

UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, February 23, 2012
6:30 p.m., Umatilla County Justice Center, Media Room
Pendleton, Oregon

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COMMISSIONERS PRESENT: Randy Randall, Gary Rhinhart, Frank Kaminski, David Lee, John Standley, David Lynde, Clinton Reeder, Tammie Williams.
ABSENT: Don Wysocki.

STAFF: Tamra Mabbott, Richard Jennings, 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 hearing to order at 6:30 pm and read the opening statement.

Commissioner Standley moved to approve the minutes from December 15, 2011 and from January 26, 2012. Commissioner Lynde seconded the motion. The minutes were approved by consensus.

Commissioner Randall opened the hearing to consider the Comprehensive Plan Amendment #T-11-044; applicant, Umatilla County. The county proposes to amend the Comprehensive Plan to allow the creation of parcels less than 80 acres in size in the existing Exclusive Farm Use -10, -20 and -40 acre zones. The application is subject to go-below standards found in Oregon Administrative Rule 660-033-0100 and Section 152.751 of the Umatilla County Development Code.

Commissioner Randall called for any abstentions, bias, conflict of interest, declarations of ex parte contact or objection to jurisdiction. There were none. He called for the staff report.

Planning Director Tamra Mabbott summarized a list of draft findings, exhibits, maps and some proposed new language and new policy for the comp plan that were in the Planning Commission packets. She also listed email correspondences and other letters that had been submitted in support of the Go-Below. There was also a letter from Grant Young from the Department of Land Conservation and Development (DLCD) and the Department of Agriculture which he would be representing. Also submitted this evening was a letter from One Thousand Friends of Oregon.

Mrs. Mabbott stated that the reason for going through this process is so that land owners in the orchards districts and the special agriculture regions in the county who own

property zoned EFU 10, 20 and 40 would have the ability to partition those parcels into smaller sections.

She referred to a presentation that was being displayed on the overhead projection screen which identified the parcels that would benefit from this amendment to the plan. These parcels are contained in a small geographic area and there would not be the issue of urban sprawl, mass parcelization or erosion of farm ground. The lands in Umatilla, Hermiston, Stanfield and Echo in west county are interspersed with EFU 40 and EFU 20 with a very small area of special agriculture in the Pendleton and Pilot Rock area.

If the Go-Below is approved only 72 parcels in the EFU 10 would have the ability to partition. In the EFU 20 zone there are 33 parcels that could be partitioned. In the EFU 40 there are 38 parcels that could be partitioned. In summary there is a little over 31,000 acres, a little over 2,000 parcels and only 45 parcels that are over the 80 acres. There is the potential for 264 new parcels between all three of the EFU zones.

Mrs. Mabbott referred to the Go-Below information that is listed on the county's website which answers questions as to what the Go-Below would and would not allow. The most asked question has been if the Go-Below would allow a dwelling to be placed on the land and the answer is, it would not. The criterion to qualify for a dwelling does not change.

In writing this proposal, Mrs. Mabbott said that she pulled excerpts from the justification that the county used in 1986 and supplemented it with new information; a large part of which referenced the Bruce Sorte report with other information as well. The state will be challenging whether or not the smaller parcels are commercial/agricultural enterprises. That finding is based on the size and type of farms and ranches, size of fields and the relative contribution of the different sizes in crops and whether or not they have an economic contribution and maintain the integrity of the farming pattern in those areas.

Mrs. Mabbott said the Planning Commission had the option of adopting the findings and recommending approval to the Board of Commissioners, modifying the findings and recommending approval or continuing the hearing.

Commissioner Lee questioned whether the income referred to in the text of the comp plan was from the property itself or if it included personal income. Mrs. Mabbott answered that the income must come from the property alone.

Commissioner Rhinhart asked if receipts were required for proof of income from the land and Senior Planner Richard Jensen said that their tax Schedule F would be required. The income from the last two years or three of the last five would have to be shown. The land would have to have been farmed for at least the last two years to prove that it can produce income.

Mrs. Mabbott referred to the comprehensive plan maps. Those maps identified by color the different EFU zones and the water rights for those properties; some having ground water rights and some having surface water rights, as well. Commissioner Rhinhart asked

if some of the parcels were farmed as one crop even though they had different owners. Mrs. Mabbott said that some were but that the leasing and the farming and ownership arrangement changes regularly. Discussion followed.

Mabbott showed the parcelized EFU 10 and 20 areas on the map in the Milton-Freewater area. Commissioner Reeder said this subject got a really good going over when it was approved the first time and almost nothing has changed. The incentive is still to combine parcels; not reduce them because of the rules on housing. If a farmer does not have a parcel by itself that qualifies he can sign the covenants not to build on additional ground and can take noncontiguous acreage to make the farm size larger. Because of this someone could build a house they would just have to meet that larger lot size. There is no development incentive from a rural residential standpoint now nor was there one in the 1980's. This area was protected at that time for a good reason. Discussion followed.

Mrs. Mabbott referenced more maps that identified the EFU 20 zoned parcels. Commissioner Rhinhart inquired how these changes would affect a boundary line adjustment. Mr. Jennings stated that if a parcel is pre-existing non-conforming to the minimum lot size for EFU, which is one hundred sixty acres, the boundaries can be moved. If the minimum parcel size is 10, 20 or 40 acres and that is the amount of acreage you have there is a limited amount of adjusting that can be done.

Mrs. Mabbott gave the Commissioners a handout which helped support the findings as it showed the inventory of all of the parcels that could be affected. Commissioner Reeder said that in the minds of some people the phrase "protect existing agricultural use" is defined as having to farm the land the way it is currently being farmed. But what makes sense is keeping the land in rural agricultural use; that is the most important thing. Because prices and crops change it isn't good to get too specific about what the crop should be. Mrs. Mabbott agreed and referred to the way the state's program was currently written to protect the traditional, large family farm, which is only one part of agriculture. One point in the findings is that the Go-Below allows an opportunity for someone who can't get financing or purchase large acreage to farm as well. Discussion followed.

Proponent testimony:

Robert Klein, 50424 Schubert Road, Milton-Freewater, OR 97862. Mr. Klein stated that he was at the hearing representing One Thousand Friends of Umatilla County. He gave a quick over view of the situation and said there was a lot of support for the go-below concept at the meeting they had in Milton-Freewater. It made sense to their group that because there were already smaller parcels in place they would rather use them and stay where they are instead of going out to larger farming areas which are predominantly commercial.

He went on to say that he and others in their group in the Milton-Freewater and Hermiston areas were growing corn seed crops. There is seed development happening and companies want the farmers to plant small crops of different kinds of corn. The main emphasis for these companies is one to five acre seed corn plots; not big plots. One seed

development company, Pioneer, has built a facility in Hermiston and they are expanding. They do want to grow their operation but not on large acreage. Discussion followed.

Proponent testimony:

Carolyn Ely, 52958 Sundquist Road, Milton-Freewater, OR 97862. Mrs. Ely stated that she was in support of the Go-Below. If people purchase smaller parcels of land, like ten acres, their intention is to farm it not let it go to weeds. Farmers who are just beginning usually are not financially able to start with large acreage but deserve a chance to try their hand at farming with a smaller plot of land. People who have forty or more acres and are getting toward retirement age don't want legal difficulties when dividing their land for their families. Commissioner Randall asked Mrs. Ely how long she had owned her property and she said she had purchased it in the 1970's and at that time there were no restrictions of any kind on the land. She said she owned 39.7 acres zoned EFU 10 on which she grows wheat and corn. She clarified that she also grows crops for Pioneer. Discussion followed.

Opponent testimony:

Grant Young, DLCD, Eastern Oregon University, Badgely Hall, Room 233A, La Grande, OR 97850. Mr. Young said when these areas were originally designated it was at the beginning of the land use program. Between 1974 when the land use bill was passed and 1986 when Umatilla County was acknowledged there were many changes. In 1993 the state decided that because of the erosion of farmland that was occurring they would standardize things and they changed the minimum parcel size of EFU ground to eighty acres. Umatilla County chose one hundred sixty which reflects the county's commitment to protect farm land. Part of House Bill 3661 was a provision which told how to go below an eighty acre standard. The way the parcel sizes were acknowledged when the plan was created and the way it is done now is completely different. The test today has a burden of proof that is pretty high. There is a lot of source information in Umatilla County's plan and in the Sorte report but there is still more work that needs to be done. The state is not worried about the go below causing erosion of farm land in Umatilla County. The comments about area go back to the Administrative Rule which says an area needs to be defined. Research should be done on the soils to determine what makes that area unique. From there you determine what the minimum parcel size is to keep commercial agriculture viable in those areas and keep it successful.

Everything that people want to do with these EFU lands can be done and the go below is not going to change that. There is nothing to prohibit someone from selling one acre out of a five acre parcel. It does not give people the ability to build a house because the land is parcelized. Things are changing in the nature of agriculture and the state is trying to work with that and to keep up with the changes. The rural trend toward knowing your farmer, eating locally and people buying things from farmers markets as opposed to supermarkets can be seen reflected in the fact that there were thousands of acres of rural reserves established in the metropolitan area recently. He said small farmers have always been the backbone of the farm economy. The point was made in Sorte's paper that people tend to work harder when they have a small farm.

Mr. Young said that the state would welcome the opportunity to work with the county on this but does not think that the county is quite there yet.

Commissioner Lynde asked for the definition of commercial farming. There is no set definition of that according to Mr. Young. It depends on the area that you are in. There is not a general one size fits all definition. Mr. Jennings said it might depend on if that parcel could support a family and he referenced the \$40,000.00 income threshold from the Sorte report. Commissioner Lynde said he was not trying to argue but was frustrated that there was no definition. Commissioner Rhinhart asked how the DLCD would define what is here and asked Mr. Young if he had any ideas. Mr. Young said his thoughts may not be what their farm specialist and some other people in the agency may be thinking.

Mrs. Mabbott asked for clarification of what Mr. Young meant when he asked what was taking place agriculturally in a particular area and if the state wanted them to inventory every single parcel. Commissioner Lee added that the soils can be different on adjacent properties; Mr. Young agreed. Commissioner Standley brought up the topic of a community garden they have in Pilot Rock. When society changes and peoples needs change they change with it in order to survive. He talked about different things that can be done with the farm land now. Social norms are changing and we need to be flexible and work with it.

Mr. Young said people could still farm what they wanted to. Mrs. Mabbott said it is not just farming; you remove the opportunity for people to get loans on smaller pieces of property. The bank is not going to loan someone money on ten out of their forty acres. By doing this you force someone to make a huge lifestyle change and remove the opportunity for that person to own and use that land as capital. She also referenced some statistics from the U.S Census which showed that the average sizes of farms in Umatilla County were smaller and the numbers of small farms were up significantly, as well. By not approving the Go-Below there is one less opportunity for people.

Mr. Young said that they would like to help the county get to the point where this will work. Commissioner Reeder asked what the state needed from them to make it work. Mr. Young said they got the notice from the county thirty-five days ago and they got the Sorte report at about that same time. They just had not had the chance to research what makes these areas unique and determine where the county needs to go.

Commissioner Lynde asked about surveying the people. He talked about buying blueberries from 1999 until now in the orchards district. The DLCD in the Oregon Agricultural and Fisheries Statistics for 2010-2011 has as statement which says that in 2008 Umatilla County had no blueberry production; in 2009 the county had 350 acres of blue berries; in 2010 the blueberry production slumped back to zero. Mr. Young said often times the agriculture census surveys don't get filled out and that is why there needs to be local knowledge. Commissioner Lynde stated that statistics only show answers to questions that are asked.

Commissioner Standley said the county wants to proceed with this. Mr. Young told the Planning Commission that the state doesn't believe the county is there yet. The Planning Commission questioned what the state wanted from them. Mr. Young said his agency had not had enough time to research this and come up with the answers to that question. Discussion followed.

Commissioner Standley remarked that the people want this or the Planning Commission would not be there requesting it. Mrs. Mabbott suggested that a continuance be granted on April 26, 2012 at 6:30 in the Justice Center Media Room. After some discussion, the Commissioners decided to continue the hearing. It was determined that Commissioner Randall would request DLCDC provide some specific guidelines within 30 days. Commissioner Reeder said he wanted to be on the record as saying that he would not waste his time on this unless the issues brought forth are material and significant in terms of Oregon's land use planning process and current economic circumstances facing the county and the state.

Commissioner Randall called for a break. The meeting reconvened at 8:32 p.m. for public comment on another issue

Other Business:

A letter was received by the Planning Department from the Oregon Department of Energy regarding the request by Iberdrola for a second amendment to the Helix Wind Power Facility project. Members of the public, including some members from the Blue Mountain Alliance, requested to speak before the Planning Commission and state their opinions and concerns regarding Iberdrola's request. They asked that the Planning Commission draft a letter stating their concerns and forward it to the Board of Commissioners who are the appointed advisory group. Mrs. Mabbott stated that she would work with the Planning Commission Chairman to draft a letter.

Commissioner Randall adjourned the meeting at 9:58 p.m.

Respectfully submitted,

Connie Hendrickson
Administrative Assistant

(adopted by the Planning Commission on 3/22/12)