

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, FEBRUARY 5, 1996 - 7:30 P.M.
IRRIGON, OREGON

Chairman Marv Padberg called the meeting to order at 7:40 p.m.

MEMBERS PRESENT: Marv Padberg, Joel Peterson, Mary Ellen Coleman, Joe Miller, Art Kegler, Leann Rea, Calvin Keys, Ken Grieb and Jim Bloodsworth

MEMBERS ABSENT: None - all members present

OTHERS PRESENT: Doug Trudeau, Shirley Carpenter, Carolyn McCabe, Rob Brown, Bryan Timms, Dick Cole, Win Weston, Jane Weston, Dan Hernandez, Arnold Braat, Donald C. Key, Marla Wilson, J. J. McCabe, Dave Daniels and Rick Kent

MINUTES OF DECEMBER 4, 1995 MEETING: The minutes of the December 4, 1995, meeting were unanimously approved by the members of the Commission with the correction under OTHERS PRESENT that Ryan Mills should be Ryan Miller.

PUBLIC HEARING - LAND PARTITION APPLICATION NO. LP-S-168: BILLY J. AND MARILYN A. RIETMANN, APPLICANTS AND OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 4100 OF ASSESSOR'S MAP 1N 24 30, LOCATED ON THE EAST SIDE OF STEFANI ROAD, FOUR AND ONE-HALF MILES NORTH OF THE CITY OF IONE. THE PROPOSAL IS TO PARTITION A 186.19 ACRE PARCEL OUT OF A 720.32 ACRE PARCEL IN AN EXCLUSIVE FARM USE (EFU) ZONE. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE 5.020 AND 5.030
- Staff Report was reviewed and the location indicated on a map. ORS 660.100 was met with the 80 acre minimum requirement in an EFU Zone, and notice was sent to DLCDD with no response from them. It meets the requirement of our ordinance and an actual survey and partition plat are not required. There was no correspondence received on the partition. No one spoke in opposition or in favor of the partition. Art Kegler moved and Joel Peterson seconded to accept the land partition with the conditions stated in the Findings of Fact (listed below). The motion passed unanimously by the Commission.

1. Record deed with the County Clerk to complete the land partition transaction.
2. The deed shall include a statement of water rights indicating the parcel contains no water rights.
3. After the deed has been recorded, provide the Planning Department a copy of the recorded document. This is necessary in order to amend Planning Department maps.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. N-82 AND LAND PARTITION APPLICATION NO. LP-N-171: DON C. KEY, APPLICANT AND

OWNER. PROPERTY IS DESCRIBED AS TAX LOT 101 OF ASSESSOR'S MAP 3N 27 4, LOCATED APPROXIMATELY THREE MILES SOUTH OF THE UMATILLA ARMY DEPOT AND I-84 ON COUNTY LINE ROAD (TURNER ROAD IN UMATILLA COUNTY). THE PROPOSAL IS TO PARTITION A 10.31 ACRE PARCEL WITH MOBILE HOME FROM THE PARENT PARCEL OF 311.28 ACRES IN AN EXCLUSIVE FARM USE (EFU) ZONE. TECHNICALLY, THE REQUEST IS FOR A VARIANCE FROM THE MINIMUM LOT SIZE OF 160 ACRES AND A LAND PARTITION. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE SECTIONS 5.020, 5.030 AND ZONING ORDINANCE SECTIONS 3.020 AND 6.050, AND OREGON ADMINISTRATIVE RULES - The Staff Report was reviewed and the location shown on a map. Technically, the request is for a Variance to the minimum lot size and a land partition. Oregon Administrative Rules through its authority with Oregon statutes allows us to do this; it is essentially creating a nonfarm dwelling. There are multiple homes on various tax lots and the applicant wants to reconfigure the tax lots, and in order to do this he split out the mobile home with approximately ten acres and would have to call it a nonfarm dwelling. This parcel will have to be taken off farm deferral according to OAR's. They are part of the County Line Recharge District and are part of the Westland District but for recharge only. They have their own water rights. Five farmers are part of this Recharge District. The first condition regarding meeting requirements of West Extension Irrigation District will be removed as they are not part of this District. The question of farming on adjacent farm lands was brought up and it was requested that a condition be added regarding the right to farm disclaimer. No comments from Water Resources or anyone else was received regarding this partition. Leann Rea moved and Joe Miller seconded to approve the conditions in the Findings of Fact with the deletion of #1 and the addition of the right to farm disclaimer statement being required. The motion with the amended conditions (listed below) were unanimously approved by the members of the Commission.

1. The applicant shall sign a right to farm disclaimer statement.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights. A statement of water rights shall be noted on the final plat.
3. Applicant shall obtain a road access permit application from the County Public Works Department for any new access to the County Road.
4. Applicant shall submit a final partition plat in compliance with ORS Chapter 92. Final plat shall include legal access to both parcels.
5. Per ORS 215. County Assessor shall disqualify the "nonfarm dwelling" parcel from farm deferral. Applicant shall pay all taxes prior to recording the final partition plat.

PUBLIC HEARING - LAND PARTITION APPLICATION NO. LP-N-169: FLOYD AND LORAIN WILSON, APPLICANTS AND OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 202 OF ASSESSOR'S MAP 5N 26 36, LOCATED ON THE NORTH SIDE OF SLAUGHTER ROAD, APPROXIMATELY THREE MILES SOUTHWEST OF THE CITY OF IRRIGON. APPLICATION IS TO PARTITION A 15.01 ACRE PARCEL OF LAND INTO THREE PARCELS. EACH PARCEL MEETS THE ONE ACRE MINIMUM LOT SIZE OF THE RURAL RESIDENTIAL ONE ACRE ZONE. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE 5.020 AND 5.030 - The Staff Report was read and location shown on the map. The applicant's representative, Marla Wilson, then stated that the applicants were out of the area, but had requested her to ask for a change in the lot configuration. They are still asking for three parcels. It was determined from the Assessor's office that the easements are public easements. Access to the two lots must be obtained from the east side of the property. Carolyn McCabe questioned the west side easement. It also is a public easement. Joel Peterson moved and Mary Ellen Coleman seconded to approve the land partition application with the omission of Condition #1 (see Conditions listed below). The motion passed unanimously by the Commission.

1. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights. A statement of water rights shall be noted on the final plat.
2. Applicant shall submit a final partition plat in compliance with ORS Chapter 92.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. S-83: RON CARLSON, APPLICANT; RON AND KIM CARLSON, OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 901 OF ASSESSOR'S MAP 4S 28 11, LOCATED APPROXIMATELY 15 MILES SOUTHEAST OF HEPPNER IN THE BLAKE RANCH AREA OFF NORTH FORK OF WILLOW CREEK ROAD. THE PROPOSAL IS TO SITE A DWELLING UNIT ON A FIVE ACRE PARCEL OF LAND IN A FOREST USE ZONE. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE 3.020 AND 6.050, AND OREGON ADMINISTRATIVE RULES - Staff Report was read. The siting standards meet the template test criteria that the legislature passed in 1993. Based on soils and site index, dwellings in Blake Ranch can be sited but applicants must first go through the Conditional Use Permit process because it is in a Forest Use (FU) Zone. Applicant must comply with all applicable siting standards listed in OAR 660-06-229 and OAR 660-05-035. Mary Ellen Coleman moved and Joe Miller seconded the motion to accept the C.U.P. to site a dwelling on tax lot 901 with the conditions in the Staff Report and as stated below. Motion passed unanimously.

1. The manufactured home shall comply with zoning ordinance Section 4.110 Mobile Home Standards.
2. The applicant shall comply with applicable State of Oregon Building Codes Agency and Department of Environmental Quality requirements.
3. Applicant shall demonstrate compliance with all applicable Siting Standards listed in OAR 660-06-029

and OAR 660-06-035.

PUBLIC HEARING - LAND PARTITION APPLICATION NO. LP-N-170: ARNOLD AND MARY LOU BRAAT, APPLICANTS AND OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 100 OF ASSESSOR'S MAP 4N 26 20B, LOCATED ON THE SOUTH SIDE OF KUNZE ROAD, APPROXIMATELY ONE MILE SOUTHWEST OF THE CITY OF BOARDMAN. APPLICATION IS TO PARTITION A 37.43 ACRE PARCEL INTO TWO PARCELS. EACH PARCEL MEETS THE ONE ACRE MINIMUM LOT SIZE OF THE SUBURBAN RESIDENTIAL ONE ACRE ZONE. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE 5.020 AND 5.030 - Staff Report was reviewed

and the partition shown on the map. Originally the applicant came in for a subdivision and it was determined that he would first need to partition the parcel since he only intended on purchasing the northern 15 acres. Most of the correspondence received on this partition actually referred to the subdivision. The letters from Doug Trudeau, Watermaster and the City of Boardman were read into the record. There followed a discussion on the quality as well as quantity of water available in this area. Several people in the audience (tape recording available) spoke in opposition to the partition because of the subsequent subdivision. It was explained that the partition is the only item the Commission was dealing with at this meeting, and that it met the requirements of the Suburban One Acre Zone. The Subdivision request would be brought up at a future meeting. Therefore on a motion by Leann Rea and a second by Mary Ellen Coleman, the Commission unanimously approved the land partition request with corrections to Condition #4 and #5 (as listed below).

1. The applicant shall comply with the requirements of the West Extension Irrigation District. District approval shall be noted on the final partition plat or in the form of a letter.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights. A statement of water rights shall be noted on the final plat.
3. Applicant shall obtain a road access permit application from the County Public Works Department for any new access to the County Road.
4. Applicant shall submit a final partition plat in compliance with ORS Chapter 92. Final plat shall include legal access to parcel 1 and 2.
5. Applicant shall obtain approval for a subdivision prior to developing Parcel #2. One dwelling only may be permitted on each parcel prior to completion of the subdivision.

The issue of code enforcement problems in the area of this land partition was brought up. The Planning Commission on a motion by Leann Rea and a second by Joe Miller directed the Planning Director to write a letter to County Court asking them for some action on

junk, abandoned vehicles and ordinance violations. Motion passed unanimously.

PUBLIC HEARING - APPLICATION FOR A ZONING AMENDMENT: ROB BROWN AND SHARON TIMMS, APPLICANTS. REQUEST IS TO AMEND SECTION 3.050(3) OF THE SUBURBAN RESIDENTIAL ONE ACRE ZONE OUTSIDE AN URBAN GROWTH BOUNDARY TO INCLUDE STANDARDS FOR SITING MANUFACTURED HOMES. THIS AREA IS NORTH FROM HIGHWAY 730 TO THE COLUMBIA RIVER, AND WEST FROM IRRIGON CITY LIMITS TO FOURTH STREET WEST. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE ARTICLE 8

The amendment was read into the record. The purpose of this amendment was to establish requirements for manufactured homes being sited in the Suburban Residential One Acre Zone outside the Irrigon Urban Growth Boundary. Discussion followed regarding the limiting of single wide mobile homes, and it was agreed to delete Item G and replace it with a statement allowing the siting of single-wide mobile homes on lots previously having them. The question of notification was brought up and the Planning Director stated that it was not required for a text amendment; just notice in the paper of record, which was done. The second hearing will be held in February in Lexington.

DISCUSSION ON GRANTS/VOLUNTEER TO SERVE ON THE TECHNICAL ADVISORY COMMITTEE - The TSP project needs someone from the Planning Commission to serve on this Committee. If someone is interested, a work program describing the project can be sent to them.

INTERPRETATION OF SR-1 ZONE REGARDING MOBILE HOME PARKS - The Planning Department has been asked whether an RV park in the Suburban Residential One Acre Zone outside of Heppner could be included under the definition of Mobile Home Parks. The Zoning Ordinance does not address RV Parks in this zone, but does allow Mobile Home Parks. The Commission directed the Planning Department to get a comparison between the two types of parks and bring it to the next meeting for their review. No decision was made.

DISCUSSION OF MOBILE HOMES BEING USED AS STORAGE BUILDINGS WITHIN THE COUNTY - The Planning Commission did not feel that mobile homes should be used as storage buildings. A discussion followed, but no decision was reached; will be put on February's Agenda.

NEW BUSINESS - Marv Padberg stated that something needed to be done about the thirty or more junk cars in the Morgan area. This item will be turned over to the Code Enforcement Officer.

The Planning Director gave a brief summary about the Lower Umatilla Basin Groundwater Committee. She is working on a grant with Umatilla County to address the water problem in Western Umatilla County and northern Morrow County. Both Leann Rea and Art Kegler expressed interest in working on this Committee. Mary Ellen Coleman also stated that she would like to work on this Committee.

ADJOURNMENT - Chairman Marv Padberg adjourned the meeting at 10 p.m. The next Commission meeting will be Monday, February 26, 1996, at 7:30 p.m. at the Public Works Building in Lexington, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, FEBRUARY 26, 1996 - 7:30 P.M.
LEXINGTON, OREGON

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

MEMBERS PRESENT: Marvin Padberg, Joel Peterson, Mary Ellen Coleman, Joe Miller, Art Kegler, Leann Rea, Calvin Keys, and James Bloodsworth

MEMBERS ABSENT: Ken Grieb

OTHERS PRESENT: Tim and Donna Fuzi, Commissioner Ray French, Russ Morgan and Scott Ziegenhagen, Oregon Department of Fish & Wildlife

MINUTES OF FEBRUARY 5, 1996 meeting: The minutes of the February 5, 1996, (rescheduled from January 29, 1996) were unanimously approved with the correction by Mary Ellen Coleman under NEW BUSINESS that she might be interested instead of would like.

PUBLIC HEARING - LAND PARTITION APPLICATION NO. LP-N-172: GREGORIO LOPEZ, APPLICANTS AND OWNERS BY CONTRACT; ALEX AND EMMA MADRIGAL, MORTGAGE HOLDER. PROPERTY IS DESCRIBED AS TAX LOT 213 OF ASSESSOR'S MAP 5N 26 36, LOCATED ON THE NORTH SIDE OF SLAUGHTER ROAD, APPROXIMATELY TWO MILES SOUTH THE CITY LIMITS OF IRRIGON. APPLICATION IS TO PARTITION A NINE ACRE PARCEL OF LAND INTO THREE PARCELS. EACH PARCEL MEETS THE ONE ACRE MINIMUM LOT SIZE OF THE RURAL RESIDENTIAL ONE ACRE ZONE. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE 5.020 AND 5.030 - The Preliminary Staff Report was read and the location shown on the map. There is an existing easement on the west side of the property. The parcel is not located in the West Extension Irrigation District, but does have water rights. The parcel is in the proposed area to be included in the WEID. Marv Padberg stated that he would like to see plat plans drawn to scale. Since the plat plans are preliminary (before a surveyor prepares them) it is difficult for people to draw to scale; better maps will try to be obtained from applicants. Art Kegler said that if the parcel is further partitioned, that adhering to the Subdivision requirements should be requested. Art Kegler moved to approve the land partition application with the statement regarding further partitioning added. Motion seconded by Joe Miller and unanimously passed by members of the Commission. The conditions as stated in the Staff Report and approved are listed below:

1. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights. A statement of water rights shall be noted on the final plat.
2. Applicant shall submit a final partition plat in compliance with ORS Chapter 92.

3. Approval by West Extension Irrigation District either by letter or their signature on the final plat.
4. Any further partition of Parcel #1 may be subject to subdivision requirements.

PUBLIC HEARING - SECOND OF THREE HEARINGS ON AN APPLICATION FOR A ZONING AMENDMENT: ROB BROWN AND SHARON TIMMS, APPLICANTS. REQUEST IS TO AMEND SECTION 3.050(3) OF THE SUBURBAN RESIDENTIAL ONE ACRE ZONE OUTSIDE AN URBAN GROWTH BOUNDARY TO INCLUDE STANDARDS FOR SITING MANUFACTURED HOMES. THIS AREA IS NORTH FROM HIGHWAY 730 TO THE COLUMBIA RIVER AND WEST FROM IRRIGON CITY LIMITS TO FOURTH STREET WEST. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE ARTICLE 8 - A letter to the Planning Department from Mary Ellen Coleman requested that this hearing be postponed until the March Planning Commission meeting so that notification could be sent to the property owners in the area affected by the text amendment. The Planning Director stated that the ORS and our Ordinances did not require notification for a text amendment, but the Commission could do so if they wanted to direct the Planning Department. Marv Padberg said that they would do this on a case by case situation. Joe Miller moved and Leann Rea seconded the motion to postpone this hearing. Motion passed unanimously.

PUBLIC HEARING - FIRST OF THREE HEARINGS ON AN APPLICATION FOR A ZONE CHANGE: BOB KREIN REPRESENTING OREGON DEPARTMENT OF FISH AND WILDLIFE, APPLICANT. REQUEST IS TO CHANGE TAX LOT 800 OF ASSESSOR'S MAP 2S 26 27 FROM AN EXCLUSIVE FARM USE (EFU) ZONE TO A GENERAL COMMERCIAL (C-G) ZONE. THIS PARCEL IS LOCATED ON THE WEST SIDE OF STATE HIGHWAY 74/207 APPROXIMATELY ONE MILE NORTH OF THE CITY OF HEPPNER. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE SECTION 3.110 AND ARTICLE 8, AND OAR 660-04-020 - The location of the parcel was shown on the map and it was noted that the parcel was outside the floodplain. The applicant wrote the justification for the zone change. ODF&W talked with the adjacent property owners and the only one with a concern was Mr. Hudson who inquired whether people would be using his driveway. There is a common driveway for the north side properties and they did not expect any problems. DLCD is taking the zone change under advisement and will bring any issues, if they have any, up before the next meeting. Brent Lake, area DLCD representative did not feel there were any issues, but Salem DLCD felt Goal 14 might have to be addressed. The second hearing before the Planning Commission will be next month, and then will be referred to the County Court for the final hearing.

TECHNICAL ADVISORY COMMITTEE FOR CATEGORY I STUDY - UPDATE/OVERVIEW OF PROJECT - The Transportation Grant was obtained from Oregon Department of Transportation (ODOT). The work program has been siting in DLCD's office since January. The County Court, the Port of Morrow and the Planning Department, Tamra Mabbott, will have a representative on the Committee. The Commission should also have a representative on the local Committee who will prioritize transportation projects for the area. Calvin Keys volunteered to

be the Planning Commission's representative. He was appointed by Chairman Marv Padberg.

OVERVIEW AND DISCUSSION OF REGIONAL PROBLEM SOLVING GRANT APPLICATION (A JOINT MORROW/UMATILLA COUNTY PROJECT) - This grant was to provide a study of rural residential water quality and quantity. The Lower Umatilla Basin Critical Groundwater Committee has already done much research about quality and quantity of water within the area. Research part of study has been completed, but now the Committee will deal with the action plan. Leann Rea and Art Kegler have been referred to the Committee as possible members.

DISCUSSION OF RV PARKS PERMITTING PROCESS. THIS IS A FOLLOW-UP OF LAST MONTH'S MEETING - The booklets obtained from Building Codes regarding RV Parks and Manufactured Home Parks were shown. A gentleman wanted to put in a RV Park outside of Heppner and it is not stated as a use in our Suburban Residential Zone. It would involve an amendment to the Zone to allow this use by a Conditional Use Permit. The person requesting the text amendment usually initiates the change, but in this case the Commission could initiate the change.

FOLLOW-UP ON MOBILE HOMES BEING USED AS STORAGE BUILDINGS WITHIN THE COUNTY - A copy of Idaho's rules regarding mobile homes as storage buildings will be obtained. The Commission never made a motion regarding mobile homes being used as storage buildings. It was the Commission's feeling that railroad cars can be used as storage buildings, but not mobile homes. There are special units that are meant for storage. The stripping of mobile homes used for storage, as required by law, needs to be enforced. A report on this issue will be given at the next meeting.

CORRESPONDENCE - The letter from County Court regarding the code enforcement program in Morrow County was read. The Code Enforcement officer has been unable to deal with violations because of a shortage of personnel in the Sheriff's Department. He will return to enforcement the second week of March.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 8:45 p.m. The next Commission meeting will be Monday, March 25, 1996, at 7:30 p.m. at the North Morrow Annex in Irrigon, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, MARCH 25, 1996 - 7:30 P.M.
IRRIGON, OREGON

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

MEMBERS PRESENT: Marvin Padberg, Joel Peterson, Mary Ellen Coleman, Joe Miller, Art Kegler, Leann Rea, Ken Grieb and James Bloodsworth

MEMBERS ABSENT: Calvin Keys

OTHERS PRESENT: George Horrace, David Daniels, Bart and Carolyn Prouty, Tim Beatty, Warren and Francis McCoy, Joe Huke, John and Cathryn Swanson, Bryan Timms, David Burns, Robert and Judy Brown, Tim and Donna Fuzi, John and Judy Brandt, Vernon Henderson, Linda Cole, Richard Kent and Valerie Doherty

MINUTES OF FEBRUARY 26, 1996 MEETING: The minutes of the February 26, 1996, meeting were unanimously approved with the correction on the second page of, be the Planning Commission's representative. He was appointed by.

PUBLIC HEARING - HARDSHIP VARIANCE APPLICATION BY VERNON HENDERSON, APPLICANT AND OWNER BY CONTRACT; IRRIGON LIONS CLUB, MORTGAGE HOLDER. PROPERTY IS DESCRIBED AS TAX LOT 1800 OF ASSESSOR'S MAP 5N 26 23C, LOCATED ON THE WEST SIDE OF SEVENTH STREET WEST AT THE INTERSECTION OF OLD HIGHWAY 730 TWO MILES WEST OF THE CITY OF IRRIGON. PARCEL CONSISTING OF ONE ACRE IS IN A RURAL RESIDENTIAL ONE ACRE ZONE. APPLICATION REQUEST IS TO ALLOW THE TEMPORARY SITING OF A SECOND DWELLING UNIT TO PROVIDE FOR THE CARE OF AN ELDERLY PARENT. CRITERIA FOR APPROVAL INCLUDES ZONING ORDINANCE ARTICLE 7, SECTION 7.020(B)(1)(2) - Staff Report was reviewed. DEQ responded that the applicant would need to get an Authorization Notice for the Hardship Variance. No other comments regarding the Variance were received. A condition will be added stating that the Variance will be reviewed annually and applicant will have to respond as to status of Variance. Joel Peterson moved and Leann Rea seconded motion to approve the Hardship Variance with the conditions as stated below:

1. The applicant will provide a written, notarized statement that at such time the Variance is no longer in effect, they will remove the dwelling unit.
2. The proposed manufactured home shall comply with standards set forth in Section 4.110 MINIMUM STANDARDS FOR A MOBILE HOME. In sum, the standards require the manufactured home to be at least 14 foot wide or a double-wide unit, contain at least 660 square feet, and the unit must have been manufactured after June 15, 1976, and bear the Oregon Insignia of

Compliance or a manufactured home built prior to said date if certified to comply with such standards. (Section 4.110 should be consulted to determine complete standard requirements.) The applicant shall submit documentation to verify the proposed manufactured dwelling meets Section 4.110 standards prior to final zoning sign-off.

3. The manufactured home shall be set up in accordance with Section 3.040(4) Yard and Setback Standards. The plot plan submitted with the application indicates the proposed manufactured home will be located well over the 20 foot front and 20 foot side and back setback requirements.
4. The applicant shall comply with all State Building Codes Agency requirements and obtain all necessary building permits.
5. The applicant shall comply with all D.E.Q. requirements for the subsurface sewage system. Documentation of appropriate DEQ permits shall be submitted to the Planning Department prior to siting the second unit.
6. Applicant shall respond to annual review of permit to demonstrate manufactured home is still needed for use by mother-in-law due to health reasons.

Motion passed unanimously by the Planning Commission.

LAND PARTITION APPLICATION NO. LP-N-173: WILLARD AND EVELYN MILLER, APPLICANTS AND OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 1300 OF ASSESSOR'S MAP 5N 26 23B, LOCATED ON THE EAST SIDE OF SEVENTH STREET WEST, APPROXIMATELY TWO AND ONE-HALF MILES WEST OF THE CITY OF IRRIGON. APPLICATION IS TO PARTITION A 4.96 ACRE PARCEL OF LAND ZONED RURAL RESIDENTIAL ONE ACRE (RR-1) INTO TWO PARCELS. CRITERIA FOR APPROVAL INCLUDES SUBDIVISION ORDINANCE 5.020 AND 5.030 - The Staff Report was reviewed and the location shown on the map. Item (6) regarding subdivisions was addressed. Leann Rea representing West Extension Irrigation District stated that they will require an easement to Parcel #1. There were no comments received from adjacent property owners or from anyone in the audience. DEQ did respond that they will have to obtain the proper permits from them before a dwelling can be sited. A 40 foot easement will run the length of Parcel #1. Art Kegler moved and Joe Miller seconded the motion to approve LP-N-173 with the statement regarding a 40 foot easement added to Condition #4. The conditions are stated below:

1. The applicant shall comply with the requirements of the West Extension Irrigation District. District approval shall be noted on the final partition plat or in the form of a letter.

2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall obtain a road access permit from the County Public Works Department prior to constructing any new access to Montana Avenue.
4. Applicant shall submit a final partition plat in compliance with ORS Chapter 92. The final plat shall include the easement to Parcel #2. The width of the easement shall meet minimum standards of ARTICLE 8 Design Standards (Subdivision Ordinance page 60). The easement shall be no less than 40 feet in width.
5. Further partitioning of Parcel #2 shall require a subdivision application.

The motion passed unanimously by the members of the Commission.

PUBLIC HEARING - SECOND OF THREE HEARINGS ON AN APPLICATION FOR A ZONING TEXT AMENDMENT: ROB BROWN AND SHARON TIMMS, APPLICANTS. REQUEST IS TO AMEND SECTION 3.050(3) OF THE SUBURBAN RESIDENTIAL ONE ACRE ZONE OUTSIDE AN URBAN GROWTH BOUNDARY TO INCLUDE STANDARDS FOR SITING MANUFACTURED HOMES. THIS AREA IS NORTH FROM HIGHWAY 730 TO THE COLUMBIA RIVER AND WEST FROM IRRIGON CITY LIMITS TO FOURTH STREET WEST. CRITERIA FOR APPROVAL INCLUDES ZONING ORDINANCE ARTICLE 8 - The Planning Director stated that the zone is not being changed, just the rules regarding the siting of manufactured homes in the Suburban Residential One Acre Zone Outside a UGB. Most counties and cities are adopting these model provisions passed by the legislature in 1993. Mary Ellen Coleman would like to see a compromise and see it be for only the north side of Old Highway 730. The Chairman then asked if there were any comments from the audience. Several people spoke in favor of the text amendment (tape of meeting is available at Planning Department). Val Doherty questioned the legality of the amendment. Tamra advised her that several other counties had adopted the amendment and that it came from DLCD as a direct outcome from them listing requirements regarding manufactured homes. Joel Peterson made a motion to approve the zone text amendment regarding manufactured homes. Art Kegler (stating that he approved of the zone amendment because it is area specific) seconded the motion. Joe Miller favored acceptance because of the addition to Item G, allowing for single-wides being grandfathered. Mary Ellen Coleman stated a conflict of interest and said that she felt there could have been a compromise regarding the area affected by the amendment. The Commission approved the text amendment seven to one (Mary Ellen Coleman voted no). The amendment will go to the County Court with the Commission's note of acceptance.

PUBLIC HEARING - SECOND OF THREE HEARINGS ON AN APPLICATION FOR A ZONE CHANGE: OREGON DEPARTMENT OF FISH AND WILDLIFE, APPLICANT. REQUEST IS TO CHANGE TAX LOT 800 OF ASSESSOR'S MAP 2S 26 27 FROM AN EXCLUSIVE FARM USE (EFU) ZONE TO A COMMERCIAL (CG) ZONE. THIS

PARCEL IS LOCATED ON THE WEST SIDE OF STATE HIGHWAY 74/207, APPROXIMATELY ONE MILE NORTH OF THE CITY OF HEPPNER. CRITERIA FOR APPROVAL INCLUDES ZONING ORDINANCE SECTION 3.110 AND ARTICLE 8, AND OAR 660-04-020 - Letters from DLCD, ODF&W and Bill Kuhn, attorney for the City of Heppner, were read into the record. The City has requested that the hearing be postponed in order to present the issue to their Planning Commission. Therefore, it is the Planning Director's recommendation to postpone the hearing until next month. Willow Creek County Club should also have their comments ready by April. Joel Peterson moved and Joe Miller seconded the motion to postpone this hearing until the April 29th meeting. The Commission unanimously approved the motion to postpone the ODF&W Zone Change hearing. Bill Kuhn will be notified of this postponement.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. N-86 AND LAND PARTITION APPLICATION LP-N-175: KATHRYN HEALY, ET. AL., TRUSTEE; APPLICANT AND OWNER. PROPERTY IS DESCRIBED AS TAX LOT 1900 OF ASSESSOR'S MAP 1N 27, LOCATED ON THE SOUTH FORK OF BUTTER CREEK APPROXIMATELY THREE MILES SOUTH OF PINE CITY. THE PROPOSAL IS TO PARTITION A 6.0 ACRE PARCEL OF LAND WITH A DWELLING OUT OF A 1988.05 ACRE PARCEL IN AN EXCLUSIVE FARM USE ZONE. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE SECTIONS 5.020, 5.030 AND ZONING ORDINANCE SECTIONS 3.020 AND 6.050, AND OREGON ADMINISTRATIVE RULES - Staff Report was reviewed. According to the OAR, the land for siting a nonfarm dwelling has to be generally unsuitable soil. Also, the cumulative impact of nonfarm dwellings will not have an adverse impact on the surrounding property. The conditions were reviewed and there were no comments from the audience. Joe Miller moved to accept the Conditional Use Permit and Land Partition with the conditions as stated in the Findings of Fact, and as stated below. The motion was seconded by Joel Peterson and passed unanimously by the Commission.

1. The applicant shall sign a right to farm disclaimer statement.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall submit a final partition plat in compliance with ORS Chapter 92. Final plat shall include legal access to both parcels.
4. Per ORS 215.236, County Assessor shall disqualify the "nonfarm dwelling" parcel from farm deferral and all taxes shall be paid prior to recording the final partition plat.

CONDITIONAL USE PERMIT APPLICATION NO. S-87 AND LAND PARTITION APPLICATION LP-S-176: JEAN NELSON, APPLICANT AND OWNER. PROPERTY IS DESCRIBED AS TAX LOT 1000 AND 1001 OF ASSESSOR'S MAP 1S 25, LOCATED ON THE EAST SIDE OF NELSON ROAD APPROXIMATELY FOUR MILES NORTH OF THE CITY OF LEXINGTON. THE PROPOSAL IS TO PARTITION A 1.2 ACRE PARCEL WITH A CABIN AND A 36.0 ACRE PARCEL WITH A DWELLING OUT

OF A 171.90 ACRE PARCEL IN AN EXCLUSIVE FARM USE ZONE. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE SECTIONS 3.020 AND 6.050, AND OREGON ADMINISTRATIVE RULES - Staff Report was reviewed.

One parcel will be one acre with a cabin and the 36 acre parcel will have a house. A parcel less than 160 acres will be left after the partition. No farm land will be taken out of production. The nonfarm dwelling parcel will have to be removed from farm deferral. The parcel with the cabin will have to have an easement dedicated to it. The letter from Mr. & Mrs. Pointer was read into the record. The right to farm disclaimer statement should be filed with the deed. The applicant asked that if they decided to change the acreage of the parcel with the house could that be done. The Commission said that the Planning Department could accept the acreage change (lower in amount) without bringing it back before the Commission. Joe Miller moved to approve the conditional use permit and land partition with the conditions as stated in the Findings of Fact and as stated below. The motion was seconded by Leann Rea and unanimously approved by the Commission.

1. The applicant shall sign a right to farm disclaimer statement (copy enclosed).
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall submit a final partition plat in compliance with ORS Chapter 92. Final plat shall include legal access (easement) to the 1.2 acre parcel.
4. Per ORS 215.236, County Assessor shall disqualify the "nonfarm dwelling" parcel from farm deferral and all taxes shall be paid prior to recording the final partition plat.

ORDINANCE INTERPRETATION - ISSUES TO BE PRESENTED BY STAFF - The Planning Director explained that several items have come up regarding our Zoning Ordinance. The Zoning Ordinance needs to be updated or changed. The Department has had inquiries from property owners about common land uses that do not fit into the current Ordinance, due in most part because our ordinance is outdated. It was proposed to have one hearing to review several parts of our ordinance rather than hold a hearing for each individual change. Several items that have come up were: an RV Park in the Suburban Residential One Acre Zone outside Heppner, mini-warehouses in the Suburban Residential One Acre Zone outside of Irrigon, the language for farm use, home occupations, and mobile homes is not consistent with ORS, and the zoning of unzoned areas of the County. Art Kegler mentioned that if advertising were to be done in the Heppner Gazette, it should be made available in all sections of the County. It was not being distributed at the Pharmacy in Boardman because of the health district issues. It was suggested that the matter be brought before County Court and a letter written. County Counsel would handle this matter. The definition of farm use and home

occupation as stated in the ORS was read by the County Council. The Planning Commission directed the Planning Director to prepare the Proposed Zoning Ordinance Amendments for the next Commission meeting. The unzoned areas will be addressed at a later meeting.

AUDIENCE PARTICIPATION/NEW BUSINESS - The Commission Chairman brought up the problem developing at Morgan. There are additional mobile homes being sited there and the junk cars are unsightly and can develop into a problem.

Ken Grieb stated that he would not be present at the next meeting.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 9:56 p.m. The next Commission meeting will be Monday, April 29, 1996, at 7:30 p.m. at the Public Works Building in Lexington, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, APRIL 29, 1996 - 7:30 P.M.
LEXINGTON, OREGON

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

MEMBERS PRESENT: Marvin Padberg, Joel Peterson, Joe Miller, Art Kegler, Leann Rea, Calvin Keys and James Bloodsworth

MEMBERS ABSENT: Mary Ellen Coleman and Ken Grieb

OTHERS PRESENT: Joan Moultrie, Lt. Commander R. Purdum, John Wenholz, Vilas Ropp, Gene Majeske, Pat Wright, Audrey Mounts, Jack Mounts, Douglas Strebin, Frank and Patti Burres, Lee Wagenblast, Lyle Peck, Bill Loftin, Mark and Elaine Miller, Darrel Sunday, Bob Hale, Rob Brown, Bob Krein and Steve Peck

MINUTES OF MARCH 25, 1996 MEETING: Correction to the minutes made under SR-1 Zoning Text Amendment, second sentence to read "model" provisions passed by legislature in 1993. The minutes of the March 25, 1996, meeting were unanimously approved with the stated correction.

PUBLIC HEARING - SECOND OF THREE HEARINGS ON AN APPLICATION FOR A ZONE CHANGE: OREGON DEPARTMENT OF FISH AND WILDLIFE, APPLICANT. REQUEST IS TO CHANGE TAX LOT 800 OF ASSESSOR'S MAP 2S 26 27 FROM AN EXCLUSIVE FARM USE (EFU) ZONE TO A COMMERCIAL (CG) ZONE. THIS PARCEL IS LOCATED ON THE WEST SIDE OF STATE HIGHWAY 74/207, APPROXIMATELY ONE MILE NORTH OF THE CITY OF HEPPNER. CRITERIA FOR APPROVAL INCLUDES ZONING ORDINANCE SECTION 3.110 AND ARTICLE 8, AND OAR 660-04-020 - The comments from the City of Heppner and DLCDC were enumerated and especially DLCDC's response that no special exceptions should be taken for state agencies. The Planning Director stated that the no notification issue in the City's letter was incorrect and that notification was done and copies on record. Bob Krein addressed some of the issues the City of Heppner brought up in their letter. He stated that the sites mentioned were either no longer available or the rental cost was more than what they were paying now and more than the state would agree to pay. He also said that at times wild animals were brought to their office and he felt that the rural location was better suited for this than a site in town. Bob Krein then asked that an extension (continuance) to further address the "need" exception for this zone change request be granted. The Planning Commission agreed to extend the hearing to their May meeting on a motion by Leann Rea and a second by Joe Miller. Motion passed unanimously by members of the Commission.

FIRST OF THREE HEARINGS ON AN APPLICATION FOR A ZONE CHANGE: JOHN WENHOLZ, APPLICANT. REQUEST IS TO CHANGE THAT PORTION OF TAX LOT 1300 COMBINED VIA A LOT LINE ADJUSTMENT IN AUGUST OF 1994 OF ASSESSOR'S MAP 5N 26 25B FROM A SUBURBAN RESIDENTIAL ONE ACRE OUTSIDE THE UGB TO A GENERAL COMMERCIAL (CG) ZONE. THIS PARCEL IS LOCATED ON THE NORTHEAST CORNER OF STATE HIGHWAY 730 AND THIRD

STREET WEST, APPROXIMATELY ONE-QUARTER MILE WEST OF THE CITY OF IRRIGON. CRITERIA FOR APPROVAL INCLUDES ZONING ORDINANCE ARTICLE 8 - The lot line adjustment was done after the original piece of property was rezoned; therefore, the need to rezone the property added to original parcel by the lot line adjustment. The final hearing before the Planning Commission will be at the May meeting.

LAND PARTITION APPLICATION NO. LP-N-177: FRANK AND PATTI BURRES, APPLICANTS AND OWNERS BY CONTRACT; MARY FREDERICKSON, CONTRACT HOLDER. PROPERTY IS DESCRIBED AS TAX LOT 2400 OF ASSESSOR'S MAP 5N 27 20, LOCATED APPROXIMATELY ONE MILE EAST OF THE CITY OF IRRIGON ON HILLSIDE SOUTH OF STATE HIGHWAY 730. APPLICATION IS TO PARTITION A 26.12 ACRE PARCEL OF LAND ZONED RURAL RESIDENTIAL ONE ACRE (RR-1) INTO THREE PARCELS. CRITERIA FOR APPROVAL INCLUDES SUBDIVISION ORDINANCE 5.020 AND 5.030 - The findings of fact and criteria for approval were reviewed. The applicants would like to vacate the 50 foot easement on the south part of Parcel #1. The question of including the right-to-farm disclaimer was brought up, and it was explained that it could not be included as a condition as it is an outright use in this zone. Condition #4 was changed omitting the 30 foot easement along the easterly boundary of Parcel #3 and to include a statement that the final plat shall show the location of 19th Street. On a motion by Art Kegler and a second by Leann Rea, the Planning Commission unanimously approved this land partition with the changes to Condition #4. The conditions are listed below:

1. The applicant shall comply with the requirements of the West Extension Irrigation District. District approval shall be noted on the final partition plat or in the form of a letter.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall obtain a road access permit from the County Public Works Department prior to constructing any new access.
4. The applicant shall dedicate a 30 foot easement to extend Oregon Avenue from the westerly beginning of Parcel #3 to Nineteenth Street. Final plat shall show location of 19th Street.
5. Applicant shall submit a final partition plat in compliance with ORS Chapter 92. The final plat shall include the 30 foot dedication to Parcel #2 and #3.
6. Further partitioning of Parcel #1, #2 and #3 shall require a subdivision application.

LAND PARTITION APPLICATION NO. LP-S-178: EUGENE MAJESKE, ET. AL., APPLICANT AND OWNER. PROPERTY IS DESCRIBED AS TAX LOTS 1700 AND 2100 OF ASSESSOR'S MAP 2S 25, LOCATED ON BERT PECK ROAD AND CLARK

CANYON MARKET ROAD, APPROXIMATELY 2 MILES SOUTH OF THE CITY OF LEXINGTON. APPLICATION IS TO PARTITION TWO PARCELS TOTALING 1,559.56 ACRES IN AN EFU ZONE INTO FOUR PARCELS. CRITERIA FOR APPROVAL INCLUDES SUBDIVISION ORDINANCE 5.020 AND 5.150 AND OREGON ADMINISTRATIVE RULES - The purpose of this land partition is for estate planning and to divide the trust equally among the heirs. The use of the land will not change and the partition meets the state's regulation. Joel Peterson moved and Calvin Keys seconded the motion to approve the land partition with the conditions as stated in the Findings of Fact and as stated below. Motion passed unanimously.

1. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
2. Applicant shall submit a final partition plat in compliance with ORS Chapter 92.

LAND PARTITION APPLICATION NO. LP-S-179: LEE WAGENBLAST, APPLICANT AND OWNER. PROPERTY IS DESCRIBED AS TAX LOT 4900 OF ASSESSOR'S MAP 1S 25 27 AND 28, LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 74 AT THE OUTSKIRTS OF THE CITY OF LEXINGTON. APPLICATION IS TO PARTITION A 16.35 ACRE PARCEL OF LAND ZONED SUBURBAN RESIDENTIAL AND EFU INTO TWO PARCELS. CRITERIA FOR APPROVAL INCLUDES SUBDIVISION ORDINANCE 5.020 AND 5.030 AND OREGON ADMINISTRATIVE RULES - The land partition was presented to the Lexington City Council and they approved the partition as presented. The area in EFU will not have to be taken out of farm deferral. The city and county will both sign on the partition plat. Water will be provided by the city and sewage will be with individual septic systems. The applicant must contact Oregon Department of Transportation for highway access. The land is not within an irrigation district and a water rights statement must be included on the final plat. The conditions were read. There were no comments from the audience. On a motion by Art Kegler and a second by Leann Rea, the Planning Commission unanimously approved the land partition with the conditions as stated in the Findings of Fact and below:

1. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
2. Submit a letter of approval from the Oregon Department of Transportation regarding new access.
3. Applicant shall submit a final Partition Plat in compliance with ORS Chapter 92. Final Partition Plat shall be signed by appropriate City Officials.

LAND PARTITION APPLICATION NO. LP-N-180: GREGORIO LOPEZ, APPLICANT AND OWNER BY CONTRACT; FRANK AND DARLENE ROA AND WESTERN UNITED LIFE ASSURANCE, MORTGAGE HOLDERS. PROPERTY IS DESCRIBED AS TAX LOT 320 OF ASSESSOR'S MAP 5N 26 36, LOCATED ON THE NORTH SIDE OF SLAUGHTER ROAD, APPROXIMATELY TWO MILES SOUTH OF THE CITY OF

IRRIGON. APPLICATION IS TO PARTITION A NINE ACRE PARCEL OF LAND INTO THREE PARCELS IN A RURAL RESIDENTIAL ONE ACRE ZONE. CRITERIA FOR APPROVAL INCLUDES SUBDIVISION ORDINANCE 5.020 AND 5.030 - The Findings of Fact were reviewed. No comments were received from the public. It was suggested that DEQ site evaluation for Parcel #2 be obtained prior to final approval. Leann Rea moved and Joe Miller seconded that the partition be approved with the added condition. Motion passed unanimously. The conditions were:

1. Approval by West Extension Irrigation District either by letter or their signature on the final plat.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights. A statement of water rights shall be noted on the final plat or the applicant may submit a letter verifying groundwater rights.
3. Applicant shall submit a final partition plat in compliance with ORS Chapter 92.
4. Any further partition of Parcels #1 and #3 in the future may be subject to subdivision requirements.
5. Submit DEQ Site Evaluation for Parcel #2 prior to final approval.

Leann Rea stated that some people do not want to provide to the West Extension Irrigation District a water distribution system plan to the partitioned lots. WEID is requiring this before they sign off on the plat.

LAND PARTITION APPLICATION NO. LP-N-181 AND 182: STEPHEN AND BONNIE SIMPSON, APPLICANT AND OWNER BY CONTRACT; OREGON DEPARTMENT OF VETERANS AFFAIRS, MORTGAGE HOLDER. PROPERTY IS DESCRIBED AS TAX LOTS 1401 AND 1403 OF ASSESSOR'S MAP 4N 25 15, LOCATED ON THE EAST SIDE OF MILLER LANE, APPROXIMATELY TWO MILES SOUTHEAST OF THE CITY OF BOARDMAN. APPLICATION IS TO PARTITION EACH TAX LOT, A 8.36 ACRE AND A 11.21 ACRE, INTO THREE PARCELS. ZONING IS FARM RESIDENTIAL. CRITERIA FOR APPROVAL INCLUDES SUBDIVISION ORDINANCE 5.020 AND 5.030 - The Findings of Fact was review and the location shown on the map. Basically, there will be a lot line adjustment between the two parcels as well as a land partition. DEQ shall be given a copy of the final plat and a condition about road improvements shall be added. The covenants to the parcels should be included in the deeds. There were no other comments from the public. Calvin Keys moved and Art Kegler seconded a motion to approve the land partition with the conditions stated in the Findings of Fact and the addition of conditions #6 and #7, as stated below. The Planning Commission unanimously approved the land partition.

1. The applicant shall comply with the requirements of the West Extension Irrigation District. District approval shall be noted on the final partition plat or in

the form of a letter.

2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall obtain a road access permit from the County Public Works Department prior to approval of the final plat and prior to constructing any new access.
4. Applicant shall submit a final partition plat in compliance with ORS Chapter 92.
5. Further partitioning shall require a subdivision application.
6. A copy of the final plat shall be submitted to DEQ.
7. Road improvements (gravel surface) shall be in place within one year.

FIRST OF THREE HEARINGS ON AN APPLICATION FOR A ZONING TEXT CHANGE IN THE COMPREHENSIVE PLAN AND ZONING ORDINANCE TO ADD FARM USE (AS MORE PARTICULARLY DEFINED BY ORS 215.203(2)) AS A USE PERMITTED OUTRIGHT IN THE SPACE AGE INDUSTRIAL (SAI) ZONE AND GENERAL INDUSTRIAL LIMITED USE OVERLAY ZONE: BOEING AGRI-INDUSTRIAL COMPANY AND STATE OF OREGON, APPLICANTS AND OWNERS. THIS AREA IS LOCATED SOUTHWEST OF I-84, APPROXIMATELY FOUR MILES FROM THE CITY OF BOARDMAN. CRITERIA FOR APPROVAL INCLUDES ZONING ORDINANCE ARTICLE 8 AND SECTION 3.072 AND 3.110 AND THE MORROW COUNTY COMPREHENSIVE PLAN - The Planning Commission made a decision in the fall of 1995 to allow farm use in this zone, but the applicants felt that they wanted an actual text change to the zone. Richard Whitman represents Inland Farms, Boeing and the State of Oregon. He stated that the applicants are intending to take the land back to its original use. Farming was part of the multiple use that the State wanted when Boeing took over the land. Changes in irrigation techniques has made this land useful and farmable. Of the 93,000 acres, 14,000 will be put to agriculturally-oriented use. Neither Boeing or Inland Farms would oppose the Ione-Boardman Road. They would like to know where it will be located. Mr. Reade stated that he objected to the proposed change because of the dust problem, and would like to see Sections 15 and 22 left in Industrial instead of agricultural use. Mr. Wally Hendricks also called to say that he is opposed to the change. Lt. Commander Purdum then spoke of the Navy's concerns with air traffic and their permanent easements in the area. The Navy will not give up their air space. Sections 21, 22, 23 and 24 all have aviation easements. Lt. Commander Purdum did state that they would be willing to work with Boeing and Inland Farms on resolution of their concerns. Better maps will try to be prepared for the next meeting. Richard Whitman said that he has talked to DLCD and they have no problem with the language change. The second hearing will be next month in Irrigon.

FIRST OF THREE HEARINGS TO AMEND ZONING CODE SECTION 1.030 (DEFINITIONS) TO MAKE DEFINITIONS CONSISTENT WITH OREGON REVISED STATUTES, AND TO ALLOW "OTHER USES SIMILAR TO ALLOWED USES" IN SECTION 3.060 (GENERAL COMMERCIAL, CG), SECTION 3.070 (GENERAL INDUSTRIAL, MG), SECTION 3.073 (PORT INDUSTRIAL, PI) AND 3.030 (RURAL SERVICE CENTER, RSC). IN ADDITION TO THESE SECTIONS LISTED ABOVE, CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE ARTICLE 8 - Gary Neal requested the inclusion of the Air/Industrial Zone in this amendment. The amendment would allow the Planning Department to interpret and allow other uses similar to allowed uses which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed, shall only be incidental and directly related to the operation of permitted uses. These uses would require a conditional use permit application. The Planning Commission directed the Planning Department to proceed with this zoning code amendment. The second hearing will be at May's Planning Commission meeting.

AUDIENCE PARTICIPATION/NEW BUSINESS - Mark Miller, Code Enforcement Officer, reported that he is back on line and doing catch-up on violations. The tow company is back towing junk cars and towed over 100 cars last year. The Sheriff's Department is trying to work out an arrangement to move cars to one site and then have a portable crushing company come in and destroy the vehicles and then haul them away. All the enforcement ordinances are in place. He currently has about twenty active complaints.

Bill Loftin asked Mark about the Don Jorgensen violation. Mr. Loftin said that Jorgensen is running a trucking operation from his home which is in a Rural Residential One Acre Zone. He stated that he does not want to see someone not be able to make a living, but the noise in the early morning hours of trucks leaving and reefer units being left on all night long is not suited for a residential area. Mark and Tamra will work together to determine a definition for a trucking operation. It will be discussed at the next meeting.

Leann Rea brought up the problem of old, dilapidated mobile homes being sited in the County. She would like to see more teeth in our zoning ordinance, which allows the older mobile homes if they have the Insignia of Compliance. The Planning Department will work on this and gather data from other counties.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 10:10 p.m. The next Commission meeting will be Monday, May 20, 1996, at 7:30 p.m. at the North Morrow Annex Building in Irrigon, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, MAY 20, 1996 - 7:30 P.M.
IRRIGON, OREGON

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

MEMBERS PRESENT: Marvin Padberg, Joel Peterson, Joe Miller, Leann Rea, Calvin Keys, Ken Grieb and James Bloodsworth

MEMBERS ABSENT: Mary Ellen Coleman and Art Kegler

OTHERS PRESENT: Bert Streeter, Richard Whitman, Fred Ziari, Darrel Sunday, Rob Brown, Bob Hale, Wally Hendrix, Mary Reade, Kenneth Reade, Bob Krein, John Zukin, John Prag and Val Doherty

MINUTES OF APRIL 29, 1996 MEETING: The minutes of the April 29, 1996, meeting were approved as mailed.

PUBLIC HEARING - SECOND OF THREE HEARINGS ON AN APPLICATION FOR A ZONE CHANGE: OREGON DEPARTMENT OF FISH AND WILDLIFE, APPLICANT. REQUEST IS TO CHANGE TAX LOT 800 OF ASSESSOR'S MAP 2S 26 27 FROM AN EXCLUSIVE FARM USE (EFU) ZONE TO A GENERAL COMMERCIAL (CG) ZONE. THIS PARCEL IS LOCATED ON THE WEST SIDE OF STATE HIGHWAY 74/207, APPROXIMATELY ONE MILE NORTH OF THE CITY OF HEPPNER. CRITERIA FOR APPROVAL INCLUDES ZONING ORDINANCE SECTION 3.110 AND ARTICLE 8, AND OAR 660-04-020 - Letters received this date were presented and read into the record. The City of Heppner requested a continuance of the hearing. ODF&W submitted this date their exception for the change of zone. Since there was not enough time for interested parties to review it and comment, Leann Rea moved to continue the hearing for this zone change to the next Commission meeting on June 17th, at 7:30 p.m. in Lexington. Calvin Keys seconded the motion which passed unanimously by the members of the Commission. Bob Krein, ODF&W Manager, said he attempted to address the need exception. He stated that the proposed location of the office is more visible to the general public, that it would be safer than in town due to the fact that they sometimes take injured animals to their office, and that the cost of office space within city limits is prohibitive to his department. He said there was no big push on this matter.

PUBLIC HEARING - SECOND OF THREE HEARINGS ON AN APPLICATION FOR A ZONE CHANGE: JOHN WENHOLZ, APPLICANT. REQUEST IS TO CHANGE THAT PORTION OF TAX LOT 1300 COMBINED VIA A LOT LINE ADJUSTMENT IN AUGUST OF 1994 OF ASSESSOR'S MAP 5N 26 25B FROM A SUBURBAN RESIDENTIAL ONE ACRE OUTSIDE THE UGB TO A GENERAL COMMERCIAL (CG) ZONE. THIS PARCEL IS LOCATED ON THE NORTHEAST CORNER OF STATE HIGHWAY 730 AND THREE STREET WEST, APPROXIMATELY ONE-QUARTER MILE WEST OF THE CITY OF IRRIGON. CRITERIA FOR APPROVAL INCLUDES ZONING ORDINANCE ARTICLE 8 - The reason for the need to make the zone change was explained. No comments had been received and there were none from the audience. Leann Rea moved to approve the zone change

request and to refer it to the County Court with the recommendation to approve. Joe Miller seconded the motion which passed unanimously.

PUBLIC HEARING - SECOND OF THREE HEARINGS ON AN APPLICATION FOR A ZONING TEXT CHANGE IN THE COMPREHENSIVE PLAN AND ZONING ORDINANCE TO ADD FARM USE (AS MORE PARTICULARLY DEFINED BY ORS 215.203(2)) AS A USE PERMITTED OUTRIGHT IN THE SPACE AGE INDUSTRIAL (SAI ZONE AND GENERAL INDUSTRIAL LIMITED USE OVERLAY (LU) ZONE: BOEING AGRINDUSTRIAL COMPANY AND THE STATE OF OREGON, APPLICANTS AND OWNERS. THIS AREA IS LOCATED SOUTHWEST OF I-84, APPROXIMATELY FOUR MILES FROM THE CITY OF BOARDMAN. CRITERIA FOR APPROVAL INCLUDES ZONING ORDINANCE ARTICLE 8 AND SECTION 3.072 AND 3.110 AND THE MORROW COUNTY COMPREHENSIVE PLAN

The Planning Director summarized the letters that were received. Mr. Reade objected to Sections 15 and 22 being put into agricultural use due to the possible blowing dust problem. Mr. Richard Johnson's letter stated that he objected because the area is more suitable to light industrial than farm use. It was explained that the use is not changing from industrial but is also including farming as an outright use. Carrie Stilwell's letter referred to a zone change; again it is a text amendment, adding farm use to the zone, and not a zone change. National Heritage Advisory Council's letter was read into the record. They are questioning the endangered species and grasses that might be threatened by the change of use. They wanted to know if Goal 5 was addressed. At the time of application, those items listed in the Comprehensive Plan under threatened or endangered are those we are obligated to protect. Therefore, we are not required to comply with their Goal 5 request. John Prag asked if farming was not an allowed use in the Industrial Zone. It is an allowed use, but one of the zones we are dealing with is Space Age Industrial. Rob Brown explained that the area most of the residents were concerned about, Inland would not be farming. Mr. Hendrix asked if these two sections could be excluded from this zone text allowing farming. He thought this could be done by way of a variance. The Director explained that this could not be done. The water issue was then discussed. Water will be brought to the property down the west side, along the western tip of Crow Butte. The shrub steppe area is a strip that runs right through Carty Reservoir and east, and is outside of the proposed area. Richard Whitman, attorney for Boeing, said that what is stated in the Comp Plan inventory for Goal 5 is all that needs to be addressed. The items stated in the letters from Stilwell and the National Heritage Advisory Council are not listed in the Goal 5 section of the Comp Plan. He felt that the County would withstand any Court challenge. The road issue was brought up. If the approval of the text amendment is going to be conditioned on the road issue, Boeing and Inland Land ask that the road location be determined so that Inland Land can plan their infrastructure. Boeing and Inland Land, along with approval from the State, would cooperate with the County on a road. Boeing and Inland Land ask that a determination of the location of the entire road be submitted within thirty days, and that the County must get land use approval from all government entities as well. The design for the

operation of the farm is almost complete and Inland needs to know the road location so they can finalize their plans. John Prag mentioned the remote possibility of Tower Road and the new road being a State Highway. Marvin Padberg said that they had met with Randy Hiara of Taggares Farms and they are still concerned that the road is going through a corner of their operation. Gary Neal is trying to set up a meeting with Pete Taggares. The westerly route goes west of the reservoir and then through three circles. If the road becomes a reality the County will take over Tower Road. Road issue will be included in the Final Findings. Calvin Keys questioned whether the soil is as stated. Darrel Sunday, consultant, said that all of these sites have been humanized. The farm operation of Inland Land will be the first large farm put together in twenty years, and the operation will be the most modern and automated. They have been taking nitrate samples of the groundwater now and will continue to take them after the farming operation begins. Thus comparison studies can be done for the area. Bob Krein, ODF&W, has taken it up with the Governor's staff and they do not have any position. Project will provide additional specie uses in the area. There are some species that could be in danger. ODF&W has sent letter about certain species that might be in danger. The operation would enhance habitat for waterfowl and big game. People in the State office are concerned about some of the species. The final hearing will be made before the County Court on June 12 and anyone can raise an issue up to that time. Inland Land has been working with ODF&W. Val Doherty and Richard Whitman will work on an agreement regarding the road. Concept is that Boeing and Inland Land will cooperate with the County on obtaining a right-of-way easement from the state for the road. The other tenants and PGE must agree. Calvin Keys moved to approve and refer to County Court with a recommendation for approval of the text change with the condition regarding the road being added. Joel Peterson seconded the motion which passed unanimously by the members of the Commission.

**PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. N-88:
MEADOW OUTDOOR ADVERTISING, APPLICANT; PORT OF MORROW, OWNER.
PROPERTY IS DESCRIBED AS TAX LOT 109 OF ASSESSOR'S MAP 4N 24,
LOCATED WEST OF TOWER ROAD ON THE SOUTH SIDE OF I-84 AT MILEPOST
158.806, APPROXIMATELY FOUR MILES FROM THE CITY OF BOARDMAN.
APPLICATION IS TO CONSTRUCT A 14'X 48' DOUBLE-FACED, ILLUMINATED
BILLBOARD SIGN. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE
SECTIONS 3.070 AND 4.070** - The Staff Report was presented. Mr. Streeter stated that under #3, it should read 2' instead of 24' from the side of the road. The letter from ODOT was read into the record. Mr. Streeter said that Etta is confused in that the other sign she referred to is a Rest Area sign which is in the State right-of-way. Mr. Zukin stated that his company must meet all state regulations before the sign can be erected. The issue of the light on the sign was discussed. An extra condition regarding the light can be added. Joel Peterson moved and Joe Miller seconded the motion to approve the Conditional Use Permit with the added condition. The motion was unanimously approved. The conditions of approval are:

1. The applicant shall obtain applicable permits from the State Highway Division and the State Building Codes Agency.
2. Following final approval of the Planning Commission, applicant shall submit a final plot plan and obtain a County Zoning Permit.
3. Sign shall be compatible with normal airport operations.

PUBLIC HEARING - SECOND OF THREE HEARINGS TO AMEND ZONING CODE SECTION 1.030 (DEFINITIONS) TO MAKE DEFINITIONS CONSISTENT WITH OREGON REVISED STATUTES, AND TO ALLOW "OTHER USES SIMILAR TO ALLOWED USES" IN SECTION 3.070 (GENERAL COMMERCIAL, CG), SECTION 3.071 (AIR/INDUSTRIAL PARK, AI), SECTION 3.073 (PORT INDUSTRIAL, PI) AND 3.030 (RURAL SERVICE CENTER, RSC). IN ADDITION TO THESE SECTIONS LISTED ABOVE, CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE ARTICLE 8 - This is a catch-all category to allow these uses. Any use would have to come before the Planning Commission as a conditional use permit. The second part of this revision is to amend the Section of our Ordinance regarding the definition of farming. In an EFU Zone we are not allowed to be more restrictive on farm uses. We can be more restrictive in zones other than EFU. The definition of farming would be in agreement with ORS 215. The definition of home occupation in our ordinance will also be clarified with this amendment. It will be the same as that used in the ORS. No comments were received or heard from the audience. Leann Rea moved and Joe Miller seconded the approval and referral to County Court with a do pass recommendation. The Commission unanimously approved the amendment.

LAND PARTITION APPLICATION NO. LP-S-183: CHARLES AND LOA MCELLIGOTT, APPLICANTS AND OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 1600 OF ASSESSOR'S MAP 2S 23, LOCATED OFF GOOSEBERRY MARKET ROAD, APPROXIMATELY 12.5 MILES SOUTHWEST OF THE CITY OF IONE. APPLICATION IS TO PARTITION A 2542.32 ACRE PARCEL INTO TWO PARCELS. CRITERIA FOR APPROVAL INCLUDES SUBDIVISION ORDINANCE 5.020 AND 5.030 AND OREGON ADMINISTRATIVE RULES - There is a dwelling on one section of this tax lot. The partition is being done for estate planning purposes. There were no comments received. Joel Peterson moved and Calvin Keys seconded the motion to approve the land partition application with the conditions stated in the Staff Report and as listed below. Motion passed unanimously.

1. Record deed or partition plat with the County Clerk to complete the land partition transaction. (ORS 92.025)
2. The deed or partition plat shall include a statement of water rights indicating the parcel contains no water rights.
3. After the deed or partition plat has been recorded, provide the Planning Department a copy of the recorded

document. This is necessary to amend Planning Department maps.

LAND PARTITION APPLICATION NO. LP-N-184: RAMIRO VILLEGAS, APPLICANT AND OWNER. PROPERTY IS DESCRIBED AS TAX LOT 7404 OF ASSESSOR'S MAP 4N 25 20A, LOCATED ONE-EIGHTH MILE SOUTH OF KUNZE ROAD AND WEST GLEN SUBDIVISION, APPROXIMATELY 2 MILES SOUTHWEST OF THE CITY OF BOARDMAN. APPLICATION IS TO PARTITION A 4.50 ACRE PARCEL OF LAND ZONED SUBURBAN RESIDENTIAL ONE ACRE (SR-1) INTO TWO PARCELS. CRITERIA FOR APPROVAL INCLUDES SUBDIVISION ORDINANCE 5.020 AND 5.030 - The Staff Report was presented. Some concern was expressed regarding the one acre parcel and whether DEQ approval could be obtained. It was suggested that a condition requiring DEQ approval be added. Leann Rea wanted to be assured that the West Extension Irrigation District setback from the canal would be abided. A condition requiring fence setback would be added. Leann Rea moved and James Bloodsworth seconded the motion to approve the land partition with the added conditions. The conditions are stated below. The motion was unanimously approved by the Commission.

1. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
2. Applicant shall submit a final partition plat in compliance with ORS Chapter 92. The final plat shall include the 30 foot dedication to Parcel #2 and #3.
3. Further partitioning of Parcel #1 and #2 shall require a subdivision application.
4. Applicant shall consult with the West Extension Irrigation District prior to developing the final plat. The final plat shall be approved by WEID.
5. Fence setback shall comply with West Extension Irrigation easement.
6. Obtain DEQ site evaluation prior to approval of final partition plat (proposed line may be adjusted to accommodate septic siting requirements).

AUDIENCE PARTICIPATION/NEW BUSINESS - The letter the Director wrote to Don Jorgensen about his trucking operation in a Rural Residential One Acre Zone was discussed. Mark Miller, Code Enforcement Officer, and Tamra Mabbott will get together with Mr. Jorgensen to set up the rules for him.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 9:50 p.m. The next Commission meeting will be Monday, June 17, 1996, at 7:30 p.m. at the Public Works Building in Lexington, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, JUNE 17, 1996 - 7:30 P.M.
LEXINGTON, OREGON

Chairman Marvin Padberg called the meeting to order at 7:40 p.m.

MEMBERS PRESENT: Marvin Padberg, Joel Peterson, Joe Miller, Art Kegler, Leann Rea, and James Bloodsworth

MEMBERS ABSENT: Mary Ellen Coleman, Kalvin Keys and Ken Grieb

OTHERS PRESENT: Rod Osgood and John Wenholz

MINUTES OF THE MAY 20, 1996 MEETING: The minutes of the May 20, 1996, meeting were approved as mailed.

PUBLIC HEARING - SECOND OF THREE HEARINGS ON AN APPLICATION FOR A ZONE CHANGE: OREGON DEPARTMENT OF FISH AND WILDLIFE, APPLICANT - Bob Krein on behalf of the Department of Fish and Wildlife had written asking for a continuance of this hearing to prepare more information. Letter from Bill Kuhn regarding the City's objections to the zone change was passed out to the Commissioners. Tamra Mabbot, Planning Director, said that she would take a closer look at the arguments presented in the letter if the Commission wanted, but she does not feel that is necessary. The burden of proof lies with the applicant. If ODF&W wants the zone change, they will have to address Bill Kuhn's letter and the issues brought out in the letter. The 120 day period for a decision will not apply as the hearings have been postponed at the applicant's request. Bob Krein told Tamra that he is looking at another piece of property and may at a later date drop the zone change request. Continuance of the hearing was granted to July 29, 1996, at Irrigon.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. N-89-96: JULIE ERREND, APPLICANT; LLOYD SAMPSON, OWNER. PROPERTY IS DESCRIBED AS TAX LOT 100 OF ASSESSOR'S MAP 5N 27 16 LOCATED ON THE WEST SIDE OF COUNTY ROAD NORTH OF STATE HIGHWAY 730, APPROXIMATELY TWO MILES EAST OF THE CITY OF IRRIGON. APPLICATION IS TO OPERATE A GENERAL FEED/TACK BUSINESS IN A RURAL RESIDENTIAL ONE ACRE (RR-1) ZONE. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE 3.040 AND ARTICLE 6 - A brief history of the reason for the Conditional Use Permit was given. A complaint from a neighboring property owner was the reason for the issuance of the C.U.P. All permits must be obtained by the applicant. The letter from ODOT regarding the sign on Highway 730 was discussed. Applicant does not feel there will be any problems with the sign. He has permission from the neighbor to put the sign up on his property. The neighbor is also concerned about the number of semi-trucks going up and down the road. Applicant stated that they do not have semi's, but a smaller truck bringing in the feed once a week. There were no comments from the audience. Art Kegler moved to approve the Conditional Use Permit subject to the conditions of approval stated in the Findings of Fact (and as stated below). The motion was seconded by Joe Miller

and passed unanimously by the Commission.
The conditions are:

1. Obtain all appropriate Building Codes Agency and Department of Environmental permits for barn.
2. The permit (Home Occupation) shall be reviewed annually to verify compliance with permit conditions.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. S-90-96: LEONARD D. CURRIER, APPLICANT; LEONARD D. AND DIANE CURRIER, OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 906 OF ASSESSOR'S MAP 4S 28 11, LOCATED APPROXIMATELY 15 MILES SOUTHEAST OF HEPPNER IN THE BLAKE RANCH AREA OFF NORTH FORK OF WILLOW CREEK ROAD. THE PROPOSAL IS TO SITE A DWELLING UNIT ON A TEN ACRE PARCEL OF LAND IN A FOREST USE ZONE. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE 3.020 AND 6.060, AND OREGON ADMINISTRATIVE RULES - The allowance of the dwelling in a Forest Use Zone is based on the template test. Mrs. Blodgett, a neighbor, called and raised the question of DEQ allowing the septic as it will drain onto their property. She also stated that the Black Mountain Water District, which provides water in the area, was shutdown and they were without water for six days several weeks ago. Both issues would have to be addressed by the applicant. There were no comments from the audience. Leann Rea moved to approve the Conditional Use Permit with the conditions as stated in the Findings of Fact (and as listed below). James Bloodsworth seconded the motion which passed unanimously. The conditions are:

1. The manufactured homse shall comply with zoning ordinance Section 4.110 and Mobile Home Standards.
2. The applicant shall comply with applicable State of Oregon Building Codes Division and Department of Environmental Quality requirements.
3. Applicant shall demonstrate compliance with all applicable Siting Standards listed in OAR 660-06-029 (copy attached) and OAR 660-06-035 (copy attached).

PUBLIC HEARING - FIRST OF THREE HEARINGS ON AN APPLICATION FOR A ZONE CHANGE: ROD OSGOOD, APPLICANT; ROD OSGOOD, OWNER. REQUEST IS TO CHANGE TAX LOT 101 OF ASSESSOR'S MAP 5N 26 25B FROM A SUBURBAN RESIDENTIAL ONE ACRE (SR-1) ZONE TO A COMMERCIAL (CG) ZONE. THIS PARCEL IS LOCATED ON THE SOUTHWEST CORNER OF STATE HIGHWAY 730 AND SECOND STREET WEST, APPROXIMATELY ONE-EIGHTH MILE WEST OF THE CITY OF IRRIGON AND WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF IRRIGON. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE SECTION 3.110 AND ARTICLE 8 - The parcel is located in the Suburban Residential One Acre Zone within the Urban Growth Boundary of the City of Irrigon. The Limited Use Overlay Zone can be applied where the zone change is allowed for one specific use. John Wenholz said he has felt for a long time that Highway 730 on both sides should be commercially zoned property. He was in favor of the Osgood zone

change request. This is the first of three hearings with the second hearing being on July 29, 1996, at 7:30 p.m. at the Irrigon Annex Building.

DISCUSSION OF REVISION OF MOORE RANCH ESTATES SUBDIVISION - Art Kegler declared a conflict of interest as he is acting as the agent for this subdivision. Even though the Planning Commission approved this subdivision in September 1995, it has to be presented again because the plat has been changed from 14 to 28 lots. The Morrow County Counsel said that the applicant would have to refile. The subdivision is within Boardman's UGB and will be on city water and sewer. The road configuration will be changed. There are water rights on the land and the water issue will be handled through a Homeowner's Association. The development will be done in phases. This subdivision request will be brought before the Commission at the July meeting.

DISCUSSION OF TRAVEL TRAILERS AS TEMPORARY/SEASONAL DWELLINGS - OPTIONS AND ISSUES - The Planning Department does not allow the siting of travel trailers as they are not considered permanent dwellings. Art Kegler expressed the need for some type of zoning for people wanting to live in their travel trailer or motorhome on a piece of property larger than a city-size lot on a seasonal basis or for six months. He feels that we need to address this issue when the ordinance is revised. Mobile homes are not allowed as storage units.

CORRESPONDENCE - A letter from Don Jorgensen regarding his code violation was read. Code Enforcement Officer, Mark Miller, wrote Mr. Jorgensen a letter telling him that he could take his tractor unit home, but not the trailers. A letter from Mr. & Mrs. Rutledge was read into the record. They did not have any objection to Mr. Jorgensen's business at his home. Mr. Loftin originally complained about the reefers running and the hooking up of trailer units early in the morning. The Planning Department does not want to become a babysitter. John Wenzholz said that Mr. Jorgensen wants to be a good neighbor and will not run the reefers, but when you are in the trucking business you sometimes have to bring rigs home. The Commission stated that no reefers will be allowed and there will be no maintenance on the trucks done at the home location. It was suggested to give a copy of the new Noise Ordinance to the neighbors.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 10:00 p.m. The next Commission meeting will be Monday, July 29, 1996 at 7:30 p.m. at the North Morrow Annex Building in Irrigon, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, JULY 29, 1996 - 7:30 P.M.
IRRIGON, OREGON

Vice-Chairman Joel Peterson called the meeting to order at 7:40 p.m.

MEMBERS PRESENT: Joel Peterson, Mary Ellen Coleman, Calvin Keys, Leann Rea, Art Kegler, James Bloodsworth and Ken Grieb

MEMBERS ABSENT: Marvin Padberg and Joe Miller

OTHERS PRESENT: Velma Harns, David Daniels and Mark and Elaine Miller

MINUTES OF THE JUNE 17, 1996 MEETING: The minutes of the June 17, 1996, meeting were approved as mailed with the correction that Calvin Keys was not present for the meeting.

PUBLIC HEARING - SECOND OF THREE HEARINGS ON AN APPLICATION FOR A ZONE CHANGE: OREGON DEPARTMENT OF FISH AND WILDLIFE, APPLICANT. REQUEST IS TO CHANGE TAX LOT 800 OF ASSESSOR'S MAP 2S 26 27 FROM AN EXCLUSIVE FARM USE (EFU) ZONE TO A COMMERCIAL (CG) ZONE. THIS PARCEL IS LOCATED ON THE WEST SIDE OF STATE HIGHWAY 74/207, APPROXIMATELY ONE MILE NORTH OF THE CITY OF HEPPNER. CRITERIA FOR APPROVAL INCLUDES ZONING ORDINANCE SECTION 3.110 AND ARTICLE 8, AND OAR 660-04-020 - Planning Director stated that the Commissioner's had received in their packets a copy of the letter of withdrawal by Oregon Department of Fish and Wildlife for their zone change request, and therefore, would not have to read it into the record. She had also received several calls from DLCD or ODF&W about this matter. It was also explained that there was an executive order by the former governor that any state office buildings shall, unless not feasibly possible, build or settle within the city's business district or within the urban growth boundary. Therefore, when the applicant's higher ups advised him of this, he chose to withdraw the application.

PUBLIC HEARING - SECOND OF THREE HEARINGS ON AN APPLICATION FOR A ZONE CHANGE: ROD OSGOOD, APPLICANT; ROD OSGOOD, OWNER. REQUEST IS TO CHANGE TAX LOT 101 OF ASSESSOR'S MAP 5N 26 25B FROM A SUBURBAN RESIDENTIAL ONE ACRE (SR-1) ZONE TO A COMMERCIAL (CG) ZONE. THIS PARCEL IS LOCATED ON THE SOUTHWEST CORNER OF STATE HIGHWAY 730 AND SECOND STREET WEST, APPROXIMATELY ONE-EIGHTH MILE WEST OF THE CITY OF IRRIGON AND WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF IRRIGON. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE SECTION 3.110 AND ARTICLE 8 - Copies of the Staff Report and the Findings of Fact were done in accordance with the Commission's preliminary approval of the zone change request. Reviewed in detail last month and will not go over it, but did prepare a map showing the surrounding areas that are commercially zoned. The map shows that there is not much commercially zoned land within the area. Since the parcel to be rezoned is in the Urban Growth Boundary of

Irrigon, it is not as difficult to justify the zone change than if it were out in EFU zoned land. This was addressed in the Findings. Notification was done to all property owners and agencies, including the Department of Transportation. ODOT has not responded. Access to the property is not from the State Highway, but does abut Highway 730. They have been silent on this and we take it as an approval. No other comments were received. Mary Ellen Coleman moved to approve the zone change request. The motion was seconded by Leann Rea and passed unanimously by the Commission.

PUBLIC HEARING - LAND PARTITION APPLICATION NO. LP-N-185: VELMA HARNS, APPLICANT AND OWNER. PROPERTY IS DESCRIBED AS TAX LOT 2400 OF ASSESSOR'S MAP 5N 26 24CC, LOCATED ON THE SOUTH SIDE OF OLD COLUMBIA RIVER HIGHWAY, APPROXIMATELY ONE MILE WEST OF THE CITY OF IRRIGON. APPLICATION IS TO PARTITION A 5.27 ACRE PARCEL INTO THREE PARCELS WITH EACH PARCEL LARGER THAN THE ONE ACRE MINIMUM LOT SIZE OF THE SUBURBAN RESIDENTIAL ONE (SR-1) ACRE ZONE. CRITERIA FOR APPROVAL INCLUDES SUBDIVISION ORDINANCE SECTIONS 5.020 AND 5.030 -

The property is in a one acre zone. Request also involves a property line adjustment moving the property line of tax lot 2300 to the west making this parcel a full two acres. The partition involves tax lot 2400 and dividing it into two one acre lots and one three acre lot. There is one dwelling on lot #1 and a proposed new manufactured home on lot #3, which has not been sited yet. Access for lot #1 is currently off Idaho Avenue and the proposed access for lot #2 is off Old Highway 730, and lot #3 will have access off of Idaho Avenue. Any new access to a county road will require approval from the Public Works Department. Sections 5.030 and 5.020 have been addressed in the Staff Report. Although the parcels are within 300' of the city sewer line, a waiver has been obtained from the City of Irrigon allowing them to apply for DEQ approval for lots #2 and #3. Lot #1 has an existing septic system. The Planning Director explained that Art Kegler, Leann Rea and herself are on a committee for the Lower Umatilla Basin Groundwater Management Area subcommittee on rural residential development. They are looking into the effect of rural residential development on groundwater quality. The Committee discovered that when DEQ gives approval for a septic system on a parcel, they are only giving approval for this lot and are not looking at the cumulative effect for the entire area or in that groundwater aquifer. Knowing that we are in a critical groundwater area, the quality of our drinking water has exceeded the federal standards for nitrogen content; therefore, it is difficult for the Planning Director to make a finding that any additional development will not have any adverse impact. The area is located in the area defined as having a high nitrate level. Until more information is obtained, it is difficult for Planners to deny an individual application for land partition based on what effect the increment amount would have on the overall groundwater aquifer. Plus DEQ has said it is okay so we are continuing to say if they say it is okay so do we. Parcel is located in the West Extension Irrigation District and the letter from the District was in the packets and they will sign off on the final partition plat. The applicant needs to make sure that the easements are indicated so the surveyor can mark them on the final

plat. Staff recommendation is approval with several conditions as listed in the Staff Report. Water Resources Department letter was received stating that there were no water rights on the property. The letter from the City of Irrigon stated that if the lots were smaller than two acres connection to the City's sewer would be more in line with the septate loading issues that were addressed by the extension of the service into this area. Tamra explained that since the city sewer was at or above capacity, she felt that the city would still approve; she would check. Condition #5 should state that Parcel #3 may require a subdivision application and not Parcel #2 as it is already at minimum lot size. Mrs. Harns explained that Don Eppenbach was referring to the three acre parcel. This was in case the people buying the three acre parcel decided at a later time to sell off one acre. This one acre parcel would have to hook up to city sewer. Parcel #2 will have to hook up to city sewer. Leann Rea moved to approve the land partition with a second by Art Kegler. The motion passed unanimously by the members of the Commission. The conditions of approval are:

1. The applicant shall comply with the requirements of the West Extension Irrigation District. District approval shall be noted on the final partition plat or in the form of a letter.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall obtain a road access permit from the County Public Works Department prior to constructing any new access. County approval shall be required prior to issuance of zoning or building permits for the two undeveloped parcels.
4. Applicant shall submit a final partition plat in compliance with ORS Chapter 92.
5. Further partitioning of Parcel #3 may require a subdivision application.
6. Submit DEQ Site Evaluation for Parcel #3 prior to final approval. Submit DEQ or City approval for City sewer service to lot #2 prior to final approval.

PUBLIC HEARING - SUBDIVISION APPLICATION NO. SD-N-194 (AMENDED):
GLEN AND MARGARET MOORE, APPLICANTS AND OWNERS. PROPERTY IS
DESCRIBED AS TAX LOT 1300 OF ASSESSOR'S MAP 4N 25 17, LOCATED
BETWEEN WILSON AND KUNZE ROADS, SOUTH OF BOARDMAN. THE PROPOSED
MOORE RANCH ESTATES SUBDIVISION WILL INCLUDE TWENTY-EIGHT (28) LOTS
OF AT LEAST TWO ACRES IN SIZE. CRITERIA FOR APPROVAL INCLUDES
SUBDIVISION ORDINANCE ARTICLES 2-4 - Art Kegler declared a conflict of interest as he is the agent for this subdivision. This subdivision was approved by the Commission approximately eight months ago, but the applicants have since changed their mind as to the number of parcels. The new map was shown and it was explained

that the applicants had to refile and go through the process again because they had passed their six month due date for submittal of their application and because the plan was significantly different. A fax was received from the City of Boardman Planning Commission giving their approval of the subdivision subject to indication that they will be served by the city sewer system and that the system is adequate to handle the additional lots. The Public Works Director for Boardman approves. The location of the utility easements were clarified by Art Kegler. Although the Fire District was not at the review committee meeting, they previously stated that fire hydrants should be required. The Commission could require this as a condition of approval or that the District submit a letter of approval to the Department. On the previous application, a right-to-farm disclaimer statement was required and could be make a condition of approval again. Covenants were submitted with the application and cannot be enforced by the County, but are acknowledged by the County. A Umatilla Electric Cooperative representative was present at the Review Committee meeting and made some recommendations at this time. A title or subdivision guarantee report will be required. Streets in the subdivision do not go through and this was done intentionally by the developer to control speeding traffic and livability within the subdivision. Streets and roads are for private use until the area is annexed into the city. Development of the roads will be done in three stages. Subdivision Review Committee and the City of Boardman recommendation is for approval. Calvin Keys moved and Mary Ellen Coleman seconded the motion to approve the subdivision application with the conditions as stated (listed below). Motion passed unanimously by the Commission.

1. The landowner shall file a final subdivision plat in accordance with ORS Chapter 92 provisions.
2. The landowner shall submit a letter of approval from the Boardman Fire District regarding compliance with District requirements.
3. Roadways shall contain a minimum 50 foot right-of-way along with an additional adjacent 10 foot utility easement, and a 24 foot improvement surface. Maintenance responsibility of the roadways shall be the property owners and not the responsibility of the County Public Works Department. At such time as the lots are annexed by the City of Boardman, the abutting road(s) shall also be annexed by the City and shall become the responsibility of the City to maintain, either directly or by the owner(s). Road improvements (gravel surface) may be made in phases, but shall occur prior to development of lots abutting said road(s).
4. Prior to development of a new approach to a County Road (Wilson Road and/or Kunze Road), a road approach permit shall be obtained from the County Public Works Director.

5. A disclaimer statement concerning normal farming practices on adjacent property shall be signed by the landowners and shall be recorded with the County Clerk prior to final approval of the Subdivision Plat. A copy of the disclaimer statement shall be provided to the Planning Department.
6. Submit a statement from the servicing utility company verifying provision of service.
7. Submit a copy of a title or Subdivision Guarantee Report.
8. Obtain appropriate Stormwater Discharge Permits, if applicable, from DEQ.

UPDATE ON CODE ENFORCEMENT ISSUES WITH CODE ENFORCEMENT OFFICER AND SOME PROPOSED ORDINANCE AMENDMENTS - Mark Miller, Code Enforcement Officer was introduced.

New definitions of farm use and home occupations was taken to County Court but because of some further enforcement problems Mark and Tamra decided that these definitions needed to be very clear. The problem involved trucks used in a trucking business brought into residential zones. In EFU and other commercial zones this is not a problem. Developed new language for home occupation as well as including definitions for truck stop, freight depot and truck terminal. If people who are driving trucks and trailers home as a mode of transportation to and from work we might not have to do anything, but if someone complains about it then we would have to process it as a home occupation. It would then need to go through the Conditional Use Permit Process. Truck stop is allowed only in our Industrial and Commercial zone with a conditional use permit, and a freight depot only in Industrial Zone as an outright use. A home occupation is allowed in our EFU, FU, SF-40 and two residential zones. The reason behind this change of definition was explained. Mark Miller also explained some of the difficulties he was having trying to enforcement the ordinance with the present wording. A discussion followed on the Code Enforcement program. A motion to approve the new exhibit B of the proposed ordinance change was made by Leann Rea and seconded by James Bloodsworth. Motion passed unanimously.

ADJOURNMENT - Vice-Chairman Joel Peterson adjourned the meeting. The next Commission meeting will be Monday, August 26, 1996, at 7:30 p.m. at the Public Works Building in Lexington, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, AUGUST 26, 1996 - 7:30 P.M.
LEXINGTON, OREGON

Chairman Marvin Padberg called the meeting to order at 7:35 p.m.

MEMBERS PRESENT: Marvin Padberg, Art Kegler, Leann Rea, Ken Grieb and James Bloodsworth

MEMBERS ABSENT: Joel Peterson, Mary Ellen Coleman, Joe Miller and Calvin Keys

OTHERS PRESENT: Don Buckner, John Childers, Gloria Childers, Martin Montes de Oca, Ana Bedolla, Barry Beyeler, Dan Hernandez, Stan Foster and Guy VanArsdale

MINUTES OF JULY 29, 1996 MEETING: The minutes of the July 29, 1996, meeting were approved as mailed. Leann Rea noted that the H/H Subdivision Review Committee Meeting notes mailed to Commissioners this month omitted Bob Baggett as being in attendance.

PUBLIC HEARING - SUBDIVISION APPLICATION NO. SD-N-196: BERNARDO HERNANDEZ, APPLICANT AND OWNER; DANIEL HERNANDEZ, AGENT. PROPERTY IS DESCRIBED AS TAX LOT 100, PARCEL #2 OF PARTITION PLAT NO. 1996-6 OF ASSESSOR'S MAP 4N 25 20B, LOCATED ON THE SOUTH SIDE OF KUNZE ROAD, EAST OF PAUL SMITH ROAD, WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF BOARDMAN. THE PROPOSED H/H SUBDIVISION WILL INCLUDE FOURTEEN LOT OF AT LEAST ONE ACRE IN SIZE. CRITERIA FOR APPROVAL INCLUDES SUBDIVISION ORDINANCE SECTIONS 5.020 AND 5.030 - Mr. Hernandez stated that the name of the subdivision is not Helping Hands, but H/H. The Findings of Fact and the Subdivision Review Committee findings were reviewed. The lot size of one acre is what is stipulated in the Comprehensive Plan and Ordinance. The location of the proposed subdivision was shown on the map. It is consistent with the land use pattern of the area. As is proposed the subdivision would include on-site septic and water. Water quality will be impacted. The development in the overall picture will have some impacts on the area. The Planning Department cannot make a finding that it will not have any impact in the area, and this is an item for discussion. Site Evaluation for three lots has been obtained. Oregon State Extension Service responded and wanted to remind the Commission that there is a lot of farming in the area and that is why a right-to-farm statement needs to be required. This will be listed as a condition of approval. The developer agreed to several covenants or deed restrictions. A turn around for emergency trucks is asked for by the Fire Department. A 60' road for public use will be required. The City of Boardman's letter to Dan Hernandez was reviewed. The City policy was re-considered and sewer service can now be provided by the City. The property is within the UGB and parcel size represents urban density. City services are now available. There are no ground water rights on the property. Letter from DEQ was read. This

letter was written subsequent to the City of Boardman's reevaluation. After talking to DEQ they now will need to reconsider Administrative Rules since the property is in close proximity to City services. DEQ cannot formally say at this time that they have to deny a system and require them to hook up to City services, but it does appear that the extension of City lines will be available to the project. The letter from Julio Reyes was read raising several questions about the development. Art Kegler showed where the Moore Ranch Estates Subdivision sewer lines will go and they are willing to grant an easement through their property to Kunze Road. Moore's are talking with the City about going with a LID and possibly H/H could get in on it as well. The City may do it in house and not put it out on the market.

Stan Foster, representing H/H Subdivision, spoke in favor of the proposed development. Mr. Hernandez has contacted Lee Docken who will act as agent for the development. He stated that Mr. Hernandez intends to cooperate fully with the Planning Commission and they are mainly interested in the viability of the lots. They have contacted the Fire District and the sellers of the property, Mr. Braat, regarding the turn-around. They will take a little portion of the bottom lots to provide for the turn-around. They were going to use the DEQ Site Evaluations, but now with the new information regarding the City's willingness to extend sewer and water, they will have to work this out with the City. Animal restrictions are listed in the Zoning Ordinance and they will use this amount for the parcels. Dan Hernandez stated that he had just learned about the availability of City services, but would be willing to accept conditions of approval. One of the criteria for obtaining City services means that Mr. Hernandez must agree to be annexed into the City at some time in the future. The City has started expansion of the waste water plant. Barry Beyeler stated that the City has three conditions:

1. Extension of sewer lines be accomplished;
2. Extension of water lines be accomplished; and
3. Unconditional consent to annexation.

Mr. Buckner would be happy to see the extension of City services to the development. He is concerned about the well pollution in the area. The issue of children's safety on Kunz Road was discussed. Mr. Foster indicated that they are going to have one parcel adjacent to Kunze Road left as beautification area. This parcel will not be developed for ten years. The roadways were discussed and they will be a minimum 50 foot right-of-way, and a 24 foot improvement surface. Maintenance responsibility of the roads will be the property owners. Road maintenance might be affected if the area is annexed. Mr. John Childers stated that he just did not want to see another fifteen acres of West Glen being developed. An entry permit from Guy was obtained. Art Kegler stated that he had discussed the development with Dan Hernandez, but did not believe it influenced his decision. Leann Rea moved and Art Kegler seconded the motion to Approve SD-N-196 with the stipulated changes in the conditions as listed in the Findings of Fact. Motion passed

unanimously.

REVIEW OF COUNTRY GARDEN ESTATES VARIANCE FOR ALLOWING RV UNITS ON A TEMPORARY BASIS - The letter from the manager of the Country Garden Estates was given to the Commissioners. Sharon Timms then explained that this variance was granted at the time of the influx of workers for the Co-Gen Plant. The Planning Department has never received any complaints about this park, and the manager has stated in the letter that at the time the last remaining RV units move out, he will replace them with manufactured homes. Art Kegler moved that we extend the Variance for another three years unless complaints arise. The motion was seconded by Leann Rea and passed unanimously by the Commission.

DISCUSSION OF UNZONED AREA LOCATED WEST OF PAUL SMITH ROAD AND SOUTH OF KUNZE ROAD AND CONSIDERATION OF ADOPTING A FIVE ACRE ZONE - Art Kegler stated that he is dealing with some of the landowners and that the thirty plus acre tax lot may be approved for only two or three septic systems. The Planning Director explained that we can either have it zoned EFU or FR-2 or can ask the Planning Commission to start the process to adopt a five acre zone. The initial thought is to send property owners a letter asking them for their input. Art Kegler would like to see Planning Commission consider a five acre zone for the County. The Commission advised the Planning Department to start the procedure for establishing a five acre zone and to send a letter to property owners in the unzoned area asking their comments.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 9:30 p.m. The next Commission meeting will be Monday, September 30, 1996, at 7:30 p.m. at the North Morrow Annex Building in Irrigon, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, SEPTEMBER 30, 1996 - 7:30 P.M.
IRRIGON, OREGON

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

MEMBERS PRESENT: Marvin Padberg, Joel Peterson, Mary Ellen Coleman, Joe Miller, Art Kegler, Leann Rea, Kalvin Keys, Ken Grieb and James Bloodsworth. Congratulations! A full membership was present.

MEMBERS ABSENT: None

OTHERS PRESENT: Norm and Barbara Zeller, John Wenholz, Wes and Linda Wise, Earl Ming, Bob Vandecar, Glenn and Carolyn Maret, Bonnie and Steve Simpson and Jill Jones

MINUTES OF AUGUST 26, 1996 MEETING: The minutes of the August 26, 1996, meeting were approved as mailed.

PUBLIC HEARING - LAND PARTITIONING APPLICATION NO. LP-N-186: FLOYD HARRIS, APPLICANT AND OWNER. PROPERTY IS DESCRIBED AS TAX LOT 205 OF ASSESSOR'S MAP 5N 26 36, LOCATED ON THE SOUTH SIDE OF DEPOT ROAD APPROXIMATELY TWO MILES SOUTH OF THE CITY OF IRRIGON. THE PROPOSAL IS TO PARTITION A 5.83 ACRE PARCEL INTO THREE PARCELS WITH EACH PARCEL LARGER THAN THE ONE ACRE MINIMUM LOT SIZE OF THE RURAL RESIDENTIAL ONE ACRE ZONE. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE SECTIONS 5.020 AND 5.030 - The Planning Director explained that this application is a two part application -- property line adjustment and land partitioning. The land partition is what the Commission will take action on. Currently, there is a 60' easement that leads into the parcels. Parcels #2 and #3 will use this easement for access and Parcel #1 will access off of Depot Road. DEQ Site Evaluations have been obtained for the parcels. Parcel is within the West Extension Irrigation District Boundaries. Recommendation of Planning Department is to approve with several conditions. The easement runs through Parcel #2 and the Commission wanted to make sure DEQ was aware that this 60' easement, not 45' easement, runs through this parcel decreasing the area available for a septic system. The Irrigon Rural Fire District needs to provide verification regarding service and access to parcels. The title for the property line adjustment needs to be in common ownership before the Assessor's Office can approve Property Line Adjustment. No comments were received or heard from the audience. Joe Miller moved and Leann Rea seconded motion to approve LP-N-186 with the added conditions. Motion was unanimously approved by the Commission. The conditions of approval are:

1. The applicant shall comply with the requirements of the West Extension Irrigation District. District approval shall be noted on the final partition plat or in the form of a letter.

2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall obtain a road access permit from the County Public Works Department prior to constructing any new access to Depot Road. County approval shall be required prior to issuance of zoning or building permits.
4. Provide a description of proposed road improvements, if any.
5. Applicant shall submit a final partition plat in compliance with ORS Chapter 92.
6. Further partition of Parcel #3 may require a subdivision application.
7. Comply with requirements of the Assessor's Office to complete lot line adjustment.
8. Provide verification from DEQ that Parcel #2 with 60' easement will allow adequate room for a septic system.
9. Check with Irrigon Rural Fire District regarding service and access, and provide written approval to Planning Department.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. S-91: BARBARA GILBERT, APPLICANT AND OWNER. PROPERTY IS DESCRIBED AS TAX LOT 1511 OF ASSESSOR'S MAP 5S 28, LOCATED APPROXIMATELY 25 MILES SOUTHEAST OF HEPPNER OFF COAL MINE HILL ROAD, NEAR PENLAND LAKE. THE PROPOSAL IS TO SITE A DWELLING UNIT ON A 39.36 ACRE PARCEL OF LAND IN A FOREST USE ZONE. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE 3.020 AND 6.060, AND OREGON ADMINISTRATIVE RULES - This application is to site a recreational cabin on an existing lot in the Forest Use Zone. Meets the lot of record test and there is an existing road to the property, therefore, meets the OAR criteria. The applicant will need to meet the fire siting standards, and they will have to sign a statement stating they meet these standards before any zoning approval is given. The State Forester called the Planning Department and questioned the road access to the parcel as Forest Service Road #53 was not a legal option for access. Applicant is working on the easement question. There were no comments from the audience. On a motion by Art Kegler and second by Joe Miller, the Planning Commission unanimously approved CUP-S-91 with the conditions listed in the Findings of Fact and as stated below:

1. The manufactured home shall comply with zoning ordinance Section 4.110 Mobile Home Standards.
2. The applicant shall comply with applicable State of Oregon Building Codes Division and Department of

Environmental Quality requirements.

3. Applicant shall demonstrate compliance with all applicable Siting Standards listed in OAR 660-06-029 (copy attached) and OAR 660-06-035 (copy attached).
4. Applicant shall verify compliance with minimum road standards as defined in OAR 660-06-027(1)(b), i.e., paved or gravel.
5. Show legal access to the property.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. S-92: PAUL J. TULLAR, APPLICANT AND OWNER. PROPERTY IS DESCRIBED AS APPROXIMATELY 15 MILES SOUTHEAST OF HEPPNER IN THE BLAKE RANCH AREA OFF NORTH FORK WILLOW CREEK ROAD. THE PROPOSAL IS TO SITE A DWELLING UNIT ON A 5.0 ACRE PARCEL OF LAND IN A FOREST USE ZONE. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE 3.020 AND 6.060, AND OREGON ADMINISTRATIVE RULES - The template test was applied to this parcel. The request complies with OAR 660-06-027(1)(e)(c) and the Planning Department recommends approval with the conditions stated in the Findings of Fact. There were no comments from the audience. Leann Rea moved to approve CUP-S-92 with the conditions in Findings of Fact. The motion was seconded by Mary Ellen Coleman and unanimously approved by the Commission. The conditions are:

1. The manufactured home shall comply with Zoning Ordinance Section 4.110 Mobile Home Standards.
2. The applicant shall comply with applicable State of Oregon Building Codes Division and Department of Environmental Quality requirements.
3. Applicant shall demonstrate compliance with all applicable Siting Standards listed OAR 660-06-029 (copy attached) and OAR 660-06-035 (copy attached).

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. S-93 AND LAND PARTITIONING APPLICATION LP-S-187: NORM AND BARB ZELLER, APPLICANTS; GENEVA PALMER, OWNER. PROPERTY IS DESCRIBED AS TAX LOT 2700 OF ASSESSOR'S MAP 1S 24, LOCATED ON THE NORTHEAST CORNER OF STATE HIGHWAY 74 AND POINTER ROAD, APPROXIMATELY FOUR MILES EAST OF THE CITY OF IONE. THE PROPOSAL IS TO PARTITION A 5.0 ACRE PARCEL OUT OF A 392.06 ACRE PARCEL IN AN EXCLUSIVE FARM USE ZONE AND TO SITE A NON-FARM DWELLING. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE SECTIONS 3.020 AND 6.050, AND OREGON ADMINISTRATIVE RULES - The parcel to be partitioned is on land not suitable for farming. The five acre parcel being partitioned must be taken off farm deferral. The new dwelling will not cause any problem with ongoing farming practices. The parcel abuts Pointer Road and Highway 74. There were no comments received or from the audience. Joe Miller moved and Joel Peterson seconded the motion to approve LP-S-187 and Conditional Use Permit S-93 with the conditions stated in the Findings of Fact and listed below. Motion

passed unanimously by the Commission.

1. The applicant shall sign a right-to-farm disclaimer statement. The disclaimer shall be recorded with the deed with the County Clerk.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall submit a final partition plat in compliance with ORS Chapter 92.
4. Per ORS 215.236, County Assessor shall disqualify the "non-farm dwelling" parcel from farm deferral and all taxes shall be paid prior to recording the final partition plat.
5. Comply with applicable Building Codes Agency and Department of Environmental Quality requirements for construction of the new dwelling or manufactured home.

PUBLIC HEARING - LAND PARTITION APPLICATION NO. LP-N-188: STEPHEN AND BONNIE SIMPSON, APPLICANTS AND OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 1402 OF ASSESSOR'S MAP 4N 25 15, LOCATED ON THE EAST SIDE OF MILLER ROAD, APPROXIMATELY TWO MILES EAST OF THE CITY OF BOARDMAN. THE PROPOSAL IS TO PARTITION A 17.55 ACRE PARCEL INTO THREE PARCELS WITH EACH PARCEL LARGER THAN THE TWO ACRE MINIMUM LOT SIZE OF THE FARM RESIDENTIAL TWO ACRE ZONE. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE SECTIONS 5.020 AND 5.030 - This partition was approved at least ten years ago, but was never finalized and recorded. Therefore, the need to refile. It is in a Farm Residential Two Acre Zone and each parcel is more than the required two acres. Access to tax lot 1500 is not an issue. There is an easement on the north portion of tax lot 1402 to each lot. DEQ approval was issued in 1978. The parcel is in West Extension Irrigation District boundaries and the Board will review it at their October 10th meeting. Access to Miller Road, a county road, must be approved by Public Works. There were no comments from the audience. Joel Peterson moved and Joe Miller seconded motion to approve LP-N-188 with the conditions stated in the Findings of Fact and below. Art Kegler abstained from voting. Motion passed unanimously with one abstention.

1. The applicant shall comply with the requirements of the West Extension Irrigation District. District approval shall be noted on the final partition plat or in the form of a letter.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall obtain a road access permit from the County Public Works Department prior to constructing any new access. County approval shall be required

prior to issuance of zoning or building permits.

4. Applicant shall submit a final partition plat in compliance with ORS Chapter 92.
5. Further partitioning of any of the parcels may require a subdivision application.

PUBLIC HEARING - LAND PARTITION APPLICATION NO. LP-N-189: EARL AND KAREN MING, APPLICANTS AND OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 404 OF ASSESSOR'S MAP 5N 26 22, LOCATED ON THE SOUTH SIDE OF A FROBERG LANE, A PRIVATE ROAD, APPROXIMATELY THREE MILES WEST OF THE CITY OF IRRIGON. THE PROPOSAL IS TO PARTITION A 7.18 ACRE PARCEL INTO THREE PARCELS WITH EACH PARCEL LARGER THAN THE ONE ACRE MINIMUM LOT SIZE OF THE RURAL RESIDENTIAL ONE ACRE ZONE. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE SECTIONS 5.020 AND 5.030

- This is another partition that was proposed several years ago but the applicants have changed the plat plan from the original. Proposing to create three parcels. Froberg Lane is a graveled, private road and not a county road. Two of the parcels, #2 and #3 already have dwellings on them and #1 has a barn. DEQ Site Suitability will be required for the undeveloped lot. Recommendation of the Planning Department was to approve with the conditions stated in the Findings of Fact. The 30' easement on Parcel #1 provides access to house on Parcel #2 and back part of Parcel #2. Bob Vandecar spoke in opposition. He was afraid of the adverse impact on the surrounding farming area. He stated there is a dispute regarding the survey line and stakes. He asked that the Planning Commission not approve partition until he can get more information on the survey discrepancy. Discrepancies have been noted on surveys since 1978. Glen Maret also spoke in opposition. He does not want the area to change and does not want the increase in traffic. Carolyn Maret opposes the partition because the owners do not take care of the place and there is a dog problem. Calvin Keys moved and Mary Ellen Coleman seconded a motion to approve LP-N-189 with the conditions stated in the Findings of Fact and as stated below. Motion passed unanimously.

1. The applicant shall comply with the requirements of the West Extension Irrigation District. District approval shall be noted on the final partition plat or in the form of a letter. Applicant should contact WEID prior to submitting the final plat.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall submit a final partition plat in compliance with ORS Chapter 92.
4. Further partition of Parcels #1 and #3 may require a subdivision application.
5. Applicant shall be responsible for obtaining appropriate

DEQ (Site Suitability and Septic Construction) and Building Codes Agency permits.

6. The final plat shall indicate the legal status of the easement (Froberg Lane), i.e., public or private.

AUDIENCE PARTICIPATION/NEW BUSINESS - The section in the Ordinance regarding mobile home siting requirements was discussed. The Planning Commission was concerned about the safety factor of the older mobile homes, but was interested in hearing what other counties have in their Ordinances. The Planning Department will check out some other counties ordinances on mobile home standards.

The Planning Director then discussed the Transportation System Planning meetings that were held. All modes of transportation will be evaluated by the consultant. The consultant is taking ideas from these meeting and will make some suggestions. This is the first time Morrow County has taken a look at transportation issues. Planning is for a twenty year horizon. It will also give the county a sense of where priorities are. The consultant is working closely with Public Works. Safety issues were discussed at the Irrigon open house. Access onto state highways is limited by the State. The County would like to see the north gate to Army Depot reopened. Now is the time for everyone to voice their transportation concerns.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 9:20 p.m. The next Commission meeting will be Monday, October 28, 1996, at 7:30 p.m. at the Public Works Building in Lexington, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, OCTOBER 28, 1996 - 7:30 P.M.
PUBLIC WORKS BUILDING
LEXINGTON, OREGON

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

MEMBERS PRESENT: Marvin Padberg, Joel Peterson, Joe Miller, Leann Rea, Calvin Keys and James Bloodsworth

MEMBERS ABSENT: Mary Ellen Coleman, Art Kegler and Ken Grieb

OTHERS PRESENT: Ken Turner, Skip Matthews, Jean and Donald Bennett, Kathy Morter and John Kilkenny

MINUTES OF SEPTEMBER 30, 1996 MEETING: The minutes of the September 30, 1996, meeting were approved as mailed.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. S-94:
DONALD E. GREENUP, APPLICANT AND OWNER. PROPERTY IS DESCRIBED AS
TAX LOT 1403 OF ASSESSOR'S MAP 2S 28 19, LOCATED APPROXIMATELY 9
MILES EAST OF THE CITY OF HEPPNER ON STATE HIGHWAY 74 AND THEN
NORTH TWO MILES ON KENNY ROAD. PROPERTY IS ON THE EAST SIDE OF
KENNY ROAD. APPLICATION IS TO SITE A SINGLE FAMILY DWELLING ON THE
83.54 ACRE PARCEL, A LEGAL LOT OF RECORD IN AN EXCLUSIVE FARM USE
ZONE. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE SECTIONS
3.010, 4.110 AND 6.050, AND OAR 660-33-130(3(4)) - The Findings of Fact were reviewed. The application is based on a lot of record with Mr. Greenup owning the property since 1965. He is applying for the dwelling unit and will then transfer the permit, if approved, to Mr. Berning who is purchasing the property from Greenup's. The Planning Department did receive some telephone calls. One item brought to the Department's attention was that the property has already been sold. The lot of record is for current owners only. Mr. Greenup has sold the deed to Mr. Ron Berning with an August 1996 date on it. The application filing date for the Conditional Use Permit was September 10, 1996. Comments from the audience were then heard. Skip Matthews spoke on behalf of his *in-laws* parents. Parents are opposed to the Conditional Use Permit. They are concerned about the legality if the property has already changed hands. Access was questioned as they feel it will increase traffic and unlawful hunters in the area. The fire problem was also stressed by neighbors as being a concern. John Kilkenny had three objections to the Conditional Use Permit. The spraying of weeds is a concern with a new home being in the middle of the fields being sprayed. Another concern is that there are no springs on the property and if a well is drilled he is concerned that springs on their property might dry up. His final concern was that of the fire danger as well as the possibility of uncontrolled weeds. The Chairman explained about the right-to-farm disclaimer statement that the Commission is requiring people siting homes on small acreages in the middle of farmland to sign. Road access is a County road. The lot of record applies to lots owned before

1985, so this application is not valid as the property had been deeded to Mr. Berning in August and Mr. Greenup, the applicant, was no longer the owner. The Planning Director explained that there were other ways for Mr. Berning to apply for a dwelling unit on the property. He may be able to apply for a non-farm dwelling (no minimum or maximum size for a non-farm dwelling parcel. If the Berning's choose to reapply for a Conditional Use Permit, the Bennett's would like to be notified. Leann Rea moved that Conditional Use Permit CUP-N-94 be denied as applicant and owner of the property are not the same and do not meet Criteria of OAR 660-33-130(3)(a)(i). Motion seconded by James Bloodsworth and unanimously approved by the Commission.

PUBLIC HEARING - LAND PARTITIONING APPLICATION NO. LP-N-190: DOUGLAS DIAMOND, APPLICANT AND OWNER. PROPERTY IS DESCRIBED AS TAX LOT 1303 OF ASSESSOR'S MAP 5N 26 25C, LOCATED OFF NEVADA VIA A PRIVATE EASEMENT BETWEEN SECOND AND THRID STREET WEST, APPROXIMATELY ONE MILE SOUTH OF THE CITY OF IRRIGON. THE PROPOSAL IS TO PARTITION A 2.75 ACRE PARCEL INTO TWO PARCELS LARGER THAN THE ONE ACRE MINIMUM LOT SIZE OF THE RURAL RESIDENTIAL ONE ACRE ZONE. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE SECTIONS 5.020 AND 5.030 - Findings of Fact was reviewed. The parcel is in the West Extension Irrigation District. The easement into the parcel was discussed. There were no comments received by the Planning Department and none from the audience. Joe Miller moved to accept LPN-190 with the conditions as stated in the Findings of Fact. Motion was seconded by Leann Rea and unanimously approved by the members of the Commission. Conditions are:

1. The applicant shall comply with the requirements of the West Extension Irrigation District. District approval shall be noted on the final partition plat or in the form of a letter.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall submit a final partition plat in compliance with ORS Chapter 92.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. N-95 AND LAND PARTITIONING APPLICATION LP-N-191: TODD AND MELISSA LINDSAY, APPLICANT; KENNETH AND JEAN TURNER, OWNER. PROPERTY IS DESCRIBED AS TAX LOT 4200 OF ASSESSOR'S MAP 1N 26 34, LOCATED ON THE NORTH SIDE OF MYERS ROAD APPROXIMATELY 17 MILES NORTHEAST OF THE CITY OF HEPPNER. THE PROPOSAL IS TO ALLOW A 'NON-FARM DWELLING' AND PARTITION A 20.0 ACRE PARCEL OF LAND OUT OF A 709.26 ACRE PARCEL IN AN EXCLUSIVE FARM USE ZONE. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE SECTIONS 5.020, 5.030 AND ZONING ORDINANCE SECTIONS 3.010 AND 6.050, AND OREGON ADMINISTRATIVE RULES 660-33-130(4)(C) - Planning Director explained that this application is basically a two part request, one to partition out a twenty acre parcel and the other to site a dwelling unit. The actual acreage for the parcel may be between five and twenty acres after it is

surveyed. The Lindsay's want to be responsible for the smaller parcel and the dwelling unit. The right-to-farm disclaimer statement would be required of them to sign. Kathy Morter stated that she had no objection to the partition or dwelling unit. Ken Turner explained that his daughter and husband wanted to have a place of their own now that they have started a family. Joe Miller moved to approved LP-N-191 and CUP-N-95 with the conditions as stated in the Findings of Fact. Motion seconded by Joel Peterson and passed unanimously by the Commission. The conditions as stated in the Findings of Facts are:

1. The applicant shall sign a right to farm disclaimer statement.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall submit a final partition plat in compliance with ORS Chapter 92. Final plat shall include legal access to both parcels.
4. Per ORS 215.236, County Assessor shall disqualify the "non-farm dwelling" parcel from farm deferral and all taxes shall be paid prior to recording the final partition plat.
5. Changes to the preliminary plat and configuration of the "non-farm dwelling" parcel is permissible provide the entire "non-farm parcel" contains soils "generally unsuitable" for farming.

REVIEW OF MANUFACTURED HOME SITING STANDARDS - The issue of standards for mobile homes was discussed and the Commission decided that a mobile home in Morrow County must meet 1976 HUD standards or be retrofitted to meet these standards. Calvin Keys and Leann Rea moved to adopt these standards. The motion was seconded by Joe Miller and passed unanimously by the Commission.

ZONING OF UNZONED AREA WEST OF PAUL SMITH ROAD CONTINUED UNTIL NOVEMBER MEETING - Letters to property owners in this area were sent out explaining the options regarding the zoning and the meeting date to discuss the possible zones. The zoning options will be discussed at the November 25, 1996, meeting in Irrigon.

DISCUSSION OF LETTER REGARDING ARMY DEPOT - The proposed letter to the Army from the Planning Commission was passed out. One of the issues stated was the opening of the north gate. Another was that the County would like to have some local input as to the reuse plan. The Planning Director explained that she attended a meeting last week with Gill Decker and Umatilla and Morrow County officials, and school district representatives. The group asked for more information on the impact the community will experience with the building and operation of the incinerator and if impact fees might be available. The land reuse authority is discussing

different uses of the facility. The Port of Morrow is interested in the warehouses. The Planning Director is planning on going to the next meeting (in December) of the Reuse Committee with the Judge. The Commission agreed that the Chairman should sign the letter to Gill Decker.

NEW BUSINESS - Marv Padberg wanted to know if the proposed jail site in the Boardman area will come before the Planning Commission. The Planning Director stated that it would not because it is a super siting issue.

The Planning Director presented a letter drafted to Henry Lorenzen, EQC, from the Commission listing conditions similar to those presented in letter to Gill Decker. In it we state that we do not prefer one method of disposal to another, but are concerned about the impacts upon the communities. Marv Padberg signed the letter.

CORRESPONDENCE - The letter from Rod Harley's attorney was presented to the Commission. Mark Miller, Code Enforcement Officer, and Tamra Mabbott, Planning Director, wrote a letter to Mr. Harley regarding his business operation in a Rural Residential One Acre Zone. With the new definitions amendment to the Zoning Ordinance becoming effective in November, Mr. Harley's operation is more than a home occupation. The equipment will need to be stored in a Commercial Zone and his operation was in violation before the new definitions were adopted. The Planning Director will proceed on this issue.

The Morrow County Transportation System Plan questionnaire was passed out and the Commissioner's were asked to complete and return it.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 9:00 p.m. The next Commission meeting will be Monday, November 25, 1996, at 7:30 p.m. at the North Morrow Annex Building in Irrigon, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, NOVEMBER 25, 1996 - 7:30 P.M.
NORTH MORROW ANNEX BUILDING
IRRIGON, OREGON

Chairman Marvin Padberg called the meeting to order at 7:31 p.m.

MEMBERS PRESENT: Marvin Padberg, Joel Peterson, Art Kegler, Leann Rea, Calvin Keys and James Bloodsworth

MEMBERS ABSENT: Mary Ellen Coleman, Joe Miller and Ken Grieb

OTHERS PRESENT: James Keith, Rod Harley, James Harley, Cindy Harley, Pat Keith, Sonia Lyns, Glenn Slate, Bill Sharkey, Marja Sayles, Greg Sayles, Patricia Odom, Dick McCombs, Sue Oliver, Blair Purcell, Wes Wise and Jason Wise

MINUTES OF OCTOBER 28, 1996 MEETING: The minutes of the October 28, 1996, meeting were approved as mailed with a correction to indicate Skip Matthews spoke on behalf of his in-laws instead of parents.

PUBLIC HEARING - LAND PARTITION APPLICATION NO.LP-N-192: RONALD AND TERI PALMATEER, APPLICANT AND OWNER. PROPERTY IS DESCRIBED AS TAX LOT 6000 OF ASSESSOR'S MAP 1N 23, LOCATED APPROXIMATELY 8 MILES NORTHWEST OF THE CITY OF IONE BETWEEN PALMATEER ROAD AND ELY CANYON ROAD. THE PROPOSAL IS TO PARTITION A 318.16 ACRE PARCEL INTO TWO PARCELS LARGER THAN THE 160 ACRE MINIMUM LOT SIZE OF THE EXCLUSIVE FARM USE (EFU) ZONE. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE 5.020 AND 5.150 AND OREGON ADMINISTRATIVE RULES - The request is to partition a 318.16 acre parcel into two parcels. The partition meets the criteria in the Ordinance. As presented, request is not to change any land uses. The Findings of Fact was read. Road access as to whether the northern portion touches the County road was questioned. A condition will be added regarding legal access. The request is in compliance with OAR 660-33-100(1). Comments from the audience were then heard. Patricia Odom spoke in opposition. Her concern is that the partition has not been thought out fully. A well has been dug and the person who is going to build a home on it does not own the property. She is concerned that if one home is placed on the lot, what will stop them from placing another home on it and devalue her adjoining property. The increase in dwellings also increases the fire danger and added garbage problem in the area. She requested the Commission table the matter for further study. Marvin Padberg responded that one dwelling per parcel is what is allowed according to the Ordinance and that this is not a request for a subdivision. The farmer who lives out there is the one who will build on the property. A dwelling on the property will not devalue her property. It was also explained that the Commission is taking action on the land partition application only and not on siting a dwelling. The fire issue was discussed and the Chairman stated that all farmers in the area have the same concerns about fire. The garbage problem does

not pertain to this land partition. No other comments were heard from the audience or received by the Planning Department. Joel Peterson moved and Leann Rea seconded the motion to approve Land Partition LP-N-192 with the conditions stated in the Findings of Fact and with the added condition regarding legal access. The motion passed unanimously by the members of the Commission. The conditions of approval are:

1. Record deed with the County Clerk to complete the land partition transaction. (ORS 92.025) The deed shall include reference to legal access to both parcels.
2. The deed or partition plat shall include a statement of water rights.
3. After the deed or partition plat has been recorded, provide the Planning Department a copy of the recorded document. This is necessary in order to amend Planning Department maps.
4. Demonstrate legal access to both parcels. This shall be approved by the Planning Director prior to recording the deed.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. CUP-N-96 AND LAND PARTITIONING APPLICATION LP-N-193: TERRA POMA LAND CO., LLC, GLENN CHOWNING, OWNER AND APPLICANT. PROPERTY IS DESCRIBED AS TAX LOT 100 OF ASSESSOR'S MAP 4N 25 13, LOCATED ON THE NORTHWEST CORNER OF WILSON AND BOMBING RANGE ROAD APPROXIMATELY 5 MILES EAST OF THE CITY OF BOARDMAN. THE PROPOSAL IS TO PARTITION A 10.0 ACRE PARCEL OF LAND WITH A DWELLING, BARN AND THREE SILOS OUT OF A 308.08 ACRE PARCEL IN AN EXCLUSIVE FARM USE (EFU) ZONE. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE SECTIONS 5.020, 5.030 AND OREGON ADMINISTRATIVE RULES - The Findings of Fact were reviewed. This land partition is unique in that it involves an established dwelling and outbuildings. Leann Rea wondered since there is a milking barn and other buildings that have been used as part of a dairy farm, would the DEQ permit apply if it is segregated. The segregated parcel would have to be removed from farm deferral. Comments from the audience were heard. Bill Sharkey, a neighbor, commented that the milking barn and buildings were worn out and if anyone intended to have a dairy operation there they would have to replace them. No other comments were heard or received. Calvin Keys moved to approve CUP-N-96 and Land Partitioning LP-N-193 with conditions as stated in the Findings of Fact. The motion passed unanimously with the abstention of Leann Rea due to a conflict of interest.

DISCUSSION OF ZONING DESIGNATION OF UNZONED AREA WEST OF PAUL SMITH ROAD BETWEEN KUNZE AND WEID CANAL -The unzoned area totals approximately 92 acres. The area was left off the zoning maps. Letters were sent to property owners in the area telling them of the reason for the meeting and the date of the meeting. Only two people responded to the letters. One felt that the five acre

designation was good, but if we did not have a five acre zone he would settle for a two acre zone. One property owner says that in their deed it states that it must be a five acre minimum. Most people would like to keep it residential and at least a two acre minimum. If covenants state one thing, they must be obeyed. Marja Sayles, a new property owner, would like to keep it two acres. The Planning Director checked with DLCD in Salem, and was told that if local government makes an interpretation LUBA must concede to local government. Siting permits could be issued to Sayles while the rezoning process is going forward. Art Kegler feels a two acre zone is good, but questioned what happens when a request for septic for a parcel goes to DEQ. Will they totally deny a permit in the area. If Planning Commission approves it as a two acre zone, DEQ may still, down the road, not approve a septic system. Joel Peterson moved to establish a two acre zone for the area. Leann Rea seconded the motion. Art Kegler moved to go ahead with the procedure to zone this area which was overlooked in the Comp Plan as Farm Residential Two Acre. The motion was seconded by James Bloodsworth. Both motions passed unanimously by the members of the Commission.

AUDIENCE PARTICIPATION/NEW BUSINESS - In order to not make a long evening for the people in the audience, the Commission will hear from the audience before continuing with other agenda items. Rod Harley and his lawyer were present to discuss his zoning violation. The Planning Commission decided last month that the operation run by the Harley's was a commercial operation and not a home occupation. The Harley's attorney, Glen Slate, wanted to go through the particulars but the Commission decided it was their decision to protect the residential area. The business is fully a commercial operation and does not blend into the area. The new definition of home occupation would not apply to this case. Marvin Padberg indicated that the Commission has tried to bend over backwards to allow trucks to be taken home. Mr. Slate indicated that the Harley's are willing to co-exist. They have not seen a copy of the complaint and were just told they were out of line. Mr. Harley wanted to know if there is a problem with the way they do business and maintain their property. When trucks go out on a job, the rigs are out and do not return until the job is finished. He feels that he is being singled out. He says he does not do any work on the trucks at his home. Sue Oliver, the closest neighbor, commented that she does not have a problem with operation, no increase in equipment, and no problem with the road. Wes Wise owns property on the corner of Froberg Lane and Eighth Street West and says that there is truck traffic going at 2 a.m. and work activity at all hours of the night. Jake brakes were used on Friday night and there is a constant flow of traffic all hours of the day. The area is zoned Rural Residential One Acre and the quality of life has been deteriorating since the Harley's business has enlarged. Mr. Harley stated that the trouble has boiled between Wes and him and that there has not been an increase in anything. His trucks only come home on weekends. Mr. Slate asked what the Harley's would have to move to be in compliance. Bookkeeping for the business and telephone calls can continue to be done in the home,

but the trucks will have to be parked elsewhere. The Planning Director explained that the Department does not want to micro-manage the area. When she went out that day she found on the property two trucks, one dump truck, one belly dump, one flat trailer and a crane. The definition of home occupation does not allow the use of all those rigs. If Harley's want any rigs on the property, they must apply for a home occupation, but it would be for the welding trucks and not all the other trucks. His sons permanent residence is in Portland. It is a residential zone and the rules cannot be bent so totally. The Department tries not to get involved in the neighborly spats. A Conditional Use Permit would be required for the welding trucks.

EXCLUSIVE FARM USE (EFU) AND FOREST USE (FU) REPORTS - These reports are done yearly with each land use decision made on EFU and FU lands. The reports substantiate that the decisions on EFU and FU zoned lands were made in accordance with the OAR's and ORS's. The Planning Director explained that rumor has it that a special Governor's Task Force is looking at non-farm dwelling parcels and that Eastern Oregon has allowed too many. Banks want clear title to the land when they finance loans for homes and they do not want all the land connected with the homestead. Banks can now take the land under the home if it goes into foreclosure.

DISCUSSION ON MOBILE HOME STANDARDS - Our Ordinance states that mobile homes in the County must be 1976 or newer or be retrofitted to meet those standards. Therefore, no amendments need to be made to the Ordinance to meet the conditions the Commission moved to adopt at last month's meeting.

DECEMBER MEETING - It was decided not to have a December meeting, but combine it with January. The meeting will be held on January 6, 1996, at 7:30 p.m. at the Public Works Building in Lexington.

CORRESPONDENCE - A letter from the Port of Morrow on the opening of the north gate at the Umatilla Army Depot was read. They stated their support of the Planning Director's efforts and letter to Gill Decker about opening the north gate. They also encouraged the Planning Director to seek impact fees for Morrow County. The Environmental Quality Commission did not mention any of the conditions that the local group asked them to stipulate with their approval of the permit. No groundwater systems were even requested. Gill Decker was great to work with and with the changes being made by the administration, are not sure he will remain or be replaced.

Art Kegler mentioned that at the last Realtor's Meeting, they had representatives from the Umatilla Army Depot and Lt. Col. Baldo present and she said that the opening of the north gate is a slam dunk issue. The contractors for the incinerator have been narrowed to three and expect to have the contract awarded within thirty days. Thirty days later construction will begin. The project is on a very fast track. Art felt confident that the north gate will be opened.

The Planning Director also will include in next months packet the letter Umatilla County sent to EQC on the issues of the Army Depot.

It was stressed by Art Kegler that impact funds for Boardman should be included as well as for Irrigon and the entire County.

The Planning Commission's decision on the Greenup Conditional Use Permit has been appealed to the County Court. Mr. Greenup contends that the agreement between Mr. Berning and himself is not an actual transfer of land but a memorandum of agreement. The Planning Director serves as staff to the County Court at appeals and will be presenting the Findings of Facts at the appeals hearing scheduled for December 5, 1996, at 1 P.M. at the Courthouse in Heppner.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 9:10 p.m. The next Commission meeting will be Monday, January 6, 1997, at 7:30 p.m. at the Public Works Building in Lexington, Oregon.