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MINUTES OF THE MEETING OF THE MORROW COUNTY PLANNING COMMISSION

Courthouse, Heppner, Oregon

Feb. 6, 1973 - 1:30 PM

Commission Members Present:

Mrs. Dorris L. Graves, Chairman
Mrs. Alma Green, Secretary
Ed Dick
Roy W. Lindstrom
Mrs. Virginia Grieb
Max Hellberg
Harold Rash

Others present for part of the meetings:

Mr. & Mrs. Basil Rogers, Sr., Boardman
Dennis Doherty, Asst. DA
Mrs. Don Baker, Boardman
Mrs. Joyce Bergstrom, County Assessor
Sam Miller, U.S. Forest Service, Heppner
Doc Shearer, County Roadmaster
Dale Boner, Soil Conservation Service, Heppner
Vel Robinson and

Others:

George D. Smith, County Planner
Lois M. Allyn, Planning Secretary

Dave Harrison, representing Columbia Basin Elec Coop
Marion Palmer, Ione
Lee Palmer, Ione

Mr. Harold Rash, a Boardman area dairy farmer, was introduced as a new member replacing Mr. Art Allen of Boardman, who declined appointment to another term.

Mrs. Graves suggested that a letter of appreciation for his services to the Planning Commission be sent to Mr. Allen.

Mrs. Graves opened the public hearing concerning the request of Mr. & Mrs. Rogers to have their property zoned Farm Residential instead of Farm. Mr. Rogers explained that he intended to divide his property into three parcels of approximately two acres each. He intends, at the present time, to retain one of the parcels for himself, give one to his son, and possibly sell the third parcel. Tax Lot 100 contains 6.09 acres. Tax Lot 200 contains 1.72 acres, and was in existence as a separate tax lot at the time the zoning ordinance was passed. There is an extra, unused trailer hookup on the same lot as Rogers' trailer.

Mr. Rogers said that access would be onto Olson Road, and there is a 30 foot deeded right-of-way on the south side of his property. Mr. Smith mentioned that there is an 80 foot arterial street in the Boardman Comprehensive Plan, proposed for future development, on the north side of the property.

Mrs. Baker, an "adjoining landowner", appeared in support of Mr. Rogers' application. She and Mr. Rogers pointed out that there are several mobile homes located in the immediate vicinity at the present time, and that it is near the present Boardman city limits.

The Planning Commission determined that the location is approximately 1/4 mile from the present Boardman city limits, and that development of the property for residential use would be compatible with the Boardman Comprehensive plan.

Mrs. Grieb moved, seconded by Hellberg and Mrs. Green, that Mr. Rogers' application for change of zone from Farm to Farm Residential be approved. Motion unanimously carried. Mr. Rogers is to be notified in writing of the action.

It was agreed that in the future the City of Boardman Planning Commission would be notified of any pending applications that are within the area shown on the Boardman

Comprehensive Plan as intended for future incorporation into the City of Boardman. Mrs. Graves directed that they be advised of the action concerning Mr. Rogers' property.

Mr. Smith advised the Planning Commission that a letter had been received from Don and Martha Baker stating that a second mobile home on their property would be used by their daughter and son-in-law, and that the trailer space would not be used or rented to anyone other than them. Under these circumstances, it is not being considered a trailer park.

It was pointed out by Mrs. Baker that a house and a trailer house would be allowed under similar circumstances, and that mobile home owners were being discriminated against by the regulation that two mobile homes on a property constitute a "trailer park".

Mrs. Graves then asked if any of the other visitors would like to make a statement.

Mr. Dave Harrison appeared on behalf of Columbia Basin Electric Cooperative, who serve southern Morrow County, as well as Gilliam and Wheeler Counties. He proposed that the Coop would not go into areas, particularly recreation areas (excluding service to farms) without prior approval of the Planning Commission, and that in return, the Planning Commission would advise the Coop of any proposed developments so they would have an opportunity to decide whether they would be able to serve an area before the Planning Commission gave approval to a development.

The concensus of opinion seemed to be that the proposed subdivision ordinance would serve to take care of the matter, however, they appreciated the proposal of the REA, and would cooperate with them.

Mr. Harrison questioned what constituted a power line in regard to the zoning ordinance. The opinion of the members was that this would be main lines, not services to single customers.

Mr. Smith read excerpts from the Jan. 11, 1973 letter from Dave Rowe of the Bureau of Governmental Research and a "memorandum on the regulation of land subdivision" and copy of a page from the Umatilla County subdivision ordinance which they furnished concerning acceptance of streets and ways.

He also suggested that the width of streets be 80' for arterials or collectors and 60' for secondary streets, as this would be in line with those of Boardman and other towns in the county. The members felt that in any event the streets in a subdivision should be the same width as those they would join or attach to in the adjoining town, and in line with the Morrow County Comprehensive Plan, subdivisions, except for recreation subdivisions, would normally become incorporated into one of the towns. Mr. Miller reported that Forest roads are 66' right-of-way.

A motion was made by Ed Dick, seconded by Lindstrom and carried that the definition of subdivide would be "divide tracts into 4 or more parcels of not less than 10 acres each". It was felt that the larger minimum acreage would help discourage land speculators.

Concern was expressed by several that a person could go on selling 3 parcels at a time, ending up with a subdivision, and evading the subdivision ordinance. Mr. Boner suggested that since no time limit was stated, this could be interpreted to mean that only 3 parcels could ever be sold without it becoming a subdivision.

Lindstrom and Graves suggested that public hearings on the proposed subdivision ordinance be held in Heppner and Boardman. The hearings have to be legally advertised.

Hearings on the proposed subdivision ordinance will be held Monday, March 5, in Heppner at 2:30 P.M. and Boardman at 7:30 P.M.

Since Mr. Allen was vice-chairman of the Planning Commission, a new vice-chairman was needed. Mrs. Grieb declined nomination. Hellberg nominated Lindstrom, and a unanimous ballot was cast for Roy W. Lindstrom for vice-chairman.

Mrs. Grieb questioned the policy of going ahead and voting on applications at the hearing. She feels the Planning Commission should have the opportunity to view the property in question if they feel it desirable, question Advisory Committee members or other authorities who might not be available at the hearing, or give themselves some time to review an application in their own minds before making a decision. In other words, that she felt the Planning Commission should have the option of adjourning or recessing a hearing until a future time when such information or persons as necessary might be available for them to make an intelligent decision on the question at hand.

The Planning Commission feels that while normally persons who make applications are anxious to have a decision and deserve to receive prompt action on their requests, that they do have the option of reserving judgement for a reasonable length of time.

The meeting was adjourned at 4:20 P.M.

Respectfully submitted,

Lois M. Allyn

Lois M. Allyn, Planning Office Secretary

MINUTES OF THE PUBLIC HEARINGS HELD BY THE

MORROW COUNTY PLANNING COMMISSION

CONCERNING THE PROPOSED MORROW COUNTY SUBDIVISION ORDINANCE

Courthouse, Heppner, Oregon

March 6, 1973, 1:30 P.M.

Planning Commission Members

Present:

Dorris Graves, Chairman

Alma Green

Harold Rash

Roy W. Lindstrom

Virginia Grieb

Ed Dick

Others Present:

George D. Smith, Planning Director

Lois Allyn, Planning Office Secretary

Harold Kerr, County Extension Agent

Robert Lamb, Eastern Oregon Farming Co.,

911 N. First, Hermiston (headquarters

920 Crown Plaza, Portland)

Dennis Doherty, Assistant District Attorney

Charles Heard, Heppner Gazette

Orville Cutsforth, Sr.

Glen Ward, Oregon State Game Dept.

Marvin Chitty, U.S. Forest Service

Mrs. Graves opened the meeting at 1:20 P.M.

Before the start of the hearing, Robert Lamb appeared informally before the Planning Commission concerning his request for a change of zone to "Industrial" on property located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 16, R 4 N, T 26 E, in the general vicinity of the Highway 80 interchange approximately 3 miles east of Boardman.

His company intends to construct a pellet mill on the property, which will dehydrate corn and alfalfa for manufacture into pellets. The property will have a spur line from the Union Pacific Railroad. Natural gas will be brought in from Umatilla at a cost of approximately \$20,000 per mile. Water will have to be brought in about 3 or 4 miles due to the present moratorium on drilling in the area of the site. Estimated water requirements are 50-80 gallons per minute at the present time and if the plant is expanded as anticipated, may take 3 to 4 times that amount. In reply to a question from Mrs. Grieb, he said he delayed appearing before the committee until other negotiations were completed. A newspaper article which appeared in the "East Oregonian" February 24, 1973 prompted her question. There was also a question of why the site was chosen, rather than one in the Boardman Industrial Park, where there is already an alfalfa pellet plant not in operation. He said it was the most economically feasible because of the necessity for bringing in a gas line, and central location in relation to supplies of crops. He said the site was purchased from part of the Shell lands (actually Farm Chemicals of Athena). He said they could haul from a 25 mile radius. Initial investment in the plant will be about one million. They are looking at both export and domestic marketing of their product. He said DDQ had applied strict standards, and "air cleaning" equipment alone would cost about \$40,000. They have contracts with Western Empire and Desert Magic to buy hay, but do not have contracts with Shell or others in the vicinity at the present time. Mr. Lamb furnished letters from Desert Magic and Western Empire Corporation supporting his plan. The letters are attached to the file copy of these minutes.

Mrs. Graves opened the public hearing at 1:30 P.M.

Question from Orville Cutsforth, Sr., who has sold a number of recreational properties in the south end of the county, regarding the definition of "subdivide land" in ten acre parcels. He thought it should be five acres. There was some general discussion, but the Planning Commission did not change the present proposed ten acres.

Since no one else appeared to discuss the subdivision ordinance, the hearing was closed at 2:00 P.M.

For the benefit of those present, Dennis Doherty mentioned a court case concerning a feedlot in Lane County which had been enjoined from operating with more than 600 cattle. This was an appeal which was upheld. The area around the feedlot had been developed after the feedlot was in operation. However, it wasn't known how large the feedlot was at the time the surrounding development began.

The meeting recessed at approximately 2:30 P.M.

CONTINUATION OF THE PUBLIC HEARING CONCERNING THE PROPOSED SUBDIVISION ORDINANCE

GREENFIELD GRANGE HALL, BOARDMAN, OREGON

7:30 P.M.

Planning Commission Members

Present:

Dorris L. Graves, Chairman
Alma Green
Harold Rash
Virginia Grieb
Ed Dick

Others Present:

George D. Smith, Planning Director
Lois Allyn, Planning Office Secretary
Rupert Kennedy, Port Commission Manager
Walter Hayes, County Commissioner
Paul W. Jones, County Judge
Donald Staebler, Consulting Engineer,
Pendleton
Harry T. O'Donnell, Morrow County Abstract
& Title Company, Heppner
C. E. McQuarrie, Heppner merchant and lot
owner at Penland Prairie
Herman Green, Heppner businessman
Harold Kerr, County Extension Agent

Mrs. Graves re-opened the public hearing at 7:40 P.M., and asked if there were any questions.

Mr. Staebler identified himself as a surveyor and consulting engineer, and said he had read through the proposed subdivision ordinance and had a number of comments, which follow:

Page 4, Item 18. Partition - Suggested 5 acres instead of 10. Mr. Smith quoted letter from Dave Rowe of the Bureau of Municipal Research, Eugene, supporting the larger acreage, and also stated experience of neighboring counties and soil situation indicates larger acreage of up to 20 acres would be feasible. Mrs. Graves said the Planning Commission would have the option of decreasing the acreage if a given situation warranted it. Ed Dick asked Staebler if he foresaw problems with the 10 acre requirement and Staebler said "I think later you'll get complaints." Commission did not change 10 acre size.

P. 7, Sec. 204, A. 3 - Staebler said surveyor has no authority. Smith: He would

probably help in design. Staebler said no, this isn't what they are licensed to do.

Question of present authority, whether Sanitarian or DEQ. Apparently hasn't been changed to DEQ as yet.

Staebler said a surveyor can't legally give a profile.

P. 8, last paragraph, correct typographical error, delete "not".

P. 10, Table 1, re length of cul-de-sacs. This is covered on P. 13, Item I.

P. 12, Sec. 301, B. Correct typographical error "shall".

P. 13, Sec. 302, A. Inasmuch as county is zoned, last sentence and Table 3 not necessary. Lot line setbacks should be those in zoning ordinance. The Planning Commission agreed to this. Item A will read: "The minimum area, width, depth and frontage of lots and the minimum building setback lines from streets shall conform to the requirements of the applicable zoning districts as provided in the Zoning Ordinance."

P. 16, Sec. 307, B., last sentence - does this mean all three items (1, 2 & 3) ?

PP. 17, Sec. 501, B. - change "The time for" to "of".

P. 18, Sec. 503, A. 1 - add "in the County,".

P. 18, Sec. 503, B. 3 - change to read "The elevations of contour lines shall be shown".

P. 19, Sec. 503, C. 7 - Question of whether this section necessary not entirely resolved, however, since several thought it confusing and unclear what was being asked, it was thought best to delete the item.

P. 19, Sec. 504, A. - The Planning Commission decided to leave as is.

P. 20, Sec. 505, A. - What is the time limit the Planning Commission has for considering an application? It was the consensus there was no particular time limit; Mrs. Graves said she didn't think the Planning Commission should be tied to a deadline; that she appreciated that a subdivider should have as prompt action as possible on an application. The second line was changed from 21 days to 31 days. The date on which a preliminary plat was considered would not necessarily mean that the Planning Commission would make a decision at that time.

P. 21, Sec. 603 - Change to read "The final plat shall be submitted in the form prescribed by ORS Ch. 92.080.

P. 22, Sec. 604, G - It is not always possible to define easements. This paragraph may be changed after investigation by the Planning Commission.

P. 22, Sec. 604, L - This is a good idea.

P. 22, Sec. 604, N - Change to read "Front setback lines in accordance with Zoning Ordinance.

P. 23, third line from top of page, item 4. Add "as far as available data allows".

- P. 23, Sec. 605, A - Change to read "A complete and accurate survey of the land to be subdivided shall be made by an engineer or surveyor licensed to practice in the State of Oregon, in accordance with state law."
- P. 23, Sec. 607, B - First sentence, question of whether "easement" should be retained in this sentence. The matter is to be referred to Mr. Winter, District Attorney.
- P. 24, Sec. 608 - Why reserve strips? Jones: The roadmaster, Dennis (Doherty) and I went over this. This is a common statement. Smith: This is included in all subdivision ordinances, apparently to give the county control over this area for purposes of joining an abutting street if one is developed in the future.
- P. 24, Sec. 611, A - Change to read "All monuments shall conform to the provisions of State law."
- P. 25, Sec. 613, B - Omit last 12 words and add O.R.S. 92.060; fifth line, omit "certify the final plat and"
- P. 26, Sec. 614, A (c) - Question re payment for what to whom? The purpose of this section is to make sure the subdivider will put in improvements as promised. Add to 9th line, after payment, "as specified in the agreement". The paragraph was not further clarified.
- P. 27, Sec. 701, A - Does this mean any or all three items 1, 2 and 3? Smith: It means any one of the three. Change to read "if any one of the following conditions exist".
- P. 28, Sec. 804 - Question regarding second sentence. Decision to not change the sentence.

This was the end of Staebler's comments and questions, and he furnished his copy with his notations of the Proposed Subdivision Ordinance to the Commission.

Dick: We'll have to take this to lawyer (suggested revisions).

Staebler: What I'm particularly concerned about is being able to use narrative description of easements, particularly if easements are all the same.

Herman Green: Are subdivision ordinances different or the same in different counties?

Smith: They are much the same, but have variations to fit the individual county. Ours was copied primarily from the Harney County ordinance.

Staebler: Plats are just a simple means of selling a number of small sites which are alike so that all the deeds don't have a legal description of the land.

Kerr: Does this definition "subdivider" do what this body wants?

Staebler: Oregon law on partitioning land is 5 acres, instead of 10. Question of whether "3 parcels" means 3 per year.

Jones: Deschutes County is considering 20 acre minimum lot.

Staebler: What if a subdivider should come before the commission with a plan for a recreation subdivision for self-contained trailers, and have no water or septic tanks available? The Commission didn't indicate any enthusiasm for such a plan.

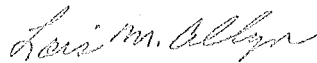
O'Donnell: How many more meetings regarding the subdivision ordinance?

Graves: This was supposed to be the last. Would it have to be advertised again? It wasn't thought necessary, but it was decided to check with Mr. Winter.

Mr. Lamb filed an application for change of zoning after appearing informally before the commission earlier in the day. Due to the fact this hearing will have to be legally advertised, and the time element involved, the earliest date for another meeting would have been late in March, so Mrs. Graves decided to hold the next meeting on the usual meeting date of the first Monday in the month, which will be April 2 at 7:30 P.M.

The hearing adjourned at approximately 10 P.M.

Respectfully submitted,



Lois M. Allyn, Secretary
Morrow County Planning Office

MINUTES OF THE MEETING OF THE MORROW COUNTY PLANNING COMMISSION

Courthouse, Heppner, Oregon

April 2, 1973 - 7:30 PM

Commission Members Present:

Mrs. Dorris L. Graves, Chairman
Mrs. Alma Green
Roy W. Lindstrom
Ed Dick
Mrs. Virginia Grieb (arrived 8:05)
Max Hellberg

Others Present:

Harold Kerr, County Extension Agent
Judge Jones
Robert Lamb & Mrs. Lamb, representing
Eastern Oregon Farming Company
Mrs. Avon Melby, East Oregonian reporter,
(left early)
Louis Carlson, lone farmer
Del Smith, Planning Director
Lois Allyn, Planning Office Secretary

Mrs. Graves opened the public hearing on Eastern Oregon Farming Company's application for a change of zone from "Farm" to "Industrial" at 7:40 P.M.

Mr. Smith reported that construction had started on some of the buildings, that applications for building permits had been received, with the understanding that unless the Planning Commission permitted the change in zone, they would have to be operated as a farm use; that the hearing had been properly advertised and adjoining landowners notified of the hearing; he also reported that Mr. Lamb had done a good job of controlling soil erosion on the building site by gravelling part of it and using straw.

A letter from Farm Chemicals was read supporting the change of zone. This letter is attached to the original copy of the minutes.

Mrs. Graves asked why they wanted to have an industrial site in the particular location, rather than on the Port lands which are already zoned industrial.

Mr. Lamb said it was due to several circumstances; the availability of natural gas, the gas company won't put in the line and it will cost approximately \$200,000 for seven miles; the plant has to be on the railroad and have good road access and water, and most important, to be very near source of hay, approximately 3 to 5 miles to be most economical. Green or wet alfalfa has a high moisture content.

The additional cost of gas line and hauling hay makes it uneconomical to locate the plant at the Port of Morrow.

Plans for expansion of the plant are contingent upon market; the plant would encourage development of Boeing and other nearby lands.

The plant would only handle farm oriented crops, and they anticipate producing alfalfa pellets from green alfalfa, and corn pellets. These might be marketed either here or foreign markets.

They plan 4 storage bins, office and scale house, shop, and first part of plant now. A drawing of the plans is attached to original minutes.

He reported they now have title to the property, which was purchased from Shell Oil. (same as Farm Chemicals).

The company is a family stock corporation, and said he would furnish a financial statement for the year ending 1972.

Judge Jones, in answer to a question from Kerr: The plant would help develop the interchange at Boardman which is desired to develop the surrounding area.

Hellberg moved, seconded by Lindstrom, that the application for change of zone be approved. Mr. Dick suggested that the provision that the plant must comply with DEQ regulations be added. The commission unanimously adopted the motion with the added provision. Mrs. Grieb did not arrive until after the vote.

The Commission also requested that they be supplied with the financial statement which Mr. Lamb had offered.

Mrs. Graves then presented the matter of the Proposed Subdivision Ordinance. Public hearings on this matter had been held March 6, 1973.

Several minor changes were made in the proposed ordinance in accordance with the minutes of the March 6 hearings, and consultation with Dennis Doherty, Assistant District Attorney. Dick moved, seconded by Green, that the subdivision ordinance, as amended, be recommended to the County Court for adoption. Motion carried unanimously.

Mrs. Graves raised the question of whether a charge should be made for copies of the zoning ordinance, etc. which are furnished to the public. It was generally agreed that a charge should be made. Judge Jones suggested \$1.00.

Motion by Lindstrom that a fair charge by the County Court be made for copies of the zoning ordinance, subdivision ordinance (when adopted) and Comprehensive Plan. Motion carried.

Mr. Louis Carlson appeared before the Commission to express his concern regarding the proposed coal-fired power plants proposed by Portland General Electric. There was little advance publicity on this proposal, and perhaps they are more serious about coal-fired plants than appears on the surface.

Dick: What is the problem of coal-fired plants?

Carlson: Smoke and ash. In Wyoming you can see a coal-fired plant for 100 miles.

Smith: The coal-fired plants are in the application. At the hearings, Dick McElligott said we don't want coal fired plants. PGE and DEQ should be advised of people's reaction.

Mrs. Graves read the March 14 letter from the Nuclear & Thermal Energy Council, which requests the reaction of the Planning Commission to PGE's application, and said that she had read the application three times.

Some of the contents of the application were reviewed. It was felt that one or two more copies were needed in the county for review by the Planning Commission and other interested people. It was decided to check with Rupert Kennedy, Port Manager, to see if he had a copy.

Jones reported there is a bill in the State Legislature on a proposed statewide building code, which would require each county to have a building inspector.

Grieb: I question whether we should leave everything up to DEQ. For instance, depending on the time of year, something might be alright when they checked it.

Jones announced a dinner and solid waste meeting on April 3.

The meeting adjourned at 9:30 P.M.

Lois M. Allyn

Lois M. Allyn
Planning Office Secretary

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MINUTES OF THE MEETING OF THE
MORROW COUNTY PLANNING COMMISSION
Courthouse, Heppner, Oregon
May 21, 1973, 8:00 P.M.

Planning Commission Members
Present:

Dorris L. Graves, Chairman
Alma Green
Ed Dick
Orville Cutsforth, Jr.
Virginia Grieb
Roy W. Lindstrom

Others Present:

Gerald Rood, Heppner
Mr. & Mrs. Herman Bletell, Heppner
Mr. Gene Halsey, Albany
Jack VanWinkle, Heppner
Howard Pettyjohn, Heppner
Harold Kerr, County Extension Agent, Heppner
Judge Paul Jones
Mr. & Mrs. Bill Brannon, Heppner
Ray Alsup, Milton-Freewater
Glen Ward, Oregon State Game Comm., Heppner
Avon Melby, E. O. Reporter, Heppner
Dennis Doherty, Asst. DA, Heppner
Umatilla Electric Coop representative
Lois M. Allyn, Planning Office Secretary

Mrs. Graves opened the meeting with the public hearing on Mr. Halsey's application for a change of zone from "Farm" to Commercial" on Tax Lot 600 and Conditional Use Permit application on Tax Lots 500 and 600 in T 2 S, R 26 E, Sec. 34 to construct an addition to the motel and a trailer court on the present Jack VanWinkle motel property. Mr. Halsey did not have a plat of the property, only a small map showing the dimensions. Copy is attached to the original copy of these minutes.

Herman Bletell questioned the charge for hook up to the sewer line which will be constructed by Mr. Halsey and connected to present City of Heppner line. Jack VanWinkle said it would be \$350. He said a separate water line to the court would be built if necessary. Halsey said it would take a 3" water line to the court, and there is a 4" line there now. VanWinkle said water pressure had been checked at the motel 3 times under various circumstances, and there has been adequate pressure. VanWinkle said a non-profit corporation will be formed to put in the sewer and keep it up. The city would do any maintenance work and the corporation would pay the city. VanWinkle said the water line was put in by a similar corporation, but the corporation has been dissolved, and the water line belongs to no one. The cost to hook up to the sewer would be \$350 plus whatever it cost to run the line to the person's house. Total cost of sewer line is \$7,000 for main line.

Mrs. Graves: Have you contacted DEQ? Halsey: No, just through my application here.

In reply to a question from the audience, VanWinkle said there would be no change in taxes because of the sale of the property because it was too small a sale, and the price of the farm land was a small part of the total value of the property.

There was general concern expressed by persons from Heppner in the vicinity of the proposed trailer court that hook-on costs to the sewer would be excessive, and that water supply would be inadequate with the present 4" line.

Mrs. Graves: DEQ would require proper water and sewer. Have you planned on a playground? Halsey: No, didn't know it was required. Mrs. Graves: Yes, its in this little book furnished by Jack Wright (the State Sanitarian). Do you have a copy of it? Halsey: No, don't think so, I have some information.

Mrs. Graves: Would these be all permanent mobile homes? Halsey: Would have some permanent and some pass through. Probably part of park should be for adults and part for children.

Mrs. Graves: Would there be any objection from anyone in the audience to the zone change alone to put in a trailer court? Apparently none.

It was the general feeling of the Planning Commission that the sewer and water problems involved would have to be resolved by the City of Heppner, and the regulations and supervision of DEQ would insure adequate sewer and water service to the trailer court, motel and residents of the area.

Mrs. Green: I move that Mr. Halsey's application for zone change from "Farm" to "Commercial" be allowed; that the conditional use permit application be approved for use as trailer park and motel only, with the condition that the mobile home park and overnighter park and motel meet DEQ and Health Department specifications, and that no building permit is to be issued until a plat of the proposed development is furnished to the Planning Commission. Second by Mrs. Grieb and carried.

Howard Pettyjohn registered protest of present inadequate water pressure, and wanted assurance from the City of Heppner that he would be furnished adequate water supply with sufficient pressure as he is on the end of the present water line.

The area south of the Heppner city limits is all zoned farm, except for the tract on which the motel is operating. The Planning Commission members felt it should be zoned residential.

Mrs. Graves then opened the hearing on the Umatilla Electric Cooperative application for a change of zone from "Farm" to "Commercial" on a one acre tract in T 4 N, R 26 E, Sec. 9 to construct a low profile, 10 megawatt substation. The Umatilla Coop representative said the substation is needed to serve the new Eastern Oregon Farming Company plant, Desert Magic, Western Empire and other large farming operations in the area. The plant will be 10 megawatts now and can be expanded to 20 megawatts. In reply to a question from Mr. Kerr, the Umatilla Electric representative said a soil sterilant would be used on the site, and ground covered with 6" of gravel and compacted to prevent dust blowing and provide a surface for equipment to drive on. He said he didn't believe dust would bother their equipment as it is sealed in weather proof cabinets. He said the plant should be adequate to serve the area for ten years. He didn't anticipate they would expand the plant to more than 20 megawatts as such plants must be close to the area served. The company serves the north Morrow County area from the Umatilla line to Castle Rock.

There being no protest to the application, Lindstrom moved that a zone change be granted for the substation, second by Cutsforth, and carried.

Mr. Ray Alsop, representing Readymix Sand & Gravel, Inc., Milton-Freewater, appeared before the Planning Commission to informally advise them of his intention to apply for a conditional use permit to operate a concrete batch plant on property owned by Claude Graham, leased to Allen Hughes, near the air strip. The company has a sub-contract to furnish concrete for the new Kinzua plywood plant. He plans on asking for a permit to operate the plant from June 1 to Dec 1, 1973. The company has already purchased a new, self-contained plant which is moveable. The truck which pulls the plant furnishes the power to run it, and the plant can be set up and running in about 1/2 hour to 1-1/2 hours on a site. Alsop said the visibility is about 1/4 mile in each direction from the proposed site. He said that because of noise and traffic problem with children, they preferred not to set up in town. The railroad company has given them permission to use a site in Heppner where such a

plant was operated in the past. Water for the plant would be from Hughes well, line would run under railroad track at a small underpass presently in existence. The plant would be 500 to 600 feet north of hangar, and the air strip could still be used in an emergency. A water truck will be available at all times to keep down dust. Gravel will be trucked from Boardman plant. Lease will guarantee that land will be put back in its original condition as near as possible. There will be no mining on the site. The work at the new Kinzua plywood plant should be done in 3 months, but the request for six months is to allow for extra time. Mr. Alsup said two belly dump semi-trucks a day will haul gravel from Boardman, and an estimated four cement trucks would be in operation. There would be no discharge of effluent in Willow Creek. The railroad track would be between the plant and the creek. They will need to get ok from State Highway Department and DEQ.

A hearing date of June 4 was set. Mr. Alsup filed an application for a hearing for a conditional use permit. He is to furnish a brochure describing the concrete plant.

Dennis Doherty, Assistant District Attorney, discussed the implications of the "Pasano vs. Washington County" case, and the guidelines which will govern Planning Commission decisions in the future. The material mailed out along with the agenda for the May 21 meeting makes it plain that the burden of proving the necessity for a change lies with the person making the application; that reasons for changes will have to be documented and made a matter of record, rather than "common knowledge"; that spot zoning will be unacceptable; that contacts with individual members of the Commission should not be made by an applicant. The various implications of the Pasano decision will make the work of planning commissions more complicated and difficult.

Mr. Doherty suggested that copies of the material given to Planning Commission members be furnished to persons making applications so they will be aware of the guidelines within which the planning commission has to work.

Mrs. Allyn said that a building permit is being processed on the property owned by the Bishop of the Church of Latter Day Saints near Fenland Lake, which is zoned recreation, and that she didn't feel a conditional use hearing was necessary since from her investigation, work on the project had started before the zoning ordinance took effect.

She also announced that two building permit applications on properties in the third Blake Ranch subdivision were being held because the State Sanitarian will not inspect the properties until a plat is filed with the State Real Estate Commissioner. Judge Jones questioned whether we have the authority to do this.

There was a question of how much of the land in the area is zoned recreation. Mrs. Allyn said just the Lake Fenland Corp. property and the church property.

The meeting adjourned at about 10:45 PM.


Lois M. Allyn, Secretary
Morrow County Planning Office

cc: City of Heppner

File

Minutes of the meeting of the
SUBDIVISION REVIEW COMMITTEE
Wednesday, Aug. 1, 1973, 8:00 PM
Courthouse, Heppner, Oregon

Present:

Doc Sherer, County Roadmaster
Ralph Thompson, Morrow County Surveyor, Pendleton
Dennis Doherty, Asst. Morrow County DA and also asst. attorney for Blake
Judge Paul W. Jones
County Commissioner Homer Hughes
Dorris L. Graves, Planning Commission Chairman
Del Smith, Planning Director
Lois Allyn, Planning Office Secretary

Re: Blake 3rd Subdivision Plat

Thompson furnished copies of the attached material to those present. *

Dennis Doherty: I think there are some knotty problems for this committee to discuss, before talking with Blake. The first question is whether the Subdivision Ordinance applies. Jones: What about timing?

Lois: Blake was informed when he brought the first sketch of his third plat in on April 19 that it was possible the Morrow County Subdivision Ordinance might apply. I also gave him a copy of the material that we have in our files concerning State subdivision requirements (this was on April 23), and suggested that he either talk to his attorney or the State Real Estate Commissioner to see if he was in compliance with the law. Two building permit applications were also submitted by Mr. Blake on April 23, but he was informed that building permits would not be issued until such time as he had complied with State law, particularly in regard to approval by Mr. Jack Wright, State Sanitarian, of the water system.
(Note: Mr. Smith was on leave of absence at the time).

Doherty: Herman Winter has been Blake's attorney for many years. I did some work for him the last couple weeks while Mr. Winter has been away. I talked to a lot of people concerning ORS 92.050 adopted in 1955, amended in 1965, 1965, etc. Mrs. Allyn had suggested to me earlier that Blake should apply for a zone change since the property is being used for recreational purposes and she felt the obligation of the county to provide various services, including road maintenance and school bus service, would be different than if it was left in farm zone. However, I think it should be left in farm zoning so they can't further subdivide. Roads will be dedicated for public use, but the County Court would have the option of not accepting them.

Mrs. Graves: Would you require the roads to be brought up to specifications?

Dennis: The County Court doesn't have to accept roads even if they are brought up to standards. Unless a road is accepted as a county road by the County Court, they cannot, by law, do any work on them.

Dennis: I really don't think Blake is bound by our Subdivision Ordinance. The lots were sold over a 3-year period. Also, Val Toronto (engineer from Pendleton) has checked the water supply, and he reports there is 62,000 gal. of water per day available, and this is a dry year. Water will be furnished from the same system to all three plats.

Thompson: He doesn't need a survey of the initial plat. He would need one later if a plat is filed.

Graves: Would this area be under State Fire Control? Yes.

Graves: Is there a subdivision at Parker's Mill? Lois: We have received no applications for building permits there. Graves: There are a couple cabins being built up the canyon from Don Heliker's, near Pettyjohn's property which was bought from Shirley Rugg. Mr. Smith is to investigate the matter.

Thompson: A survey is not required for selling off lots until a road is created. Surveying and filing a map is easier and simpler than a plat. He had to plat the first two because of the one acre lot size. I think the 2nd plat is illegal. Monuments were not set. A replat would have to be signed by all landowners.

Dennis: Does anyone think the Subdivision Ordinance applies? There is no provision for map method of subdivision in the Ordinance.

Jones: I think he should withdraw his application and get informed regarding the map method of subdivision. He should ask to withdraw or table his application until he can investigate map method. He should be informed of his rights concerning the map method.

Dennis: Blake only promised 300 gal. per lot of water, and access. Each lot owner is to purchase hook up.

Jones: I would want to see a deed to see how the tracts are described.

Thompson: Map system deeds are by description, rather than lot and block number.

Jones: Ron Daniels, County School Superintendent, advised me he was concerned about having to bus children. That area is not always passable in the winter.

No motion was made, but it was the consensus of those present that the Morrow County Subdivision Ordinance did not apply to Blake's third subdivision.

Mrs. Graves expressed concern over whether the Zoning Ordinance needed to be amended to prevent indiscriminate subdividing that did not follow the intentions of the Planning Commission for orderly development in the county.

Lois Allyn
Lois Allyn, Secretary

* Filed with original copy of minutes.

file

MINUTES OF THE MEETING AND PUBLIC HEARING
OF THE MORROW COUNTY PLANNING COMMISSION

Courthouse, Heppner, Oregon - June 4, 1973

Planning Commission

Members Present:

Roy W. Lindstrom, Vice-Chairman
Virginia Grieb
Ed Dick
Alma Green, Secretary
Fritz Gutsforth

Others Present:

W. M. (Bill) Lanham, representing
Mrs. Mulkins
Judge Paul W. Jones

Ellen Ward, Game Commission, Heppner
Allen Hughes, Heppner rancher
Ray Alsup and
Jim Busch, Milton-Freswater, representing
Readymix Sand & Gravel, Inc.
Herman Winter, Attorney for Lake Penland Corp.
Harry Oswald, District Engineer, State Highway
Dept., Pendleton
Mrs. John Mollahan, Heppner
Don Staebler, Surveyor & Engineer for Lake
Penland Corp., Pendleton
George D. Smith, County Planner
Lois M. Allyn, Planning Office Secretary

Mr. Lindstrom called the meeting to order at 8:20 PM in the absence of the chairman, Mrs. Graves.

The first order of business was the public hearing concerning Readymix Sand & Gravel, Inc. request for a Conditional Use Permit for six months to operate a concrete batch plant on approximately $1\frac{1}{2}$ acres of Tax Lot No. 2200 in T 2 S, R 26 E, Section 17, property owned by Anna Graham and leased to Allen Hughes. The site is between the state highway and railroad track, about 400 to 500 feet north of the small hangar towards Mollahans' property. Mr. Alsup had appeared at the May 21 meeting and explained their plans.

Mrs. Mollahan said she had no objection to the plant.

Mr. Alsup said they would use necessary gravel for dust control.

Lindstrom: The approach there now is quite steep. Alsup: We recognize this. We'll have to talk to the landowner about this. Lindstrom: Trucks should have flat approach and there should be signs.

A copy of the "adjoining landowner" letter had been sent to Mr. Oswald. He said he had no objection to the plant.

Alsup: The Oregon State Highway Department will cause us to put up truck signs. Loaded trucks won't cross traffic as they are going onto the highway.

Dick: Inasmuch as there is no objection and realizing they have investigated other locations and find this to be the best site, I move that a Conditional Use Permit be allowed for six months. Seconded by Grieb and carried. Mr. Alsup said that they should be able to finish the work they have contracted for on the new Kinzua mill in six months, but if they couldn't because of a strike or similar circumstance, they would request an extension. He expressed his appreciation to the Planning Commission for their cooperation and to Mrs. Allyn for her assistance in preparing his application.

The public hearing on the Mulkins application for a Variance was opened. Mr. Lanham, representing Mrs. Mulkins, said that the variance request had been changed from one-half acre to one acre, leaving 3 acres that she wished to sell. A letter from the State Health Division, advising that the property to be sold is unsuitable for development for residential purposes because of the high water table, was reviewed.

"Transferee's Intended Use Statement" that the intended use of the property is for pasture and that they do not intend to place a residence upon it was read. These documents are attached to the "Hearing" record. Mr. Lanham said they are in the process of obtaining easements from four adjoining land owners so there will be an easement of record to the property. This access is now in use but not on record. The easement will be 16' wide. This road will not be dedicated to nor accepted by the county. Minimum right-of-way width of county roads is 50'. The list of the adjoining landowners was read. In reply to a question from Lindstrom, Lanham said the purchaser of the 3 acres is not an adjoining land owner.

Since there was no objection to the Variance, except as noted, and the use of the property would not be changed, Mrs. Green made a motion that the Variance request be allowed. Seconded by Dick and carried.

Mr. Oswald of the Oregon State Highway Department explained the current policy and regulations concerning signs along state highways. Signs (billboards) are not permitted in farm zones, only industrial or commercial zones. (A copy of the regulations has been furnished to the Planning Office.) Mr. Wilson of Irrigon had applied for permission to erect a sign about one mile west of Irrigon on Bettencourt property which is zoned "Farm", which, while not prohibited by the Zoning Ordinance, is prohibited by the Highway Dept.

The final plat map of a portion of the Port of Morrow industrial property, mostly in the north half of Section 10, was presented for approval by the Planning Commission. Gutsforth moved, seconded by Grieb, that the vice-chairman of the Planning Commission be authorized to approve the plat on behalf of the Planning Commission. Motion carried.

It was pointed out that with the acceptance of the plat by the Planning Commission and State Real Estate Commissioner, the property can be sold and put on the tax rolls.

Mr. Winter said that Desert Magic has purchased Lot 4, 9.13 acres, and their plant should be ready for operation in about 30 days. Mrs. Allyn noted that an application for a building permit had not been received for this building.

Don Staebler presented the final plat of the Lake Penland Corporation recreational subdivision for approval by the Planning Commission. The lake area itself and two small areas are to be dedicated to public use for access to the lake. The public will also have access through the Game Commission owned tract. The provision for public access was part of the agreement with the Forest Service, Soil Conservation Service and Oregon State Game Commission when this man-made lake was constructed.

Mr. Staebler said there are no plans for a public water supply. It was mentioned there is one fairly good spring nearby. It was also mentioned that some cabins are being constructed. (No building permits have been issued by the Planning office.)

The lower lot lines of the lots run out about 75' or 100' in the water, depending on the water level at the time. Mr. Staebler said there is about $1\frac{1}{2}$ acres in each lot. There are 45 lots; 24 lots, or approximately that many, are spoken for and money has been paid into the corporation for purchase of a lot when the necessary steps have been taken so that deeds to the lots can be delivered. Lots are selected by corporation members in the order in which they paid into the corporation. Mr. Staebler said that Ed Dick is the president of the corporation, replacing Harry O'Donnell, and Howard Bryant is the secretary.

Judge Jones, Fritz Cutsforth, Ed Dick and a number of other south Morrow County residents, and Don Staebler and a few others from Pendleton are in the process of purchasing lots in the development.

Mrs. Green moved, seconded by Cutsforth, that the final plat map of Lake Penland be approved. Motion carried.

Mr. Lindstrom adjourned the meeting at 9:50 PM. Another meeting date will be set when there is business to come before the Commission.

Lois M. Allyn
Lois M. Allyn,
Planning Office Secretary

*cc to Elmer Sundbult
Rt 2, Box 236
Elrignon - mailed
June 12 at his
request*

NOTE CHANGE OF DATE TO NOV. 5

file

Minutes of the meeting of the
MORROW COUNTY PLANNING COMMISSION
Courthouse, Heppner, Oregon
Sept. 17, 1973, 7:30 P.M.

Members Present:

Mrs. Dorris Graves, Chairman
Mrs. Virginia Grieb
Ed Dick
Harold Rash
Ernest Jorgensen
Fritz Cutsforth

Others:

Herman Winter, District Attorney
Avon Melby, East Oregonian reporter
Judge Paul Jones
Mr. Ceresa, Heppner Gazette
Harold Kerr, County Extension Agent
Dave Harrison, Columbia Basin Elec Coop
Lois Allyn, Planning Office Secretary

Mrs. Graves called the meeting to order at 7:30 PM.

Mr. Harrison presented plans to replace the old PP&L line from Ione to Olex. It will be a single pole line, the same as the new line to Ruggs. He said they have easements from all property owners except one. They will underbuild a distribution line on the same poles, and thereby eliminate some present distribution lines. The new line will be 69,000 volts, replacing a 22,000 volt line. The line was staked and pole heights set 2 years ago. For this reason, it was determined by Dennis Doherty that a conditional use application did not have to be filed and a formal hearing held. There will be a new substation for the line in Gilliam County. Project cost will be \$400,000.

Mr. Harrison also asked the Planning Commission to either adopt the definition of public utilities proposed in his letter of June 27, 1973 or some similar wording that would clearly define what the Planning Commission considers a public utility, and under what circumstances a conditional use permit is required in Farm and Farm Residential zones. He said they would still want to have the permission of the Planning Commission for any service in Recreation zones.

Mr. Winter suggested a motion to the effect that the Planning Commission will consider revising Item 9, Section 3.070 and Section 3.120 of the Zoning Ordinance at their next meeting. Motion by Dick, seconded and carried.

Penalties for not obtaining building permits was discussed.

Mrs. Graves had proposed at an earlier meeting that signs be placed on roads into the county advising that building permits are required. She asked how much they would cost. Judge Jones said they wouldn't be too expensive. There might be permanent signs available that could be ordered. He said the county would have such signs erected.

Winter construed that the Zoning Ordinance does allow for issuing building permits.

Question of whether fees, etc. can be set by County Court -- Winter quoted law. Court has power to set penalties.

Jones: We have delayed because of new ORS requiring building inspection.

Jones questioned whether the Planning Commission needs to recommend that the County Court adopt an ordinance requiring building permits, setting fees and penalties, or whether the present ordinance is enough. New state law effective Oct. 5 or Jan. 1 will require a building inspector; possibly in conjunction with another county.

Mrs. Graves: I think we should get the signs up now and stress education.

Mrs. Melby said she had written articles for the East Oregonian concerning the need for building permits.

Mrs. Allyn said that a short note written by Judge Jones had been sent out in all tax notices last fall. Of course, some of these tax notices go to the lending institution rather than the person buying the property. Fritz Cutsforth said he hadn't noticed this slip in his tax notice.

Mrs. Grieb said these things go past people.

Dick: Our interest was to see that the buildings meet Zoning Ordinance requirements.

Mr. Winter quoted state law that allows a \$500 fine for not complying with a zoning ordinance and \$1,000 for continuing offense.

He also said that all title insurance policies issued here except out violations of the Zoning Ordinance.

Mrs. Graves wanted a recommendation on signs advising permits are required.

Cutsforth moved, seconded by Grieb that all major highways entering the county have such signs. Motion carried.

Mr. Ceresa said that in California, one way of forcing people to get permits was that no power was turned on until the power company received confirmation that the building permit was issued.

Approval of the Willow Creek road as now proposed on the south side of the proposed Willow Creek Dam was discussed. The Corps of Engineers wants approval of the new plan. Mr. Winter said the Commission had no authority on the matter. Judge Jones said he would like to have members of the Commission give him their opinion before the County Court meeting on the 19th, as the Court would be making a decision then. No one raised any objection to the south side route.

It was mentioned that probably the Stan Cox and Nelson Connor homes would be in the path of the road.

Various new state laws were briefly reviewed.

SB 100 - Jones said had some good and some bad features. Oregon was preparing for possible similar Federal legislation. Mrs. Graves said she thought the general purpose of the legislation was good, but that it had some bad features. She hoped that it would go to a vote of the people and be turned down and new legislation written.

Jones said that copies of the new laws are available in his office if anyone wants to read them.

There was little further known on the present status of the Blake & Penland recreation developments. Jack Wright, the State Sanitarian serving the county, was unable to be present. Ed Dick, who is chairman of the Lake Penland Corporation, said that their surveyor, Don Staebler, is ready to make an appointment to present the plat of Penland to Ralph Thompson, County Surveyor, for his approval. Mr. Winter reported that Val Toronto is Blake's engineer. He said there have been no claims of fraud or cheating or misrepresentation from people who bought from Blake.

Jones reviewed the background on approval of the solid waste site. The Turner site will require a public hearing for a conditional use permit.

Jones said the county is negotiating with BLM for land in the North end of the county for a landfill site.

Mrs. Graves asked about construction on Port of Morrow lands. This has to be industrial use because of deed restrictions.

Mrs. Melby asked a question about the zoning and price of a piece of land the county is selling in Hardman for taxes. She wondered why the price was so high. It was thought that such properties were offered for sale for the amount of the back taxes. The land is zoned "Farm".

Judge Jones said there is nothing in the records to show that Hardman ever unincorporated. This matter should be investigated, as the County Planning Commission would not have jurisdiction if Hardman is still an incorporated city.

Jones and others said that in connection with setting penalties for not obtaining building permits, it would be better to wait until the new laws take effect and make regulations as needed then.

The next meeting was set for Oct. 1.* Meetings on the 2nd Monday should be avoided as both Mrs. Grieb and Fritz Cutsforth are on the School Advisory Committee which meets the 2nd Monday.

Lois Allyn

Lois Allyn
Planning Office Secretary

* Mrs. Graves later set the date for the first Monday in November, the 5th, as Oct. 1 would only be two weeks after the September meeting.

MINUTES OF THE MEETING OF THE
MORROW COUNTY PLANNING COMMISSION

Courthouse, Heppner, Oregon 97836

Nov. 6, 1973 - 8:00 PM

Members Present:

Dorris L. Graves, Chairman
Aime Green, Secretary
Fritz Cutsforth
Ed Dick
Roy W. Lindstrom
Max Hellberg
Harold Rash

Others Present:

Judge Paul W. Jones
Jack McFadden, The Boeing Company
Del Smith, Planning Director
Herman Winter, District Attorney
Doc Sherer, County Roadmaster
Glen Ward, Game Commission
Juanita and Denzel Brown, Irrigon
Dan Creamer, Irrigon
Harry Towers, Irrigon
Ival Sullivan, Irrigon
Jack Campbell, Irrigon

The meeting opened at 8:00 P.M. Mr. Christiansen, one of those for whom the hearing was being held, did not appear because of illness. However, he called two members of the planning commission (Fritz and Max) and explained his request and his letter was read. His request was to sell 5 acres of his 8.3 acre plot in an area zoned Farm, which has a minimum lot acreage of 5 acres. It was the intent to perhaps zone the area immediately surrounding Irrigon as Farm Residential which would allow one acre lots. Herman Winter explained our zoning ordinance as regards lots, and said Mr. Christiansen's land would be a non-conforming use.

The 6 people present from Irrigon objected to rezoning to Farm Residential. They objected to "spot zoning."

Ed Dick said that we (planning commission) are opposed to spot zoning also.

Dorris said that what we want to do is what you (the community) wants to do.

Ed asked if anyone present favored the change in zoning. "No."

Motion by Ed Dick: I move that the planning commission deny the application by Mr. Christiansen on the basis of the objection by the persons who appeared in opposition, and because the commission does not wish to create spot zoning. Second by Fritz Cutsforth. Motion carried.

In further discussion concerning rezoning the area to farm residential, Herman Winter suggested that when the need comes to expand, then action can be taken.

At 8:45 P.M., Mr. Jack McFadden, representing the Boeing Company, presented their request that the entire south half of Sec. 22, T 4 N, R 24 E, be zoned Farm instead of Industrial. He said it is presently being used for grazing. There are 7.3 acres in the site where they wish to place conventional housing on 18 and not to exceed 20 housing lots. He said this is necessary because the private sector has not made housing available. There is presently a water system and sewage treatment system on the site which had been used for Navy personnel at one time. The houses would be of conventional nature with 1000 square feet and 3 bedrooms, 2 carports for each house. They would provide recreational facilities, as well as laundry facilities and a meeting hall.

The planning commission ascertained that the feed lot would not be close to the proposed housing.

In response to a question from Mrs. Graves as to whether Boeing could help Boardman with their planning and housing, Mr. McFadden said that they are prohibited from making contributions to Boardman. He said that money is not a problem at Boardman. It is time. The proposed housing which Boeing is presently requesting is a stop-gap until 1975 when Boardman may be ready to provide facilities.

Also, Mr. McFadden asked for a conditional use permit for farm housing. Mr. Winter said that 503 in SB 101 states that a farm labor camp is not a sub-division and it would therefore not have to apply as a sub-division. Mr. McFadden said the housing would be furnished as a part of the employee's salary.

In summary, Boeing is asking for:

1. change of zoning from industrial use to farm zone
2. conditional use within the new farm zone
3. variance because the lots will be smaller than the one acre lot size.

He discussed generally the proposed development in the Boeing lands up until 1985 when their irrigation development will be completed. Wheatheart Co. will be there next year with 8,000 acres and then 4,000 more to follow. Fifty people will be employed. He said he does not expect this industrial area to compete with the Port of Morrow development.

Motion by Max Heliberg that we grant the Boeing Company's request for zone change from industrial to farm, second by Roy Lindstrom. Motion carried.

It was noted that a correction should be made on the application from multi-family to single-family dwellings.

Mr. McFadden said that they plan to keep to a smaller lawn size to save water and electricity. He has checked the proposed location with the Morrow County School District and they have approved it as being on their regular bus route. He said that Jack Wright has made an inspection of sewer and water, but they have not had a written report from him.

Motion was made by Harold Rash that we grant a conditional use for a labor camp of single-type dwellings and a limit of 20 units. The houses to be used only for Boeing farm employees or their tenants. Second by Roy Lindstrom, motion carried.

9:30 p.m. --- Motion made by Ed Dick and seconded by Fritz Cutsforth regarding S.B. 101, Chap. 503. Recommending change to conform to state requirements. Notify 4 utilities that they are exempted from all zones in Morrow County ordinance. Motion carried.

Herman Winter reviewed SB 100 and other new laws governing land use. He was requested to give us an opinion on Section 13 as it applies to our zoning. The building code was also discussed. It was noted that a housing inspector will have to be appointed by July 1, 1974. (SB 73) (fee schedule 834, Sec. 3)

After some discussion, Mr. Winter was asked to research and give an opinion concerning the county ordinance on page 21 whether the county is authorized to request a building permit, or a registration permit.

In further discussion concerning the housing inspector, Mr. Cutsforth said he would rather deal with someone locally. Dick said that we don't have the personnel in our county. Judge Jones stated that the legislature would appropriate money for the first year. HB 5082.

Judge Jones called the commission's attention to HB 2548 which states that the county "shall provide a planning director and necessary staff."

Also, it was noted that no more than 2 people can serve on the planning commission if they are of the same occupation. Also, that the governing body is the final authority.

Section II provides a plan by which input by a citizen advisory committee to the planning commission will be completed by January 1st at which time it will be presented to the State.

It was suggested that master of Pomona grange, chairmen of the city planning commissions within the county, and presidents of the chamber of commerce, Lion's clubs, Sorpotomist club and perhaps others might serve on the citizen's advisory committee. Glen Ward suggested that the long-range planning committee might be used for this purpose.

Judge Jones asked what will happen if there is a flagrant disregard of our zoning and comprehensive plans. (Kinz as example of set-back of less than 60'). How effective if we allow big operators to get away with such disregard.

Mr. Winter said it "boils back to the county". Passing of ordinances will be included in the new laws. Will probably have to revise all our ordinances to comply with SB 100, but we will wait until new laws are effective.

It was noted that on July 1, 1974 the state building code will supercede county and municipal.

Judge Jones questioned what are the plans for new development planned by Sabre, Eastern Oregon Farms and others in the north end of the county. He recommended that the planning commission request them to come before the commission for a meeting of minds, particularly concerning the blow area.

Ed Dick asked what right do we have unless they come for a request for zoning change.

Herman Winter said that we do have a right to request it.

It was pointed out that the breaking up of some 30,000 acres without erosion control is not for the benefit of the majority of the people. Ed Dick asked whether D.E.Q. would have some standards. Mr. Winter said there are new air pollution standards.

Motion -- Ed Dick moved and 2nd by Fritz Cutsforth that we write and invite those who propose new development to present to the planning commission immediate and long range plans concerning the use of the land as regards water and wind erosion. Motion carried.

In further discussion, it was felt that in the future, at the time of a public hearing when development plans are presented, a time limit for completion of these plans should be included.

Next meeting is scheduled for the first Monday in December (the 3rd).

over

Alma Green, Secy
Alma Green, Secretary

Minutes of the meeting of the
MORROW COUNTY PLANNING COMMISSION

Courthouse, Heppner, Oregon

Dec. 3, 1973 - 7:30 P.M.

Planning Commission

Members Present:

Mrs. Dorris L. Graves, Chairman
Roy W. Lindstrom, Vice-Chairman
Aima Green, Secretary
Harold Rash
Max Hellberg
Virginia Grieb
Fritz Cutsforth

Charles Christiansen, Irrigon
Carl W. Christiansen, "
Tom E. Snyder, "
Harry L. Towers, "
Lenard D. Abercrombie, "
Dave Franzen, SCS, Heppner
Chris Dowsell, Community Development Agent,
Extension Service, Pendleton
Lee Zimmerman, Planner, District 12, ECOAC, Pendleton
James W. Thomson, Planner, District 12, ECOAC, Pend.
Chester Wilson, Mayor, Irrigon
Walt Reid, Sabre Farms representative
Cecil Cooley, Desert Magic representative
Glen Ward, Ore. State Game Comm., Heppner
Avon Melby, E.O. reporter, Heppner (arrived about
10 PM)

Others Present:

Judge Paul W. Jones
Dennis Doherty, Asst. DA, Heppner
Joyce Bergstrom, County Assessor, &
Elwayne Bergstrom, Heppner
George D. Smith, Planning Director
Lois M. Allyn, Planning Office Secy.

Mrs. Graves called the meeting to order at 7:40 PM.

Public hearing on Chas. G. & Betty Lou Christiansen application for Variance

Chas. Christiansen said he wishes to sell 5 acres and keep 3½. He said he had talked to all the neighbors who protested his zone change request, and none would protest to granting the Variance. Mrs. Graves cited the questions from page 19 of the Zoning Ordinance which form the basis on which a Variance may be granted.

Mr. Christiansen said the majority of the property owners around him had less than 3½ acres, which Mr. Smith confirmed.

Mr. Abercrombie questioned access to the tract Christiansen proposes to sell. Mr. Christiansen said that there is access from a county road, or he could give a right-of-way through his property. Mr. Abercrombie questioned whether the county road is in the proper place. The official zoning map was referred to for location of roads. There is a dedicated road (2nd Street) adjoining the tract to be sold on the west, but the road has not been in use. The access to Mr. Abercrombie's property is from First St. and a dedicated road south of the tracts in question. It was pointed out that although these are dedicated roads, that does not mean they are county roads and that the county would open up 2nd Street and maintain the roads under discussion. The access to the property Christiansen would retain is from First St.

Mrs. Graves read letters of objection from Mrs. Towers and Douglas Renoe. Mr. Towers, who was present, said he did not object to granting the Variance, but that his wife did. Mr. Abercrombie objected to loss of trees, well and ditch which he thought would be destroyed if the dedicated road was cleared and put into use. It was believed that access to the property from Second Street would not disturb these.

In reply to a question from Mrs. Graves, Mr. Christiansen said he did not have a buyer for the property, so could not say how the property would be developed.

Mrs. Graves told him it would have to be used for residential or farm use. It is now used for pasture. Mrs. Graves asked if he understood that the 5 acres could not be further divided and can only be used for uses specified in a Farm Zone.

Dennis Doherty: The Commission can attach conditions if they want.

Hellberg: Unless we are illegal in granting the Variance, I can see no objection to granting a Variance.

Doherty: Conditions could be providing access, maintaining present environment, and maintaining the quality of the neighborhood.

Doherty to Christiansen: Within a mile, what is the largest place? He said Tom Snyder's.

Mayor Wilson of Irrigon said he had no objection to cutting up tracts, but said it may be involving the city in extending sewer and water service in the future.

Christiansen said the property is within one block from the city limits.

Doherty: Is this an economical farm unit?

Christiansen: No. Only part of it is irrigated now. A person could get irrigation water from the ditch if the canal was worked on. I have a good well, but would not furnish water. I work at two jobs and am unable to maintain the five acres.

Doherty to Wilson: Does Irrigon have a comprehensive plan?

Wilson: Yes, originally it covered from the Umatilla County line to Paterson road, and would take in this property, but since the county now has a zoning ordinance, they have control.

It was noted that the State Sanitarian had checked the property and approved the partitioning.

Doherty cited page 19 of the Zoning Ordinance and called attention to Sec. 8.20, sub-section 1. He also said the applicant should list questions and answers as part of his application. Mrs. Graves asked that a form be made up for future use that would accomplish this purpose.

Hellberg: Can we decide on this now? I hate to give people the runaround -- there is too much bureaucracy.

Graves: What about access -- should he give a right-of-way?

Doherty said the Variance could be allowed on the basis of:

1. The tract is substantially larger than surrounding tracts.
2. That is not presently an economically feasible farm unit.
3. That granting the variance would not conflict with objectives of the comprehensive plan.
4. That denying the application would cause an undue and unnecessary hardship as it would require him to pay taxes on property he cannot utilize.

In addition, as a condition to granting the variance, it is understood that the property must be used for uses permitted outright in a farm zone, and that the character and environmental quality of the neighborhood are to be maintained.

Hellberg: I move that the variance be granted, subject to stated conditions, seconded by Grieb and carried.

Public hearing on Carl Christiansen application for a Variance

It was stated that generally the same conditions apply to this tract, except it already has two residences.

Mrs. Graves asked where the property is located.

Mr. Carl Christiansen said that it has access onto Washington Avenue (old Hwy. 730), that it presently has two residences, and both have access onto Washington Avenue. He proposes to retain a 3 acre parcel on the east side of the tract, and sell 5 acres. He said the second house is not occupied now, but that it has been. The north side of the tract adjoins property owned by the Corps of Engineers along the Columbia River.

Mrs. Graves asked if there were any objections to granting the Variance which would allow Carl Christiansen to sell part of his property. No one present objected, and there were no letters objecting to granting the variance.

Motion by Rash, seconded by Lindstrom and carried that the Variance be granted with the same conditions as the other variance.

Mrs. Graves advised both parties that they would be notified in writing of the approval of their applications.

North End farming developments

Next on the agenda was a report of farming developments in the north end of the county, which had been requested as a result of the last Planning Commission meeting.

Letters had been sent to Boeing, Sabre Farms, Desert Magic, and Eastern Oregon Farming inviting them to visit with the Commission concerning their plans for development.

Walt Reid of Sabre Farms said it will be a year to two years before any permanent buildings are built. Their architect is in Tacoma. The irrigation system is going in now and will have some 30 or 40 circles by February 15. There will be some temporary buildings. The irrigation system will be computerized and there will be a trailer to contain it, and a second trailer for someone to take care of it. Circles will be phased in on a staggered basis so that all of the area will not be broken up at the same time. This will help prevent wind erosion. They expect to have 100 circles eventually.

Main production will be grass, hay, cattle and small grains. Construction will be carefully planned before development.

Mr. Cecil Cooley represented Desert Magic. He said they will be asking the City of Boardman to re-zone an area to commercial; it will conform largely with the Boardman Comprehensive Plan. They plan on mobile home parks on the commercial-zoned area, which will be phased out as conventional housing is provided in other areas. Housing is urgently needed now. Later they plan on using the area for a sheltered type of small development, similar to Columbia Center, but on a much smaller scale.

The area they are planning to develop is south of the freeway on both sides of Kincaid Road. The area is now zoned "farm" and is desert land, not in use, but is inside the Boardman city limits. They said they have applied to FWA for a loan to build a 60-unit apartment building. He said they are still working on the development they had proposed at Irrigon, although they are having difficulties developing water. For Boardman, they are working on a 40,000 gallon sewage treatment plant; the treated effluent will go into the Boardman system. Also a well will pump back into the Boardman system, and both will help the Boardman systems. They are proposing to develop the sewage treatment facility and well and hope to have Boardman replay them. Mr. Cooley gave the Commission a map of their plan of development and brochures outlining their plans.

He said they have an application in for a 480 gpm water use in Irrigon. It is now 120 gpm. The water is available, but due to the low water table in the Irrigon area, they have not been permitted to use the additional water.

He also said there used to be some 14 agencies involved in developing a subdivision, and its increased to about 36. We have proposed to Boardman that we get these in (the sewer and water systems) and have Boardman pay in lieu of hookup fees.

Mrs. Graves asked Mr. Cooley "Do you have your sand under control?"

He replied "If it keeps raining we do."

Mr. Smith said that Frank Lamb of Eastern Oregon Farming had called him and said that he was unable to attend the meeting, and had no plans for development ready to present, but they want to visit with the Planning Commission at their next meeting concerning their plans.

ECOAC

Mrs. Graves invited Lee Zimmerman from the East Central Oregon Association of Counties office to speak next.

Mr. Zimmerman gave the background and purpose of regional planning. He said HUD granted money for hiring him for comprehensive planning in District 12. He said he had prepared a map and plan, based on the Morrow County and other comprehensive plans. He also said "This year, I've been requested to update this plan, concerning transportation, new growth areas, and so on. I am also doing sewer and water planning, mostly up-dating present plans, and adopting priorities, also assisting small cities in obtaining grants and funds. Another purpose is obtaining housing for the elderly." We need local input from Umatilla, Morrow, Grant, Wheeler and Gilliam Counties, although Gilliam is not a member of ECOAC at present. We want input as to what types of development growth is coming and what highways are needed.

I might meet with the entire Planning Commission or individual members or work thru Del. Concerning roads, it seems that Hwy. 74 is greater priority now than the Bomb Range Road. He was directed to work with Del Smith on updating plans.

EPA has sewer funds, HUD has no funds, FHA has loan funds.

Joyce Bergstrom: Will this include public recreation areas (that you can assist with?) He said yes, maybe, he would have to check. She was interested in developing parking at the ski area.

Mr. Smith said that the planners of the ECOAC staff can work with smaller communities as well as the counties.

He introduced Jim Thomson, head planner and economic planner, who very briefly outlined his work.

Mr. Chris Dowdell, Community Development Specialist from the Extension Service, was introduced next. He is the Community Development Agent for the Extension Service working in District 12. One of the earlier agents who held the same position was Buzz Banta. He is helping to develop materials for schools, Extension study groups and other organized groups concerning land use. He is also working with sewer & water plans, particularly concerning the economic feasibility of such plans. He said that since Umatilla County has other planners, he will be working primarily with the other District 12 counties. He is also assisting with implementing SD 100.

New Legislation & Misc.

Judge Jones said that in connection with SB 100, this law requires a citizen representative advisory committee. Judge Jones had sent a suggested outline of such a committee setup to the mayors and charts were given the Planning Commission members. The charts listed "positions" rather than "names". He asked that the Court be advised of suggestions to this list or chart.

He said the Morrow County Comprehensive Plan and the Zoning Ordinance will have to be re-written. He said the list suggested is long, but he had in mind forming several subcommittees to do the work. The suggested list of names has to be submitted to the State by Jan. 1.

Dorris Graves suggested that under the heading of civic clubs, that a representative from the Home Extension Advisory Committee be included.

Judge Jones also said that new laws require no more than two people from the same profession be on the Planning Commission. Six members now are farmers. 75% of total income is the basis for determining profession, whether retired or not. He said the current members will be replaced as their terms expire, and they will be notified.

Dennis Doherty then discussed some of the new legislation with which the Planning Commission members should be familiar.

He briefly went through SB 80, which creates the Land Use Advisory Committee to which Judge Paul Jones was nominated. Dennis also said that up to 1973, there were 7 pages of statutes dealing with land use. Nine new lengthy bills were passed in the 1973 legislative session, many of them sponsored by McPherson of Lincoln County. He felt the legislation was passed primarily to remedy problems on the coast and in the Willamette Valley. He said "we didn't have a problem here until the legislature made the problem." The new laws will drive costs up.

SB 73 concerns the state-wide building code which will be formulated and effective July 1, 1974. It will require structural standards, heating, and ventilating equipment installation codes, pre-fab structure codes. It will apply state-wide to all cities and counties. There will be special codes for such things as elevators, mechanical installations (such as the machinery at the new Kinzua plywood plant). Some items, such as steam boilers, already have special codes.

The building inspectors may be hired by cities or counties, or the state will do the inspections.

SB 101, sponsored by McPherson, page 3 of Vol 2, was reviewed. Outlined uses and conditional uses in farm zones. It was mentioned that Umatilla Electric Coop had filed several applications, which were not received in time to be heard at this meeting. Mr. Smith asked Dennis Doherty for his interpretation of whether or not Umatilla Electric should be required to proceed with zone changes. Dennis ruled that SB 101 now makes it unnecessary. (referred to Sec. 4-215.213-1-(d)). They do not need to obtain zone changes or conditional use permits for construction of utilities in a farm zone, except for plants that would produce energy for sale to the public.

Among other changes, the bill eliminates the \$500 minimum income provision as a basis for farm use tax deferral, and changes the value to be used for inheritance tax purposes on a farm to its farm use assessed value.

The State Land Use Committee is to come up with model ordinances, which the counties will use as a basis when re-writing their ordinances.

Mr. Doherty will explain some of the other new bills at the next meeting.

Mr. Zimmerman is to meet with Mr. Smith to work on revised regional comprehensive planning.

The Planning Office is to work up forms to go with variance applications to simplify and expedite the work of the Planning Commission.

We will try to obtain some more copies of the "blue" books which outline the new land use laws.

Lois Allyn said that the conditional use permit of the Ready Mix Company would expire Dec. 4 and it would need to be renewed. There was no complaint about the operation of the company, and those present felt they had been very cooperative in complying with the wishes of the Planning Commission. Several people complained about traffic congestion and mud and rocks on the highway where Kinzua is constructing their new plywood plant.

It was decided to meet in February if nothing came up which would require a hearing to be held in January. The meeting adjourned at 10:40 PM.

Lois M. Allyn
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Planning Office Secretary