

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, August 24, 2017
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, Don Marlatt, Tami Green, Clive Kaiser, Don Wysocki

ABSENT: Suni Danforth, Tammie Williams, Cecil Thorne

STAFF: Tamra Mabbott, Planning Director, Bob Waldher, Assistant Planning Director, Tierney Dutcher, Administrative Assistant, Ginny Kerns, Planning Intern

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NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. A RECORDING IS AVAILABLE AT THE PLANNING DEPT. OFFICE

CALL TO ORDER

Chair Randall called the meeting to order at 6:33 p.m. and read the opening statement.

MINUTES

Chair Randall asked the Planning Commission to review the minutes from June 27, 2017. Commissioner Marlatt moved to adopt the minutes as written. The motion was seconded by Commissioner Green. Motion carried by consensus.

NEW HEARING

TEXT AMENDMENT, #T-16-068, PLAN AMENDMENT #P-117-16, ZONE MAP AMENDMENT, #Z-309-16, and VARIANCE, #V-348-17 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.

STAFF REPORT

Bob Waldher, Assistant Planning Director, stated that the application was submitted by ODOT. They are requesting to add several ODOT owned tax lots to Umatilla County Comprehensive Plan list of Goal 5 protected sites. The proposed expansion includes approximately 19 acres (ac.) to the existing 35.7 ac. Goal 5 protected site. In addition, the applicant is requesting a Variance from the UCDC criteria which requires an AR overlay setback of at least 1,000 feet (ft.) from properties zoned for residential use.

Mr. Waldher reminded the Planning Commission that this application was originally presented at the Planning Commission hearing on December 15, 2016. After the notices were distributed, it was determined that the 1,000 ft. setback from the FR Zone located to the east of the quarry needed to be addressed. The applicant has now submitted a Variance request. Mr. Waldher noted that the UCDC has not been updated with the Division 23 rules for aggregate. Therefore, the OAR will be directly applied to this application. The task for the Planning Commission is to review the application and determine whether or not it complies with applicable land use standards, recommend conditions of approval and ultimately make a recommendation to the Board of County Commissioners (BCC) whether or not to approve the Variance request, as well as the Plan, Zone and Map Amendment.

Commissioner Kaiser asked about the water that may be present in the bottom of the pit after aggregate is removed. Mr. Waldher stated that the applicant is the best person to answer those specific questions.

Applicant Testimony: Patrick Knight, ODOT, 3012 Island Avenue, La Grande, OR 97850. Mr. Knight stated that the water table at the location would not rise above the ground because there is no water source in the area that would lend to pooling. Seasonally, water is allowed to dwindle.

Commissioner Kaiser asked about preventing water seepage. He is concerned if the pooling water is not a balanced pH it could contaminate the groundwater. Mr. Knight stated that the rock does not change the pH of the water and the water dissipates and seeps naturally. The water tables are deep in that area and all run off will be kept on site. Commissioner Kaiser asked if the Department of Environmental Quality (DEQ) will be testing the water. Mr. Waldher stated that the applicant will likely be required to obtain an erosion control and sediment plan from DEQ, so that will be part of the state permitting process. Mr. Knight stated that they do apply an erosion plan and meet all state standards. Mr. Waldher stated that a condition could be added to address that issue. Commissioner Kaiser stated that he would like to see a condition added.

Commissioner Kaiser stated that page 14 of the Commissioners packet mentions a post mining reclamation plan. He asked if he can review that plan. Mr. Knight stated that he believes it was submitted as part of the land use application and is also available through the Oregon Department of Geology and Mineral Industries (DOGAMI). Mrs. Mabbott stated that DOGAMI is the state agency that regulates mining. The county does not have jurisdiction to directly regulate the reclamation plan so we defer to DOGAMI. They have a Reclamationist that visits all the sites and approval is based on strict criteria. Mr. Knight stated that reclamation efforts will include smoothing and contouring land and revegetating with a local seed mix. Mr. Waldher stated that in a forest zone, the OAR requires the applicant to revegetate and reclaim the land for wildlife habitat. Mr. Kaiser asked if weed abatement is included in the plan. Mrs. Mabbott stated that they would need to comply with County weed codes and a condition could be added, as well. Commissioner Kaiser stated that he would hate to see it become a noxious weed pit, especially when it has been disturbed and reestablished. Mr. Knight stated that the activity will continue for years and years. Commissioner Kaiser stated that it is all the more reason to preserve the space for the future.

Commissioner Rhinhart asked if all 4 parcels will not be used for mining right away. Mr. Knight stated that they do not have a project planned on those parcels at this time, so there is no plan to mine anytime

soon. In September they will be doing their usual mining on the portion that was already a Goal 5 site for gravel for the roads. Mr. Rhinhart asked if they hire a contractor do the mining. Mr. Knight said yes, they provide specifications to the contractors and make sure they comply with DOGAMI, as well as DEQ for the crushing of the aggregate.

Commissioner Rhinhart asked if the property is locked up to keep people out. Mr. Knight said he is not sure, he believes part of the property is fenced. Commissioner Rhinhart stated that the location is close to Meacham and there are homes not far from the site. He is concerned about people shooting guns and asked if they have signs posted warning trespassers and shooters to keep out. Mr. Knight stated that they do have signs posted, but they continue to see shooters from time to time. Commissioner Rhinhart stated that there is a big issue with shooting at aggregate sites because the lead that ends up in the rock pits gets hauled out with the gravel for the roads. The gravel can contain high levels of heavy metals like lead and brass. He stated that he saw a truckload of gravel dumped near his home and noticed a large amount of lead in the gravel. He is concerned that his home is near a limited water quality stream and the runoff from the roads drain directly into the stream. Over time, this could become a serious environmental issue. Mr. Rhinhart requested that a condition is added that requires signage against dumping and shooting at the site. Mr. Waldher stated that, when considering past ODOT quarries, the Planning Commission has added similar conditions. He agreed to add signage conditions to the findings of this application, as well.

Chair Randall closed the hearing for deliberation.

Commissioner Rhinhart stated that they should have a condition that requires the water quality to be tested by DEQ, if pooling occurs. Mr. Waldher stated that a condition like that could become problematic because it is difficult for the Planning Department to regulate. He stated that they already have added a condition that requires the applicant to obtain all applicable permits for the mining operation from DEQ for air, noise and water quality issues before mining activities begin. Commissioner Kaiser stated that he would like to add a condition to require testing if pooling water is present because he doesn't want it seeping into the groundwater if it is acidic. Mr. Knight asked Commissioner Kaiser why he believes the aggregate will make the water acidic. Commissioner Kaiser stated that it smells like sulfur when he drives by the site. Mr. Knight stated that any seepage in the area, regardless if it is an aggregate site or not, will go through the same kind of rock. Commissioner Kaiser stated that the rock being harvested at the site smells like sulfur, which has a natural acidifying effect. Mr. Knight said if there is some way to do this he is open to hearing more, but they can only follow what rules are set for mining at an aggregate site and they abide by all DOGAMI and DEQ rules.

Mrs. Mabbott stated that page 22 in the Commissioners packet addresses regulations on extraction and sedimentation ponds. In order to have a condition or restriction on a permit, it must be applied to a standard, and that is as close as our standards come to addressing sedimentation ponds. The water quality concerns are valid and could be noted in the findings. However, there may not be enough information to specifically impose a condition. Staff will amend the findings to memorialize the discussion that took place about water quality concerns and note that, to the extent possible, ODOT is encouraged to test the water to ensure there is no potential for contamination of groundwater, and to mitigate if ponding water is found. Discussion ensued and the Commissioners agreed that would be a good way to handle the concern.

Commissioner Rhinhart made a motion to approve Text Amendment #T-16-068, Plan Amendment #P-117-16, Zone Map Amendment, #Z-309-16, and Variance, #V-348-17 with additional conditions that require the applicant to keep the area free from noxious weeds according to County weed regulations and post signage for no dumping or shooting on ODOT property. There is an additional condition stating that the applicant shall adhere to DEQ permits for air, noise and water quality issues before these activities begin, and Mr. Waldher will memorialize the discussion in the findings, about water quality concerns and recommended testing of pooling water. The motion was seconded by Commissioner Kaiser. Motion passed with a vote of 6:0.

OTHER BUSINESS

Presentation: Update to Recreation Element of Comprehensive Plan
Ginny Kerns, Planning Department Intern

Ms. Kerns gave a presentation about her experience this summer working on the Plan4Health initiative, funded by Good Shepherd, in the Planning Department and the County Public Health Department. The Plan4Health initiative was formed with an objective to promote physical activity opportunities and nutrition in order to improve Umatilla County's health rankings.

One project Ms. Kerns oversaw during her internship was rewriting the Recreational Policies for the Umatilla County. The policies were last written in the 1970's and needed to be updated to match our county's current health needs. Of the 36 counties in Oregon Umatilla County is currently ranked 26th in health outcomes and 31st in regards to health factors. We have the highest childhood obesity rates in the state and an overall obesity rate of 33% of our total population. Only about 24% of the community members participate in physical activity, and total nutritional balance for adults within the county is about 4%. To combat this, Plan4Health is working to promote physical activity through recreational use.

Throughout the county, use of recreational areas has been declining, with less than 1% of the population actively jogging, walking and biking on trails. This, in part, is due to many of our trails being in poor condition, making it difficult to enjoy our trail systems and want to be active. The only increase in physical activity is that of walking for pleasure within the last 5 years.

Along with recreational use, Ms. Kerns also looked into the identified priorities of need. According to the Statewide Comprehensive Outdoor Recreation Plan (SCORP), a ranking from 1-5 of our top priorities of need include; improved RV, trailer, and tent campgrounds at a 4, Children's playgrounds at 3.8 and more and improved walking trails at 3.7.

As stated in the original Recreational Needs Policies, "Umatilla County is growing rapidly. Existing facilities are becoming inadequate, and entirely new types are in demand". Our recreational policies should be aligned with the changes we want to see made, with an end goal of creating a healthier and more active community. Our set policies no longer support our current goals, as our community has grown and changed within the last 40 years.

Ms. Kerns started the process by reviewing the 11 existing recreational policies and making some simple updates. An example of the updates made to the existing policies can be found on page 36 in the Commissioner's packets, Needs Policy #8. The original policy states that "[t]he County will work with private property owners, local off-road vehicle organizations, and appropriate state and federal agencies to help solve the problems". However, Ms. Kerns found that many of the complaints within the last few years concerning off-road vehicle problems, according to SCORP, have come from the individuals who participate in this activity, rather than those who are bothered by this activity. An increase in popularity in off-road vehicle use has risen from 25% to 61% within the last few years. The belief that recreational areas for this activity need to be expanded was driving most of the complaints. To accommodate this change, the policy has been updated to state that, "[t]he County will work with private property owners, local off-road vehicle organizations, and appropriate state and federal agencies to provide safe use areas for off-road vehicles". This change works to promote the recreational activity as it gains popularity, whereas the previous policy was more concerned with focusing on complaints.

As part of the revision, Ms. Kerns created 5 additional policies that are relevant to the needs of our current community. The first newly added policy is on page 36 in the Commissioner's packets, Needs Policy #10 concerning winter recreation and snow sports. Snow sports are a large part of winter recreation, which the existing policies fail to address. With an average winter temperature of 35 degrees, winter recreation is very important to the health and wellness of our community. To account for this, the new policy states that, "[t]he County will continue to work with appropriate agencies to manage valuable resources for snow sports, working to protect the recreational facilities that go into use during the winter months and to promote usage of such areas". The objective is to increase winter recreation and promote physical activity during the months when people are significantly less motivated to go outside to exercise.

In reviewing other counties policies, including the recreational plan for Deschutes and Lane Counties, Ms. Kerns learned that those with successful recreational plans use the Recreational Master Plan as their basis for improvements and changes. This method has proven to work well in providing guidance on park expansion and the funding sources required to make changes and improvements possible. Ms. Kerns saw a need for policies concerning the Recreational Master Plan. As a result, she created Need Policies #13 and #14. Needs Policy #13 now states, "[p]arks and recreational facilities should be inventoried and identified in the Master Plan and should use the Master Plan as a guide when improvements are being made to such areas." Needs Policy #14 was added to outline funding for park maintenance and improvement stating, "[f]unding for parks and other recreational areas should be allocated with appropriate need and betterment in mind for the appropriate usage of these areas when available".

Ms. Kerns noticed that Umatilla County's policies did not include information on inclusion efforts, including ADA standards, into their policies. It should be a priority to promote use of recreational areas for everyone. Our county's recreational policies have an impact on how others live their lives and no person should experience limited recreational opportunities because of the built environment in which they live. To account for this issue, Ms. Kerns added Need Policies #15 which states, "[a]ll recreational areas, facilities, sites, and trails should work to meet the standards set in the Americans with Disabilities ACT (ADA) in order to be accessible to everyone" and #16, "[t]he County will work with public and private agencies to ensure that parking areas for recreational sites are accounted for, along with

accessible parking spaces within each area”. After consulting with Disability Rights Oregon Board Member, Darrin Umbarger, Ms. Kerns learned that availability of wheelchair accessible parking is an issue at many of our recreational sites.

The technical report for the recreational policies was also rewritten to match with the new set of 16 policies that were created. In the technical report, demand came from the SCORP and the Umatilla County Community Needs and Readiness Assessment (CNRA) outlining our current recreational sites and facilities and ideas on how to improve those areas. This includes disability access, better and more multi-language signage, trail widening, and enhanced equipment throughout our recreational areas, sites, and facilities, promoting greater physical activity opportunities and inclusion for all.

ADJOURNMENT

Chair Randall adjourned the meeting at 7:41 p.m.

Respectfully submitted,

Tierney Dutcher
Administrative Assistant

Minutes adopted by the Planning Commission on September 28, 2017