tamra Mabbott, Connie
Hendrickson

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

CALL TO ORDER:

Commissioner Givens opened the hearing at 1:33 p.m. He read the opening statement and gave instruction to the audience regarding giving testimony. After identifying the hearing he asked if there were any abstentions, conflicts of interest or declarations of exparte contact; there were none.

New Hearing: TEXT AMENDMENT, #T-13-050 and ZONE MAP AMENDMENT #Z-297-13 application submitted by UMATILLA COUNTY. The request is to adopt changes to the FEMA Flood Insurance Rate Maps (FIRM) Panels along the Walla Walla River – Umatilla County FIRM Panels #410204-41059C-0120G, 0430G, 0435G, 0445G, 0455G, and 0465G. The new effective date for the FIRM Panels listed above will be September 20, 2013. The levee system along the Walla Walla River has undergone changes to recertify the levee to FEMA standards. The area of the flood study was along the Walla Walla River from the Washington-Oregon state line south to the Joe West Bridge. The recertification flood study process provides the information necessary to modify the FEMA floodplain in and out of the levee system. A Letter of Map Revision (LOMR) has been submitted to FEMA for review.

Staff Report: Senior Planner Richard Jennings began by explaining some of the history regarding the levee system and what the FEMA (Federal Emergency Management Agency) study entailed. The levee along the Walla Walla River was decertified by FEMA which caused a revision in the FIRM (Flood Insurance Rate Maps) panels. Many properties in that region were then placed in the special flood hazard area requiring them to obtain flood insurance. The effective date for the levee decertification was September 2, 2010.

Since that time the City of Milton-Freewater, the Milton-Freewater Water Control District and Umatilla County along with other agencies have worked together to obtain the necessary funding to perform the work required to recertify the levee. A study from the south end of the Joe West Bridge downstream to the Washington-Oregon border was

completed by the Engineering Firm of Anderson and Perry using a flood model which shows the new boundaries of the flood hazard area. This study was more thorough and used better data than was used by FEMA in 2010 and prior. The intent was to have the flood plain confined within the levee. There are some areas that are still in the flood zone and a few that were added but the overall result was that the floodway was designated and confined to the levee.

Umatilla County has had meetings with the City of Milton-Freewater and with Anderson and Perry to formulate a plan to move forward with noticing the affected property owners. A notice was mailed to property owners in March of this year explaining that public hearings would be held to discuss the changes that FEMA would be adopting. These changes would in turn require modification of the Umatilla County Development Code 152.353 to recognize the updated FIRM panels. A public hearing was held by the Planning Commission on May 23, 2013 where the commission members recommended the adoption of the panels to the Board of Commissioners.

Commissioner Elfering asked what had caused the decertification of the levee. Mr. Jennings explained that after inspections of the levee there were some deficiencies due to lack of proper maintenance. The Army Corps of Engineers decertified the levee and FEMA assumed responsibility for the levee program. Commissioner Elfering asked if the change in the flood zone which had increased the number of properties in flood area had been created by the levee or just were not previously identified. Mr. Jennings answered that the changes to the flood zone boundaries are due to natural changes in the flow of the river and the use of more accurate modeling information.

Mr. Jennings gave the example of a gentleman who had attended the Planning Commission hearing in May and stated that he had experienced water coming onto his property in the last couple of years where it had never been before in the all the years that he had lived there. This information gave confirmation that the current modeling was correct and the river was following the path that had been predicted.

Mrs. Mabbott added that John Wells from Anderson and Perry said the recent study conducted was much more comprehensive than those done in the past, therefore it captured more properties. Commissioner Elfering asked how many families were affected and Mr. Jennings said that over all around 50 households in the county jurisdiction will no longer be in the floodway and required to purchase flood insurance after September 20, 2013.

Introduction of staff: Commissioner Givens paused for a moment to introduce the staff to those present in the audience: Planning Director, Tamra Mabbott, Senior Planner Richard Jennings, Administrative Assistant Connie Hendrickson (Planning Department), Commissioner Bill Elfering, himself (Commissioner Larry Givens) and County Counsel Doug Olsen.

Public Testimony: Richard Langley, 54220 Walla Walla River Road, Milton-Freewater, OR 97862 said his property is not financed; he is the owner so he was unaffected

financially with regard to purchasing flood insurance. He was at this hearing to get ideas about a method to cross the dike area so that he could attend to some of the property that he owns on the other side. The previous ramps that were there 25 years ago have been cut away and he would like to find out how to reestablish them.

Levee history: Commissioner Givens began by saying that the river levee was constructed in 1943. It was removed and rebuilt by the Army Corps of Engineers in 1964-1965 and ends just to the north of the Joe West Bridge. Due to the many ESA (Environmental Species Act) issues over the years there was much less maintenance done to the levee because the Milton-Freewater Water Control District Board had a bond that did not cover the cost. Over the years trees such as Poplar and Cottonwood grew up and made it impossible to get heavy equipment in to clean the channels the way they had in the past.

The aggregate mining which took place below Nursery Bridge by a company called Milton-Freewater Ready-Mix removed a large amount of gravel but that process had since been stopped. Over time the debris from as far up as Harris Park came downstream and created artificial dams in some areas of the river, changing its course which moved the channel significantly; not so much in the levee area but further up. With the reduction in the management of the levee and the environment of the river due to the habitat issues, many changes have occurred over time.

Commissioner Givens noted that Anderson and Perry had used LIDAR (Light Detection and Ranging) when doing the flood study. LIDAR is accurate within 2 cm so they were able to get a very clear picture of the river channel and the levee system.

In addressing Mr. Langley's concerns, Commissioner Givens said that the Milton-Freewater Water Control District has authority over the levee but follows the Army Corps of Engineers regulations. Accessing the river comes under State and Federal regulation; US Fish and Wildlife or NMFS (National Marine Fisheries Service). In order to get information regarding accessing his property on the other side of the levee, Mr. Langley will need to contact the Milton-Freewater Water Control District Board directors, chairman, Manford Anlicker, members, Brad Humbert, Vern Rodigheiro and Roger Cosner. Mr. Langley said he knew the board members and had contacted them in the past but had not heard back from them. Commissioner Givens suggested that he try again to contact Roger Cosner or Manford Anlicker as they would be able to answer his questions.

Mrs. Mabbott told Mr. Langley that Mr. Jennings could create a map showing his property and the flood overlay zone. She added that the decision being made by the Board of Commissioners today regarding the flood maps would not affect the uses on his property.

Commissioner Elfering asked about the property easements that were originally in place when the levee was built in 1943. Mrs. Mabbott said that after the levee was decertified, planning staff spent a great deal of time researching the ownership and the easement.

Originally the Army Corps of Engineers constructed it and gave it over to the county. In 1953 the water control district was formed and it was handed over to them. The levee functioned well for a long time but once the repairs grew in scope the limited amount of funding available was not enough for the necessary changes and repairs. Anderson and Perry surveyed the easement areas but they have not have not placed markers which define the easement. Mr. Jennings can create a map with the Geographic Information System (GIS) which will show the boundaries of Mr. Langley's property with a layer for the easement and the flood zone. Discussion followed.

Commissioner Givens said an issue that has occurred in the last few years is the severe cutting of the river bed itself. Consideration is being given to having the Army Corps of Engineers do a study to determine if these developments are a result of the change in the currents or debris such as trees and vegetation that has built up or some other cause.

Commissioner Givens asked Mr. Langley if he had any concerns other than the ones expressed and he did not so Commissioner Givens closed the hearing at 2:19 p.m. Commissioner Elfering said what was presented to them appeared to be a beneficial change for the majority of the property owners involved and he was in favor of adopting the modifications to the Umatilla County Development Code. Commissioner Givens called for a motion

Commissioner Elfering made a motion in the matter of amending Development Code Update FEMA Flood Insurance Rate Maps to vote approval of Ordinance No. 2013-07. Commissioner Givens seconded the motion. It passed unanimously.

Commissioner Givens thanked staff for all the work they had done throughout the process of updating the flood maps. Commissioner Elfering wished good luck to Mr. Langley with his efforts to attend to his property. Commissioner Givens stated that he lived in the Milton-Freewater area and told Mr. Langley that he was welcome to get in touch with him and he would try to help him contact the members of the water control district.

Adjournment: Commissioner Givens adjourned the hearing at 2:23 p.m.

Respectfully submitted,

Connie Hendrickson
Administrative Assistant

Adopted by the Board of Commissioners on July 17, 2013