

**MINUTES**  
**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, December 15, 2016**  
**6:30 p.m., Umatilla County Justice Center, Media Room**  
**Pendleton, Oregon**

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**COMMISSIONERS**

**PRESENT:** Randy Randall, Chair, Gary Rhinhart, Vice Chair, Suni Danforth,  
Don Marlatt, Don Wysocki, Tammie Williams, Tami Green,  
Clive Kaiser

**ABSENT:** Cecil Thorne

**STAFF:** Tamra Mabbott, Carol Johnson, Brandon Seitz, Bob Waldher,  
Tierney Dutcher

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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:**

Commissioner Rhinhart called the meeting to order at 6:32 p.m. and read the opening statement.

**MINUTES:**

Commissioner Rhinhart asked the Planning Commission to review the minutes from August 25, 2016. Chair Randall moved to adopt the minutes as written. The motion was seconded by Commissioner Danforth. Motion carried by consensus.

**NEW HEARING**

**TEXT AMENDMENT, #T-16-068, PLAN AMENDMENT #P-117-16, and ZONE MAP AMENDMENT, #Z-309-16 application submitted by the OREGON DEPARTMENT OF TRANSPORTATION (ODOT).** The applicant requests to add an expansion of an existing quarry (Meacham Quarry) to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The proposed expansion would add approximately 19 acres to the existing Goal 5 protected site. The property is located off the west side of the Old Oregon Trail Highway, described as Township 1 North, Range 35 East, Section 34, Tax Lots 800, 900, and 1000, and Township 1 South, Range 35 East, Section 03AB, Tax Lot 100. The existing quarry is zoned Grazing Forest (GF) with Aggregate Resource overlay (AR). The proposed expansion area is currently zoned GF and Forest Residential (FR). The criteria of approval are found in Oregon

Administrative Rule (OAR) 660-023-040-050, 660-023-0180 (3), (5) and (7), and Umatilla County Development Code (UCDC) 152.487 – 488.

Commissioner Rhinhart called for the Staff Report.

**Staff Report:** Robert Waldher, Senior Planner, presented the staff report. He stated that ODOT is requesting to expand the Meacham Quarry by about 19 acres. They are requesting to add tax lots 800, 900, 1000 and 100 to the existing 35.7 acre Goal 5 protected site, which is tax lot 400. The UCDC has not been updated with the Division 23 Rules for Aggregate. Therefore, the OAR 660-023-0180 to establish a Goal 5 Large Significant Site will be directly applied to this application. This application constitutes a Post Acknowledgement Plan Amendment (PAPA) and is subject to the criteria listed in Oregon Administrative Rules (OAR) 660-023-0030 through 0050, and OAR 660-023-0180. In addition, Umatilla County Development Code (UCDC) Sections 152.487 and 152.488 will be applied.

Mr. Waldher stated that we have a responsibility to review and process ODOT's request to amend the Comprehensive Plan and establish an AR overlay to protect the site. The Planning Commission's task is to determine whether or not the application complies with the applicable land use standards.

When preparing the staff report, it was discovered that the proposed expansion does not meet UCDC Section 152.487(A) (3), which requires a proposed overlay to be at least 1,000 feet from properties zoned for residential use. There is an area of Forest Residential (FR) zoned property to the West of the Meacham Quarry, as well as the Unincorporated Community of Meacham located to the South. Even though amending the Comprehensive Plan is a legislative process, County Counsel suggested that the applicant apply for a Variance from the setback requirement since it could provide relief from the UCDC criteria, not the State OAR's which must be adhered to.

Mr. Waldher stated that the applicant has requested the Planning Commission continue tonight's hearing to January 26, 2017 to allow them time to complete a Variance application. Due to the road conditions the applicant is unable to attend tonight's hearing but they did email Mr. Waldher with the request to continue the hearing in January.

Commissioner Kaiser stated that he did some research using Google Maps. He noted that he did not see any pooling water at this time and asked if their future plans include pooling water. Mrs. Mabbott replied that it's not typical with a quarry. Commissioner Kaiser replied that it depends on how deep they plan on going. Mrs. Mabbott stated that they plan to go into the side of the hill. Mr. Waldher said he believes they will be blasting but does not know to what depth. Mr. Kaiser pointed out that on page 24 of the packet, the applicant refers to pooling water. Commissioner Rhinhart stated that the area they plan to expand is quite wet so it is a concern. Commissioner Kaiser stated that he has an experience in the past where a quarry has pooled water which became toxic. They had to fence the quarry off so the wildlife in the area did not have access to the water. He would like to see pooling water tested annually and a mitigation plan for mosquitos. Mr.

Waldher noted their concerns and will address them with the applicant so they can be discussed at the continued hearing. Commissioner Rhinhart stated that there is a small stream running to the south of the project, Beaver Creek, so those are questions that need to be asked. Commissioner Kaiser added that if they do have a pond, he would like to know if they plan to seal the bottom of it to prevent leaching into Meacham's shallow aquifer. Mrs. Mabbott stated that those are good questions and they will be forwarded to the applicant for review.

Commissioner Kaiser motioned to continue the hearing. Motion was seconded by Commissioner Marlatt and the motion was passed by consensus. The hearing will be continued to the January 26, 2017, 6:30pm Planning Commission hearing at the Justice Center in Pendleton, Oregon.

### **NEW HEARING**

**TEXT AMENDMENT, #T-16-070, co-adopt City of Weston Transportation System Plan (TSP).** The City of Weston requests the county co-adopt their existing TSP and TSP update. The TSP will apply to development within the Weston Urban Growth Area. The criteria of approval are found in UCDC 152.750-152.754 and the Joint Management Agreement between the City and County.

Commissioner Rhinhart called for declarations of ex-parte` contact, biases, conflicts of interest or abstentions from any member of the Planning Commission. There were none. He called for the staff report.

**Staff Report:** Brandon Seitz, Assistant Planner, presented the staff report. He stated that Commissioner Kaiser found an error in the Planning Commission packets. Pages 39-71 were scanned in reverse order. In Weston's 2001 TSP, near the end of the table of contents, it jumps to the middle of chapter 6 then goes in reverse order through chapter 1 and the last couple pages of the table of contents. Then, it resumes chapter 6 on page 72 and everything is in the correct order from there.

As part of a review of the County's Transportation Systems Plan it was determined that the County has not formally co-adopted all of the Cities TSP's, and Weston is one of the cities. The proposed amendment would co-adopt two documents, the TSP adopted by the City in 2001 and the TSP update that was formally adopted by the City on August 12, 2015 by City Ordinance #153-2015. The Planning Commission will be making a recommendation to the Board of County Commissioners for co-adoption.

The 2001 TSP was prepared by David Evans and Associates as a part of a countywide effort to prepare TSPs for the County and 8 of the small municipalities. Each plan was developed through a series of technical analyses combined with input and review by the County, City, ODOT and the public. The TSP plan includes the entire area within Weston's Urban Growth Boundary (UGB). Roadways included in the TSP fall under 3 jurisdictions; the City, the County and ODOT. The plan includes a review of existing plans and transportation conditions; developing population, employment and travel

forecast, developing and evaluating potential transportation system improvements, developing the TSP and capital improvements plan, evaluating funding options and financial plan and developing recommendations for policies and ordinances.

The second document for Weston is the 2015 TSP update. The TSP update builds off the previously adopted plan. Included is an updated multimodal transportation projects list with 4 projects outside the UGB, updated street design standards to include storm water treatment and streetscape/urban design improvements. Another major emphasis of the TSP update was the pedestrian systems within the city generally to improve walking conditions around Weston.

A main item for consideration is the 4 projects identified outside the UGB. The projects include; OR 11 Freight signing to direct freight traffic to use key road for accessing the food processing facilities, and realign Water Street to intersect OR 204 at an approximately 90 degree angle. Both projects would be implemented by ODOT. The Weston-Athena Multimodal Connection plan would construct a shared use path along Banister Road from approximately Mill Street to OR 11. The path would provide an option for people to walk and bike between Weston and Athena. Weston children attend elementary and high school in Athena and the Middle School is located in Weston. There are a number of challenges to consider. Banister Road is a County road and has a 60' right-of-way. Additional right-of-way may be necessary along with topography issues along the road. The final project outside the UGB and part of the overall path is a pedestrian crossing over Highway 11. There is a desire within the two communities to provide a viable route for people to walk and bike between the two cities.

Commissioner Rhinhart asked if the plans included any details about designing the highways and best management practices (BMPs) for protecting water quality. Mr. Seitz said those issues are generally not part of the TSP and there is nothing related to the creek in the plan. Tamra Mabbott, Planning Director, said she did not look close enough to see if the creek is impacted but added that it is outside the scope of the TSP. She said she has a high-level of confidence with ODOT because they take a detailed environmental engineering approach to projects. She does not think the TSP adoption is the best avenue for approaching those issues. Mr. Seitz reminded Commissioner Rhinhart that, Jennifer Spurgeon, Weston Mayor-Elect, and Duane Thul, Weston Mayor, and is in attendance via conference call. Mrs. Spurgeon stated that over the last couple of years they have worked with ODOT to address traffic/growth management in the City. They consulted with the Tribes and discussed what future development means for the creek ways. They made sure to include interested parties in the process.

Commissioner Danforth stated that on page 146 of the Planning Commission packets there is a map with proposed revisions of the intersection of Water Street and Main Street. It appears that parking will be recessed toward the sidewalk and the curbs will be sticking out at the corners. She wanted to make note that when the curbs are constructed that way they hinder the ability for delivery trucks to make safe turns on the corners. Mr. Thul said that issue was brought up at a previous meeting. He said the plans are not final; they can be changed as they progress. Commissioner Kaiser stated that his office had a

wall and roof taken out by one of those trucks. He believes semi-truck drivers are not being sensible about where they are turning. There should be better signage encouraging them to go straight through to Highway 11 rather than turning on Main Street. He said the issue could be alleviated with more signage for the truck drivers. Commissioner Danforth added that the design may cause issues with road maintenance during winter time. Mr. Thul said the designer claimed that the inlays would not interfere with a snow plow. Mrs. Mabbott stated that she hopes Weston can get the gateway project funded through ODOT, etc. She proposed sitting down with Mrs. Spurgeon and Mr. Thul along with a Commissioner and Legislator to develop a strategy. Mr. Thul said that would be great. Commissioner Danforth said she thinks the whole project connecting Weston with Athena is awesome. Mr. Kaiser wanted to be sure Mr. Seitz received his corrections for page 33 in the packet. Mr. Seitz said he will make those corrections.

Chair Randall motioned to recommend adoption of the Weston TSP to the Board of County Commissioners. Commissioner Wysocki seconded the motion and it was approved by consensus.

Mrs. Mabbott reminded the Planning Commissioners that, even though this is a recommendation to the Board of Commissioners, the Commissioners read the minutes very carefully and take into consideration the comments the Planning Commission makes.

#### **NEW HEARING:**

**TEXT AMENDMENT, #T-16-071, co-adopt City of Pilot Rock Transportation System Plan.** The City of Pilot Rock requests the county co-adopt their existing TSP. The TSP will apply to development within the Pilot Rock UGB. The criteria of approval are found in UCDC 152.750-152.754 and the Joint Management Agreement (JMA) between the City and County.

Commissioner Rhinhart called for declarations of ex-parte` contact, biases, conflicts of interest or abstentions from any member of the Planning Commission. There were none. He called for the staff report.

**Staff Report:** Brandon Seitz, Assistant Planner, presented the staff report. He stated that Pilot Rock is another smaller municipality that has not been formally adopted by the County. Pilot Rock's TSP was prepared as part of the overall effort in 2001 to prepare TSP's for the County and smaller cities. It was also prepared by David Evans and Associates and has the same basic elements, but adapted to Pilot Rock. The plan was developed through a series of technical analyses combined with input and review by the County, City, ODOT and the public. The TSP includes the entire area within Pilot Rock's UGB. Roadways include in the TSP fall under three jurisdictions; the City, County and ODOT. The plan includes; a review of existing plans and transportation conditions, developing population, employment and travel forecast, developing and evaluating potential transportation system improvements, developing the TSP and capital

improvements plan, evaluating funding options and financial plan and developing recommended policies and ordinances. Pilot Rock adopted their TSP on July 17, 2001.

Commissioner Kaiser stated that it appears the TSP needs to be updated every 20 years and it was done in 2001, so that means they are due to be updated again soon. Mr. Seitz acknowledged that it will need to be updated soon. The County's wants to be sure all the cities TSP's have been adopted formally. Mrs. Mabbott said this will complete the inventory of all the Cities TSP's. Commissioner Rhinhart wants to be sure they are paying attention to BMPs for water quality as Pilot Rock has water quality limited stream and endangered fish.

Commissioner Wysocki motioned to recommend adoption of the Pilot Rock TSP to the Board of County Commissioners (BCC). Commissioner Danforth seconded the motion and the motion was approved by consensus.

### **INTERGOVERNMENTAL AGREEMENTS:**

Updates to the current JMAs between Umatilla County and the City of Umatilla and City of Hermiston are presented for the Planning Commission's decision and recommendation to the Board of Commissioners.

Carol Johnson, Senior Planner, explained that Mrs. Mabbott met with City staff and others over the last 2 years, working with the City of Hermiston on road updates focused on trying to transfer the roads to the City that are within City Limits and UGB. This has resulted in some updated language in the Hermiston JMA that addresses how we handle roads and road transfers. The Umatilla JMA update has some language about roads but also transfers permitting actions for the UGB from the County to the City. Prior to the update, the County had issued all the permits for land use in the City of Umatilla UGB, but the City will take that over with adoption of the updates.

Mrs. Johnson noted that Commissioner Kaiser pointed out a few errors in the packet to be corrected. She will make those edits for the final copy. She stated that we are happy to move this forward to the BCC.

Commissioner Kaiser stated that he read through both JMA's and he is concerned that the Lower Umatilla Basin Groundwater Management Area (LUBGWMA) is not addressed. Mrs. Mabbott stated that it is an excellent idea. She doesn't think it will have any binding effect but will memorialize the fact that both cities are entirely in the LUBGWMA, and encourage the cities to take whatever measures they can to be involved in the GWMA. Actions the cities take in terms of storm water management, etc. could affect the LUBGWMA. Mrs. Mabbott said she and Mrs. Johnson would work on some language and talk with both Cities to add that to the JMA.

Commissioner Kaiser motioned to recommend support and adoption of the Joint Management Agreements (JMA) between Umatilla County and the City of Umatilla and

City of Hermiston to the BCC. Commissioner Rhinhart seconded the motion and the motion was approved by consensus.

**OTHER BUSINESS:**

None

**ADJOURNMENT:**

Commissioner Rhinhart adjourned the meeting at 7:19 p.m.

Respectfully submitted,

Tierney Dutcher  
Administrative Assistant

(Minutes adopted by the Planning Commission on \_\_\_\_\_)