

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of November 26, 2024
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

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Commissioners Present: Chair John Shafer, Vice-Chair Cindy Timmons and Commissioner Dan Dorran

County Counsel Doug Olsen

Guests Present: Robert Pahl, Umatilla County Chief Financial Officer; Bob Waldher, Umatilla County Community Development Director; Steve Craigen, Umatilla County Administrative Director, Riley Wortman, IT Manager; Alisha Lundgren, Deputy Director Public Health; Kevin Smith, manager of ClickIt RV in MF; Tim Leber, MF resident;

Video link or Calling in: Garrett Stephenson, Attorney for Haak Holdings, ClickIt RV

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CALL TO ORDER: Chair Shafer called the meeting to order at 9:00 a.m. He reminded all that the meeting is a public forum and there is a call-in option provided. There is time on the agenda to provide input (or for hearings) to provide comment. The meeting is being video and audio recorded and minutes will be taken. Also, meetings are now live-streaming. Comments will become part of the meeting record and ask that they be three minutes or under. If persons wish to speak before the Board, please identify yourself and state where you live in order to be heard on the record – also note if you are speaking on behalf of others.

Pledge of Allegiance was led by Chair Shafer.

Awards/Correspondence/Recognitions – Commissioner Dorran - AOC was over and above what it has been in the past. The meeting addressed issues that we are facing every day. Overall results and ability for participation was great, I am really happy with participation from Umatilla County.

Minutes – Commissioner Dorran moved to approve the minutes from November 6th and November 13th Board meetings. Seconded by Commissioner Timmons. Carried, 3 - 0.

Additions to Agenda – None.

Public Comments and Recognition of Visitors – Tim Leber, 51169 Phillips Road, Milton-Freewater. Mr. Leber is looking for some information on Couse Creek Bridge. For emergency use and for farmers to have better access to Highway 11, that bridge has been out for a long time. He wanted to know what we can do to get the ball rolling.

Commissioner Dorran – It is moving, bridges are generally in the 7-9 year range. The County is committed to make this a faster project. Engineering is progressing. We should see some action, test holes and other work starting probably late spring, then the approval on the engineering of the bridge deck. Once that is done it is whatever the construction time is. Mr. Leber thought it seemed like some bridges right after the flood got fixed right away. Commissioner Dorran responded that– It wasn't right away, but due to flood damage, FEMA came in to assist with Harris Park and sped up that process. Different funding sources make a difference. Through Oregon Opportunity, the Opportunity grant funded the Nolan Bridge work. There was also a new technique used because new abutments were not needed. Couse Creek bridge replacement will require new abutments. and all of that. So that is a huge difference. Funding for bridges comes from ODOT, the Highway Trust fund. We have been able to find other ways to fund some of the work, it's a slow process. Mr. Leber was thanked for coming.

Business Items

1. Comprehensive Plan Map Amendment – Public Hearing Chair Shafer suspended the regular meeting and opened the public hearing at 9:11 am. He read the opening statement and called for abstentions, bias, conflict of interest, declaration of ex-parte contact and objections to jurisdiction. There were none. The declaration for the hearing was also read aloud. Next Chair Shafer called for the staff report.

Staff report presented by Bob Waldher, Umatilla County Community Development Director. The applicant requests to change the Comprehensive Plan designation on its property from Rural Residential to Commercial and change the Zoning Map from Rural Residential – 4 Acre Minimum Parcel Size (RR-4) to Rural Retail Service Commercial (RRSC). The subject property is located on the west side of State Highway 11, approximately 1.5 miles north of the Milton-Freewater city limits. The situs address is 84722 Highway 11, Milton-Freewater, OR 97862.

To provide some background information, this application stems from a code enforcement violation. County records show the applicant/owner purchased the property in February of 2022. The property is still being used by the applicant to store RV's, trailers and campers. The comprehensive plan map amendment and zone map amendment application was submitted to Umatilla County on June 12, 2024. The staff has prepared findings, and the applicant also submitted a traffic impact analysis. During the Planning Commission hearing on 10/24/24 the Planning Commission voted 8-0 to recommend approval of the amendment by the Board of Commissioners. The Board of Commissioners are tasked with making the decision to approve or deny the proposed comprehensive plan amendment and zoning map amendment.

Commissioner Dorran asked that on the crash analysis, the data included is only through 2022, is this the latest information? Mr. Waldher believed that that is the latest data they had in terms of crash data that they were able to obtain.

Commissioner Timmons noted that the comparison was to the intersection of Appleton Road. Sunnyside Road would have probably been a better comparison with more of a through street.

Chair Shafer called for Proponents, Applicant and/or Representative.

Garrett Stephenson, attorney for Haak Holdings parent company to ClickIt RV, presented for the applicant. ClickIt RV purchased this property and it happened to be split zoned. The site to the north has appropriate zoning, which is where they are doing their current servicing. The site to the south, unbeknownst to them was zoned for rural residential.

The zone change really fixes a number of problems, it fixes the zoning issue. It also means that ClickIt can move its sales facility onto this property. The current location for the sales facility is being leased. The goal is not only to fix the zoning but to combine their facilities to one site. That will have positive benefits from a traffic standpoint. Currently if they need to service an RV that is at the sales facility, they have to haul it approximately ¼ mile down Highway 11 to this property. If they are able to consolidate everything, there will be less potential traffic hazards.

The traffic analysis we did was called a TPR analysis, Transportation Planning Rule. By combining these facilities, it is our belief that it will reduce not increase traffic. Especially important when you have RV's pulling out on to Highway 11, which are not known for their rapid acceleration. Commissioner Dorran asked about right of ways on the south side of the property. Further discussion continued regarding access points and right of ways. It was confirmed that there are no dedicated right of ways or easements to connect with Highway 11.

Chair Shafer called for other proponents or anyone from opposition, there were none. Call for comments from public agencies, there were none. Call for rebuttal, declined. Call for request for continuance or the keep the record open. Mr. Stephenson added that at this point the applicant would like to waive any rebuttal or continuance and argument and ask for a vote on the application. Chair Shafer closed the Public Hearing at 9:33 am.

Commissioner Timmons is in favor of the amendment. The concern is with Milton Stateline School behind it, and seeking a way to improve that intersection. She appreciated that going to consolidate and eliminate the access to Highway 11.

Kevin Smith , the Manager of Milton-Freewater ClickIt RV, stated that as an organization have talked about Highway 11 and the in and out of the facilities. As a group/organization we discuss safety concerning this all of the time.

Commissioner Dorran moved for adoption of Ordinance No. 2024-10. Seconded by Commissioner Timmons. Carried, 3-0.

2. Property Value Appeal Board Appointment - Presented by Doug Olsen, Umatilla County Counsel. The appointment of the Property Value Appeals Board is before the Board for approval. The proposed members are willing to serve for the term. **Commissioner Dorrn moved to adopt Order No. BCC2024-064. Seconded by Commissioner Shafer. Carried, 3-0.**

3. Sheriff's Office PC Purchase – Presented by Riley Wortman, IT Manager. In the next year there are going to be a slot of PC's that will not be upgradable. We are requesting purchase of nine PC's for the Sheriff's Office at the recommendation of County IT. Each PC will cost \$1,050.00 for a total of \$9,450.00. We would also like to purchase Microsoft Office for these PC's at \$333.12 each for a total of \$2,998.08. The cost has been planned and budgeted for. **Commissioner Timmons moved to approve the purchase of nine PC's with Microsoft Office in the total amount of \$12,448.08. Seconded by Commissioner Dorrn. Carried, 3-0.**

4. Jail PC Purchase - Presented by Riley Wortman, IT Manager. We are requesting purchase of six PC's for the Jail at the recommendation of County IT. Each PC will cost \$1,050.00 for a total of \$6,300.00. We would also like to purchase Microsoft Office for these PC's at \$333.12 each for a total of \$1,998.72. The cost has been planned and budgeted for.

Commissioner Timmons asked the frequency of replacement. Mr. Wortman noted that try for a four-year schedule. So that we are replacing ¼ of the inventory per year. Most of the computers we buy have a three year warranty. We are upgrading a few more than ¼ due to them not being upgradable to Windows 11. We will be sending out lists to each department on what inventory needs to be updated. The replaced computers are reused as much as can within the County, we can take them and upgrade them and replace older PC's. With these PC's not being upgradable that makes it difficult because there will not be support for them. **Commissioner Dorrn moved to approve the purchase of six PC's with Microsoft Office in the total amount of \$8,298.72. Seconded by Commissioner Timmons. Carried, 3-0.**

5. Public Health Purchases – Presented by Alisha Lundgren, Deputy Director Public Health. The Hermiston Student Health Center opened at Hermiston High School on November 4, 2024. This center is a partnership with Hermiston School District to help provide access to healthcare for students. Recently, UCo Health was awarded a \$30,000 grant from Wildhorse Foundation for purchasing medical supplies to aid in starting this clinic. Today we are requesting approval to purchase a vision screener with the Wildhorse grant funding. This tool will help to ensure accurate medical screenings are available to youth accessing services at this center. **Commissioner Timmons moved to approve purchase of Welch Allyn Spot Vision Screener from McKesson in the amount of \$8,265.88. Seconded by Commissioner Dorrn. Carried, 3-0.**

6. FEMA Compliance Measures - Presented by Bob Waldher, Umatilla County Community Development Director. The Umatilla County Community Development has been tracking proposed changes to the National Flood Insurance Program (NFIP) resulting from the Biological Opinion (BiOp). The FEMA BiOp requires local governments to implement reasonable and prudent alternatives for floodplain mitigation. Due to recent court challenges, NFIP participating communities are required to select a Pre-implementation Compliance Measure (PICM) and notify FEMA of their selection by December 1, 2024. The PICMs options consist of the following;

- 1) Prohibit all development in the Special Flood Hazard Area (SFHA),
- 2) Adopt the 2024 Model Ordinance that requires mitigation of any floodplain development to a no net loss standard, or
- 3) Require a special habitat assessment and mitigation plan for development on a permit-by-permit basis in the SFHA to achieve a no net loss standard.

Staff recommends selecting PICM Option 3. The reason for recommending PICM option 3 is that it would keep us in compliance with FEMA's requirements, keep us in compliance as an NFIP participating community. If we come out of compliance with NFIP, we jeopardize losing flood insurance for any property owners in the county. There is also a risk of losing any federally backed mortgages or disaster assistance in the event that a natural disaster occurs. It is suspected that there will be legal challenges filed across Oregon. It is believed by many that these measures conflict with many of the priorities and goals of the state of Oregon when it comes to the Governor's housing goals as well as basic land use requirements and protections for right to farm. To remain compliant with FEMA's requirements, we would like to notify them of our choice by the December 1, 2024 deadline.

Commissioner Dorran said that this is extremely complicated, but the bottom line is they are putting local authorities in the position of choosing between legal interpretations of competing requirements. I agree we need to do something, I agree your suggestion is correct. It is important that we as commissioners advocate when it comes to legal challenges. This hits Umatilla County hard. We have whole towns in flood zones, freeways, county roads that can't be rebuilt if this is followed. Mr. Waldher is am working closely with our GIS department. They just completed some mapping so we will have a total number of properties that have floodplain on them and can determine which ones may be impacted.

Commissioner Timmons asked that to use for guideline when an application is filed. Mr. Waldher responded that FEMA has put together a guidebook that explains how we are supposed to go through this process. Ultimately this will have to be something that we adopt into our code. Essentially the applicant will have a habitat assessment, demonstrating that there is a no net loss in floodplain habitat with their project.

Commissioner Dorrان noted that this is counter to Oregon Land Use Law. It puts the county in a position to have to pick between two laws. **Commissioner Dorrان moved to authorize staff to notify FEMA of Umatilla County's selected PICM Option 3 by December 1, 2024. Seconded by Commissioner Timmons. Carried, 3-0.**

7. Fair Memorandum of Agreement – Presented by Commissioner Dan Dorrان. In 2005, the Board of Commissioners signed a memorandum of agreement with the Fair Board regarding the operation and management of the Umatilla County Fair and fairgrounds. Since that time, the fairgrounds have been sold, and other aspects of the agreement are outdated. Following discussions with the Fair Board, an updated memorandum of agreement is before the Board for approval. The new MOA has been approved by the Fair Board. **Commissioner Dorrان moved to approve and authorize signing of Memorandum of Agreement. Seconded by Commissioner Timmons. Carried, 3-0.**
8. Fair Payable – Presented by Commissioner Dan Dorrان. Approval is sought for payment for metal benches for the fair made by Hermiston High School. The payable is before the Board due to the amount. This is a fundraising opportunity for Hermiston High School Metal Shop. **Commissioner Timmons moved to approve payable to Hermiston High School Metal Shop in the amount of \$6,468.75. Seconded by Commissioner Dorrان. Carried, 3-0.**
9. Budget Position Requests - Presented by Doug Olsen, Umatilla County Counsel. The process for budgeting for fiscal year 2025-26 has begun. As part of that process, each department was given the opportunity to request additional positions or position reclassifications. After a review of those requests, those receiving positive feedback total approximately \$700,000. The matter is before the Board to authorize the finance department to incorporate the requests into the proposed budget. **Commissioner Timmons moved to authorize inclusion in proposed budget for 2025-26 potential position impacts up to \$700,000 to the extent possible and still maintain a balanced budget. Seconded by Commissioner Dorrان. Carried, 3-0.**

10. Executive Session – Employment/Real Property – ORS 192.660(2)(a,b,e,h) – None

Commissioner Reports: None

Meeting adjourned by Chair Shafer at 10:07 a.m.

Kelsey Bailey

Executive Secretary – Board of Commissioners