

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, JANUARY 16, 1984 7:30 P.M.
LEXINGTON, OREGON

MEMBERS PRESENT - Chairman Trumbull, Jack Strege, Marion Abrams, John Bristow, George Kenney, Paul Taylor, staff Deane Seeger, Lori Bergstrom; Charles Stinson, Northwest Natural Gas Company; Larry Bowman, Heppner Planning Commission; Max Hellberg, Irrigon and Michael Oths, Morrow County Counsel.

MEMBERS ABSENT - Cecil Jones

MINUTES OF NOVEMBER 28, 1983 MEETING - The minutes of the November 28, 1983 meeting were unanimously accepted as mailed.

CONDITIONAL USE PERMIT - OREGON NATURAL GAS DEVELOPMENT CORPORATION - Application was received by Oregon Natural Gas Development Corporation to drill an exploratory gas well in Township 1S, Range 27E, N.E. 1/4 of Tax Lot 500. Deane read the staff report. Proper notification and publications were made and there were no surrounding property owners. Property is owned by Jerry Dougherty. Staff recommended conditions for approval, including assurances provided by the applicant to Morrow County that any damages accruing to County Road Number 735 will, and including areas within the Right of Way, be reimbursed; said assurances to be in a form acceptable to the Morrow County Legal Counsel and County Court. Charles Stinson, Northwest Natural Gas Company, was in the audience and spoke on behalf of his company. Mr. Stinson stated that this would be a 24 hour a day operation with a five man crew. Four to eight additional people will be on site. The crew will not be hired locally. Two or three portable toilets will be on the location as required by D.E.Q. The site must be restored to the owners satisfaction. Roads were the main concern with the Planning Commission. Mike Oths stated that the Director of Public Works should be made aware of the project. John Bristow moved to approve the permit based on the conclusions of the staff report. Jack Strege seconded the motion and motion passed unanimously.

URBAN GROWTH BOUNDARY - The meeting with the City of Heppner regarding their Urban Growth Boundary was considered successful. Deane was instructed to get examples of various urban growth boundaries throughout the state and give them to Larry Bowman, Heppner Planning Commission Chairman, showing different uses, etc. Jack Strege moved to make recommendation to the County Court to have the Heppner Planning Commission and the Morrow County Planning Commission look into interest or potentials of Willow Creek area. George Kenney seconded the motion and motion passed unanimously.

LAND PARTITIONING - MAX HELLBERG, IRRIGON - Application was received by Max Hellberg, Irrigon, to partition a two acre piece of ground in a 1 acre farm residential zone. Application was found to be in order. The site will be served by well and septic tank. Parcel is located in Township 5N, Range 26E, Section 25C, Tax Lot 600. Site is served by Nevada Street. Proper ingress and egress were found to be in order as well as survey and legal description. Jack Strege moved to approve the land partitioning. Paul Taylor seconded the motion and motion passed unanimously.

POWER LINE RIGHT OF WAY - IRRIGON - Umatilla Electric will be choosing a route to extend power from Fourth Street down Washington Street to the Fish Hatchery. The question is whether to go down Eighth or Seventh Street West. Eighth Street has a 30' right of way which the power company has to ask the County permission to use. Eighth Street, it was felt, already had enough utilities located on it and is developed more than Seventh Street. However, if Seventh Street is used, new poles will have to be put up. Jack Strege moved to recommend that Umatilla Electric put power right of way on existing poles on Eighth Street. Marion Abrams seconded the motion. Motion passed unanimously.

AIRPORT - Deane reported that a letter had been received by Chairman Trumbull from Morrow County Court asking for endorsement on the Morrow County Airport. Deane briefly brought the Commission up to date with the Airport. Marion Abrams moved to make recommendation that the Planning Commission is still in favor of the project. John Bristow seconded the motion and motion passed unanimously.

GENERAL DISCUSSION - Reviews will need to be made of the Morrow County Road system and also an update on the Port of Morrow. Deane stated there will be a meeting regarding Wilson Road on January 25th in Lexington. A study session for the Planning Commission has tentatively been set for January 30th in Irrigon.

ADJOURNMENT - Chairman Trumbull adjourned the meeting at 9:30 p.m.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, FEBRUARY 27, 1984
IRRIGON, OREGON

Chairman Trumbull called the meeting to order at 7:30 p.m.

MEMBERS PRESENT - Chairman Trumbull, Jack Strege, John Bristow, Marion Abrams, Cecil Jones, staff Deane Seeger, Lori Bergstrom and County Commissioner Irv Rauch.

MEMBERS ABSENT - George Kenney, Paul Taylor

OTHERS PRESENT - Richard McNerney, District Attorney; Roger Converse, Building Official; Wayne Schwandt and Bob Miller, Port of Morrow; Steve Wilkie, Lois and Virgil Carter, Pat and Karen Stewart, Don Jorgensen, John Shafer, Don Eppenbach, Irrigon.

CONDITIONAL USE PERMIT REVIEW - DON JORGENSEN, IRRIGON - A conditional use permit had been granted to Don Jorgensen, Irrigon, on August 8, 1983, to allow a truck dispatching business under Article 6, Conditional Uses, page 68 of the Morrow County Zoning Ordinance, located in tax lot 1,000, township 5N, range 26E, section 25B, 1.91 acres. One of the conditions placed on the permit was that the conditional uses placed on the operation be reviewed in six months for compliance. The following is the six month review as transcribed from tape.

TRUMBULL-"The first order of business is a conditional use permit review."

SEEGER-"At the time the conditional use permit was granted Mr. Jorgensen, and at the request of the Planning Commission and the citizens that were present, it was asked that at the end of six months we would review the application and this is the status it is now. Lori has been keeping it up to date, so if I get out of line, just reach over and rap me on the melon. On August 25, 1983, Mr. Virgil Carter, Irrigon, called to complain that Mr. Jorgensen was presently running a reefer unit on the property and had previously warmed a truck up longer than the five minutes allowed on the conditional use permit, i.e. from twelve-twenty to twelve-fifty p.m. Three-thirty on August 25, 1983, Mr. Steve Wilkie, Irrigon, called to complain that Mr. Jorgensen was presently running a reefer on his property. On September 9, 1983, Mr. Wilkie, Irrigon, called to state that Mr. Jorgensen was putting in a one-thousand gallon fuel tank. On September 26, 1983, Mr. Virgil Carter called to state Mr. Jorgensen was starting up his trucks at a quarter to five a.m. and running them fifteen to twenty minutes. Mr. Carter stated he was also jazzing up the motors this a.m. and last week. On October 19, 1983, Mr. Carter called to state Mr. Jorgensen had warmed a truck up from three-thirty a.m. until four-twenty a.m. that morning and that he had been using Second Street and Idaho Street. These are the only complaints that we have received in regards to the issuance of that conditional use permit. I would only suggest at this time, Mr. Chairman, that I notice that the neighbors are here this evening, depending on how you want to handle this review, by specific questions. These are the only objections that have been received by the office."

TRUMBULL-"Do you have any comments in regards to these allegations Don?"

JORGENSEN-"Well, I'm sure they are correct. I can't exactly tell on the timetable. I'm not sure, fifteen or twenty minutes."

TRUMBULL-"Has that been brought to your attention?"

JORGENSEN-"I wasn't aware of the complaining for the length of time."

V. CARTER-"I called you up one morning and said they'd been running forty-five minutes."

JORGENSEN-"I think the reefers, I was aware of that, but as far as the long distance of time."

V. CARTER-"It was a truck, it wasn't a reefer."

JORGENSEN-"I know I got complaints about the reefers running, but as far as the length of time on the idling"

V. CARTER-"I heard them over a half hour one day. They were smoking the whole neighborhood up."

TRUMBULL-"Have you made an attempt to correct these problems as they've arose or as they came to your attention?"

JORGENSEN-"I don't know about the smoke. I over haul one truck, I've got so many of them, that by the time I get one overhauled there's going to be one more that's going to need some work done so it's kind of an ongoing thing and there's no way I can keep all the engines in top condition at the same time."

STREGE-"So these items are in violation of the conditional use permit?"

SEEGER-"Yes they are because there were specific time periods that were asked for and that were made conditions of the conditional use permit."

V. CARTER-"May I say something?"

TRUMBULL-"Would you give your name."

V. CARTER-"Virgil Carter. We've been gone four months so we haven't sent any complaints in. We got back from a long trip a week ago Monday and we were real tired. We went to bed and at four o'clock in the morning a truck started up and before I could get up and shut the bedroom window, our bedroom was full of diesel fumes. Now, how do you get rid of a bedroom full of diesel smoke? Every time the wind is from the southwest, from which it comes most of the time, it comes right into our house."

TRUMBULL-"Would you identify yourself."

P. STEWART-"I'm Pat Stewart. How come you won't recognize Virgil Carter but you address Don Jorgensen and he doesn't have to present himself. I think we all deserve the same treatment."

K. STEWART-"Gene, if nobody else wants to comment, I'm Karen Stewart, and I don't like this any more than you do Don, but I'd like to ask was the fine levied on Don as proposed at the meeting when whoever it was asked Don did he feel he could pay it and Don scratched his head and said 'well, I don't know, I don't think I can pay that much', I wonder what became of that issue and also, as much as I hate to talk about it in front of this group, we still have trouble dealing with the noise over there and the banging. The guy was over there for about

three days fixing something with a sledge hammer and banging and echoing in that echo chamber and I just wondered what was the situation on the fine and we want to bring up again that there's noise and as much as we try to live with it, you still have these things to deal with and one night the sheriff had to go over there and ask the mechanic to please cut the noise down."

JORGENSEN-"That was brought to my attention the day he was working on that trailer."

TRUMBULL-"Let's take these one at a time. Were you through Karen?"

K. STEWART-"I would like the answer on the levy on that fine."

SEEGER-"The first question was results to the levying of the fine for the cleaning of the right-of-way as the result of an uncontrolled sand blow during the leveling of the lot which went on long before we even got to this point. At the public hearing, which was August 8, 1983, this came under consideration and was forwarded to the County Court and I do not know whether Mr. Jorgensen was fined or not."

JORGENSEN-"Well, as of yet I have paid no fine. If I was billed for a fine I would have paid it, but I haven't received anything."

TRUMBULL-"Was it to be a fine or was it to be a levy for the removal of dirt from that road?"

JORGENSEN-"Well, whatever, the levy or the fine, I would have paid it."

TRUMBULL-"You have received nothing?"

JORGENSEN-"No, so far I haven't paid it."

K. STEWART-"Gene, one more remark on that. Karen Stewart speaking again. That was also supposedly have been brought to Don because of him setting up his business without getting any permits and I think that this was part of it wasn't it Deane?"

SEEGER-"That was the second of two. That was the "a" part of the answer. You had two questions. The second part was that Mr. Jorgensen pay the County five-hundred dollars under article 10 of the General Provisions, Section 10.050, Criminal Penalties, for the violation of the Morrow County Zoning Ordinance. At this time there has been no action brought against you in that respect?"

JORGENSEN-"No, as far as I know, I haven't been notified by the County."

SEEGER-"You would appreciate Karen that this body makes the recommendation and turns it into the gristmill for processing, so to speak, and I'm definitely not making any excuses for us or for any other Department that might assume the responsibility from this that is going on. I can say though, despite the length of time and in this instance we'll say six months, it's not right and all I can say at this point on behalf of the County is that I'll follow up."

ABRAMS-"What is the process for that?"

SEEGER-"The process is to bring it to the attention to the County Court, which was done. The County Court, I do not have the results of the action of that; I do not have a copy of the minutes how they handled it which determines exactly how much time was expended in the removal of sand in relation to an hourly wage or something like that."

ABRAMS-"The five-hundred dollars?"

SEEGER-"No, that was on the sand. That was not the specific amount."

ABRAMS-"What would be the process of the five-hundred dollars?"

SEEGER-"Five-hundred dollars for the violation of the Zoning Ordinance would be to follow it up and probably take it to either the County Counsel or the District Attorney's Office. They were both scheduled very heavily at the time I turned it in and I did not follow up. You have a tendency when you're at that stage to say 'here, you want to look at this' and turn around and forget it. So I had no reason to call Don and say 'have they fined you yet?'"

JORGENSEN-"I thought I would have received something in the mail. I expected to see something but I haven't yet."

SEEGER-"Well, if there was a laxity there, I'll be certainly more than willing to take whatever it is I've got coming and I'm not being facetious about it."

WILKIE-"I'm Steve Wilkie, I live right across the street from Don. The reason I made the complaint on the tank, I was over there when Don had it laying in the yard and I didn't like the looks of it and I'd like to ask Don here tonight if he got that tank inspected to see if there were any holes in it because my well is about two-hundred and some feet from that tank and that tank's got diesel in it and he will contaminate all of us if that tank happens to spring a leak and I'm very concerned to date about that tank, whether it's a steel tank."

JORGENSEN-"Well, it was a good tank originally. Before I put it in I tarred all the scratches and any marks that were on it because I didn't want the tank to deteriorate. I rolled it over and tarred the whole thing before I put it back in the hole and I really don't think there'll be a problem with it because its a pretty heavy tank."

WILKIE-"Well, Don, I went over and inspected it the day before you put it in the ground and that's not true. There's several places on it, I'm in construction and I look at that, it's a pretty important deal to me and there were several places in there that were not tarred."

JORGENSEN-"I tarred it the same day I dropped it in the hole, whatever day you looked at it. I didn't want to put it in until I made sure that those scratches and stuff were tarred up."

K. STEWART-"Excuse me, Don. Did I understand, I didn't understand the answer. Did you say it was inspected by the D.E.Q. before you dropped it in the hole?"

JORGENSEN-"No, you don't have to have it D.E.Q. inspected. I got it inspected by the Fire Marshall."

K. STEWART-"Excuse me, Gene. Being Chairman, do you have to have an inspection on a diesel tank when you're that close to a domestic well?"

TRUMBULL-"To my knowledge there's no provision for D.E.Q. to do that. It seems like maybe there should be, but there's not to my knowledge."

SEEGER-"At the time it was done, we would not have knowledge of that. Are you aware Roger of the requirement with the Uniform Building Code? Roger is our Building Inspector."

CONVERSE-"No"

TRUMBULL-"I doubt seriously he'd be able to tell us without researching the matter."

WILKIE-"There's something awful bad about this and I don't feel very good tonight, I'd like to go home but there's something about this that's awful shady. I ask Don a question and everybody seems to butt in here. All I want to know is, was it inspected before you put it in the ground?"

JORGENSEN-"There's no requested inspection. It's a certified tank made by a grade A company, the tank was bought in 1970, I took it out of the ground, I scratched it some so before I put it back in the ground I tarred all the scratches and it's a perfectly good factory tank."

K. STEWART-"But Don, you're the only one that knows that."

P. STEWART-"You know, I was there the day he buried the tank and I know good and well that it wasn't tarred like he said it was because I seen him put it in the ground. Also, I know that in order to rebury one of them you've got to have them re-certified."

WILKIE-"I also know that, too."

P. STEWART-"And it was badly eroded by electrolysis."

TRUMBULL-"Was there a permit issued for that?"

CONVERSE-"Not to my knowledge there wasn't. This has to come out of the State Fire Marshall's office."

JORGENSEN-"I've got a permit for that from the State Fire Marshall."

K. STEWART-"I called the D.E.Q. or the Building Inspector and asked them did Don Jorgensen get a permit and was it inspected and I don't know who I talked to but they said at the time that yes it was inspected. Now there's some kind of argumentative statement. Don seems to have everybody on his side again and we as the homeowner trying to live our lives with Don Jorgensen having a truck lot here."

TRUMBULL-"Well, I don't know what you mean by saying that everybody is on his side. We're just trying to hear what's going on."

P. STEWART-"Well, you admonished Virgil for not being recognized."

TRUMBULL-"Now wait just a minute. Let's get this straight here. Just wait, cool your heels. Don is the one that we're talking about, that's the reason I recognized Don."

P. STEWART-"Well, we didn't know who he was."

TRUMBULL-"Okay, the rest of you have to be recognized for the record. Do you mind if I talk please? I need everybody to identify themselves for the record. We know who Don is because Don is the one that we're talking about. Okay, I'm not speaking for Don. This body is here trying to hear what's going on. Now if you just want to argue, you're in the wrong place."

P. STEWART-"No, I just want equal rights."

TRUMBULL-"Mr. Wilkie"

WILKIE-"I'm back to where I started from a few minutes ago. What I asked a few minutes ago, you people don't seem to know nothing about Don. And Don is here and he's doing all these things. Yet, everything we ask you guys, you don't know. You don't know where his permit is, you haven't seen his permit. You're letting him go ahead and yet you're not on his side?"

TRUMBULL-"Let's stop just a minute. The only permit that I'm aware of that he needs to put the tank in, from what the evidence is here tonight, is from the State Fire Marshall's office, which we do not issue; that's not our authority, we don't have any authority in that area."

ABRAMS-"It should be easy to check."

TRUMBULL-"That's right. We have no authority in that area. We're not trying to protect Don or anybody else. We're just trying to find out what's going on here."

WILKIE-"Well, that's just the statement I'm looking for. You people are in charge of this stuff and you're trying to find out what's going on."

TRUMBULL-"Now wait a minute. We are not in charge of this particular tank business."

WILKIE-"No, but you are in charge of what's going on over there. You should be in charge of what's going on over there. That's what I'm saying. You just said that we're trying to find out what's going on. You mean you people are running our city and you're trying to find out from Don what's going on in our city?"

TRUMBULL-"We have no authority with Fire Marshall business."

WILKIE-"With anything that's going on over there."

K. STEWART-"Gene, you're circumventing the issue."

TRUMBULL-"No, we're not circumventing any issue. If you want to take it an issue at a time, we'll get there."

WILKIE-"Do you understand what I'm saying? I'm not against Don, I'm not against anybody. But trying to find out from Don what's going on on Don's property and Don should have permits for this stuff. He should inform you people before he does anything over there. Isn't that what we're here for?"

TRUMBULL-"In the areas that we have responsibilities, yes. We have no responsibility or authority in the particular area of the tank business, now if that's what we're talking about."

WILKIE-"We just got on the tank business five minutes ago. I'm talking about everything over there. He's got a driveway over there. I ask you people about a driveway, you give him a driveway so he can get into his property, hell, he's got the whole damned Second street, all of Idaho Street, he's got all driveway and you people are saying we've got to ask Don what's going on."

TRUMBULL-"Now wait a minute folks. What's happened on the driveway? The driveway was a separate issue and that was supposed to have been through the Road Department."

SEEGER-"Correct"

TRUMBULL-"Okay, what happened there?"

SEEGER-"Nothing"

K. STEWART-"Why, Deane?"

SEEGER-"I have no authority over the Road Department."

TRUMBULL-"We're going to get some good things out of this if we'll be patient with it."

BRISTOW-"Just as a personal suggestion, I wonder if we need to go through these conditions we put on the permit and see how many were violated. We can take them one at a time, like the trees, and the conditions agreed upon by the neighbors and the Planning Commission and staff are as follows, and there are about nine of them here and then we'll see if he has complied with the conditions, why fine, and if he hasn't, well, we'll have to revoke the conditional use permit."

TRUMBULL-"Very good."

WILKIE-"Can I say one more thing before we get to the conditions?"

TRUMBULL-"Yes, go ahead."

WILKIE-"The reason I'm so concerned about this is because I've got property over in Hermiston and man there's so much difference between you people and them people over there that its out of this world. I can't do nothing over there without going to talk to the people that we nominated to take care of this stuff. It just makes me sick, it makes me sick to my stomach. You know, I can't do nothing about my property over there and right across the street from me is this."

K. STEWART-"Before you go any further, I'd like to say in front of all these people here in defense of my husband, that he's not an argumentative man. Every time we come to this place, Pat's a very reasonable man. You might note that in the notes from the last meeting my husband was the one who you stated, Lori Bergstrom put in the notes Pat Stewart conceded that we didn't want Don to build a fence over our property, that we'd do it ourselves and in defense of Pat, because you did single him out and say that he was argumentative, I might say that my husband is not argumentative and we're here to preserve our property rights and our citizens rights."

TRUMBULL-"Thank you"

SEEGER-"As a result of concerns by neighboring property owners and the nature of the proposal and that the proposed use is not specifically stated as an outright use in the Zoning Ordinance, a conditional use permit is required. The following conditions are mandatory and prescribed by state and county law or ordinances. Number one - Siting permit for office, is okay. Number two - D.E.Q. permit for Septic Tank - did you finally install the septic tank?"

JORGENSEN-"I haven't as yet, I've got my well drilled but I haven't got my pump in yet. I've got nine months before my D.E.Q. permit expires."

SEEGER-"I know you had taken out the permit, which is a state agency which we coordinate with. We will note that the D.E.Q. permit for the septic tank has been taken out from D.E.Q. but there has not been a final inspection. Number three - Modification of office building to state building code specifications. Roger, you had been working on that, do you have any comment at all at this time?"

CONVERSE-"Not really. I got back to the state on that as far as what their specifications were and they couldn't give me a specific specification."

SEEGER-"In as much as the Department of Commerce, the State of Oregon, although we do have our own specs in the Building Inspection Division for trailer requirements, we are subject to state specs and in your findings and inspecting Mr. Jorgensen, the state did not give you anything specific?"

CONVERSE-"No, I'd have to dig up the correction notice on it to see which ones. I know one of them was the electrical was completely conduit due to the fact that the mobile home was being used as an office and one of the other corrections on it was that it be brought up to B2 standards, but nobody in the state could give me any specifications for a B2 standard."

SEEGER-"Kind of leaves you out in the dark, doesn't it?"

BRISTOW-"The answer in this particular case is not clear. I still don't understand what's transpired and I wonder if we could ask for a list of those things that have to be done and then something perhaps from the state that says they can't provide this and that as we go through these we list these and we would know where we actually sit. On that one we need to specify some action as we need to have our Building Inspector give us in detail what is required and what has been done."

SEEGER-"That would be item number three - Modification of office building to state building code specifications."

BRISTOW-"Yes"

SEEGER-"Number four - Roadway entrance permit from Morrow County Director of Public Works. We do not have a Director of Public Works at this time. I am not aware of whether an entry permit was given by the Director of Public Works or a representative out of that office. We'll follow up and make sure, unless you've got one Don."

JORGENSEN-"I wrote it down and asked about that. I didn't really know what I needed, either, I was just asking for a permit to enter Second Street."

SEEGER-"We make that a recommendation or that condition, which we did. He is the only one with the authority to issue a permit to enter a county road."

JORGENSEN-"I do not have a permit."

SEEGER-"You do not have a permit? Okay, how am I doing now John? Is this the way you want to continue this?"

BRISTOW-"Well, do you just go ask or is there a written application made?"

SEEGER-"There is written application made."

BRISTOW-"Did they issue one?"

JORGENSEN-"They didn't give me one, no."

BRISTOW-"Then, in effect, there is no permit and no application made."

SEEGER-"I can issue you a permit in the absence of the Director of Public Works, I assume that I can."

JORGENSEN-"Can you get the application form for me?"

SEEGER-"Yea, but I can't sign it."

JORGENSEN-"Well, no, but you can get me one, though."

SEEGER-"Number five - Plot plan showing required setbacks - we have that. Number six - Zoning sign-off permit, that's done. Number seven - Use of Idaho subject to approval by Director of Public Works. Obviously there's no Director of Public Works, so you don't have the approval from the Director of Public Works."

STREGE-"We don't have one?"

SEEGER-"We haven't had one for about three months."

STREGE-"Who acts for him?"

SEEGER-"At this time, the County Judge acts and I will request the County Judge to either approve or disapprove the use of Idaho."

JORGENSEN-"I'm not using Idaho, anyway, I just stay on my own property. That is on Second Street."

BRISTOW-"From where you enter or exit or parallel has to be approved."

JORGENSEN-"Oh, right, yea."

SEEGER-"Okay, that took care of the County."

TRUMBULL-"Just a moment, we've got some comment here from the audience."

V. CARTER-"You people can go down that street west from Second and swing around to his shop there right out into the street there and then back up. You'll see the tracks if you want to go look."

BRISTOW-"Okay, well, that's an area that has to be addressed when they go back to that."

SEEGER-"Alright, there were additional conditions requested by the neighboring property owners. They appear as an addendum to the staff report. The conditions agreed upon by neighbors and the Planning Commission and staff are as follows. Number one - Trees fifty feet back from Second on Idaho and to driveway entrance south on Second Street. Don, I haven't seen any trees out there, did you get around to planting them?"

JORGENSEN-"I just got them done today."

K. STEWART-"Aint that wonderful folks."

BRISTOW-"It says here trees fifty feet back from Second on Idaho and to driveway entrance south on Second Street."

SEEGER-"We'll direct the building inspection and zoning people to go out and measure the fifty feet. Number two - No differential oil of any type to be drained on the property. This is something unless we made daily inspections or actually saw somebody doing it or caught them in the act, I don't know how I would enforce that."

JORGENSEN-"Well, there isn't any dumping on the ground."

V. CARTER-"Just smell the ground."

WILKIE-"Don't you worry, if he dumps them we'll damn sure tell him about it because that's something you don't get rid of."

SEEGER-"Number three - No storage on the property including loaded vehicles of toxic waste, nuclear waste or products or toxic, flammable or otherwise dangerous substances (i.e., explosives). I cannot seriously tell you in the last six months of operation whether he's had a load of dynamite out there or not."

BRISTOW-"Well, flammable or otherwise dangerous substances, I suppose explosives refers to otherwise dangerous substances. Uh, flammable, does this diesel tank fall into that category?"

SEEGER-"This diesel fuel tank under the ground as approved by the State Fire Marshall? No, sir."

TRUMBULL-"The reference is the cargo."

SEEGER-"Yes, the reference is the cargo. Okay, number four - No refrigerator trailers operating, reefer units running. Once again, unless I played the role of cop or assigned somebody to stay there and do that, I would have no way of knowing."

BRISTOW-"Well, we've had complaints on it and that's the way we're going to find out. We have to listen to them when they come in and if he doesn't abide by that, that was a conditional use."

JORGENSEN-"Well, there's no living with that during the day. I can't live with that. I just can't shut those units off during the day. If they come in to get fuel or pick up a light load or whatever, they just can't shut them off. After hours, five o'clock or so."

BRISTOW-"But when we issued the conditional use permit you said that's no problem. Now you're saying you can't live with that."

JORGENSEN-"Well, I'm saying the truck's in there for a few minutes or something and"

BRISTOW-"Okay, I gather they're not talking about a few minutes, they're talking about forty-five minutes or an hour."

JORGENSEN-"No, very seldom, in fact I don't think that's ever happened. We were working on one. I took a unit out of one and put it in another one we had to get going."

V. CARTER-"That was very annoying because the wind was blowing."

JORGENSEN-"It took us quite a while to get it running."

STREGE-"Okay, that item has been violated according to the report."

SEEGER-"Number five - Minimal use of side roads. No report on that."

K. STEWART-"They just said Deane, Virgil, Steve and Pat and I all said we've seen the trucks using Idaho. They swing out wide and use Idaho."

V. CARTER-"So is Second Street. It's been reported your steel came through on Second Street right after that other thing."

JORGENSEN-"That might have been Standard Steel I think makes deliveries here in Irrigon."

K. STEWART-"But, Don, it was a Jorgensen truck."

JORGENSEN-"I've never hauled any steel."

WILKIE-"Don, could you make a pass and get into your property coming down Second Street and go through your property. Could you make a turn without hitting Idaho Street and get back onto your property? I'm not talking about right-of-ways, I'm talking about staying on the gravel so you can get by your shop there."

JORGENSEN-"You don't want pavement at all."

V. CARTER-"Go look at the tracks there. Right now they're right out in the middle of the street, right on the side."

WILKIE-"The reason they're out in the middle of the street, Don, is because you have a truck that's been parked there for a week and a half and there aint no way you can make that because I was over there looking at it today and you can't make that turn without getting on Idaho Street with that truck parked there."

JORGENSEN-"No, Steve."

K. STEWART-"I agree, Don, Steve's right. That truck's been sitting right next to your shop for about a"

JORGENSEN-"For about a month."

K. STEWART-"You can't deny it Don. I mean I know you said your word is good."

JORGENSEN-"They're not going on pavement, okay? I said that."

K. STEWART-"Yes they are."

SEEGER-"Number six- All switching of trailers to take place on the property. I have no complaint registered of trucks being switched off the property. Number seven - Limit warmup time to five minutes, require use of plug-in warmers during winter operations. We have complaints of operation over and above five minutes. Number eight - Hours of operation for truck movements, twenty-four hours with minimal activity from ten o'clock p.m. to six o'clock a.m. I have warming the trucks longer than the five minutes allowed. They say from twelve-twenty to twelve-fifty p.m. I have on September 26, starting up his trucks at a quarter to five a.m. and running them fifteen to twenty minutes. That was violated, ten p.m. to six a.m. Number nine - All major truck repair and maintenance to be done in an enclosed building. Enclosed building now exists and I am assuming that the repairs are going on inside that."

JORGENSEN-"All repairs are."

SEEGER-"I've had no objections to that. Number ten - Operation to be reviewed in six months for compliance to all conditions by the Morrow County Planning Commission, or sooner if any violation is reported. John Bristow moved to apprv the conditional use permit. Anne Jay seconded the motion. Discussion was called for. Jack Strege asked if the conditions in number one of the staff report were mandatory. Chairman Trumbull answered that they are mandatory and prescribed by state and county law or ordinances. Being no further discussion, motion passed unanimously."

K. STEWART-"Excuse me, Deane. Going back to the last condition, I did point out earlier that they brought the sheriff over there one night. Somebody called the sheriff to calm the noise down and even though Don was doing all the work inside the shop, there was such an amount of noise, this was on Sunday night, this particular night, banging and making disruptive noise, that all the neighbors were up in arms and the sheriff was called."

JORGENSEN-"It wasn't night, it was Sunday."

K. STEWART-"No, it was like evening because I remember the sheriff came at night, after six or seven o'clock."

JORGENSEN-"You might check on the log."

K. STEWART-"You might do that, Deane, because I'm sure it was after seven o'clock. I'm positive."

SEEGER-"Do you have a date at all that I might be able to make reference to?"

K. STEWART-"Sunday last or the Sunday before that. The Morrow County Sheriff will have the record."

SEEGER-"That would be February 12th or 19th."

K. STEWART-"Somewhere in that vicinity. Don, now I'm very aware that you know what your business is, but we live there, hon, and you don't and they were over there at seven o'clock at night and you were not there."

STREGE-"What actions, Mr. Chairman"

TRUMBULL-"I'm trying to research that right now. I wasn't prepared for this tonight. I think what we're dealing with here is that we have probably a couple of courses. One would be to turn the thing over to the District Attorney for prosecution of which I'm sure that it provides for a fine of five-hundred dollars for violation. We can ask that he get the situation corrected and turn it over to the D.A.'s office, or we can revoke the conditional use permit and I think that's where we're at. Do you feel like you want to give us any advice Rick? I know that it's very unfair to ask you that."

MCNERNEY-"Well, actually there is always a fourth alternative and that's to explore the possibility of modifying the conditional use. But obviously you've got a violation, the next step is to refer it to the District Attorney's office."

TRUMBULL-"That's pretty much your options."

BRISTOW-"May I just make a comment. When I made the motion that we approve this conditional use permit, it was with the assumption that what we all said was what we could do and that was no refrigerator units operating and"

JORGENSEN-"Well, there hasn't been any operating for a long time."

BRISTOW-"Well, I'm just saying that when we agreed"

JORGENSEN-"Maybe I misunderstood you possibly because my intent was that when I ment operating I ment after hours and long periods of time running, which was what I planned on not doing and that's what happened."

BRISTOW-"Okay, I wrote down in my minutes here, no refrigerator trailers operating. We had it reefer units running between the hours eight o'clock to eight o'clock and you said 'will not operate them at all.'"

JORGENSEN-"Is that right?"

BRISTOW-"That's what I wrote down. Okay, so minimal use of side roads and we go back over here, no application to the Department of Public Works. Now I would like to make a reference to the Comprehensive Plan and it's one of our basic tennants of the plan on page six. It's the very first paragraph on that page and it says the public's plan is a document upon which public agencies, private

firms and individuals must be able to rely so their decisions and investments can be made with confidence. People buying homes can do so, assured that the neighborhood they have selected won't change adversely. Now that's one of our responsibilities. We thought possibly we could fit this trucking area into the neighborhood there based upon these conditional uses, and if we had complied to that why we might have been able to marry those two, but it's just possible that maybe he can't comply with the intended conditional uses. If he has to have those reefers running and they're that disturbing, I've never heard one myself, but if they're that disturbing and they apparently are or you all wouldn't be here, then perhaps we have an incompatibility here that we have to look at."

JORGENSEN-"During the day, the trucks roaring by, I just can't understand, like you say, after five o'clock or something I understand that's not good and I'm trying to comply with that. But as far as during the day, the middle of the afternoon, three or four o'clock."

BRISTOW-"I'm not saying that isn't a requirement. I'm saying that maybe your business is located in the wrong place."

JORGENSEN-"What I'm saying though, is that I don't think there's any more noise out of those reefers in the middle of the day than there is out of the trucks going by on the highway. If you take decibel sound readings or something on that effect."

P. STEWART-"That would be a good idea right there to take decibels."

JORGENSEN-"Well, really, no kidding, you can stand over there on the highway."

P. STEWART-"Yea, but the highway is about three hundred feet or more over."

JORGENSEN-"I apologize for that. If I did say that I wouldn't have them period, my intent was after hours and long periods of time they will not run there but as far as being in and out for a few minutes."

BRISTOW-"Well, just a few minutes, no one has said anything about that, a few minutes during the day. I think the problems were four in the morning."

P. STEWART-"I was there this morning when you had a couple of them trucks running and I was over there on my place and I couldn't hardly see the ground from the smoke from that diesel. Now that diesel smoke is carcinogenic."

JORGENSEN-"Well, we're talking about the reefers now."

P. STEWART "Well, I'm talking about the diesel smoke."

TRUMBULL-"Mr. Wilkie"

WILKIE-"I'm Steve Wilkie, again. I'd like to ask Don, he keeps bringing up about these trucks going by. These trucks, they go by and they're gone. If you leave one of the reefers running you've got that aggravating noise."

JORGENSEN-"But they're not there, Steve."

WILKIE-"That drives you out of your damn tree because it's there all the time and I'm sure that all you people will have to do is just listen to one of them reefers and see what it does to you."

JORGENSEN-"They're not there all the time. Sunday I had a load that delivers in Seattle on Monday. The truck loaded at three a.m. Sunday morning. The driver took the truck out of there at midnight on Saturday night, loaded it, took it down to Browns and parked there and left Sunday afternoon. There is no reefers running on that lot. There hasn't been any."

WILKIE-"Have I still got the floor?"

TRUMBULL-"You're on it, go ahead."

WILKIE-"I'd like to ask Lori, I believe Don stated to us at the first meeting, Lori, that he had permission to take them trucks up to Brown's truck stop and he would do that, there would be no more reefers whatsoever on that property. He has permission to run them trucks up to Brown's truck stop. I believe you'll find that in your minutes."

BERGSTROM-"That's correct."

WILKIE-"So I agree with this man right here, there's definitely been a"

V. CARTER-"It isn't only the reefers. A week ago Monday, after we got back, or it was Tuesday after he had started up at four o'clock in the morning, there was one running over there at about eleven o'clock for forty-five minutes and it was just a fast idling and you couldn't go anyplace in our house to get away from that vibration."

K. STEWART-"Gene, Karen Stewart speaking again. I'd like to say what John Bristow has brought up is what we people who own property running from Jorgensen truck lot is exactly what we try to put it in a nut shell when we first started complaining against Don is when Don moved in with no permits and moved right in without getting any authority and not asking any neighborhood resolve or anything, you know how to make any kind of compatible agreement with the neighborhood. And I brought it up, I got some LUBA information and you guys ought to be familiar with LUBA, you've been dealing with it with the Tatone deal and they say that any time there's a business that's incompatible with the neighborhood environment which was a pre-existing condition, and then Rick told me at the time that it was senseless for me to pursue it on that basis because it was already pre-zoned to be a semi-commercial area and we were all shot down from the start and now John's bringing up points that we wanted to bring up in the very beginning. It's an incompatible business with our situation and although we don't want to hurt Don, you guys ought to see that we're all decent honest people. We're not here to hurt Don. What we want to do is live our lives in peace and I'm sure that if Marion or Jack or any of you people would live under these same circumstances, you would agree and realize that we have bonafide arguments, but John Bristow again was the only man who noticed our argument in the last meeting we had. Oh, and another thing I should bring up here. Don did some pretty underhanded things. We people have just been trying to preserve our property rights and he had a lawyer call me at work, George Anderson, and I'm not afraid of lawyers, I know George Anderson where I work, but you can't intimidate people on their jobs and I'm sorry you're out the money but he had a

lawyer to intimidate me at my job. He called me and harassed me because Pat and I live in a thirty-five foot trailer and Ernie and Don were trying to come up with something that would harass me and they chose me because I was the most accessible probably and most talkative. And through this situation nobody has given us any encouragement except, I hate to say it again, John Bristow, and you guys have half stepped and gone around the issue and finally we get to the point after much ado and much heartache, we come to the point where you guys finally understand what we're trying to say. We don't want to hurt Don, it's just that either something has desperately got to be done or we're still going to keep complaining. We have a right here. We have a right to our property whether you guys think so or not and I think you people have a right to yours and you'd stand up for your rights too."

ABRAMS-"I think we're listening to you, but we don't do the enforcing."

K. STEWART-"Who does, Marion?"

ABRAMS-"You don't expect me to I presume. I'm listening to what you're saying and we've made the violations and levied the fines, we've done everything we can do."

K. STEWART-"Well, where is the government?"

ABRAMS-"Okay, there's the County Judge and the Sheriff and the District Attorney and there's the Planner. Those are the people you have to deal with, all we are are citizens like you who try to help make the decisions and they're in the minutes, they're on the books."

TRUMBULL-"We're getting the same pay here tonight that you are."

K. STEWART-"I appreciate that."

BRISTOW-"We're getting a little far afield here. There is one thing that we can do. If this is incompatible, we can revoke the permit. And that's one thing we can do. If Don says that he absolutely has to have those reefers running and if he says he has to use those roadway entrances without a permit, and if you can't comply with conditional uses, then I would say that we do have an incompatibility and we'll have to revoke the permit."

JORGENSEN-"As far as using the roadways, now I don't have to use Idaho Street since we decided not to and I haven't used Second Street either and as far as the reefers running, they've run a few times maybe for a few minutes but not for any length of time and if that is what it has to be to not get the thing changed, then I'll probably just have to have no reefers run there period I suppose, but I honestly, when I agreed to that in my own mind, I was thinking that it was during regular hours, eight to five and nothing past five o'clock."

TRUMBULL-"Just wait, if you're going to repeat yourself"

P. STEWART-"No, I'm not going to repeat myself. But he swings in on Idaho and uses that, he pulls in there to change his tires, now Don you say you don't use Idaho"

JORGENSEN-"That's on my property, it's gravel, there's no pavement."

P. STEWART-"You back right down the street there."

JORGENSEN-"No you don't, you just drive around however you want there, you don't use pavement."

BRISTOW-"Can I say once, just in arbitration on this particular issue, I have a full time job and I can't be over here to watch what happens, so I have to listen to what you guys say and what he says and I have to make a decision based upon it, as every one of us do and if we can't as a body make that decision, then we're going to have to have Deane or somebody come over and spot check and see actually what is happening, so we have that alternative too."

JORGENSEN-"Well, I think that's the way it's going to have to be to be fair with me and to be fair with these people too."

K. STEWART-"Well, that's kind of like a cat watching a mouse though, with those two because they're buddies. You can't expect Deane to rat on him when Ernie's pretty powerful in this town. We're kind of at a stalemate again in the situation Don and it seems like you people are bored with the conversation but we've got to get some kind of justice."

CONVERSE-"I'm Roger Converse. I'm the Building Official for Morrow County. I have for the past several months been living down here in the trailer court and I come to work every morning and I have drove down Idaho Street past Mr. Jorgensen's establishment. It has been brought to my attention since I went to work that it was under conditional use and I have been keeping an eye on it when I could go by there. I haven't seen any infractions. The one I did see, I wrote Don up on."

K. STEWART-"What did you see, Roger?"

CONVERSE-"There was a phone call that come in shortly after I went to work here that I wrote Don up on, a refrigerator running out there, I think its been corrected. I talked to one of the drivers that was there, it wasn't the driver of that particular truck, he didn't know where the driver was and at the time he didn't know where Mr. Jorgensen was. I left a report and I also left a copy of the conditional use there for Don at that time. Since that time, I haven't had any complaints come into my office about refrigerator units running."

JORGENSEN-"There hasn't been any that I'm aware of."

K. STEWART-"Maybe Don's right. Maybe he's not aware of it. He's got drivers in and out all times of the night, maybe Don's not aware of what's going on. Don does not live there. We finally know where Don lives."

JORGENSEN-"I've got a gas fuel tank there that you brought up earlier and since I've put that tank in, I've only put fuel in it twice because I feel that it isn't fair to the neighbors to have trucks fueling up in the middle of the night. So that's strictly an eight to five deal on the fuel. Five o'clock or so, four o'clock and the power's shut off and you can't get fuel out of there for that reason, because a truck comes in there at night and its got a load of french fries on it, its going to have to keep running to get fuel, so I feel that that's not the way to go. I feel I'm trying to get along with you people, I really do. I'm not out to step on anybody's toes. I'm trying to get along and do it right."

V. CARTER-"It's also the diesel smoke."

JORGENSEN-"Well, if I only had one or two trucks, it would probably be okay, but I've got so many of them that by the time I get one fixed another one's smoking and they're just diesel trucks."

V. CARTER-"It's the smoke when you start first thing in the morning blowing our way."

JORGENSEN-"Well, in the summer it will be great then, that's all I can tell you. In the winter months it's cold."

K. STEWART-"Gene, again, everything Virgil says is bonafide and they do start trucks any time of the night. I've been jarred awake by the roaring of a diesel starting up at five a.m., four a.m., whatever. And this morning, what Pat and Virgil say is true. When I was heading off to work this morning, the diesel was blowing smoke clear over to Steve's and I mean it was just a clear path. Now Don might be saying the truth, Don may be trying to be compatible, but the truth still remains and if you people would all, like they do in court when they re-enact the scene of a crime, go over there, stand there, listen to a diesel run, come into our house-no don't-come into our yard and listen to these diesels running, try to relax and hear it, let the guy bang on it and look at this little two acre area Don is trying to run a business, less than two acres, one point nine, where Don is trying to run a trucking operation. He has every right to do so. But look around at us living in this little confined area. We live in a concave little area it seems where everything just kind of settles in that one spot and the noise, the appearance, the diesel fumes and the disruption of our home life is definitely an incompatible lifestyle with our lifestyle. And we know that we've got a choice here, we've got a choice, because after six months here we are still out in force against the situation. And I'm truly sorry for Don because it isn't against Don himself, it's against this incompatible, terrible infraction or encroachment on our property rights and our lives and if you people would just try to understand, we're still here six months later and thank God somebody is finally understanding our plight."

STREGE-"I think we all understood it to start with. We all talked and discussed these conditional uses, you people agreed that they would work if it would happen the way these conditions were put in, it was fine, now we find six months later that the conditions aren't being met and we're still talking and that's what we haven't decided. Tonight is whether to defer to the District Attorney for legal action or to revoke the permit."

TRUMBULL-"Or we can do both. Or we can make a recommendation to try to work it out but I think that maybe the question that we need to get to the bottom of here tonight, is there any way, shape or form that these neighbors are willing to get along as neighbors, or do they just want to put Mr. Jorgensen out of business or what?"

L. CARTER-"I'm allergic to the fumes that come over there to our place and the prevailing wind brings them over everytime a truck starts. This morning there was one of trucks there that put out blue smoke for twenty-five minutes or more and it just come like a big cloud right into our house, it wasn't just our bedroom window up and we want fresh air so we leave our windows open to get fresh air in there and it gets so I can't breathe. I've had medication before for it, but if I can avoid it, but I can't breathe with a situation like that it's almost impossible. If it isn't resolved somehow, put out of business or put someplace else, we're going to have to move because I can't breathe the air."

V. CARTER-"I think one solution is Don buy us all out if the rest of them want to move and then he could do as he pleases around there."

TRUMBULL-"Okay, I think we've heard enough of this. Is everybody clear on what we can or can't do? What's your wishes?"

BRISTOW-"Well, it is a very difficult situation and I guess that my sentiments are since we have violations of the conditional uses and not really much aggression on getting permits, I make the motion that we revoke the conditional use permit."

STREGE-"I'll second the motion."

TRUMBULL-"It's been moved and seconded that we revoke the conditional use permit on the Jorgensen property. Any further discussion?"

ABRAMS-"How's that going to work? Is there some way of enforcing the revokation?"

TRUMBULL-"He has the right to appeal to the County Court."

ABRAMS-"Is there anything that can be done about the violations?"

TRUMBULL-"Are you talking about the five-hundred dollar fine? Then we'll need another motion to refer it to the District Attorney's office if that's what we intend to do also, or we can include it in the original motion."

ABRAMS-"That is something we ought to have done six months ago. It's a separate issue that's already been taken care of. Something should be done to check up on that."

JORGENSEN-"The Planning Commission says that I'm in violation because I don't have a permit for the access to Second Street."

TRUMBULL-"We'll give you a copy of the minutes taken here tonight. I think what the motion stated was that you had many violations and in his remarks he stated that you made no aggressive effort to get these permits and get this business taken care of and straightened out in an orderly fashion was his comment. But the violations are separate, there's this laundry list, that's a different thing, right John?"

BRISTOW-"Yea, it was just a matter of a written application hasn't been submitted for the roads to the Public Works Director. And my comment was just what he said. There wasn't an aggressive effort to do that and I view that as intent not to comply."

JORGENSEN-"Well, like Mr. Seeger said, there was no Public Works Director in the last three months and like I say, I was over there and I checked with Warren McCoy, I asked him one day about that permit and he wasn't really too sure what to do about it you know, who to talk to. I should have checked with Deane about it but I didn't."

TRUMBULL-"Are there any other comments in regards to this discussion on this motion?"

STREGE-"Question"

TRUMBULL-"Question from the house is to revoke the permit. All in favor signify by saying aye. Opposed likewise. Motion carried unanimously."

TRUMBULL-"What are your wishes, Marion? Do you want to follow up on the original request of this body?"

ABRAMS-"Well, yea, there are several things that we haven't"

TRUMBULL-"Yes, Mr. Rauch."

RAUCH-"I'm Irv Rauch, Morrow County Court. When this thing was applied for, a transfer of conditional uses as it deals with the Court, something in there, but at that time as I recall, there was two separate issues there. There was a levy for cleaning the road and if that was never paid, then the Court I think is lax in their duties. That should have been our obligation to have seen that that was corrected. The fine was strictly a recommendation to the Planning Commission that they assess a fine, no amount specified. It wasn't our duty to actually set the fine, in that case it was the Planning Commission's obligation. So probably both of us have been lax."

TRUMBULL-"The O.R.S. which spoke to that, Deane researched and brought the O.R.S. to us. I was not aware that this body had the authority to assess a fine."

SEEGER-"Minimum or maximum fine- no, we don't assess the fine. The maximum fine would be five-hundred dollars, it could be less than. See, that would be determined by the Court."

ABRAMS-"Well, I don't know what the minutes said."

JORGENSEN-"Why was the Court or the Planning Commission or somebody not to notify me as to what the fine was levied so I could have paid it?"

BRISTOW-"I don't think anybody is accusing you on anything."

JORGENSEN-"Well, I know, but it makes me look like I didn't follow up on that either. I was trying to get along with people here."

TRUMBULL-"Our frustration is that we give of our time, we sit here and nobody follows up and sees that these things are done. We want to know where the machine is falling down too, Don. And we're not talking about you. You know we're out there giving of our time and trying to do things for our community, but if the machinery aint working, we want to know about it, too."

JORGENSEN-"How come the County didn't say, hey, you haven't filled out this permit, you'd better get on it."

TRUMBULL-"That was my next question. That's the sensitive question. Why wasn't the County involved?"

BRISTOW-"I think that would fall in the same category as if I wanted to build a house. A guy would tell me I have to fill out a permit for it and then say why haven't you filled it out. That's my responsibility."

ABRAMS-"And you can't say why don't you follow me around and see that I get this permit. We told you you had to get the permit."

TRUMBULL-"Okay, your point is well taken and that will be followed up on. Deane?"

SEEGER-"Yes, sir."

TRUMBULL-"Thank you. Do we need a motion to verify that? The chair will entertain a motion."

ABRAMS-"Okay, what are we taking care of?"

TRUMBULL-"We're taking care of the previous assessment, if there should have been a fee assessed for cleaning roads or for violation assessment."

STREGE-"Well, I don't think the road is part of it, that's the County Court."

ABRAMS-"They're two separate things."

STREGE-"The fine for zoning violation."

TRUMBULL-"The question is for Deane to follow up and see what happened with the road and the violation. I think that's the point, is it not, even though they're two separate issues."

ABRAMS-"That something should have been done and has not."

TRUMBULL-"That's correct."

ABRAMS-"Mr. Jorgensen will reimburse the County for cleaning the County Road right-of-way as the result from an uncontrolled sand blow during the leveling of the lot. B. Mr. Jorgensen will pay the County five-hundred dollars under Article 10, but then Commissioner Rauch inquired about the monetary fine as no specific amount had been set by the County Court. Seeger replied that at the County Court meeting of June 3, 1983, the Court had made a motion to levy a fine, so Seeger had levied a fine for the violation of the Zoning Ordinance and the fine, you don't say how much it is, although up here it says five-hundred dollars."

TRUMBULL-"The state statute allows a maximum fine of five-hundred dollars."

ABRAMS-"Yes, I know but he had the fine."

SEEGER-"Well, I wouldn't have made that decision. I'm sure it would have been the result of Court action as to the amount to be levied. That's the maximum. I'm sure the Court would have considered the extensiveness of the violation in the levy of the fine in accordance anywhere from \$25.00 to"

STREGE-"Didn't you just tell us Irv that it isn't the courts obligation?"

RAUCH-"In my understanding of it, it isn't the Court's duty to levy the fine, it's the Planning Commissions, I could be wrong."

ABRAMS-"In the minutes it says that the County Court did levy a five-hundred dollar fine."

TRUMBULL-"Well, that's an incorrect statement."

RAUCH-"We levied an assessment for cleaning the road."

ABRAMS-"Alright, Mr. Jorgensen will pay the County five-hundred dollars under Article ten, General Provisions, Criminal penalties for violation of the Morrow County Zoning Ordinance. That's what it says in the minutes."

RAUCH-"Are those Court minutes or Planning Commission?"

ABRAMS-"Planning Commission minutes."

RAUCH-"You'd better clear them with the Court minutes again."

STREGE-"I move that we request the Planning Director to follow up on the said fine and also to find out the status of the bill for cleaning up the sand off the county right-of-way."

TRUMBULL-"Do we have a second?"

JONES-"I'll second it."

TRUMBULL-"Any further discussion? All those in favor say aye. Motion carried unanimously."

JORGENSEN-"I was wondering what procedures I would follow to appeal, how much time do I have?"

TRUMBULL-"Without research I don't know what time. I would suggest, Don, what you do is get in touch with the County Counsel or with Rick's office and with Deane and try to get notes compared and see what we're dealing with here. It's a question that I don't think anybody's prepared to answer here tonight. It's going to take some research."

BRISTOW-"I've had the feeling all along that everybody's willing to get along, we just don't know how to do that. And what you might want to do is to get together and see what you can work out and maybe come back and if everybody can agree on it we can set up another conditional use based upon that agreement."

JORGENSEN-"We've got to work something out because this is going to be a terrible financial hardship on me."

K. STEWART-"May I say something. I don't think you can run a truck dispatch there with trucks there and be compatible with it because he's got to run those trucks to run his business and when he runs those trucks, that's what causes the problems."

TRUMBULL-"We've run this far enough tonight. Why don't we take a five or ten minute recess."

PORT OF MORROW MASTER PLAN - Mr. Seeger reported that 1,000 Friends of Oregon needs a statement justifying the amount of acreage zoned industrial in Morrow County. There is also a need to obtain and develop a road to feed into the back of the Port and a need to develop policy utility corridors and also a dump site. Mr. Wayne Schwandt spoke on behalf of the Port suggesting the Planning Department take the lead and provide the Port with direction. Mr. Schwandt will try to provide the Planning Department with maps to get the discussion going.

LAND PARTITIONING - GREGG HARRIS, IRRIGON - Application was received by Gregory Harris, Irrigon, to partition 1.04 acres out of Township 5N, Range 26E, Section 36, Tax Lot 219. Application was found to be in order, all necessary surveys and legal descriptions were provided for by Edwards surveying and a 60' easement currently exists. The partition is located in a Farm Residential 1 acre minimum zone. Jack Strege moved to approve the land partitioning. John Bristow seconded the motion and motion passed unanimously. Mr. Seeger suggested a set of standards be reanalyzed regarding rules before any more land partitionings are allowed in the county.

CORRESPONDENCE - BILL KUHN, CITY OF HEPPNER - Seeger read a letter from Mr. Bill Kuhn, Attorney for the City of Heppner. Let the minutes show that the letter is being recorded as a formal objection to the County Comprehensive Plan as the current zoning in the Heppner U.G.B. is invalid because it was not presented to the City of Heppner for approval. Deane then read a letter addressed to Mr. Larry Bowman, Chairman of the Heppner Planning Commission. Mr. Seeger stated the initial procedure for amending the urban growth boundary for the City of Heppner will require a public hearing to allow for citizen input. The findings from this hearing will then be utilized to study and evaluate requested changes. After the study is completed, each Commission will at another formal hearing adopt the changes and forward them to the City Council and County Court for ratification and amendments to the Comprehensive Plans, management agreements and zoning and subdivision ordinances.

ADJOURNMENT - Chairman Trumbull adjourned the meeting at 10:20 p.m.

MINUTES OF MORROW COUNTY PLANNING COMMISSION
MONDAY, MARCH 26, 1984
LEXINGTON, OREGON

Vice Chairman Strege called the meeting to order at 7:30 p.m.

MEMBERS PRESENT - Jack Strege, Cecil Jones, Paul Taylor, John Bristow, George Kenney, Marion Abrams, staff Deane Seeger, Lori Bergstrom and Irv Rauch, Commissioner.

OTHERS PRESENT - Mike Oths, Morrow County Counsel; Roger Converse, Morrow County Building Official; Jerry Hollomon, Heppner; David Allstot, Heppner; John and June Shafer, Irrigon; Dan Van Liew, Heppner; Ed Baker, Lexington.

MEMBERS ABSENT - Chairman Trumbull

LAND PARTITIONING - JOHN SHAFER, IRRIGON - Application was received by John Shafer, Irrigon, to partition two parcels out of tax lot 214, township 5N, range 26E, section 36. The parcels will be two acres, and 2.2 acres, in a one acre Farm Residential zone. The land partitioning is not to encroach on the 60' easement provided for ingress and egress. Application was found to be in order and the necessary survey provided for. Marion Abrams moved to approve the land partitioning. John Bristow seconded the motion and motion passed unanimously.

LAND PARTITIONING - CHARLES FRITZ, IRRIGON - Application was received by Charles Fritz, Irrigon, to partition one acre out of tax lot 500, township 5N, range 25C, in a one acre Farm Residential zone. The parcel is served by Third Street West. Application was found to be in order and the necessary survey provided for. John Bristow moved to approve the land partitioning. George Kenney seconded the motion and motion passed unanimously.

PROCEDURES FOR URBAN GROWTH BOUNDARY AND COMPREHENSIVE PLAN AMENDMENTS - Mr. Seeger reported that it is the County's responsibility to revise any changes in the plan when public needs and desires change and when development occurs at a different rate than contemplated by the plan. Mr. Seeger also stated a frequent review of the plan should be made so needed revisions can keep the Plan up to date; however, major revisions should not be made more frequently than every two years. Citizen involvement in the required biennial plan reviews shall be assured by the continuance of the existing Citizen Involvement Program. Mr. Seeger stated that four citizens will be chosen from every city, plus two citizens from each of the city's urban growth boundaries. A local person selected will serve as leader and we will take each city one at a time, hopefully to start with Lexington the second week in April. Mr. Seeger handed out a paper with plan amendment procedures to each member of the Planning Commission and to each member representing a city in the audience.

CORRESPONDENCE - Mr. Seeger presented a copy of a memo to the Planning Commission regarding the U.S. Army Corps and Depot project M-55.

COMPREHENSIVE PLAN UPDATE - Mr. Seeger reported that Dave Krumbein of Pendleton has been hired to make the necessary revisions in the Comprehensive Plan in order to comply with L.C.D.C. Mr. Seeger stated the plan should be ready to submit to L.C.D.C. in late May.

AUDIENCE PARTICIPATION - Mr. John Shafer, Irrigon, stated that he appreciated having a Building Inspector, especially since the Building Inspector has to cover both ends of the County.

ADJOURNMENT - Vice Chairman Strege adjourned the meeting at 8:15 p.m.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY APRIL 30, 1984 - 7:30 P.M.
IRRIGON, OREGON

Chairman Trumbull called the meeting to order at 7:30 p.m.

MEMBERS PRESENT - Chairman Trumbull, Jack Strege, Paul Taylor, Cecil Jones, George Kenney, Marion Abrams; staff Deane Seeger, Lori Bergstrom.

MEMBERS ABSENT - John Bristow

OTHERS PRESENT - Roger Converse, Morrow County Building Official, Mike Oths, Morrow County Counsel, Irv Rauch, Morrow County Commissioner, Don Jorgensen, Irrigon, Mrs. Cecil Jones, Lexington and Barney Gillette, Irrigon.

MINUTES OF THE MARCH 26, 1984 MEETING - The minutes of the March 26, 1984 meeting were approved as mailed.

LAND PARTITIONING - EMILIO LUNA, IRRIGON - Application was received by Emilio Luna, Irrigon, to partition 2.5 acres out of a 5 acre parcel. Site is located in Township 5N, Range 26E, Section 26, Tax Lot 300B. Application was found to be in order as well as the survey and legal description. Mr. Seeger requested that a 10' right-of-way along Eighth Street West be dedicated to the County. Mr. Barney Gillette, representative, stated that there would be no problems with the dedication. Jack Strege moved to grant the land partitioning. George Kenney seconded the motion and motion passed unanimously.

JORGENSEN REVIEW - Mr. Don Jorgensen, Irrigon, stated that he wanted to let the Planning Commission know that he is trying to comply with the restrictions of his conditional use permit for a trucking operation. Mr. Jorgensen stated in complying with the conditional use permit he has 1) Ceased the use of Idaho Street 2) Made sure that warm-up time has not exceeded five minutes 3) Stayed on allowed access and egress 4) Parked trucks further west from Second Street so there will be less smoke problems 5) Done all work inside the enclosed shop 6) Planted trees to the specified requirements 7) Payed \$317.00 fine for the cleaning of sand off the county right of way 8) Deposited \$500.00 to be held by the County Clerk for the zoning violation fine until the amount of the fine is determined 9) Currently is not using fuel tank

Chairman Trumbull asked if any complaints had been received by the Planning Department. Lori replied that Mr. Virgil Carter had called about three weeks ago complaining about trucks running over the allowed five minutes and causing excessive smoke problems. Also, a letter had been received by Judge McElligott from Karen Stewart. Mr. Trumbull asked whether or not Don had been informed of the complaint. Lori replied that she had told Don about the complaint from Mr. Carter when he was in the Planning Department office on business. Lori then read the letter to Judge McElligott from Karen Stewart. The letter from Mr. Jorgensen's attorney, George Anderson, was then read by Lori stating reasons for appeal to the County Court.

Discussion followed on the use of Idaho Street. Jack Strege moved to make the recommendation to the County Court to make a study of Idaho Street as to the feasibility of stopping truck traffic altogether. George Kenney seconded the motion and motion passed unanimously. (Idaho between Third and Fourth Streets

and Third Street between Highway 730 and the Old Highway). Mr. Jorgensen stated that he had talked with Ken Evans from the Morrow County Road Department and Mr. Evans had stated that the roads are not as bad now that Don has moved to his new location as they were when he was located on Seventh Street West. Mr. Trumbull thanked Mr. Jorgensen for coming to the meeting and keeping the Planning Commission posted on what he is doing.

LAND PARTITIONING - MAX HELLBERG, IRRIGON - Application was received by Max Hellberg, Irrigon to partition two parcels (1.46 acres and 1 acre) out of Township 5N, Range 26E, Section 25, Tax Lot 600 (lots #16 & #20). Application was found to be in order as well as survey and legal description. The properties will be served by Nevada street and a 60' right of way to Nevada. George Kenney moved to approve land partitioning number LP 30-84. Jack Strege seconded the motion and motion passed unanimously.

D.E.Q. MEETING - Deane reported on a D.E.Q. meeting he had recently attended stating that rule changes will be getting more technical. Mr. Seeger also reported that there are too many inconsistencies and double standards with D.E.Q. and the Department of Commerce. The Water Resources Department may also be investigating the Irrigon area because of possible well pollution resulting from too many septic tanks. Deane said there will be another D.E.Q. meeting during the month of May in Portland and Deane urged Planning Commission members to attend.

RIVER CITIES MEETING - Chairman Trumbull reported on a meeting of the River Cities that he recently attended in Boardman. Representatives from the Cities of Irrigon, Boardman and Arlington were in attendance. Mr. Trumbull stated there were some good reactions from the meeting regarding tourist attractions. Boat cruise tours along the Columbia were discussed as well as the idea of tour buses.

ROAD UPDATES - Mike Oths briefly discussed the progress on the new road from the overpass to Wilson Road and Deane reported on Eighth Street West.

ADJOURNMENT - Chairman Trumbull adjourned the meeting at 9:00 p.m.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION MEETING
MONDAY, JUNE 4, 1984 - 7:30 P.M.
LEXINGTON, OREGON

Chairman Trumbull called the meeting to order at 7:30 p.m.

MEMBERS PRESENT - Chairman Trumbull, Jack Strege, Paul Taylor, Cecil Jones, George Kenney, and John Bristow.

MEMBERS ABSENT - Marion Abrams

OTHERS PRESENT - Staff Deane Seeger, Lori Bergstrom; Roger Converse, Morrow County Building Official; Irv Rauch, Morrow County Commissioner; Frank Hendrix, 12-H, Weston; Jeddie and Juanita Aylett, Hermiston; Marvin Alexander, Hermiston; Frank Pearson, Heppner, ; David Landon, Hermiston; Bruce and Anita Nicholes, Boardman; Jess and Joyce Campbell, Hermiston.

CONDITIONAL USE PERMIT - HERMISTON ROD AND GUN CLUB - Application was received by the Hermiston Rod and Gun Club for a conditional use request to allow a gun club with accessory buildings in an Exclusive Farm Use Zone on 41 acres in portion of tax lot 102, Township 4N, Range 27, Section 28. Mr. Seeger reported that Mr. Corey, the attorney for the Hansell family, had phoned him at 9:15 that morning stating that the Hansell family was in favor of the request. Mr. Seeger also stated that all legal commitments had been met; notice appeared in the Heppner-Gazette Times on May 24, 1984 and all surrounding property owners had been notified. Mr. Seeger read the staff report adding that this lot was originally tax lot 104 and had been a lot of record prior to the advent of Senate Bill 100 and was then included with the parcel across the freeway. This matter had been checked with L.C.D.C. and they saw no problem in returning this parcel to its original tax lot. Marvin Alexander, Chairman of the Hermiston Rod and Gun Club, spoke on behalf of the Gun Club. Mr. Alexander made the following statements: The Club had looked at this land because it is isolated and they have enough acreage that they can use without infringing on other peoples rights and shooting after dark and that sort of thing. A lot of shootings tend to be at night after work, Thursday, Saturday and Sunday nights. The shooting wouldn't be real late, normally at the other club they were open until 10:00 p.m. and that was with the County's permission and that's where they got some hassles next to the housing in Hermiston. They would like to put up some lights if permissible to shoot at night. Probably 75% of their income comes from night shooting. If approved, the club would spend around \$240,000.00 to improve this site and hopefully it will be beneficial to all communities. The Club is open to the public and you do not have to be a member to shoot. They had talked with the Colonel of the Umatilla Army Depot and he had stated that he was in favor of the project. There is a 900' aim clearance from the traps from the edge of the fence line to the edge of the road. The actual safety zone is 600' so the Club is allowing another 300' in case something would come through. On the far end where the four traps are located there is about 650' to the edge of the road. Shot is recovered and reused, either sold to gun club members or private parties. Jack Strege inquired as to what the Club planned on doing with the area as far as ground cover. Mr. Alexander replied that they did plan to do something with the ground, probably seed it with grass to keep the sand from blowing. Mr. Alexander also said that they planned to have a row of trees on the west end and south end for a windbreak.

Mr. Alexander also stated that the lights that they would be using in this area would be facing away from the freeway. They had that problem with lights when they wanted to locate their club on Powerline Road because the freeway would come around right below them and the light would blind them, but at this location they wouldn't have this kind of problem. Mr. Seeger replied that the Department of Highways had indicated that if this Club did go through, they wanted to see the plan for lighting to make sure that it was subject to their approval. Other comments made by Mr. Alexander were that they will have parking spaces for RV parking, that there will not be sewer dumps there, it will just be a dry camp with water available to the commuters when they come up on the weekends - it won't be a public thing. There will be room for 250 cars to park. Access to the site is at the Ordinance - Hog Farm turn-off from I-80. The Club plans on drilling a well. Ten traps will be put in with another four projected in the future. The parking lot will not be blacktopped but graveled. The most that they had recovered shot from the old gun club was 617' and there was very little shot at that range. The safety factor is based on a maximum legal load and maximum range you can get on a maximum legal load. The prevailing winds in the area blow from the south to the east. The Club sold their land in Hermiston to the Good Shepherd Hospital and have been looking for a sight for the last eight years. A big machine with an auger in it tills the ground, picks up the shot and turns it in a big tunnel and drops the ground cover out the back and then the BBs fall down through different sieves and then go on a conveyor belt to a hopper, so the soil will be loose for awhile. The shot is recovered three or four times a year and they never had an erosion problem at their old site.

Mr. Jedidiah Aylett was given an opportunity to ask questions. Mr. Aylett owns property to the West of the proposed site. Mr. Aylett asked why they couldn't shoot towards the burrow pit since there was almost a half a mile of ground there. Mr. Alexander replied that they need fourteen traps to hold a state shoot and that's 1400' and they also needed a safety factor where you drive of 300'. Mr. Aylett then asked why they couldn't turn the whole thing around and shoot towards the freeway. Mr. Alexander replied that the sun comes up in the south and you can't shoot into the sun, nor can you shoot into a federal highway. A gun club has to face north or northeast in order to get the light, otherwise you're into the sun. Discussion followed on switching places with the gun club and the four proposed traps. Mr. Aylett then inquired about a clubhouse and liquor. Mr. Alexander said that there will be a forty by eighty foot clubhouse and the only liquor served would be probably during the state shoot and that would be a normal action. It would be a licensed bar through the State of Oregon. The Caravan Restaurant had agreed to extend their license to the club and maintain everything that has to do with liquor. The gun club wouldn't have anything to do with it, it would just be an extension of their liquor approved by the State of Oregon. Mr. Aylett also inquired about the roads, as they had had problems before with illegal use and water running on the road. Mr. Alexander stated that the road is public access up to where Mr. Aylett's fence is and then the road belongs to Mr. Aylett and some sort of agreement would have to be reached so they could use the road to get to their clubhouse.

Mr. Aylett replied that the gun club had their own property and could use it to make their own road. Mr. Aylett also said he is not opposed to the gun club but would like to get some problems straightened out before it goes in. Mrs. Aylett said that it is a menacing thing to have a gun pointed at you when you're on the road you feel threatened because you're not sure how far the gun will go. Mr. Aylett said that he was concerned over the sand blows. He has farmed that ground and believes that it is farmable ground when irrigated. Mr. Alexander said someone will be at the club at all times while it is open. The club will be open only on specified days, otherwise all the grounds and traps will be locked up (there will be some kind of fence). Mr. Alexander also agreed that it would work better if the parking lot were reversed with the four traps. Mr. Aylett also said that he is planning on putting two more potato sheds up in the area. Mr. Alexander felt that 10:00 p.m. was a little early to close the club because people come over from Tri-Cities and need more time. He also stressed that the club needs night shooting in order to pay for the club. The nearest house is Tyler Hansell's and it is about 1/8 of a mile away. The next house is Jedidiah Aylette's and that is 1/2 mile away. Mr. Frank Hendrix with 12-H spoke on behalf of the Hansell's stating that they were in favor of the gun club and wouldn't be bothered by it at all. Mr. Dave Landon from the Hermiston Gun Club asked Mr. Aylett if the parking and four traps were reversed, would it then be possible to use his access road. Mr. Aylett replied that it was possible. Mr. Frank Pearson, Secretary Treasurer of the Oregon State Amateur Trap Shooting stated that the State of Oregon is very interested in this area and that it can bring in between two-hundred to three-hundred people, which helps the economy. Mr. Bruce Nicholes stated that he is in favor of the gun club. He stated that this ground is of no use and that a gun club is part of the American Heritage. It educates children in handling guns and shoots are held in a good manner with no foolishness because they are well policed. Mr. Nicholes suggested the club stay open until midnight because night hours are when people need recreation. Mr. Aylett asked about the public way. Mr. Alexander replied that they didn't plan on bringing it up to County specifications but would keep it graveled and grade it whenever needed. Chairman Trumbull then asked that those opposing the gun club speak out. Being no one, Chairman Trumbull asked for a motion. John Bristow then moved to approve the request for a conditional use permit for the Hermiston Rod and Gun Club based on the conditions listed in the staff report and the following:

1. That the applicant come back with the new arrangement of the parking lot and the four traps for the County Planners approval.
2. Restriction on shot - That shot be no larger than 3 drams of power and no smaller than number 9 shot.
3. That the gun club stay open no later than midnight.
4. That the lighting meet the approval of the Department of Highways.

Jack Strege seconded the motion. Discussion was called for. Commissioner Rauch inquired as to the size of the shot. General discussion followed on the size of shot. Mr. Nicholes stated that all shoots are in compliance with the American Trap Association. Mr. Aylett stated he was more concerned about the distance the shot would carry, just so it wouldn't reach the road. John Bristow moved to amend the condition on the restriction of shot to be changed to (2) To be arranged so shot will not reach the road. Jack Strege seconded the motion to amend. Motion passed unanimously. Chairman Trumbull then asked for vote on approval of the request for a conditional use permit for a gun club based on the conditions. Motion passed unanimously.

Minutes of June 4, 1984 Meeting con't.

LAND PARTITIONING - LEE DOCKEN, BOARDMAN - Application was received by Lee Docken, Boardman, to partition two 1 acre parcels out of tax lot 401, Township 4N, Range 25, Section 20, in a Suburban Residential 1 acre zone. Application was found to be in order along with the necessary legal description and survey. Proper ingress and egress exist (Paul Smith Road). George Kenney moved to approve the application. Paul Taylor seconded the motion and motion passed unanimously.

LAND PARTITIONING - HERBERT L. PETERSON/ESTATE OF ROBERT PETERSON, IONE - Application was received by Lawrence B. Rew, attorney at law, to partition property located in Sections 19 and 30, Township 2 South, Range 23. The land is being partitioned by partitioning to Herbert Peterson all of the property lying West of the County Road plus 67.5 acres East of the County Road. All of the property East of the County Road except the 67.5 acres is going to the estate of Robert Peterson. After the partition, with the Gilliam County property included, Herbert Peterson will have approximately 528.3 acres of property and the estate of Robert Peterson will have approximately 545 acres of property East of the County Road. Chairman Trumbull approved the request for land partitioning.

CITY OF HEPPNER URBAN GROWTH BOUNDARY - Lori read a letter from William J. Kuhn, Attorney for the City of Heppner, who had been directed by the City of Heppner Planning Commission to write asking that the Morrow County Planning Commission expedite the formation of a joint task force to deal with the City of Heppner's Urban Growth Area. It was decided to meet Monday, June 25, 1984 in Lexington at our next regularly scheduled meeting with the City of Heppner Planning Commission.

IDAHO STREET, IRRIGON - The Department of Transportation has the final authority on closing roads, but the County can close Idaho to all trucks and let someone contest the action. The planning staff was once again directed to recommend to the county court to make a study of Idaho street as to closing it to through truck traffic.

ZONING VIOLATIONS - Discussion followed on enforcement of the zoning ordinance. It was decided to meet with the County Counsel, the District Attorney, the Sheriff, the County Court and the Planning Commission on Tuesday, June 26th at 8:00 p.m. at the Schoolhouse in Lexington. The meeting will be a public hearing.

ADJOURNMENT - Chairman Trumbull adjourned the meeting at 10:20 p.m.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, JULY 23, 1984 - 7:30 P.M.
IRRIGON, OREGON

Vice Chairman Strege called the meeting to order at 7:45 p.m.

MEMBERS PRESENT - Vice Chairman Strege, John Bristow, George Kenney, Paul Taylor

MEMBERS ABSENT - Chairman Gene Trumbull, Cecil Jones, Marion Abrams

OTHERS PRESENT - Staff Deane Seeger, Lori Bergstrom, Roger Converse; County Commissioner Irv Rauch, County Counsel Mike Oths, Virgil and Lois Carter, Pat and Karen Stewart, Don and Dee Jorgensen, Ernie and Margaret Jorgensen, Lloyd and Virginia Dietz, Lavella Partlow, George Row, Warren McCoy, Patty Converse, Steve Wilkie, Irrigon; Sharon Hadley, George Anderson, Hermiston, Louvella Conboy, Umatilla.

MINUTES FROM JUNE 4, 1984 MEETING - Approved as mailed

CONDITIONAL USE PERMIT - MARY ELLEN COLEMAN, IRRIGON - Because no action had been taken by the Planning Commission in 45 days, a conditional use permit for a home occupation was automatically granted to Mary Ellen Coleman in accordance with the staff report. The home occupation is for a shoe repair shop in an existing steel building. The location is in Township 5N, Range 26E, Section 25B, North Fourth Street West, inside the Urban Growth Boundary. The Irrigon Planning Commission unanimously approved the application on July 19, 1984. Conditions to be followed as specified in the staff report are:

1. Applicant must have building inspected and approved for the proposed use by the Morrow County Building Inspector.
2. All provisions for home occupations, including signs, will be adhered to.
3. Hours of operation will be from 11:00 a.m. to 6:00 p.m.
4. Occupancy Permit - Under Section 6.080 Occupancy Permit, prior to operation, the Morrow County Building Official will issue an Occupancy Permit to assure compliance with Morrow County Ordinances and Conditions established by the Commission. Said permit to be reviewed every six months for compliance by the Building Official.

FINDINGS OF FACT - DON JORGENSEN, IRRIGON - Due to lack of a quorum, the meeting was recessed to August 6, 1984 at 7:30 p.m. in Irrigon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, AUGUST 6, 1984 - 7:30 P.M.
IRRIGON, OREGON

Chairman Trumbull called the meeting to order at 7:30 p.m.

MEMBERS PRESENT - Chairman Trumbull, Jack Strege, Paul Taylor, George Kenney, John Bristow, Marion Abrams, Keith Lewis, Mary Ellen Coleman

MEMBERS ABSENT - Cecil Jones

OTHERS PRESENT - Staff Deane Seeger, Lori Bergstrom, Roger Converse; Mike Oths, Morrow County Counsel; George Anderson, Hermiston, Bob Ehmann; Pendleton, Pat and Karen Stewart, Virgil and Lois Carter, Barbara Wadekamper, Max and Tim Hellberg, William Payne, Vernon Stewart, Kenn Evans, Earl Ming, Ernest Jorgensen, Don Jorgensen, Jane Evans, George Row, Rick Brittain, Clayton Irwin, Dee Jorgensen, Ingeborg Hare, Karen Rodgers, Del Crowell, Vera Cooley, Laurence Huwe, Lloyd White, Les Conboy, Sharon Hadley, Lovella Conboy, Benny McCoy, Dennis Kotila, Steve Wilkie, Warren McCoy.

MINUTES OF JULY 23, 1984 MEETING - The minutes of the July 23, 1984 meeting were approved as mailed.

NEW MEMBERS - Chairman Trumbull introduced two new members to the Planning Commission: Mary Ellen Coleman from Irrigon and Keith Lewis from Heppner, appointed by the County Court.

FACT FINDING SESSION - CONDITIONAL USE PERMIT, DON JORGENSEN, IRRIGON - Chairman Trumbull stated that this meeting was not a public hearing but a fact finding session only. Chairman Trumbull stated that what the Commission would do at this meeting was listen to the information given to it, decide whether we need a modification, a revocation hearing or whether we want to impose penalties or disregard the matter at this time. County Counsel Mike Oths stated that staff had prepared a staff report in which they attempted to collate all the comments that had been received on this subject since the original conditional use permit was granted which also included telephone calls, letters and the transcript from the February hearing. A miscellaneous column had been included for comments that were related to the situation but not addressed to a specific condition. Mr. Oths also reminded the Commission that a revocation hearing can include a revocation, modification, additional conditions, deleting conditions, or it can include any type of maneuver involved with a conditional use permit. Included in the staff report, stated Mr. Oths, are some recommendations recommending that a revocation hearing should be held. Mr. Oths stated that this should not be construed as an opinion on the subject one way or the other from the staff but that staff feels there is an issue that needs to be discussed. If there is a genuine issue to any condition, then it would be the duty of the Commission to try to have a public hearing on that issue.

Mr. Seeger read the staff report.

Chairman Trumbull stated that there was one thing the Planning Commission could do as a body and that would be to visit the premises of the trucking operation and observe first hand the conditions. Jack Strege moved to visit the location of Jorgensen Trucking at the time of the revocation hearing if the Commission chose to hold one. John Bristow seconded the motion and motion passed unanimously.

Chairman Trumbull stated that new testimony would be taken at this time which hadn't been presented, either written or orally to the Commission or in consideration of this hearing.

Mr. Bob Ehmann, 227 S.E. Beyler Avenue, Pendleton, Attorney at Law, stated he was representing the Carters and Stewarts. Mr. Ehmann reported that his clients support the idea of a revocation hearing and all the points indicated in the staff report plus a few others: Condition #9 (Differential Oil) had been indicated that this has been a problem on the property and that the oil had been dumped in such a way as to potentially pollute their wells, it has been dumped within fifty feet of their well creating a very bad hazard and could make their property inhabitable. Condition #10 (Flammable Material) had been indicated that there is fuel storage on the property and it's being stored in such a way as to be environmentally dangerous. Again, including their wells, that property could become worthless. Condition #16 (Repairs Inside) had been indicated that there is a substantial problem outdoors in regards to repairs and that noise has caused them a lot of concern.

Mr. Ehmann then called on Mrs. Stewart for written testimony she had prepared.

Mr. Trumbull asked if Mrs. Stewart had submitted written testimony to the Planning Commission prior to the hearing.

Mr. Ehmann replied that they thought it would be easier to take testimony if she wrote it out.

Mr. Trumbull said that written comments were solicited from the general public regarding this matter prior to the hearing.

Mr. Ehmann replied that he had just become involved with the case that afternoon and that he didn't have an opportunity to comply with this request.

Mr. Ehmann called Mrs. Stewart forward and instructed her to hand her written testimony to Mr. Seeger.

Mrs. Stewart objected to the fact that she did not get to speak and defend her own self.

Let the record show that three documents were received from Mrs. Stewart and duly filed.

Mr. Oths suggested that the letters be reviewed to see if they were addressed to any of the 16 conditions so the Commission would have the benefit of Mrs. Stewart's testimony. After a brief break in which Mr. Oths and Mr. Ehmann reviewed the testimony, Mr. Oths reported that the first of the three documents submitted by Mrs. Stewart stated in general that Mr. Jorgensen was not operating in the allowable conditional uses and that Mr. Jorgensen is operating in wilful violation of the conditions without disregard for the condition. The second document had general comments about noise and smoke problems which were addressed in the miscellaneous column of the staff report. There were also general comments about the hours of operation, the conditions being violated and a general comment about the use of side roads and a general comment about the fuel tank, previously discussed by the Commission. Mr. Ehmann suggested that the fuel tank could possibly be a violation of condition #10, No storing of Toxic, Nuclear, or Flammable Substances on Property. Mr. Oths stated that he recalled that this condition had to do with cargo, and if so, would then go under the miscellaneous column. Chairman Trumbull stated that Mr. Oths was correct. Also, general comments were made with regard to washing

hours of operation and the fuel tank and comments that reefers had been running on the property, Second and Idaho had been used, repairs outdoors and specific comments that had not been addressed in the staff report were: On March 19, 1984 reports of black smoke and air gun noise. On March 28, 1984, repairs being performed outdoors. March 28, 1984, use of Second Street. April 15, 1984, excessive noise. May 7, 1984, repairs outdoors. May 7, 1984, trucks warming up longer than five minute period. June 3, 1984, complaining of noise, fumes, excessive warm-up time. June 7, 1984, excessive noise. June 9, 1984, excessive noise and June 10, 1984 repairs outdoors, excessive noise.

Chairman Trumbull again called for new testimony from the audience that had not been heard at this time.

George Anderson, attorney for Mr. Jorgensen, spoke on behalf of his client. He stated that they had very substantial testimony in regards to rebutting these complaints and also some of the staff recommendations but didn't feel that this was the time nor place for it tonight. He stated that their attitude is that with all the allegations going around, to go ahead and site Mr. Jorgensen for what you think some of these allegations are and let's have a full blown hearing in which we have this matter out once and for all with people putting on evidence and testifying and getting to the bottom of the issue and also questioning the credibility of some of the witnesses that are testifying because a lot of people live in that area that are familiar with the operation that want to testify.

It was decided that legal counsel would get together to decide how to handle the revocation hearing.

Mr. Anderson then addressed some of the conditions. Condition #2 (Obtain D.E.Q. permit for Septic Tank) Mr. Anderson stated that he didn't know how he could be sited in on this as he had a D.E.Q. permit and he has a receipt for a renewal permit. Condition #4 (Roadway entrance permit) Mr. Anderson stated that it was his understanding that because the matter was pending, Mr. Burden declined to issue the permit. Mr. Anderson stated that he didn't feel he was in non-compliance because the permit has been applied for and that the County hasn't denied the application, it just hadn't been issued. Mr. Anderson stated that it was their contention that Condition #8 (Trees and paying of fines) is operating. Condition #11 (No reefers) Mr. Anderson felt that this is something that, as stated in his letter, needs to be discussed at the hearing. The refrigerator units are turned off now when the units come on the yard and are started right when the units leave, but this isn't a workable situation, reported Mr. Anderson. Mr. Anderson stated that Mr. Jorgensen, under no circumstances, intends to have the refrigerator units sit on the property and run, but needs to have them in order to run a truck yard in order to start up a refrigerator unit and check its operation and also when you come into the yard briefly for a repair or to change drivers or to fuel up. Mr. Anderson stated it is not a situation where these units run for any period of time. On Condition #12 (Use of Side Roads) Mr. Anderson felt this was a question of merely argument, and the same with Condition #15 (Hours of Operation).

Mr. Anderson suggested to the Commission that if they do site Mr. Jorgensen, to limit it to the crux of what the matter is or days could be spent because at the time of the hearing Mr. Anderson intends to present substantial evidence, substantial testimony and will ask for substantial cross examination. He felt that was the only way Mr. Jorgensen would have a fair hearing.

Mr. Trumbull then asked Mr. Anderson if he or his client had any objection to the Planning Commission, prior to the hearing, visit the property and hear the trucks run and see what was going on as a body.

Mr. Anderson replied that as a body, with both attorneys present, and parties present, and everything being observed at the same time together, that the Planning Commission is perfectly entitled to it.

Mr. Ehmons stated he had one additional comment in regards to Condition #7 (Use of Idaho Street) and that was that it could be included in the hearing and perhaps counsel could get together and simplify that or agree what has happened there between the county counsel and the planning Director.

Mr. Oths replied that Otto (the Director of Public Works) should be the one to talk to.

Mr. Trumbull then called for further comment or testimony.

Mrs. Carter stated that she did not want the Commission to overlook the fact that the exhaust fumes are what she is upset about and it is number one on her priority report.

Mr. Trumbull stated that the commission was ready for a motion in regards to how to handle the matter.

John Bristow made the motion that a date be established for a possible revocation hearing on the conditional use permit of Don Jorgensen's. Jack Strege seconded the motion. Discussion was called for. Paul Taylor asked if they were going to go through all of the conditions or narrow them down. General discussion followed on how to handle the conditions in which Mike Oths stated that the reason the staff report was done before hand was to decide which ones needed to be discussed. Chairman Trumbull replied that what the Commission would have to do, in the form of discussion, would be to address each condition and see which ones they would want to address. Jack Strege asked when the meeting would be held. The legal requirements are to advertise the hearing 10 days in advance. John Bristow moved to have the meeting on the 20th of August. Jack Strege seconded the motion. Discussion was called for. It was decided to meet at 7:00 p.m. at the truck stop before the meeting which would reconvene at the Irrigon City Hall at 7:30 p.m. Question was called for motion to set revocation hearing. Motion passed unanimously.

Discussion resumed back to which conditions would be discussed at the hearing. It was decided that the following conditions be discussed: Condition #4 (Roadway entrance permit). Condition #7 (Use of Idaho) Condition #9 (No Oil drained) Condition #11 (No reefer units) Condition #12 (Minimal use of side roads) Condition #14 (Limit warm up time to 5 minutes) Condition #15 (Hours of Operation) Condition #16 (Major repairs in enclosed building) Condition #8 (Trees and Paying of Fines) Staff was directed to take care of condition #8 and report back at the hearing. In addition, the Commission may consider the addition of new conditions or the deletion of existing ones. It was decided that legal counsel decide on procedure for the public hearing. It was also asked that the meeting is advertised in the Gazette-Times and also the East Oregonian.

COMPREHENSIVE PLAN REVIEW - Dave Krumbain was present to work on some changes needed in the comprehensive plan before submittal to L.C.D.C. Discussion included no subdivision of property zoned 160 acres, limit houses to 1 per 160 acres in forest lands and stream setbacks of 50' in EFU zones.

A brief discussion followed on the possibility of adopting an abatement and nuisance ordinance for dangerous buildings.

Chairman Trumbull adjourned the meeting at 10:00 p.m.

MORROW COUNTY PLANNING COMMISSION
DON JORGENSEN CUP REVOCATION HEARING
MONDAY, AUGUST 20, 1984 - 7:30 P.M.
IRRIGON CITY HALL

Chairman Trumbull called the meeting to order at 7:30 p.m. Prior to the meeting, the Commission met at Jorgensen's Trucking, Inc. at 7:00 p.m.

MEMBERS PRESENT - Chairman Trumbull, Paul Taylor, Cecil Jones, Marion Abrams, George Kenney, Mary Ellen Coleman.

MEMBERS ABSENT - Jack Strege, John Bristow, Keith Lewis

REVOCATION HEARING - DON JORGENSEN TRUCKING, INC. - Mr. Seeger read the public hearing notice and the list of property owners notified of the meeting. Mr. Trumbull asked for conflict of interest. Marion Abrams declared a conflict of interest. Mr. Seeger read procedures for the hearing.

Mr. Bob Ehmmon, Attorney at Law, represented the opponent. Mr. George Anderson, Attorney at Law, represented the proponent.

Those presenting testimony to the Planning Commission were: Otto Burden, Deane Seeger, Pat Stewart, Steve Wilkie, Doug Evans, Karen Rodgers, Don Jorgensen, George Row, Rick Brittain, Mary Ann Wilkie, Virgil Carter, David Woods, Lois Carter, Clayton Irwin, Ron Smith, Margaret Jorgensen, Buck Sisco, John Weinholz, Dee Jorgensen, Karen Stewart, Brian Cook, Joel Stahl.

Exhibits #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #15, #16, #17, #18, #19, #20, #21, #22, #23, #24, #25, #26, #27, #28, #30, #31, #32, #33, #34, #35, #36, #37, and #40 were submitted as evidence and are on file.

After testimony was presented, Chairman Trumbull stated the Planning Commission could 1) revoke or modify the permit 2) find no action necessary 3) render the decision within 45 days.

After executive session, Paul Taylor moved that after listening to all testimony, the Planning Commission does not revoke the permit but modify the conditions at the monthly meeting. Mr. Taylor also stated he felt that the trucking business and residential area could be compatible with a little effort. Cecil Jones seconded the motion. Roll call vote was requested. Gene Trumbull - yes; Paul Taylor - yes; Mary Ellen Coleman - yes; Cecil Jones - yes; George Kenney - yes; Marion Abrams - abstain. Motion passed unanimously.

Chairman Trumbull adjourned the meeting at 2:15 a.m.

Tapes of the hearing are on file at the Morrow County Courthouse Annex Building.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, AUGUST 27, 1984 - 7:30 P.M.
LEXINGTON, OREGON

Chairman Trumbull called the meeting to order at 7:30 p.m.

MEMBERS PRESENT - Chairman Trumbull, John Bristow, Paul Taylor, Cecil Jones, George Kenney, Marion Abrams, Mary Ellen Coleman, Keith Lewis.

MEMBERS ABSENT - Jack Strege

OTHERS PRESENT - Lori Bergstrom, Roger Converse, Michael Oths, Mr. and Mrs. Jedidiah Aylette, George Anderson, Don Jorgensen, Kenn Evans, John Weinholz, Virgil and Lois Carter, Pat and Karen Stewart, Bob Ehmann.

MINUTES OF AUGUST 6, AND AUGUST 20, 1984 - The minutes were approved as mailed.

CONDITIONAL USE PERMIT - JEDIDIAH AYLETTE - GRAVEL PIT - Application was received for a conditional use permit for a gravel pit by Jedidiah Aylette in Township 4N, Range 27E, Sections 21 & 28, Tax Lot 103 in an exclusive farm use zone. Lori read the staff report. Mr. Aylette reported the pit would be for personal use and commercial use. Marion Abrams moved to approve the conditional use permit based on the conditions of the staff report, and to be reviewed in five years. John Bristow seconded the motion and motion passed unanimously.

CONDITIONAL USE PERMIT MODIFICATION - DON JORGENSEN TRUCKING, IRRIGON - Conditions which didn't need modification were #1. Obtain Siting Permit #2. Obtain D.E.Q. Permit #3. Modification of Office Building #4. Obtain Plot Plan showing required setbacks #5. Obtain Zoning Sign Off #6. All Switching of Trailers to take place on the property #7. Payment of Fines and Fees

(A) Conditions modified were: Roadway Entrance Permit/Obtain permission from Public Works Director for use of Idaho Street/Minimal Use of Side Roads all modified to read: All Ingress/Egress or use of Second Street and Idaho Street shall be in accordance with the direction of the Public Works Director.

(B) No Differential Oil of any type drained on Property - Paul Taylor moved to modify the condition to read: No Oil of any Type to be Drained on the Ground on the Property. Keith Lewis seconded the motion. Motion passed unanimously. Discussion followed on the steam cleaning of trucks. John Bristow moved to amend the motion that no steam cleaning of engines take place on the property. Mary Ellen Coleman seconded the amendment and motion passed unanimously.

(C) No Storage on the Property including loaded vehicles of Toxic Waste, Nuclear Waste or Products or Toxic, Flammable or otherwise Dangerous Substances (i.e. explosives) - Paul Taylor moved that the condition be modified to read: No Storage on the Property including loaded Vehicles of Toxic Waste, Nuclear Waste or Products or Toxic, Flammable or otherwise dangerous substances (i.e. explosives) pertaining to cargo. George Kenney seconded the motion and motion passed unanimously.

No Refrigerator Units Operating on the Property - John Bristow moved to modify the condition to read that No Reefer Units be Operated Outside the Hours of 9:00 a.m. to 5:00 p.m. and that they may be operated for Operational Checks but not for longer than 10 minutes. Motion failed for lack of a second. Keith Lewis moved to modify the condition to read: No Refrigerator Units shall operate on the Property outside the hours of 8:00 a.m. to 5:00 p.m. and no longer than 10 minutes for operational checks. No refrigerator Units may be left running on the premises for storage purposes and all refers brought onto the premises shall be shut off immediately upon arrival and shall be started just before leaving. Mary Ellen Coleman seconded the motion. Discussion followed on the 10 minute operational checks. Motion and second were amended to 15 minutes for operational checks. Roll call vote: Cecil Jones, yes; Paul Taylor, yes; George Kenney, yes; John Bristow, no; Marion Abrams, abstain; Mary Ellen Coleman, yes; Keith Lewis, yes. Motion carried.

(D)

Limit Warm-up Time to 5 Minutes, Require use of plug-in Warmers in Winter - Mary Ellen Coleman made the motion that the condition be modified to read: Limit Warm-up Time to 15 minutes, Require use of plug-in warmers in Winter. Paul Taylor seconded the motion. Roll call vote: Cecil Jones, no; Paul Taylor, yes; George Kenney, yes; John Bristow, no; Marion Abrams, abstain; Mary Ellen Coleman, yes; Keith Lewis, yes. Motion carried.

(E)

Hours of Operation for Truck Movements: 24 Hours with Minimal Activity from 10:00 p.m. to 6:00 a.m. - Keith Lewis made the motion to delete the whole condition as it can not be enforced. Mary Ellen Coleman seconded the motion. Roll call vote: Cecil Jones, yes; Paul Taylor, yes; George Kenney, yes; John Bristow, no; Marion Abrams, abstain; Mary Ellen Coleman, yes; Keith Lewis, yes. Motion carried.

(F)

All Major Truck Repair and Maintenance to be done in an Enclosed Building - John Bristow moved that the condition be modified to read: As much major truck repair and maintenance as possible shall be done inside the presently existing shop building. No impact wrenches shall be used on the premises between the hours of 8:00 p.m. and 8:00 a.m. No repair or maintenance shall be done on the premises between the hours of 10:00 p.m. and 8:00 a.m. except in emergencies. Sunday use of impact wrenches shall be inside the existing shop building and only after 12:00 p.m. with the door closed. A noise buffer consisting of a fence six feet high by forty feet long shall be constructed between Idaho Street and the existing shop building. Keith Lewis seconded the motion. Discussion followed with a decision agreed upon that the fence should be solid wood. Motion passed unanimously. John Bristow moved that said fence should be built in the next 60 days. Paul Taylor seconded the motion and motion passed unanimously.

(G)

Trees shall be planted 50 feet back from Second Street on Idaho Street and to Driveway Entrance South on Second Street - Keith Lewis moved that trees shall be planted along Idaho from the wood fence to present trees and on Second Street where trees are south to driveway entrance. Cecil Jones seconded the motion. Motion passed unanimously. Keith Lewis moved that the trees shall be planted in February/March 1984. Motion passed unanimously.

(H)

Discussion followed on performance bonds. John Bristow moved that the bond not be considered. Mary Ellen Coleman seconded the motion and motion passed unanimously. Questions were raised as to who would do the enforcing. The Planning Commission or County Court will enforce and all complaints should be registered with the County Planning office and if no results, then the County Court.

ADJOURNMENT - Chairman Trumbull adjourned the meeting at 12:00 midnight.

MORROW COUNTY PLANNING COMMISSION
SEPTEMBER 24, 1984
IRRIGON, OREGON

Chairman Trumbull called the meeting to order at 7:30 p.m.

MEMBERS PRESENT - Chairman Trumbull, Jack Strege, John Bristow, George Kenney, Mary Ellen Coleman, Marion Abrams.

MEMBERS ABSENT - Cecil Jones, Paul Taylor, Keith Lewis

OTHERS PRESENT - Deane Seeger, Lori Bergstrom, Mike Oths, George Anderson, Mr. and Mrs. Stan Mills, Arnold Braat, Murray Findley, Ed Glenn, Earl Ming, Bob Abrams.

MINUTES OF AUGUST 27, 1984 MEETING - The minutes were amended on page 2 (G) from "Sunday use of impact wrenches shall be inside the existing shop building and only after 12:00 p.m. with the door closed" to reflect the actual motion that was made - "Use of impact wrenches on Sunday, prior to noon, shall be inside, with the door to the shop closed." Also (H) 1984 was amended to 1985. The minutes were unanimously approved as amended.

RATIFICATION OF JORGENSEN CONDITIONAL USE PERMIT - The modified conditions for the Jorgensen conditional use permit, as presented to the Commission, were amended from (5) No storage pertaining to cargo to take place on the property including loaded vehicles of toxic waste, nuclear waste or products or toxic, flammable or otherwise dangerous substances (i.e., explosives) to (5) No cargo containing toxic waste, nuclear waste or products, or toxic, flammable or otherwise dangerous substances (i.e., explosives) shall be brought upon the property. Also amended was (8) No outside use of impact wrenches on Sunday prior to 12:00 p.m., with the door to the shop shut amended to (8) Use of impact wrenches on Sunday, prior to noon, shall be inside, with the door to the shop closed. Jack Strege moved that the amended conditions be accepted. John Bristow seconded the motion and motion passed unanimously.

WEST GLENN SUBDIVISION (SOUTH OF CANAL) - Discussion followed on the West Glenn Subdivision south of the canal regarding land use, use of the bridge, and traffic circulation. Questions were raised as to the subdivision encroaching on farm land by Stan Mills, represented by George Anderson, and as to farm land encroaching on the subdivision by Ed Glenn. The portion of subdivision south of the canal is not in the urban growth boundary for the City of Boardman and Mr. Mills would like to see this portion returned to farm use.

L.C.D.C. REPORT - Deane Seeger reported that a meeting (study session) will be held in October to review the amount of industrially zoned land held by the Port of Morrow.

LAND PARTITIONING - EARL MING, IRRIGON - Application was received by Earl Ming, Irrigon, to partition three 1 acre parcels in Township 5N, Range 26E, Section 22, Tax Lot 404. A 30 foot easement will be provided. Jack Strege moved to approve the land partitioning based on the application being filled out in accordance to the Subdivision Ordinance. George Kenney seconded the motion and motion passed unanimously.

SCS BOOKS - Marion Abrams stated the SCS has soil books that would be useful to the Commission.

ADJOURNMENT - Chairman Trumbull adjourned the meeting at 8:40 p.m.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, OCTOBER 29, 1984
LEXINGTON, OREGON

Chairman Trumbull called the meeting to order at 7:30 p.m.

MEMBERS PRESENT - Chairman Trumbull, Cecil Jones, Marion Abrams, Keith Lewis, Mary Ellen Coleman, Jack Strege

MEMBERS ABSENT - Paul Taylor, George Kenney, John Bristow

OTHERS PRESENT - Lori Berstrom, Roger Converse, Irv Rauch, Otto Burden, Mike Oths, Dave Krumbein, Earl Ming

REVIEW AND NECESSARY ACTION ON COMPREHENSIVE PLAN UPDATE - Dave Krumbein, hired by Morrow County to work on the necessary changes needed in the comprehensive plan, explained that in 1980 Morrow County submitted their plan to L.C.D.C. In 1982 the plan came back from L.C.D.C. and had some changes to be made and additional data to be gathered. In 1983, the County sent back to L.C.D.C. some changes, paragraphs to be added and deleted. In 1984 L.C.D.C. came back to the County with additions to be added to the Comprehensive Plan, the Zoning Ordinance and the Subdivision Ordinance. Dave stated he had been hired by the County to make sure the changes being made are consistent throughout the comprehensive plan and the two ordinances. Discussion followed on changes in the plan and ordinances. Mr. Krumbein stated that a public hearing will have to be held before the Planning Commission and a public hearing will have to be held before the County Court. Jack Strege moved that the Planning Commission take the recommended changes of the Comprehensive Plan to a public hearing. Marion Abrams seconded the motion and motion passed unanimously.

It was decided to have a study/dinner meeting on Monday, November 19, 1984 at 5:30pm at the Dodge City Restaurant in Boardman to review further changes before holding a public hearing.

LAND PARTITIONING - EARL MING - Earl Ming, Irrigon, received approval for a land partitioning as shown on map and by staff recommendation to partition a flag shaped 3-acre parcel with a 100' wide frontage located on Sixth Street West and Washington Street.

ADJOURNMENT - Chairman Trumbull adjourned the meeting at 9:30 p.m.

Morrow County will make the following changes in the Comprehensive Plan and implementing ordinances.

1. Delete Section 5.050 Divided Tax Lots from the Zoning Ordinance.
2. ~~Commercial Standard- Conversion of rural agricultural land to urbanizable land shall be based upon consideration of the following factors: (1) environmental, energy, social and economic consequences; (2) demonstrated need consistent with LCDC goals; (3) unavailability of an alternative suitable location for the requested use; (4) compatibility of the proposed use with related agricultural land; and (5) the retention of Class I, II, III, IV, V, and VI soils in farm use.~~
3. Add to Section 5.120 Subdivision Ordinance
(2) An ---- that "partitioning with EFU land will comply with ORS 215.243
4. Add to Section 1.030 (4) Zoning Ordinance
----. Also land, in other ^{Soil} classes, which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event.
5. Add to Section 5.130 Subdivision Ordinance
A requirement that homestead partitions shall be reviewed against the criteria for non-farm use as outlined in ORS 215.213²⁰³ (3) Issued 14 1983
6. Add to Page 46 of Comprehensive Plan after Paragraph 18:
"The 160 acre size is the average size for the circle type irrigation system prevalent in much of the Agricultural land. One circle, which encompasses 160 acres is adequate for farming and each circle can be farmed independently of the others. (Continued)"
7. Page 16 of the Zoning Ordinance (5)(B)
"shall be based" upon the criteria of ORS 215.213²⁰³ (3).
eliminate (a), (b), (c)

8, 9, 10. - Housing areas around Boardman & Oregon that we need to justify as the amount of ground required to be set aside for housing based on projected commercial & industrial expansion in the County & those have to be tied into the Port & the airport & so forth.
↓
plan to expand,
need industrial park tied down first - & then can justify.

2 Substitute on Page 16 of the Zoning Ordinance
(5)

(A) For the purpose of this ordinance, no parcel less than 160 acres shall be considered a farm unit unless it is demonstrated or proven to the Commission that such parcels shall be appropriate for the continuation of the existing commercial agricultural enterprise within the area, and the Commission adopts findings to that effect.

delete: (a smaller land unit constitutes a viable farm unit)

6 (Continued) Add to Page 44 Comprehensive Plan
22. Because of the great disparity in farm size in ~~the~~ Morrow County, median is a meaningful measure by which to judge ownership size pattern. Median refers to the dividing point between two equal parts. In Morrow County the median farm size in 1974 for irrigated and dryland farms was ~~1700~~¹⁴⁸ acres. In the same year the average farm size was 1300 acres.

Listed below are charts showing the median and average farm sizes of other counties in Northeastern Oregon.

(To be inserted later)

Conclusions:

1. Average farm size in Morrow County is not a meaningful standard by which to measure future divisions of agricultural lands because ownerships ~~are~~ far smaller than 1380 acres contribute to the local agricultural economy in a substantial way and help maintain agricultural processors and farm markets

2. The overwhelming majority of farms in our County are family farms. The one hundred sixty acre standard allows future generations of young people the chance to own and operate a family farm. Larger minimums escalate the purchase price and decrease the purchasing ability of young farmers and ranchers.

3. One hundred sixty acres will stay in production because they are too large and too expensive to affordably remain idle.

11. Add to Section 3.010 (6)

(D) Stream Setback All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum of 50 feet measured at right angles to the high water line or mark.

12. Add to Section 3.020 (5)

(E) Big Game Range Restrictions

In the case of Forest Use areas indentified as Big Game Summer Range no partitioning allowing dwellings shall have a density of less than 40 acres per dwelling unit.

In the case of Forest Use areas identified as Big Game Winter Range no partitioning allowing dwellings shall have a density of less than 160 acres per dwelling unit.

13. Add to Section 3.010 (5)

(E) Big Game Range Restrictions

In the case of Farm Use areas identified as Big Game Summer Range no partitioning allowing dwellings shall have a density of less than 40 acres per dwelling unit.

In the case of Farm Use areas identified as Big Game Winter Range no partitioning allowing dwellings shall have a density of less than 160 acres per dwelling unit.

Zoning
ord.
Setbacks
Fish & Wildlife
Adapt
by ref.
1979 rules

8910 housing Area Acquired Boardman Township
Area Some CA's be deleted?

(Min Setback)
(Restrict Adapters)
Forest Use
Streambeds

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, NOVEMBER 19, 1984 - 7:30 P.M.
IRRIGON, OREGON

Chairman Trumbull called the meeting to order at 7:30 p.m.

MEMBERS PRESENT: Chairman Trumbull, Marion Abrams, Paul Taylor, Mary Ellen Coleman, Cecil Jones, Jack Strege

MEMBERS ABSENT: George Kenney, John Bristow, Keith Lewis

OTHERS PRESENT: Deane Seeger, Lori Bergstrom, Mike Oths, Irv Rauch, Judge McElligott, Jean Son, Skip Maddox, Ivan Driver and John Gorham

MINUTES OF PREVIOUS MEETING: The minutes of the October 29, 1984 were approved as mailed.

L.C.D.C. CHANGES - Marion Abrams moved to redraft all issues discussed in the study hearing along with the justification of the Boardman rural area and Port of Morrow Industrial area. Jack Strege seconded the motion and motion passed unanimously.

CONDITIONAL USE PERMIT - GEOPHYSICAL SERVICES, INC.: Application was received by Geophysical Services, Inc., for a conditional use permit to secure authorization for drilling velocity holes in an Exclusive Farm Use Zone as provided for by Section 3.010(2)(e), Article 3 of the Morrow County Zoning Ordinance. Holes will be drilled in Township 1 South, Range 28E, Sections 34, 33, 28, 21, 20, 17, 18, 7, Township 2 South, Range 28E, Sections 13, 12, 2, 3, Township 2 South, Range 29E, Sections 31, 30, 19, 18, Township 3 South, Range 29E, Sections 32, 30, 19, 18, 7, and 6. Staff report was read by Lori. Lori then read letter from Larry Nunn, Watermaster, requesting that, as a condition of their land use permit, GSI be required to submit a plan for the abandonment of their seismic exploration holes to the Water Resources Department for approval, and further, if artesian flow is encountered in any hole, GSI will immediately bring in an Oregon Licensed and bonded Water Well Constructor (well driller) to abandon the artesian well in accordance with the rules and regulations prescribing general standards for the construction and maintenance of water wells in Oregon, OAR 62-015. Lori then read a letter from Geophysical Service, Inc., explaining what will actually be involved in the exploration process. Mrs. Jean Son and Mr. Skip Maddox, representatives of Geophysical Services Inc., stated the watermasters request was no problem and also stated that they had posted a \$50,000 bond. Concern was expressed over water contamination between different levels of strata. It was brought to the Commission's attention that further exploratory drilling would take place on Hinton Creek and in the Sand Hollow area. It was requested of the Commission that staff would like a criteria to follow so each permit would not have to be brought before the Commission and therefore save time and be administratively easier. Mary Ellen Coleman moved to approve the conditional use permit based on the conditions as stated in the staff report plus an additional condition #8) Applicant shall meet recommendations as set by the state Water Resources Department. In addition, subsequent applications along the same lines that meet the same criteria can be approved by the County Planner. Jack Strege seconded the motion and motion passed unanimously. Slides were shown of the Little Butter Creek Road area in which the drilling will take place.

TENTATIVE SUBDIVISION - MAGIC GARDENS: Application was received for a subdivision in Township 5N, Range 26E, Section 23, tax lot 2606 and 2608. Mr. Seeger read the purpose for subdivision provisions and regulations as stated in the Morrow County Subdivision Ordinance. Mr. Seeger also reported that on November 14, 1984 there was a meeting of the Morrow County Subdivision Review Committee to which the County Planning Director, County Surveyor, County Roadmaster, County Sheriff, Fire Protection, County Extension Agent, Public Utility Representative, Irrigation District Representative or Watermaster and affected School District Representative were all requested to attend. Correspondence had been received by the West Extension Irrigation District and from the City of Irrigon. The letter from West Extension Irrigation District stated that it is the responsibility of the subdivider to install an irrigation system adequate to irrigate all acres with a water right and that such a system must be approved by the Board of Directors. Since water rights cannot be removed from this property, it will be assessed at the same rate as all other properties within the district even though property owners are not required to irrigate this property. The letter from the City of Irrigon asked that the 42½ foot radius within the cul-de-sac be increased to a minimum of 50 feet to accommodate the Irrigon Rural Fire Department vehicles. Also, a second request was that the access easement be kept clear and passable for fire access needs, preferably graded and gravelled, from Eighth Street West into the cul-de-sac. John Gorham, developer of the subdivision, stated that a 50' radius would be no problem, however, he stated that he had no intent to blade the access road. Mr. Gorham stated that within the subdivision, the people that buy the lots will also be buying part of the road and will sign an agreement to maintain that portion of their road. Mr. Gorham also stated that there are five foot easement along every property line for irrigation if the owners so choose. Jack Strege moved to recommend the subdivision with the condition that the 42.5 foot radius for the cul-de-sac be changed to 50 feet and also with the stipulation that the property owners will buy part of the road and will agree to the maintenance thereof. Cecil Jones seconded the motion and motion passed unanimously.

LAND PARTITIONING - FIRST INTERSTATE BANK OF OREGON - Application was received by First Interstate Bank of Oregon to partition 2,500 acres out of Township 3N, Range 26E, Parts of Section 17, 20, 29, 30, 31, Tax lot 500. Jack Strege moved that the land partitioning be approved with the condition that the access right-of-way be part of the condition. Paul Taylor seconded the motion and motion passed unanimously.

CORRESPONDENCE - Application was received by the State Division of Lands for a permit for Material Removal. Jack Strege moved to approve the application and to continue maintenance dredging as signed off by the Morrow County Planning Commission Chairman. Mary Ellen Coleman seconded the motion and motion passed unanimously.

LCDC DATE: It was determined that the Planning Commission could not set a date for a public hearing to go over L.C.D.C. requested changes in the comprehensive plan until it was known when the Port of Morrow would have their justification ready. It was decided that staff work closely with the port in determining when they would have their information ready and set a date for the public hearing, advertising ten days in advance. Advertising will be simultaneous with the of the County Courts.

ADJOURNMENT: Chairman Trumbull adjourned the meeting at 9:30 p.m.