

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, JANUARY 6, 1997 - 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, Joe Miller, Art Kegler, Leann Rea, Kalvin Keys and Ken Grieb

MEMBERS ABSENT: Joel Peterson, Mary Ellen Coleman and James Bloodsworth

OTHERS PRESENT: Donald Jorgensen, Jay Tomlinson, R. Haly, D. R. McCracken, Don Abercrombie, Bob Bolding, George Turner, Melvin Thomas, John Wenholtz, Hartley Seeger, Deane Seeger and Guy VanArsdale

MINUTES OF NOVEMBER 25, 1996 MEETING: The minutes of the November 25, 1996, meeting were approved as mailed on a motion by Leann Rea and a second by Joe Miller. Motion passed unanimously.

PUBLIC HEARING - APPLICATION FOR A HARDSHIP VARIANCE BY WAYNE AND LORI SEITZ TO ALLOW THE SITING OF A SECOND MANUFACTURED HOME ON TAX LOT 4503 IN TOWNSHIP 1 NORTH, RANGE 26 (10.56 ACRES) IN AN EXCLUSIVE FARM USE (EFU) ZONE. THIS PARCEL IS LOCATED APPROXIMATELY SEVEN MILES NORTHEAST OF LEXINGTON. ACCESS TO THE PROPERTY IS VIA STATE HIGHWAY NO 207 TO MYERS ROAD AND THEN EAST ON MYERS 1.3 MILES TO A PRIVATE GRAVEL ROAD. CRITERIA FOR APPROVAL INCLUDES ZONING ORDINANCE ARTICLE 7, SECTION 7.020(B)(1)(2) - A zoning permit was issued to the applicants to replace their manufactured home with a stick-built home. They are now requesting that they be allowed to leave the manufactured home on the property for use by his mother. A disclaimer statement regarding removal of the dwelling unit when the need for the Variance no longer exists will have to be signed. There were no comments from the Planning Commission or from the audience. Follow-up on the variance is done on a yearly basis. One comment was received by the Planning Department from Sue Duncan who stated she did not have a problem as long as the dwelling unit is removed at the end of the need for the Variance. Art Kegler moved and Lean Rea second that the Variance request be approved with the conditions stated in the Findings of Fact, which are listed below. The motion passed unanimously.

1. The applicant will provide a written, notarized statement that at such time that the Variance is no longer in effect, they will remove the dwelling unit.
2. Applicant shall respond to annual review of permit to demonstrate manufactured home is still needed for use by mother due to health reasons.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. N-97: MORROW COUNTY, GUY VANARSDALE, APPLICANT; GENE AND TOM DOHERTY, OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 700 OF ASSESSOR'S MAP IN 25 03, LOCATED ON THE NORTH SIDE OF JUNIPER ROAD (COUNTY ROAD NO. 630), AT THE INTERSECTION OF JUNIPER CANYON ROAD (COUNTY ROAD NO. 923), APPROXIMATELY THREE MILES WEST OF BOMBING RANGE ROAD. APPLICATION IS TO ALLOW THE OPERATION OF A ROCK CRUSHER AND STOCKPILING OF CRUSHED ROCK FOR THE COUNTY PUBLIC WORKS DEPARTMENT. REQUEST IS ALSO TO ADD THE SITE TO THE GOAL 5 AGGREGATE INVENTORY IN THE COMPREHENSIVE PLAN. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE SECTION 6.050(9), AND ARTICLE 8 AND 215.298(2) - The request is for a gravel pit and a Comprehensive Plan amendment which fulfills a State requirement that any quarry site be on an inventory. The purpose of the pit is to have a closer source of material for road work. The State has adopted a new process for listing inventories. A copy of a letter from The Nature Conservancy was read into the record. It was stated in the letter that the site is on a Scenic Tour Route to Wells Spring. The Public Works Director was not aware that this was a designated scenic tour route. Berta Youtie, The Nature Conservancy representative, told the Commission she went to the site and stated that it was a good place to take a curve out of the road. Her main concern was regarding stockpiling material because of the weeds. It was explained that Morrow County has a weed control person who will work with them on controlling the weeds at the site. Ms. Youtie wanted to know if there was any guarantee about weed control for future areas to be developed. She also would like to see where the exact ten acres is. Guy VanArsdale, Public Works Director, said he would be happy to talk to Ms. Youtie about the site and her concern about weeds. There were no other questions from the Commission or audience. This item will come back on the Agenda at the next Commission meeting date. If Ms. Youtie and the Public Works Director go out on the site, the Commission would like to get some feedback about what they found on the tour.

PUBLIC HEARING - THE FIRST OF THREE PUBLIC HEARINGS TO CONSIDER A ZONE DESIGNATION OF FARM RESIDENTIAL TWO ACRES (FR-2) FOR AN UNZONED AREA WEST OF PAUL SMITH ROAD AND SKOUBO LANE BETWEEN KUNZE AND WEST EXTENSION IRRIGATION CANAL. THE AREA IS LOCATED APPROXIMATELY ONE-HALF MILE SOUTHWEST OF THE CITY OF BOARDMAN. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE SECTION 3.041 AND ARTICLE 8 - The described area was left off our zoning maps when they were adopted in 1986. The northern portion of the area was done a few years ago, but this area was inadvertently omitted. Letters were sent to property owners allowing them the opportunity to put their input into the zone designation. Jay Harmon was the only property owner to response. He would like to have it be a five acre zone and he stated that some of the parcels have five acre minimum deed restrictions. Because of the high water in the area, DEQ probably will not give acceptance for a conventional septic system on smaller than two acre parcels. Art Kegler is withdrawing on making a decision on this zone designation because of a professional conflict. There were no further comments on this zone designation. This was the first of three hearings on the zone

designation.

**PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. N-98:
DONALD E. JORGENSEN, APPLICANT AND OWNER. PROPERTY IS DESCRIBED AS
TAX LOT 2500 OF ASSESSOR'S MAP 5N 26 23D, LOCATED ON THE NORTHWEST
CORNER OF OLD HIGHWAY 730 AND FOURTH STREET WEST, APPROXIMATELY
ONE-QUARTER MILE WEST OF THE CITY OF IRRIGON. THE PROPOSAL IS TO
ALLOW FOR A HOME OCCUPATION TO PARK EQUIPMENT AT THIS HOME.
CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE SECTION 3.040(2)(H)
AND ARTICLE 6**

Commissioner John Wenholtz stated that he is present to just listen and observe and will not offer any comments. Mr. Jorgensen is the applicant and owner and is applying for a permit to operate and park his truck equipment as a home occupation. The history of this case was then explained. Mark Miller followed up on the complaint that was filed on the operation. The Planning Commission spent four meetings discussing this home operation business. The Planning Commission then arrived at some definitions on different businesses. The County Court approved the Ordinance Amendment. The definitions just added some clarification. The definitions applied more specifically to the more residential areas. The decision was explained to Mr. Jorgensen that he could remove the trucks or he could apply for a home occupation Conditional Use Permit. On an inspection of the property on December 31, 1996, there were two trucks, six tractor trailer rigs and other items piled on the property. At the time the complaint was filed, reefers were also on the property. The Planning Department did not make a recommendation on this Conditional Use Permit. Comments were then read into the record. Barbara Huwe was concerned about Morrow County regulating people with farming origins. She does not want reefers and junk on the lot, but sees no problem with parking trucks on the property. Mr. & Mrs. Kent's letter was then read into the record. They object to the operation being allowed in a residential zone. Letters from Vivian House and Mr. & Mrs. Loftin were also read into the record. They both objected to the operation of a trucking business in a residential area. The letters from the Enforcement Officer to the applicant were attached to the Commissioner's packets. The Planning Commission has gone over this matter at several meetings. Marvin Padberg explained that the area is residential and that the Commission does not go around and hunt for these violations. They are handled on a complaint basis. The guidance from the past meetings is that we are not trying to force people to leave their trucks in other spots, but are trying to make the residential areas livable for the people. Don Jorgensen stated that some of the letters are not true. He has not been parking his rigs on Fourth Street. He feels that he has worked very hard to try to be a good neighbor. It will be a serious hardship for him if he cannot have this operation at his home. He does not have any employees, he drives one truck and is seldom home. He would like to see the Planning Commission leave the trailers there. Jay Tomlinson spoke in favor of the application. He stated that if you put a packing feedlot there it would not be compatible with the area. As long as he has not created a health hazard, it should be allowed. Bill Loftin spoke in opposition. His letter and others are very

accurate. Trucks are left running at 4 a.m. when he takes off. It is definitely a trucking operation and should not be allowed. Deane Seeger owns two pieces of property adjacent to Mr. Jorgensen and finds no fault with conditions in Findings of Fact in allowing a vehicle to get back and forth to workplace, but a trucking operation is not compatible with residential area. Mr. Jorgensen is running a trucking operation and it should not be allowed. Art Kegler stated that he could see two trucks, but cannot understand how they can allow five trailers. The amount seems excessive. Don Jorgensen explained that the reason he has more than five trailers is because of the varied use of his trucking business at different times of the year. It is a trucking operation according to Mr. Jorgensen. The Planning Director stated that the time spent going out to the Jorgensen site is quite considerable for Mark Miller and herself. Art Kegler said that the density of population in the area is only going to increase and the problem will not dissipate. If reefers are parked on the property, a citation will be issued immediately. Calvin Keys asked if there was a noise ordinance for the County. There is one in the County. The Conditional Use Permit is for a home occupation and the applicant must abide by the conditions. After six months, if compliance is not reached, a citation will be issued immediately. Calvin Keys moved and Ken Grieb seconded motion to accept Conditional Use Permit with conditions as stated in the Findings of Fact with a time limit of six months. Motion passed unanimously by the Commission.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. N-99: ROD AND CINDY HARLEY, APPLICANTS AND OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 408 OF ASSESSOR'S MAP 5N 26 22, LOCATED WEST OF EIGHT STREET WEST ON THE SOUTH SIDE OF FROBERG LAND, A PRIVATE ROAD, APPROXIMATELY THREE MILES WEST OF THE CITY OF IRRIGON. THE PROPOSAL IS TO ALLOW A MOBILE WELDING BUSINESS AND OFFICE AT THE HOME. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE SECTION 3.040(2)(H) AND ARTICLE 6 - Since last month, the Harley's have done a good job at cleaning up their place. They would like to be able to drive the two welding trucks home and park them. They also have a two ton with a service rig. They have a total of three rigs for the business. They have made other arrangements on the trailers. Applicants are also requesting permission to park a 20' gooseneck flatbed trailer used to haul material from job site to job site. The trailer is also used for personal use and is not licensed with the PUC. It was suggested to change condition #2 to read, "no more than three vehicles will be allowed." The flatbed trailer can be considered a personal use item. Art Kegler moved and Calvin Keys seconded motion to approve Conditional Use Permit N-99 with the amended conditions as stated in the Findings of Fact. The motion passed unanimously. The amended Conditions are:

1. The permit (Home Occupation) shall be reviewed annually to verify compliance with permit conditions. This permit shall not be transferable.
2. There shall be no additional business related vehicles or equipment parked or stored on the property. No

more than three vehicles will be allowed.

3. Violation of the terms of this Conditional Use Permit, as determined by the Enforcement Officer and Planning Director, shall result in immediate citation.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. N-100: EVERETT SHASTEEN, APPLICANT; MARY LYNN HURD, OWNER. PROPERTY IS DESCRIBED AS TAX LOT 100 AND 101 OF ASSESSOR'S MAP 4N 25 20A, LOCATED ON THE SOUTH SIDE OF KUNZE ROAD, APPROXIMATELY ONE MILE SOUTHWEST OF THE CITY OF BOARDMAN. THE PROPOSAL IS TO OPERATE AN AUTOMOBILE REPAIR BUSINESS AS A HOME OCCUPATION. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE SECTION 3.050(2)(H) AND ARTICLE 6 - An auto repair business is being conducted in a metal shop building in a residential area. The Findings of Fact was reviewed by the Planning Director. Letters from the Kennedy's and Carlson's was read into the record stating their objection to the business operation. The Port of Morrow has agreed to talk to Mr. Shasteen about the possibility of some property in the Port. The petition of support was shown to the Commission. Joe Miller asked that the hearing be postponed until next month to allow time for the applicant to check with the Port and also to see if Mr. Shasteen's present lease will be extended. Leann Rea seconded the motion and the Commission unanimously passed the motion to postpone the hearing.

Art Kegler stated that the Rigby property, across the road from Shasteen's, sale has closed. Unlicensed vehicles is another issue and they are not allowed. The number of vehicles on the property is another complaint.

"VEJ" STREET VACATION REQUEST - ESTREGAARD SUBDIVISION - The County Court and the Public Works Director should refer street vacations to the Planning Commission for review. Art Kegler is withdrawing from comments because he owns property in the subdivision. Vacating "Vej" is not a problem because the two lots have been combined and there is no need for the road for access to the inner lot. Joe Miller moved and Calvin Keys seconded motion to approve vacation request. Motion passed unanimously with Art Kegler abstaining.

DISCUSSION ON BLUE MOUNTAIN SCENIC BY-WAY (BILLBOARDS) - Janel Lacey of the Forest Service contacted the Planning Director about effort to obtain Oregon State Scenic Byway status for the Blue Mountain Scenic Byway. One of the requirements is that billboards be restricted along this road. A discussion followed regarding what might be considered commercial billboards. It was decided that more information was needed before a final decision could be made and it would be good to have the State define "billboards."

UMATILLA ARMY DEPOT INCINERATOR DISCUSSION - FOLLOW-UP ON LETTER TO DEQ - The letter from Mr. Lorenzen was reviewed. He stated that the Incineration Project will have an impact on the area, but since they are dealing with the air permit they cannot consider the

impact problem.

The north gate is a done deal and will be opened. We should be getting some type of notification from Decker's office within the week. In a telephone conversation with a member of his office, the Planning Director was told basically what was in the latest EIS that there are adequate housing available, rentals and schools. Toele County applied a tonnage fee. Morrow County is going to have to negotiate some impact fees. The County is considering adopting an Ordinance assessing fees on the storage and/or destruction of hazardous material. Art Kegler explained that at a Workforce meeting he has attended, they estimate 4000 jobs will be coming into the area and impact fees will be greatly needed. The County Court is going to talk about what strategy to work with on getting impact fees. Should we work with Umatilla County or not. The County Court's recommendation is to go it alone and not go with Umatilla County. The County must stay right on the Army regarding impact fees.

SCHEDULING OF NEXT PLANNING COMMISSION MEETING - It was decided that the next Commission meeting will be held on February 24, 1997, unless something significant comes up that needs to be handled.

NEW BUSINESS - Marvin Padberg said that the Ione/Boardman Road is still in the works. The surveying work is almost done. It looks like the long way will be the easiest, but it means it will double the amount of road that needs to be built.

Leann Rea presented a letter about water quality and quantity which is being circulated in the Boardman area from Jeff and Holly McTighe. She felt the Planning Commission should be aware of this concern among property owners.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 10:10 p.m. The next Commission meeting will be Monday, February 24, 1997, at 7:30 p.m. at the North Morrow Annex Building in Irrigon, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, FEBRUARY 24, 1997 - 7:30 P.M.
NORTH MORROW ANNEX BUILDING
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, Leann Rea, Calvin Keys and James Bloodsworth

MEMBERS ABSENT: Art Kegler and Ken Grieb

OTHERS PRESENT: Berta Youtie, Jim Kemp, Shane Shasteen, Everett Shasteen, Mark Miller, Elaine Miller, Meri Lynn Hurd and Guy VanArsdale

MINUTES OF JANUARY 6, 1997 MEETING: The minutes of the January 6, 1997, meeting were approved as mailed on a motion by Leann Rea and a second by Calvin Keys. Motion passed unanimously.

PUBLIC HEARINGS - THE SECOND OF THREE PUBLIC HEARINGS ON CONDITIONAL USE PERMIT APPLICATION NO. N-97 AND AN AMENDMENT TO THE COMPREHENSIVE PLAN: MORROW COUNTY, GUY VANARSDALE, APPLICANT; GENE AND TOM DOHERTY, OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 700 OF ASSESSOR'S MAP IN 25 03, LOCATED ON THE NORTH SIDE OF JUNIPER ROAD (COUNTY ROAD NO. 630), AT THE INTERSECTION OF JUNIPER CANYON ROAD (COUNTY ROAD NO. 923), APPROXIMATELY THREE MILES WEST OF BOMBING RANGE ROAD. APPLICATION IS TO ALLOW THE OPERATION OF A ROCK CRUSHER AND STOCKPILING OF CRUSHED ROCK FOR THE COUNTY PUBLIC WORKS DEPARTMENT. REQUEST IS ALSO TO ADD THE SITE TO THE GOAL 5 AGGREGATE INVENTORY IN THE COMPREHENSIVE PLAN. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE SECTION 6.050(9), AND ARTICLE 8 AND 215.298(2) - Every quarry within the County must be approved and included in the Comprehensive Plan. Nature Conservancy was concerned with the language of approval of the permit. The issues were of weed control and size of the project. The conditions agreed to by Berta Youtie and the Public Works Director were read and summarized by the Public Works Director. The County Court gave their blessings with the Weed Management Plan as addressed in Conditions 1-4. DOGAMI items needing to be addressed were concerned with reclamation. The list of seeds to be planted in the gravel pit area are included in the conditions. Lime is not needed to be used on this soil. Dust control is required by DEQ. Some of the items listed the Public Works Department does as a matter of course; others seem reasonable to the County. Joel Peterson moved and James Bloodsworth seconded the motion to approve Conditional Use Permit, CUP-N-97, with the conditions (copy attached), and the Amendment to the Comprehensive Plan. The motion passed unanimously. The items will be referred to County Court with a recommendation to pass.

PUBLIC HEARING - THE SECOND OF THREE PUBLIC HEARINGS TO CONSIDER A ZONE DESIGNATION OF FARM RESIDENTIAL TWO ACRES (FR-2) FOR AN

UNZONED AREA WEST OF PAUL SMITH ROAD AND SKOUBO LAND BETWEEN KUNZE AND WEST EXTENSION IRRIGATION CANAL. THE AREA IS LOCATED APPROXIMATELY ONE-HALF MILE SOUTHWEST OF THE CITY OF BOARDMAN. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE SECTION 3.041 AND ARTICLE 8 - The request is to amend the zoning map between the designated areas. The Planning Commission made the decision that it was left off the map in 1986 inadvertently. The only dissention was to have the area zoned a five acre, but we do not have a five acre zone designation. Some of the deeds in the area do state that the parcels are five acres and cannot be further partitioned. Leann Rea moved and Mary Ellen Coleman seconded to apply a Farm Residential Two Acre (FR-2) Zone to the designated area. The motion passed unanimously. Will be referred to County Court with a recommendation to pass.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO N-100: EVERETT SHASTEEN, APPLICANT; MERI LYNN HURD, OWNER. PROPERTY IS DESCRIBED AS TAX LOT 100 AND 101 OF ASSESSOR'S MAP 4N 25 20A, LOCATED ON THE SOUTH SIDE OF KUNZE ROAD, APPROXIMATELY ONE MILE SOUTHWEST OF THE CITY OF BOARDMAN. THE PROPOSAL IS TO OPERATE AN AUTOMOBILE REPAIR BUSINESS AS A HOME OCCUPATION. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE SECTION 3.050(2)(h) AND ARTICLE 6. THIS IS A CONTINUED HEARING FROM THE JANUARY PLANNING COMMISSION MEETING - The Enforcement Officer showed the pictures he had taken of the area where the repair business is located. A complaint precipitated the need for an application for a Conditional Use Permit for a home occupation. The definition of a home occupation was given. The applicant was directed to check with the Port of Morrow for a possible shop location. The Director also discussed this matter with Port officials. Mr. Shasteen stated that he has not checked with the Port and has not found any other location. Meri Lynn Hurd said that Mr. Shasteen is her brother-in-law and that she has now returned home and she has cleaned up the place. The problem is not the auto repair business but the many cars parked outside the shop, and with the added traffic in and out of the area. Meri Lynn Hurd felt that no other people are bothered by the amount of traffic going into the business as Kunze is a busy road anyway. Marvin Padberg stated that the Commission has certain guidelines they must follow. If the Commission gets too far out on the limb, they get can get themselves in a lot of trouble. Monitoring the number of cars at the site is a difficult job. The best method of handling the problem is to relocate the business into a zone where this type of business if allowed. Mark Miller, Enforcement Officer, recommended to Mr. Shasteen when the complaint was filed a couple of months ago that he reduce the number of vehicles. This was not done. West Glen has their problems and people in the area were concerned that these problems were spreading out of the West Glen area. Leann Rea asked if another Conditional Use Permit was issued on the adjoining property. Meri Lynn Hurd stated she filed a Conditional Use Permit for the entire five acres. The Variance file was obtained and it applied to the storage of farm equipment by Mr. Baker on a tax lot consisting of 4.82 acres. Now that we have a CEO some of the problem areas in the County have been cleaned up. It was explained that a

residential zone is more restrictive as to what is allowed. Mr. Shasteen said that a financial hardship will be incurred by them if they cannot operate the business and it will be a real problem. The Port has offered to try to help. All Commissioners felt the business was needed in the Community, but not in a residential location. Leann Rea moved to deny the Conditional Use Permit application as it is in violation of the allowed use in that zone and does not meet the requirements of a home occupation in a residential zone. Calvin Keys seconded the motion. The motion passed unanimously.

PUBLIC HEARING - APPLICATION FOR A VARIANCE FROM PROPERTY SETBACK REQUIREMENTS BY ROBERT ALLISON ON TAX LOT 1203 OF ASSESSOR'S MAP 4N 25 14 IN A FARM RESIDENTIAL TWO ACRE (FR-2) ZONE. THIS PARCEL IS LOCATED ON THE NORTH SIDE OF WILSON ROAD, APPROXIMATELY TWO MILES SOUTHEAST OF BOARDMAN. ACCESS TO THE PROPERTY IS FROM WILSON ROAD ONTO A PRIVATE DRIVE. CRITERIA FOR APPROVAL INCLUDES ZONING ORDINANCE ARTICLE 7, SECTION 7.020(b)(1)(2) - The applicant started building his shop before getting building permits and was stopped by the Building Codes Division. Upon coming in to the Planning Department for a zoning approval, it was discovered that the building was too close to the side property line. Thus the reason for the Variance. The property on the west is pasture with no dwellings on it. No comments were received from property owners and none were heard by the Commission. Mary Ellen Coleman moved and Calvin Keys seconded the motion to approve the Variance from property setback requirements with the conditions stated in the Findings of Fact. Motion passed unanimously. Conditions are:

1. The applicant shall comply with all State Building Codes Division requirements and obtain all necessary building permits.

PUBLIC HEARING - APPLICATION FOR A HARDSHIP VARIANCE BY JAMES C. KEMP TO ALLOW THE SITING OF A SECOND MANUFACTURED HOME ON TAX LOT 104 OF 4N 25 14C (3.03 ACRES) IN A FARM RESIDENTIAL TWO ACRE (FR-2) ZONE. THIS PARCEL IS LOCATED IN HAMILTON ESTATE WHICH IS ON THE SOUTH SIDE OF WILSON ROAD APPROXIMATELY TWO MILES SOUTHEAST OF BOARDMAN. ACCESS TO THE PROPERTY IS VIA A PRIVATE EASEMENT FROM WILSON ROAD. CRITERIA FOR APPROVAL INCLUDES ZONING ORDINANCE ARTICLE 7, SECTION 4.020(B)(1)(2) - This is located in one of our new subdivisions in the Boardman area. The applicant has submitted a letter from his mother's doctor stating the need for her to be close to her son. DEQ has also given their approval to hook the additional dwelling unit into the existing septic system. The letter from Baker's was read into the record. They object to the additional dwelling as it violates the covenants of the subdivision and the Ordinance allowing only one dwelling per parcel. Jim Kemp, applicant, stated that his neighbors to the north came by and they have no problems with the second dwelling. He also met with Wayne Downey, subdivision developer, and he has no problem with it. The applicant will be required to sign a disclaimer statement regarding removal of manufactured home. The Commission also felt that the neighbors should be notified that the second unit will be removed

when the need for the Variance no longer exists. Joel Peterson moved and Joe Miller seconded a motion to approve the Hardship Variance with the conditions as stated in the Findings of Fact, which are listed below. Motion passed unanimously by the Commission.

1. The applicant will provide a written, notarized statement that at such time that the Variance is no longer in effect, they will remove the dwelling unit.
2. Applicant shall respond to annual review of permit to demonstrate manufactured home is still needed for use by mother due to health reasons.

MOORE RANCH SUBDIVISION - REVISED COVENANTS - The developers of the Moore Ranch Subdivision would like to make a change to their original covenants. The first change is to Condition #2, which changes the square footage of the dwelling from 1500 square feet to 1250 square feet. The second change is on page 2 which adds the statement about the roads in Moore Ranch Estates, listing them as private and shall be maintained by all owners with expenses shared equally until such time as the roads are dedicated to Morrow County or the City of Boardman. The Planning Director stated that there had been some discussion with the City of Boardman and the subdivision will hookup to city water and sewer. The City will be doing a delayed annexation. The Subdivision Review Committee will need to be very clear when reviewing proposed subdivisions as to who will maintain roads. Since the Commission's approval of the subdivision included the covenants, they now need to approve the new ones submitted by the Moore's. Calvin Keys moved and Joe Miller seconded the motion to approve and include the new covenants as part of the Moore Ranch Estates. Motion passed.

DISCUSSION OF HARLEY CONDITIONAL USE PERMIT - The Planning Commission approved this last month. A brief history was then given. Mrs. Harley dropped a CUP application a couple of weeks ago requesting a Commercial business operation at the same location. Two more complaints have been filed with the CEO. These were read into the record. In January permission was granted to the Harley's to bring equipment in to do the road into their home. The equipment was brought back to the site continually. The CEO and Planning Director are being forced to babysit the site. Based on these complaints, the Harley's have violated their Conditional Use Permit conditions. The attorney for the Harley's says the Commission is being selective. The Department is not getting complaints on other places. If they were, those parties would have to be dealt with. If the Commission makes rules, there must be a very good reason why they should deviate from these rules. Mark Miller will check out the situation and see if the conditions of the CUP were violated and report back to the Commission. Mark Miller wondered if something could be added to the Ordinance allowing individual rigs to be taken home in the evening. He felt the Planning Department should put something down on paper about this issue.

LEGISLATIVE SESSION UPDATE - The Planning Director explained that there are forty land use bills in the Legislature this session. She will wait to see what ones make it through the cuts and up for a vote and then bring these before the Commission. There is some word that some changes are being proposed that will tighten up restrictions that we have on farm dwellings.

ITEMS FOR GENERAL DISCUSSION - The Planning Director would like to have a study session on some planning issues. This would help the Commissioner's in making land use decisions at some of the hearings.

The Ordinance Code Update is progressing. Would like to incorporate all the OAR's into our Ordinance to avoid going back and forth between documents.

Every Wednesday the Port of Morrow has a conference call to our areas representatives and senators. These are open to everyone. It gives people a chance to ask them what is happening in Salem and they in turn can ask what concerns we might have. These meetings start at 7:30 a.m.

The present policy on travel trailers is that they are not allowed on residential lots as a primary dwelling. With so much development happening in the area, the Planning Department wanted to make sure that this item is clearly defined. Mark Miller discussed some of the problems if we allow travel trailers as dwelling units. Marvin Padberg stated that RV Parks are where they should be sited. It was decided to stick with the current policy of no living in travel trailers on individual lots.

CORRESPONDENCE - The letter of resignation from Calvin Keys was read into the record. Everyone expressed their disappointment to lose a good Commissioner.

On March 13, there will be a roundtable on Nitrates in the groundwater conducted by the Oregon State Extension Service in Hermiston. Brochures were mailed out to the Commissioners.

Leann Rea explained the progress being made on the LUBA subcommittee she co-chairs. They are trying to come up with guidelines. Marvin Padberg stated that the Port is having some problems with water. The Planning Director attended the meeting held by the Port on this issue and said that it was very good. The Port showed the past history. She agreed to serve on a Committee to study the issue. Leann Rea expressed an interest to work on this Committee. Marvin said that a Port study showed that the water is coming from the Potlatch and old Sabre Farms area and heading north. Excess water usage is not present now a days. DEQ requires many studies of the area.

The County Court has adopted an Ordinance to charge a fee for the storage of the chemical agents at the Army Depot. This was developed similar to the one Tooele County, Utah adopted. The Army

was then willing to work with Toele County on impact fees. The project most definitely will impact the County -- roads, schools, sewer systems, health. There will be a forum on this sometime in March. Marvin Padberg stated that the County should not back down to the Army on any of these issues. The incinerator project will cause an impact on the County.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 9:30 p.m. The next Commission meeting will be Monday, March 31, 1997 at 7:30 p.m. at the Public Works Building in Lexington, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, MARCH 31, 1997 - 7:30 P.M.
PUBLIC WORKS BUILDING
LEXINGTON, OREGON

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

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

MEMBERS ABSENT: Mary Ellen Coleman

OTHERS PRESENT: Harold Peck, John and Marjorie Church, Dean Wright, Albert Wright, Edna Peck, Glenna and Bill Loftin, Bill Kuhn, Clay and Peggy Henderson and David Burns

MINUTES OF FEBRUARY 24, 1997 MEETING: The minutes of the February 24, 1997, meeting were approved as mailed on a motion by Joel Peterson and second by Leann Rea. Motion passed unanimously.

PUBLIC HEARINGS - THE FIRST OF THREE PUBLIC HEARINGS TO CONSIDER A ZONE CHANGE FOR TWO PARCELS, ONE WITHIN THE UGB OF HEPPNER AND ONE PARTIALLY WITHIN THE UGB OF HEPPNER AND THE COUNTY; APPLICANT AND OWNER DEL PIPER. PARCELS ARE DESCRIBED AS TAX LOT 200 OF ASSESSOR'S MAP 2S 26 27 (WITHIN THE HEPPNER UGB) CURRENTLY ZONED PART COMMERCIAL AND PART INDUSTRIAL REZONE TO ENTIRELY INDUSTRIAL; AND TAX LOT 3401 OF ASSESSOR'S MAP 2S 27 (LOCATED PARTIALLY WITHIN THE CITY OF HEPPNER UGB AND PARTIALLY WITHIN THE COUNTY) CURRENTLY ZONED INDUSTRIAL AND EFU REZONE TO ENTIRELY INDUSTRIAL. PROPERTY IS LOCATED ON NORTH SIDE OF STATE HIGHWAY 74 JUST OUTSIDE THE CITY LIMITS OF HEPPNER. CRITERIA FOR APPROVAL INCLUDE ARTICLE 8 OF THE MORROW COUNTY ZONING ORDINANCE - Zone change is for two parcels and the ownership is by Del Piper. He would like to change the two parcels to Industrial. The location was shown on the City of Heppner Comp Plan Zoning Map. Mr. Piper would like to develop storage units. The Urban Growth Management Agreement states that the County issues permits but follows the City's zoning. In the Industrial portion, the storage units were an outright use, but if he wanted to put it in the Commercial zone he would have to change the zoning to Industrial because storage units are allowed only in this zone. Last Monday, Piper came in requesting a Zoning Approval sign-off for the storage units. The Planning Director referred the request to the City for their review. The cities and the County have entered into an agreement to review the UGB agreements. Staff is pursuing grant dollars to hire a consultant to handle this project. Letters from the City and County to Mr. Piper were included in the Commissioner's packets. The letter dated March 28, 1997, from the City to the County Planning Director was read into the record. The City is requiring Mr. Piper to survey the area and show exactly what area he plans to develop. Bill Kuhn, representing the City, stated that the City does not know what Mr. Piper wants to do. Mr. Piper needs to submit in more detail what his plans are for the property. Expanding the UGB will not

probably be possible. The City wants him to lay out his plans, what it will look like, how many units, and does he want City water. The City Planning Commission will then review the matter and make comments on it and refer it to the County. Dean Wright asked if the owner needs to indicate what the use is going to be in that zone. The Planning Director said that it is not necessary to indicate the use when requesting a zone change. Bill Kuhn said that the City wants some concepts. In an Industrial Zone, notification to property owners is required. Joel Peterson would like to look at the entire picture connected with the zone change. Commissioners more inclined to give a zone change in the UGB and not as much in the EFU area, and also on the more buildable portion of the land. The City will review at the April meeting if they get all the required information from Del Piper. The next hearing before the Planning Commission will be on April 28 in Irrigon, which is after the City has reviewed it and offered their recommendation.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. CUP-N-101 AND LAND PARTITIONING APPLICATION LP-N-194: DANA L. HEIDEMAN, APPLICANT; HEIDEMAN BROTHERS, OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 3102 OF ASSESSOR'S MAP IN 23 19, LOCATED TWO MILES WEST OF PALMATEER ROAD, TAKE ELY CANYON ROAD EXIST OFF STATE HIGHWAY 74 AT MILEPOST 205. THE PROPOSAL IS TO ALLOW SECOND DWELLING FOR FARM HELP (RELATIVE) AND PARTITION AN APPROXIMATELY 160 ACRE PARCEL OF LAND OUT OF A 1,546 ACRE PARCEL IN AN EXCLUSIVE FARM USE ZONE. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE SECTIONS 5.020, 5.030 AND ZONING ORDINANCE SECTION 3.010, AND OREGON ADMINISTRATIVE RULES 660-33-130(0) - The tax lot had not been legally created and was just deeded over and no land partition was done. The request was also to allow for a farm help dwelling. Findings included criteria for second dwelling and land partition. The criteria was reviewed. There is legal access to both parcels. The recommendation was approval with several conditions. The letter from Mrs. Zielinski was read into the record. Her objection to the partition was stated. Art Kegler asked about siting for a relative as a hardship. It is not an issue because of the 160 acreage. The OAR's allow for a Farmer Jones dwelling. Comments from the audience were then heard. Pat Odom questioned where the other dwellings were going to go. Her complaint is that the land is for farming not development. It was explained that there is only one dwelling for a relative working on the farm. She is also concerned about the fire danger when houses are in the middle of a wheat field. The Chairman explained that this is not the only farm dwelling surrounded by wheat fields and that farmers realize the fire danger and take special precautions. Leann Rea moved to accept the Land Partition and Conditional Use Permit with the conditions as stated in the Findings of Fact. Calvin Keys seconded the motion which passed unanimously by the Commission. Conditions are:

1. The proposed partition plat shall be reviewed by the County Watermaster to verify status of groundwater rights.

2. Comply with applicable Building Codes Agency and Department of Environmental Quality requirements for construction of the new dwelling or manufactured home.
3. Sign and record appropriate deed documentation to segregate the parcel as approved by the Planning Commission.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. CUP-N-102: JOHN AND MARJORIE CHURCH, APPLICANTS; HAROLD AND EDNA PECK OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 400 OF ASSESSOR'S MAP 4S 26 11, LOCATED 10 MILES SOUTH OF THE CITY OF HEPPNER ON EAST SIDE OF UPPER RHEA CREEK ROAD. THE PROPOSAL IS TO ALLOW A SECOND DWELLING FOR FARM HELP (RELATIVE) IN AN EXCLUSIVE FARM USE ZONE. CRITERIA FOR APPROVAL INCLUDE 3.010 AND 6.050, AND OREGON ADMINISTRATIVE RULES 660-33-130(9) - The Planning Director explained that this basically is the same request as the previous except without the Land Partition. It is for a Farmer Jones dwelling. The Church's are daughter and son-in-law of the Peck's. It is a cattle and grazing operation. Recommendation of the Planning Department is to approve with the conditions as stated in the Findings of Fact. The proposed use meets the OAR. No correspondence was received on the CUP. Since there is no partitioning, water rights is not a requirement. Mr. Peck stated that water rights are on six ponds on the farm. Art Kegler moved to approve the Conditional Use Permit with the conditions stated in the Findings of Fact. Motion seconded by Joe Miller and was passed unanimously by the Commission. Conditions are:

1. Applicant shall obtain a zoning permit from the Planning Department and appropriate permits from the State Building Codes Agency and Department of Environmental Quality

PUBLIC HEARING - LAND PARTITIONING APPLICATION NO. LP-N-195: WILLIAM AND GLENNA LOFTIN, APPLICANTS AND OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 100 OF ASSESSOR'S MAP 5N 26 23D, LOCATED ON THE SOUTHWEST CORNER OF WASHINGTON LAND AND WEST FOURTH ROAD, APPROXIMATELY ONE MILE WEST OF THE CITY OF IRRIGON. THE PROPOSAL IS TO PARTITION A 5.85 ACRE PARCEL INTO THREE PARCELS LARGER THAN THE ONE ACRE MINIMUM LOT SIZE OF THE RURAL RESIDENTIAL ONE ACRE (RR-1) ZONE. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE SECTIONS 5.020 AND 5.030 - The Findings of Fact were reviewed and the location indicated on the map. Parcels were not being proposed for buildable lots. Access for each parcel is going to be Washington Lane. Road access permits must be obtained from Public Works Director. Property is part of old Government taking ground. There are water rights with the property and West Extension Irrigation District must approve the final plat or submit a letter of approval. Letter from Department of Army, Corps of Engineers was read into the record. The COE does not take a formal position on land issues. The COE approval must be given, as well as DEQ, before any zoning permit approval is given. There are building restrictions on the property which run with the deed. Bill Loftin

stated the reason it is being partitioned at all is because adjoining property owners want to add it to their property. The COE finally sent the procedure to change the parcels to buildable, but it is very time consuming and costly. By going with a land partition, the lots remain as separate parcels and are not combined with the other adjoining property owners present parcels. David Burns spoke in opposition. He is happy to hear that there is not intention to build on this property. He has talked with the COE and found that the procedure is long, costly and that the restrictions are in place and the COE has no intentions of releasing them. The restrictions will be in the deeds. Condition #6 about putting notation in Planning Department files and any development for habitable dwelling will required COE letter of approval was added to the conditions in the Findings of Fact. Joe Miller moved and Kalvin Keys seconded the approval of the Land Partition with the conditions as stated in the Findings. The Commission unanimously approved the motion. 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 obtain a road access permit from the County Public Works Department prior to constructing any new access.
4. Applicant shall submit a final partition plat in compliance with ORS Chapter 92.
5. Further partitioning of Parcel #2 and #3 may require a subdivision application.
6. Zoning permit for habitable dwelling development shall require letter of approval from the Corps of Engineers. Planning Department will indicate restriction on County maps.

UPDATE OF PROJECTS -- PARKS, TSP AND UGM GRANTS - The Parks Grant is just getting underway and it is for long term planning of present and future parks in Morrow County. A Park Technical Advisory Committee is being formed. The consultant will also check into obtaining grant money to add a new park or add to existing parks. It is an element in the Comprehensive Plan. A volunteer from the Planning Commission to service on the TAC is needed. The completion date for the parks project is 1998. Art Kegler said that if there were not a lot of meetings, he might consider serving.

The TSP (Transportation Grant) is an ongoing project with a June 30 completion date. TGM is a joint DLCD and ODOT program. The

project is to develop a twenty year transportation plan for the County. Calvin Keys is Planning Commission representative. Although he is leaving Morrow County, he would like to finish up on this project. The project will determine which roads are high traffic roads and more detailed information will be obtained on roads within the UGB. Road standards will also be addressed and recommendations from the consultants will be given to the TAC. The Ione/Boardman Road was discussed. Inland Land will build their circles around the proposed road. The County is working with Boeing to make sure the condition in the Conditional Use Permit granted for the zone change is completed.

The other UGM grant deals with rewriting the cities (Irrigon and Boardman) agreement with the County for the Urban Growth Boundary. It will also deal with policies for when the cities will take over roads within the UGB and the standards for these roads. Mapping will be a product of the grant project. Additional funding for this project has been granted which will be used to determine whether there is sufficient buildable land within the cities and UGB area. This will be needed with the large amount of development expected in the north area. There is expected to be approximately 3,000 jobs available with the incinerator and prison construction and other projects going on in the general area. It is estimated that 7500 new people will be moving to the area.

There was discussion about growth and impacts to housing. The Planning Director stated that affordable housing is not owning a one acre lot; it is on a city lot. Marvin Padberg suggested having a tour of the north area of the County to see the new development and also to see some of the problem areas. Arrangements will be made to have a tour before the regular Commission meeting in April.

There is nothing on the item presented by Mark Miller at the last meeting about allowing rigs to be taken home. There may be more at a later meeting.

The County is still pursuing funds from the Army for impacts to the area due to the incinerator project. The Commission urged that these efforts be pursued actively.

LEGISLATIVE ISSUES - Over fifty bills are addressed in the latest Oregonians in Action newsletter. The publication talks about the nonfarm dwelling issue. The Planning Department has told AOC not to fool around with the farm dwelling rule. The Commission directed the Planning Director to draft up a letter from the Planning Commission regarding nonfarm dwelling and stating that it be left alone as it is working well for Morrow County.

NEW BUSINESS - Marvin Padberg presented a plaque to Calvin Keys for his service to the Planning Commission and citizens of the County and everyone expressed their appreciation for all his work and expressed their sadness that he was leaving the area.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at

10:00 p.m. The next Commission meeting will be Monday, April 28, 1997, at 7:30 p.m. at the North Morrow Annex Building in Irrigon, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, APRIL 28, 1997 - 7:30 P.M.
NORTH MORROW ANNEX BUILDING
IRRIGON, OREGON

Planning Commission met at 5:00 p.m. and toured residential properties in Boardman and Irrigon.

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, Ken Grieb, James Bloodsworth and Richard Kent

MEMBER ABSENT: Mary Ellen Coleman

OTHERS PRESENT: Mark Jones, Jocelyn Jones, Russ Morgan, Debby Warren, Arthur Warren, Guy VanArsdale, Archie Ball, Diana Ball, Ed Glenn, Gary Neal, Kathy Neal, Hartley Seeger, Sandi Patton, Mike Gorman, Deane Seeger, Katie Dawson and Ruben Magallanes

MINUTES OF MARCH 31, 1997 MEETING: Several Corrections were made to the March 31, 1997, minutes. Changes will be made to the file copy. Leann Rea moved to approve the minutes with the corrections indicated. Joe Miller seconded and the motion passed unanimously.

PUBLIC HEARING - THE SECOND OF THREE PUBLIC HEARINGS TO CONSIDER A ZONE CHANGE FOR TWO PARCELS, ONE WITHIN THE UGB OF HEPPNER AND ONE PARTIALLY WITHIN THE UGB OF HEPPNER AND THE COUNTY; DEL PIPER, APPLICANT AND OWNER. PARCELS ARE DESCRIBED AS TAX LOT 200 OF ASSESSOR'S MAP 2S 26 27 (WITHIN THE HEPPNER UGB) CURRENTLY ZONED PART COMMERCIAL AND PART INDUSTRIAL REZONE TO ENTIRELY INDUSTRIAL; AND TAX LOT 3401 OF ASSESSOR'S MAP 2S 27 (LOCATED PARTIALLY WITHIN THE CITY OF HEPPNER UGB AND PARTIALLY WITHIN THE COUNTY) CURRENTLY ZONED INDUSTRIAL AND EFU REZONE TO ENTIRELY INDUSTRIAL. PROPERTY IS LOCATED ON NORTH SIDE OF STATE HIGHWAY 74 JUST OUTSIDE THE CITY LIMITS OF HEPPNER. CRITERIA FOR APPROVED INCLUDE ARTICLE 8 OF THE MORROW COUNTY ZONING ORDINANCE - This zone change request has been cancelled. A letter from applicant, Del Piper, asking for withdrawal of his zone change request was read into the record. He wants to leave both parcels with their present zoning classification.

PUBLIC HEARING - LAND PARTITIONING APPLICATION NO. LP-N-196: JOSEPH C. HOLT, JR., APPLICANT AND OWNER; PATTI BURRES, AGENT. PROPERTY IS DESCRIBED AS TAX LOT 1200 OF ASSESSOR'S MAP 5N 26 23A, LOCATED ON THE NORTH SIDE OF WASHINGTON LAND AND WEST OF WEST FOURTH ROAD, APPROXIMATELY ONE MILE WEST OF THE CITY OF IRRIGON. THE PROPOSAL IS TO PARTITION A 3.0 ACRES PARCEL INTO TWO PARCELS LARGER THAN THE ONE ACRE MINIMUM LOT SIZE OF THE RURAL RESIDENTIAL ONE ACRE (RR-1) ZONE. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE SECTIONS 5.020 AND 5.030 - Location of the subject parcel was identified on the map. The request meets the one acre minimum for the zone. Each parcel will have on-site sewage and well. The

deeds are not real clear as far as the access is concerned. They state that it is a perpetual easement, and a condition was included in the Findings of Fact to make sure the easement is identified on the final plat. Parcel is in West Extension Irrigation District and District approval has been listed as a condition of approval. The Commissioner's then discussed the 16' easement. The easement is deeded to the parcels and is not a designated road. Surveyor can verify this fact. The applicant should research the legal access and present it to the Planning Commission. No comments were received from the audience in support or opposition to the land partition. Art Kegler asked if County Counsel could look at the deed regarding the 16' easement. The Planning Director stated that it is the applicant's responsibility to prove access and that the conditions can ask for clarification of the easement. The Ordinance is clear that there must be legal access before a land partition can be approved. Art Kegler moved and Joe Miller seconded a motion to table this land partition application until the May Commission meeting at which time the applicant can verify legal access.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. S-103: MICHAEL D. GORMAN, APPLICANT AND OWNER. PROPERTY IS DESCRIBED AS TAX LOT 1701 OF ASSESSOR'S MAP 5S 28 22D, LOCATED APPROXIMATELY 16 MILES SOUTHEAST OF HEPPNER OFF WILLOW CREEK ROAD NEAR LAKE PENLAND. PROPOSAL IS TO SITE A RECREATIONAL CABIN ON A 1.8 ACRE PARCEL OF LAND IN A FOREST USE ZONE. CRITERIA FOR APPROVAL INCLUDE ZONING ORDINANCE 3.020 AND OREGON ADMINISTRATIVE RULES - The rule states that a dwelling may be allowed on a parcel located in a Forest Zone if the parcel is predominantly composed of soils that are capable of producing more than 50 cubic feet per acre per year of wood fiber if 1) all or part of at least 11 other lots or parcels that existed on January 1, 1993 are within a 160 acre square, and 2) at least three dwellings existed on January 1, 1993 on the other lots or parcels. Both criteria are met. The road to the property is a graveled access. Mike Gorman, owner of property, spoke in favor of application. No one spoke in opposition. There were no other questions from the audience. Art Kegler moved and Joe Miller seconded to approve the Conditional Use Permit with the conditions stated in the Findings of Fact and as stated below. Motion carried.

1. The applicant shall comply with applicable State of Oregon Building Codes Division and Department of Environmental Quality requirements.
2. Applicant shall demonstrate compliance with all applicable Siting Standards listed in OAR 660-06-029 (copy attached) and OAR 660-06-035 (copy attached).
3. Applicant shall obtain a Road Approach Permit from the Public Works Director.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION NO. CUP-S-104 AND LAND PARTITIONING APPLICATION LP-S-197: ARCHIE AND DIANA BALL,

APPLICANTS AND OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 1800 OF ASSESSOR'S MAP 3S 26 10, LOCATED AT THE JUNCTION OF STATE HIGHWAY 207 AND SHOBE CANYON ROAD, APPROXIMATELY THREE MILES SOUTH OF THE CITY OF HEPPNER. PROPOSAL IS TO PARTITION A 21.80 ACRE PARCEL IN AN EXCLUSIVE FARM USE ZONE WITH A DWELLING, OUTBUILDINGS AND WELL INTO TWO PARCELS EACH APPROXIMATELY 10.50 ACRES AND TO SITE A NON-FARM DWELLING ON ONE OF THE PARCELS. CRITERIA FOR APPROVAL INCLUDE SUBDIVISION ORDINANCE SECTIONS 5.020 AND 5.030, ZONING ORDINANCE SECTION 3.010(2) CONDITIONAL USES IN EXCLUSIVE FARM USE ZONE AND 6.050(16), AND OREGON ADMINISTRATIVE RULES 660-33-130(4) - The request is to create a non-farm dwelling parcel. The proposal is to split the parcel and put a house on the new parcel. The map with the proposed dwelling's location was shown. A statement was submitted to the effect that the parcel has not been farmed and is not farmable. Parcel #2 adjoins State Highway 207 and applicant must provide a statement from ODOT showing they have access. The new dwelling will not change or force a change in the farming practices of the area. A Right-to-Farm Disclaimer statement will be required as a condition of approval. The parcels will have to be taken out of the farm deferral taxation program. Comments were received from Judy Davis who was concerned about other areas being split and areas of development taking place. Staff responded that after a certain number of developments are done in an area, an exception would have to be taken. Archie Ball asked if Parcel #2 is taken out of farm use, will Parcel #1 be taken out as well. He said that he had talked to the Assessor and he had said that it would stay in farm use until the new owners did not prove that it was farm exempt. He also said that access off Highway 207 has existed for 45 years. Staff responded that when changing land use, a call or written comment from ODOT is required. The property abuts the Highway. Debby Warren, who owns property to the west, questions the access. She is not sure who owns the road access and whether Ball's property goes all the way to the highway. When the Highway was moved, they (ODOT) changed the entry access. The road is now twice the width of road when they purchased the property. A perpetual easement needs to be secured for the Warren's. It was suggested that a condition be added that upon surveying the property the access to the State Highway and easements be identified. The fire protection issue was addressed and the parcel is located in the Rural Fire Protection District. Joel Peterson moved and Leann Rea seconded a motion to approve the Land Partition and Conditional Use Permit requests with the added condition. Motion passed unanimously by the members of Commission. Conditions of Approval 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" parcels from farm deferral and all taxes shall be paid prior to recording the final partition plat.
5. A road entry permit for Parcel #2 be obtained from ODOT. Any new access to County road will require road entry permit from the County Public Works Director.
6. Permits from DEQ, Building Codes and County must be obtained prior to siting a dwelling.
7. Upon completion of survey (if necessary, will obtain easement) landowner must show parcel abuts State Highway or they have legal right to use existing driveway.

PUBLIC HEARING - FIRST OF THREE HEARINGS TO AMEND ZONING TEXT OF THE AIRPORT/INDUSTRIAL (AI) ZONE, SECTION 3.071(2) TO INCLUDE: "(B) OTHER INDUSTRIAL USES WHICH SHALL NOT HAVE ANY MORE DETRIMENTAL EFFECT UPON THE ADJOINING AREAS THAN THE BUILDINGS AND USES LISTED ABOVE"; PORT OF MORROW, APPLICANT. CRITERIA FOR APPROVAL INCLUDES SECTION 3.071 AND ARTICLE 8 OF THE MORROW COUNTY ZONING ORDINANCE - The Port is looking at several uses that are not stated as allowed in the Airport/Industrial Zone of the Ordinance. This amendment gives the Port and the County more flexibility as to what industries can be sited in this zone. Notice was sent to DLCD and a call came in to the office last week. They said that once you opened up this issue, it opens up everything. DLCD said that when the exception (in the Comprehensive Plan) industrial land within the Port, the airport land was zoned with only air-related industries being allowed. DLCD stated that they would raise this as an issue before the final hearing if wording of amendment were not changed. Staff recommended the Planning Commission should work through the bugs before the amendment goes to County Court after which it could be appealed by LUBA. The burden of proof is with the applicant and the Port should work on the wording. Deane Seeger, Port Commissioner, explained that the intent and justification of pushing it (the Comprehensive Plan Exception) through was to obtain a grant. He said that 2700 acres comprise the Airport/Industrial Zone. Certain areas were included in a Master Plan as to what should be put where at the airport. Other areas away from the major airport area can be used for industries, but the Port should keep the main area for airport-related business. The Port will check to see how tight these FAA regulations are. Deane Seeger feels there is room for other industries not airport related, but these must be sited away from the main area in the Airport Master Plan. Guy VanArsdale, Public Works Director, stated that you can amend the Master Plan, but you run the risk of losing some (future) grant monies. Gary Neal, Port Manager, explained that part of the reason for this amendment request was to get some use for some of the buildings out there and not to have them sit vacant. This desire led to the Planning Director and Gary Neal's decision to cleanup the zone definition of

the airport related industries. Long range planning at the airport is driven by availability and opportunity. The runway is 4,250 feet long and 150 feet wide. The Port would hope to extend this in later years. There are approximately 2,000 landings a year. Mr. Seeger feels the integrity of the area needs to be protected. A buffer area needs to be put around the main airport area. Joel Peterson wanted to know if the airport area is guarded now. Staff indicated that according to the zone, an industry sited at the airport must be an airport related industry. Gary Neal said that new industries siting at the airport will help pay for the infrastructure. This helps bring other industries and companies to the airport area and helps the development in the AI Zone. Language is going to become more and more important. Ed Glenn said that industries will not want to let their companies build in the AI Zone and spend money to develop if it is questionable as to whether they are really allowed to build in the zone. The Planning Director stated that the present language in the Ordinance for the AI Zone is very specific and we just want an opportunity to broaden uses and be legal. This is why the definition amendment was made by Gary Neal and the Planning Director. The Planning Director will work on the language so that it will be more acceptable to DLCD.

PUBLIC HEARING - SUBDIVISION APPLICATION NO. SD-N-199 - GARY AND KATHY NEAL, APPLICANTS; CRAIG V. PRITCHARD AND M. JOY LEE, OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 1900 OF ASSESSOR'S MAP 4N 25 14 IN A FARM RESIDENTIAL TWO ACRE ZONE, LOCATED ON THE SOUTH SIDE OF WILSON LANE AT ROOT ROAD, APPROXIMATELY THREE MILES SOUTHEAST OF THE CITY OF BOARDMAN. THE PROPOSAL FOR SUNRISE MEADOWS SUBDIVISION IS TO SUBDIVIDE THE EXISTING 72.70 ACRES INTO TWENTY-THREE (23) LOTS OF TWO ACRES IN SIZE. CRITERIA FOR APPROVAL INCLUDES SUBDIVISION ORDINANCE ARTICLE 3, SECTION 3.020 AND 3.100 - The Planning Director will outline the project and then let the developer explain the project. Art Kegler and Leann Rea declared a conflict of interest and will not vote on the project. Marvin Padberg also stated that he knows the applicant, but will not gain any monetary benefit from the project.

The 23 lots north of the canal will be developed now. Phase 2 which will be developed sometime in the future will require the applicant come back to the Planning Commission (for review). Developer must obtain permits from the Bureau of Reclamation and West Extension Irrigation District to build a road over the canal before Phase 2 can be started. At this hearing, Planning Commission will be approving everything north of the canal. Included in the Preliminary Findings of Fact is what the Subdivision Review Committee found. There is somewhat of a slope to the property. One of the improvements will be the development of the roads. Site suitability for each lot from DEQ will be required before the final plat can be signed by the Planning Director. Irrigation service to each lot as approved by West Extension Irrigation District will be provided. The parcels will have individual wells and septic. The developer has agreed to meet the standards for roads as required by the Rural Fire District. Covenants were submitted by the developer. Landscaping will be

required. The roads were discussed by the Review Committee. Root Road will be classified as a Rural Collector II and the interior roads will be Rural Access II. The intent of the developer is to bring the roads up to County standards and then have County take them over. This action must be decided by the County Court. Presently Root Lane ends at Wilson Lane and if carried south, half would be in a Farm Residential Two Acre Zone and the other half would be in an Exclusive Farm Use Zone. The portion in the EFU Zone would require an exception by DLCD. DLCD is concerned that the road would create urban sprawl and destroy the EFU lands. Letters from DEQ, Extension Service, WEID and DLCD were read into the record. A letter from the Neal's regarding the road and the reason for the road in EFU Zoning and justifying why an Exception was desirable, was also read into the record. A letter from Water Resources Department stating that the parcel is covered by water rights was also read into the record. The letter from WEID stated that the Board has agreed to developer establishing a bridge over canal with Morrow County taking over the care and maintenance of it. Surface and groundwater is a concern of many in the area.

Mrs. Dawson stated she will present her own concerns and we would not have to read letter.

Leann Rea wanted to know what the developer was going to do about the existing open ditch on the property. Gary Neal stated that they will replace it with underground pipe and tie it all in. Gary felt that two acre parcels are an attractive opportunity and wanted to establish some standards that are very nice for the subdivision. The covenants specify what type of manufactured home or stick built home can be sited. They want a subdivision that everyone can feel proud of. Each parcel will have water rights, individual well and septic. They know that nitrate is a problem in the area. Hartley Seeger was the consultant and did the preliminary plat and has experience in doing this type of project. The 60 foot right-of-way is required by the County and the developer is trying to accommodate this standard. Hartley Seeger stated he does not see a problem with water because of the way the property slopes. Gary Neal feels that this development would be compatible with the area. The Planning Director indicated that KCM, consultants for the Transportation System Planning grant, did state that the County should stick with the 60 foot road standards. Public Works Director Guy VanArsdale stated that he would write a letter to DLCD about putting half the road into the EFU land as the proposed location would prevent the road from making a jog. The question arose as to how the covenants are enforced. The developer is responsible for the enforcement of the covenants as is a Homeowner's Association. The Planning Director needs to ask County Counsel if the covenants are adopted with the subdivision, whether the County will accept and enforce them.

Mrs. Dawson stated that she is in favor of this subdivision after she found there are no wetlands. She would like to see the houses face Wilson, but the developer stated that because of safety they will not.

Mr. Ruben Magallanes, property owner on the north side of Wilson, stated that when this property is irrigated, the water stays right there and floods the road and then flows over and floods his property. He believes that when all the wells and irrigation is put on the parcels, he will have some severe water problems. The applicants felt that the water problems Mr. Magallanes and Mrs. Dawson are having are caused from irrigation father south and east. A right-to-farm Disclaimer needs to be added as a condition stated Leann Rea.

Mark and Jocelyn Jones are opposed to the subdivision and read their letter into the record. He feels the water and nitrate levels have not been addressed. Irrigation circles, food processors and new subdivisions are the big three contributors of high nitrate levels. Ed Glenn said covenants to give standing to file a complaint in Court against a neighbor who is violating them.

Conditions of approval were reviewed by the Planning Director. Marvin Padberg questioned if it is customary to irrigate lawns with West Extension Irrigation District water. Lawns are usually irrigated off home wells. You can irrigate up to one-half acre from a domestic well. The wells in the area are about 220 feet deep and are cased. Ken Grieb has some concerns about all the additional wells being drilled. Marvin Padberg stated that after the driving tour of the area they did see some of the problems in the area. The Planning Commission is very conscious of the problems (solid waste violations) and hope this subdivision will not be like them. Covenants are part of the record that may or may not be enforceable by the County. Joel Peterson moved to approve #1, #2 and #3 in the Findings of Fact and to approve the Subdivision request with the conditions stated in the Findings of Fact and below. Joe Miller seconded the motion which passed unanimously with Leann Rea and Art Kegler abstaining.

OTHER BUSINESS - The letter to Representative Lewis from the Planning Commission regarding the bills on "non-farm parcels" was read into the record. The letter from Representative Bob Jenson was also read to the Commissioners.

The letter to Rob Brown regarding the Ione-Boardman as one of the conditions of approval on the Inland Land Use request was written. Nothing received to date.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 11:00 p.m. The next Commission meeting will be Monday, May 19, 1997, at the Morrow County Public Works Building in Lexington, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, MAY 19, 1997 - 7:30 P.M.
MORROW COUNTY PUBLIC WORKS BUILDING
LEXINGTON, OREGON

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

MEMBERS PRESENT: Marvin Padberg, Joe Miller, Art Kegler, Leann Rea, James Bloodsworth and Richard Kent

MEMBERS ABSENT: Joel Peterson, Mary Ellen Coleman and Ken Grieb

OTHERS PRESENT: Bob Mahoney, Sherrie Mahoney, Susanne Seggerman, Lisa Seggerman, Lee Docken, Guy VanArsdale, Mike Mahoney, Nicole Mahoney, Tom Pointer and Mark Pointer

MINUTES OF APRIL 30, 1997 MEETING: Minutes of the April 30, 1997 meeting were approved on a motion by Joe Miller and a second by Art Kegler. Motion passed unanimously

PUBLIC HEARING - Second of three hearings to amend Zoning Text of the Airport/Industrial (AI) Zone, Section 3.071(2) to include: "(b) Other industrial uses which shall not have any more detrimental effect upon the adjoining areas than the buildings and uses listed above"; Port of Morrow, applicant. Criteria for approval includes Section 3.071 and ARTICLE 8 of the Morrow County Zoning Ordinance - Gary Neal, Manager of the Port of Morrow requested that this hearing be postponed until the June meeting. The Planning Director indicated that she had a call from DLCD before the last meeting and they stated they had a problem with this zone text amendment. The Port would like to take a closer look at the questions raised in the letter from DLCD. The Commission postponed the hearing on this amendment until the June 30, 1997 meeting.

PUBLIC HEARING - Land Partitioning Application No. LP-N-196: Joseph C. Holt, Jr., applicant and owner; Patti Burren, agent. Property is described as tax lot 1200 of Assessor's Map 5N 26 23A, located on the north side of Washington Lane and west of West Fourth Road, approximately one mile west of the City of Irrigon. The proposal is to partition a 3.0 acre parcel into two parcels larger than the one acre minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Subdivision Ordinance Sections 5.020 and 5.030. This hearing was continued from the April 30, 1997 Planning Commission meeting - The main issue with this land partition was the access question. After the April meeting, a letter was sent to the applicant and owner advising them of the postponement and the need for them to verify the access to the property. The Commission was advised that they could either postpone the hearing on the application or vote on it. The Planning Director explained that there is a time limit for a decision to be made, but postponing the hearing would still be within this time limit. The Commission directed the Planning Department to send a letter to the applicant stating the hearing

was being postponed until June 30, 1997, to give him the opportunity to obtain the information needed on the access. Art Kegler moved and James Bloodsworth seconded the motion to postpone the hearing until the June meeting. Motion carried unanimously.

PUBLIC HEARING - First of three public hearings on Conditional Use Permit Application No. S-105 and an Amendment to the Comprehensive Plan: Morrow County, Guy VanArsdale, applicant; Brian Thompson, owner. Property is described as tax lot 900 of Assessor's Map 4S 27, located southeast of the intersection of Archie Ball and Lunceford Roads, approximately nine miles southeast of Heppner. Application is to allow the operation of a rock crusher and stockpiling of crushed rock for the County Public Works Department. Request is also to add the site to the Goal 5 aggregate inventory in the Comprehensive Plan. Criteria for approval include Zoning Ordinance Section 6.050(9), and ARTICLE 8, and 215.298(2) - The Findings of Fact was reviewed. The use will be to improve County roads in the area. All criteria for a Conditional Use Permit have been met. All conditions set by DOGAMI and DEQ will have to be adhered to. The Public Works Director, Guy VanArsdale, said the County is trying to locate pits closer to the work areas to reduce the hauling time. Mark and Tom Pointer wanted to know where the access road will be for the pit. It will be off of Lunceford Road on the Thompson property. Guy told the Pointer's that he would be more than happy to take them out to the site to show them where the access road and fence will be. Since this is the first hearing, no action was taken by the Commission and it will be on the agenda for the June meeting.

PUBLIC HEARING - Land Partitioning Application No. LP-N-198: Donald and Susanne Seggerman, applicants and owners by contract; Harold and Beverly Bates, Trust, Susan J. Maul, Trustee, legal owners selling on contract. Property is described as tax lot 103 of Assessor's Map 5N 27 21A, located on the north side of State Highway 730, one-eighth mile west of Pleasant View Road (formerly County Line Road), approximately two miles east of the City of Irrigon. The proposal is to partition a 6.57 acre parcel into two parcels larger than the one acre minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Subdivision Ordinance Sections 5.020 and 5.030 - The Findings of Fact was reviewed and the location shown on the map. Access to the parcel is an easement that runs parallel to State Highway 730 and was part of the old railroad right-of-way. Zoning is residential one acre. Parcel #1 has dwelling and garage and Parcel #2 is vacant and it was suggested that the applicant get DEQ Site Evaluation approval. The Planning Director would recommend this as a condition of approval. The easement is 50 feet and should be shown on the final plat. A letter from Tony Justus, Watermaster, was read into the record. Portions of the area has a high nitrate problem and may not be able to be split into smaller lots. Wetlands are also in the area and it was mentioned that before developing in or near wetlands, Division of State Lands must be contacted. Applicants must get any permits needed from DSL. Letter read into the record from Judith Buffo. Leann Rea addressed

the easement size and wondered if 60' should be required. She would like to see a right-of-way rather than an easement. The applicant stated that DEQ will require an above ground system. No other comments were heard from the audience or had been received by the Planning Department. Leann Rea moved and Joe Miller seconded the motion to approve the land partition with the conditions stated in the Findings of Fact and 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 preliminary and a final partition plat in compliance with ORS Chapter 92.
3. Legal access shall include a 60 foot right-of-way and shall be identified on the final partition plat.
4. Location of the existing driveway and the legal access easement shall be identified on the final partition plat.
5. Legal access shall be improved to minimum road standard as recommended by the Public Works Director.
6. Applicant must obtain DEQ Site Suitability approval before final plat will be signed by Planning Director.
7. Obtain Fill/Removal Permit for development adjacent to wetland, if applicable.
8. West Extension Irrigation District sign and approve final plat.
9. Further partitioning of Parcel #1 or Parcel #2 may require a subdivision application.

PUBLIC HEARING - Conditional Use Permit Application S-106 and Land Partition Application No. LP-S-199: HM Ranch, DBA, Robert Mahoney, applicant and owner. Property is described as tax lot 1300 of Assessor's Map 4S 26 17, located on the northeast side of State Highway 207, approximately 4-1/2 miles south of Ruggs. The proposal is to partition the existing home, barn, shop, pump house and storage shed out of the 765.80 parcel, creating a "non-farm dwelling" parcel in the Exclusive Farm Use (EFU) 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 - The request is to partition approximately 12 acres from the main parcel creating a non-farm dwelling parcel. The 12 acre parcel is composed of predominantly 51% or better of poor or "non-farm" soils. The Findings of Fact was reviewed. A right-to-farm disclaimer statement will be required. Any new access will require approval from ODOT. OAR criteria was reviewed. DLCD was contacted and it does not appear to create a cumulative impact of non-farm dwellings in the area and will not have an adverse impact. Marv Padberg stated that we need this ability to allow these non-farm dwellings on the Class VII soil. He also likes the idea that it is a local decision. Mr. Mahoney stated that actually 14.9 acres are being split off and the reason is he is phasing down his ranching operation and no longer needs it for hired hands. No one spoke in opposition to the proposal. It was explained that the parcel would be taken off farm deferral, but does not stop someone from having horses or cattle or raising

crops. Joe Miller moved and Leann Rea seconded to approve the land partition and Conditional Use Permit with the conditions in the Findings of Fact and below. Motion passed unanimously by the Commission.

1. The applicant shall sign a right-to-farm disclaimer statement which shall be recorded with the deed.
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.

PUBLIC HEARING - Application for a Hardship Variance by Arless Faye Seitz to allow the siting of a second dwelling on Tax Lot 2401 (39.62 acres) of Assessor's Map 3S 26 20 in an Exclusive Farm Use (EFU) Zone. This parcel is located at the northwest intersection of State Highway 207 and Clarks Canyon Road, approximately six miles southwest of the City of Heppner. Criteria for approval includes Zoning Ordinance ARTICLE 7, Section 7.020(B)(1)(2) - It was explained that Mrs Seitz had applied previously and been granted permission by the Commission to live in a second dwelling on her son's property. However, her daughter has moved back to the area and she would like to site a second dwelling on her property for her daughter to be close to her for health reasons. She also would not have to sell her property. The Findings of Fact were reviewed. The parcel is approximately 40 acres and is an existing parcel below the 160 acre minimum. The new dwelling will hook up to the existing septic system. A letter from Dr. Beretta was read into the record. No comments were received or heard from the audience. Art Kegler moved and Joe Miller seconded motion to approve Hardship Variance with conditions stated in Findings of Fact and below. Motion carried.

1. The applicant will provide a written, notarized statement that at such time that the Variance is no longer in effect, they will remove the dwelling unit. (Copy Attached) This needs to be submitted before the County will signoff on your zoning approval.
2. Applicant shall provide verification from DEQ that the second dwelling unit can be connected to the present septic system.
3. Applicant shall respond to annual review of permit to demonstrate manufactured home is still needed for use by mother due to health reasons.

CORRESPONDENCE - The Floyd Harris Land Partition, LP-N-186, was then discussed. Letter from Lee Docken was read into the record. Mr. Harris requested a change in his original plat which was

approved by the Commission in August 1996. The Planning Director felt the change was significant enough to refer it back to the Planning Commission. The legal access was discussed. The 60 foot easement provides access to parcels to the west and should remain. Parcel #3 will probably not be split any further because of the water problem. The property line adjustment for tax lots 205, 207, and 226 will be done at the time the final partition plat is completed. Leann Rea moved to accept the revised partition plat and property line adjustment as presented. The motion was seconded by Joe Miller and passed unanimously by the Commission.

ENFORCEMENT UPDATE - The Commission thanked Mark Miller for the tour before last month's meeting. Val has given back the legal procedure to do abatements; so they will be doing some of them. He has also been starting on some complaints initiated by himself; not just those turned in. This was approved some months ago by the County Court. He sent a letter to Mr. Shasteen regarding the Commission's decision and time limit for him to be at his new place of operation.

The Commission asked that the Baker Conditional Use Permit be revisited at a future meeting. Also asked to determine how many manufactured homes were given zoning approval for siting on Tagarres property.

NEW BUSINESS - Planning Director gave a report of her attendance at a Planning Director's meeting last Friday. AOC has a lobbyist that talks about land use bills and he gave a presentation. The non-farm dwelling parcel was the only thing the Commission wrote a letter about. The AOC recommended changing the 120 day rule to 150 day rule on land issues. The Holt case would be an example of this. If we postpone it, the time limit continues, but if the applicant asks to postpone, the time limit stops. Airport legislation also was discussed. Another bill requires the Health Division to regulate rules that may affect health issues. AOC does not think it will pass.

Art Kegler said that there is also a proposed bill regarding a transfer tax on real property. It allows local government to tax on the transfer of property. He considers this a selective tax which is not good.

Last week, County Court submitted to Speaker Lundquist a proposal to impose a tax on the Army on the incinerator project. The Planning Director presented information on this proposal to Senator Nelson and Representative Jenson. The Army does not want to pay any impact fees and is playing hardball and changing their position constantly. They say they do not have legal authority to give impact money.

Marv Padberg told about the division between the Steelheaders and the farmers along the John Day River. The Steelheaders feel there should be free access along the river.

Marv also inquired as to where a dairy or feedlot can be sited in the County. The Planning Director stated in an EFU Zone. Darigold is looking at three or four locations. They need some place for approximately 3,000 head of cows. The climate is good for dairy farms, and it is his hope they can find a location in Morrow County.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 9:30 p.m. The next Commission meeting will be Monday, June 30, 1997, at 7:30 p.m. at the North Morrow Annex Building in Irrigon, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY JUNE 30, 1997 - 7:30 P.M.
NORTH MORROW ANNEX BUILDING
IRRIGON, OREGON

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

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

MEMBERS ABSENT: Joel Peterson, Mary Ellen Coleman, Ken Grieb and Richard Kent

OTHERS PRESENT: ETC. Randolph Scott, Rita Britt, Charlene Bucka Gentry, Gary and Kathy Neal, Victor Gutierrez, Emilio Luna, LaRae Kindle, Barbara VanArsdale and Guy VanArsdale

MINUTES OF MAY 19, 1997 MEETING: Minutes of the May 19, 1997, meeting were approved on a motion by Leann Rea and a second by James Bloodsworth. Motion passed unanimously.

PUBLIC HEARING - Second of three hearings to amend Zoning Text of the Airport/Industrial (AI) Zone, Section 3.071(2) to include: "(b) Other industrial uses which shall not have any more detrimental effect upon the adjoining areas than the buildings and uses listed above"; Port of Morrow, applicant. Criteria for approval includes Section 3.071 and ARTICLE 8 of the Morrow County Zoning Ordinance -
The Planning Director researched the Airport-Industrial Zone in the Comprehensive Plan. An Exemption Statement had to be done for the A-I Zone. The Zoning Ordinance for this zone has a long list of uses specific to airports; thus the need to amend the zone to allow other uses. The Planning Director stated that the position of the Exception Statement for the 1300 acres intended to allow other uses in the A-I Zone. The intention of the amendment to the A-I Zone was to allow other uses that shall not be any more detrimental than those allowed. DLCD sent a letter stating their concern. They said that the reason statement for the 1300 acres was acknowledged by the State because the land would be used for airport-related uses only. The Planning Director would like to send the request to DLCD for their comments first. If the Planning Commission chooses to approve the amendment, The Planning Director can make any changes that are necessary to be accepted by DLCD. Art Kegler asked if there are specific types of industries that are yes or no, or are they giving no specific language. Gary Neal said that it is their aim to bring in business to the Port property and that the Comprehensive Plan spells out a lot of industrial uses but these uses did not filter down from the Comp Plan to the specific zones. He stated that a business does not want to commit to building in a particular zone only to have problems with the land use laws for that zone. Art Kegler moved to approve the amendment to the A-I Zone regarding uses and to make contact with DLCD prior to submitting the amendment to County Court. The Planning Director stated that she will only bring it back to the Planning Commission

if DLCD does not approve the amendment proposal. Motion was seconded by Leann Rea and passed unanimously by the Commission.

PUBLIC HEARING - Second of three public hearings on Conditional Use Permit Application No. S-105 and an Amendment to the Comprehensive Plan: Morrow County, Guy VanArsdale, applicant; Brian Thompson, owner. Property is described as tax lot 900 of Assessor's Map 4S 27, located southeast of the intersection of Archie Ball and Lunceford Roads, approximately nine miles southeast of Heppner. Application is to allow the operation of a rock crusher and stockpiling of crushed rock for the County Public Works Department. Request is also to add the site to the Goal 5 aggregate inventory in the Comprehensive Plan. Criteria for approval include Zoning Ordinance Section 6.050(9), and ARTICLE 8, and 215.298(2) - Once the application is approved by County Court, we just add the gravel pit site to the inventory and then at a later date (Periodic Review) will do a more detailed analysis. The access and haul road was a concern of the Pointer's at the last hearing. The Public Works Director, Guy VanArsdale, said that they would not cross Pointer's property so there would be no problem. County must meet DOGAMI permitting requirements. Leann Rea moved and James Bloodsworth seconded a motion to approve the Conditional Use Permit, S-105, with the conditions stated in the Findings of Fact and to add the site to the Comprehensive Plan inventory and to refer to County Court with a recommendation for approval. The Commission unanimously approved the motion. Conditions of Approval:

1. Public Works Department shall obtain necessary permits from DOGAMI and DEQ.

PUBLIC HEARING - Second of three hearings on an Exception to Goal 3 to allow half of a 60 foot right-of-way (Root Lane) to be located in an Exclusive Farm Use (EFU) Zone: Gary & Kathy Neal, applicants and owners. Property is described as tax lot 400 of Assessor's Map 4N 25 13, located southeast of the intersection of Wilson Lane and Root Lane, approximately three miles southeast of the City of Boardman. New road will extend existing County road (Root Lane) and provide access to Sunrise Meadows Subdivision. Criteria for approval include Zoning Ordinance ARTICLE 8 and OAR Sections 660-04-020 and 660-04-022 - Commissioner's Kegler and Rea declared a conflict of interest and will abstain from voting on this hearing. The road was approved with the subdivision request, but because half of it will be in an EFU Zone an Exception to Goal 3 is required. The Director stated that there are no other reasonable alternatives and that the road will provide a good circulation pattern in the area. A 45 degree jog in the road would have been required if the road was not put in the EFU land. Continuation of the County road, Root Lane, makes more sense. Public Works Director, Guy VanArsdale, said that this is the only safe thing to do. Joe Miller made a motion and James Bloodsworth seconded to accept this exception to Goal 3 and to refer it to County Court with an approval recommendation. Motion passed unanimously with Commissioner's Kegler and Rea abstaining.

PUBLIC HEARING - Land Partitioning Application No. LP-N-196: Joseph C. Holt, Jr., applicant and owner; Patti Burren, agent. Property is described as tax lot 1200 of Assessor's Map 5N 26 23A, located on the north side of Washington Lane and west of West Fourth Road, approximately one mile west of the City of Irrigon. The proposal is to partition a 3.0 acre parcel into two parcels larger than the one acre minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Subdivision Ordinance Sections 5.020 and 5.030 - This hearing was continued from the May 19, 1997 Planning Commission meeting. The hearing for this land partition has been postponed the last two months because the applicant has failed to supply the information requested by the Commission. Verification of legal access was needed by the Commission. The agent was told that the Commission may have to deny the application if this information was not provided. Art Kegler asked if the hearing could be discontinued and then address the application at a later time. The 120 day limit is an issue. Art Kegler moved to extend the hearing for this land partition beyond the 120 day limit until the next Commission meeting provided the applicant agrees to the extension and will not challenge the 120 limit. Joe Miller seconded the motion which passed unanimously. It was directed to the Planning Department to send a letter to the applicant and agent asking if this would be satisfactory with them.

PUBLIC HEARING - First of three public hearings on Conditional Use Permit Application No. S-107 and an Amendment to the Comprehensive Plan: Miller & Sons Excavating, c/o Joe Miller, applicant; Etta Turner, ETAL, owner. Property is described as tax lot 3402 of Assessor's Map 2S 26 23, located one mile east of the intersection of State Highway 74 and Dee Cox Road, approximately two miles northeast of the City of Heppner. Application is to allow the operation of a rock crusher and stockpiling of crushed rock for sale to the public and for use in applicant's business. Request is also to add the site to the Goal 5 aggregate inventory in the Comprehensive Plan. Criteria for approval include Zoning Ordinance Section 6.050(9), ARTICLE 8 and 215.298(2) - Commissioner Miller stated a conflict of interest and will abstain from voting on this hearing. This is the first of two hearings before the Planning Commission. The third hearing will be before the County Court for ordinance adoption. The application is for a Conditional Use Permit to establish a new gravel pit site and add the site to the Goal 5 aggregate inventory in the Comprehensive Plan. The criteria applicable to this CUP for a gravel pit were addressed in the Findings. The property setback is 800 feet from the property line. Will use screening, but fencing is not required. Most pits are not screened or fenced. The dust issue is addressed by DEQ. Our practice is simpler here than in the valley as to quality and quantity estimates.

Letters were received from several property owners and were read into the record. The Schiller's were concerned with the operation and the dust problem. They also questioned whether Dee Cox Road was safe enough to handle extra traffic. Finley's were opposed to

the Conditional Use Permit and questioned whether Dee Cox Road was adequate to support the heavy truck traffic; safety was also a concern. The Reid's were in opposition. The road is a concern as to the safety of those living along it. Also were concerned that the noise would destroy their quiet life. Also opposed to the pit were the Bergstrom's. They do not want the traffic and noise and feel that the road is inadequate to handle the additional traffic. Dust is also a problem as their children have allergies. Charlene Bucka Gentry is opposed to the pit as well. She is experiencing noise from the existing Miller pit on Hwy 74 and Dee Cox Road and now would have it from the proposed site. Traffic is also a concern. Safety is a major concern and she felt this issue was not addressed properly in the Findings of Fact. She felt that another location for the pit would be better. Rita Britt expressed her opposition to the quarry. She is the closest resident to the proposed site. She is opposed to noise, dust and traffic safety hazard. She is opposing it as a resident not as a competitor in the business. The Grant's are opposed to the pit as the road is unsafe and the additional trucks will create extra traffic and be a safety hazard for residents.

The Planning Director stated that conditions can be imposed to address some of these problems. Guy VanArsdale stated that he will have his crew slow down when they drive on Dee Cox Road. He also said that the repair of Dee Cox is still on for fall or early spring. It will be widened at the highway intersection. The gravel from this pit site will be used for the road project. Ryan Miller stated that DEQ will regulate the dust from the site. He also said that the site is off the road and cannot be seen from the road. There will be some noise and they plan to come in and crush once a year for two to three weeks in the spring. Ryan did state that there is no guarantee that the crusher will only be run in the spring; it may be run sometime in the summer. Trucks will be hauling material throughout the year. Guy VanArsdale said they will improve the paved surface. Miller stated that Mrs. Turner, who owns the property, has a lung problem and they are willing to work around this problem as well. She will probably be more critical than DEQ. Joe Miller said that the road also handles a large volume of wheat trucks as well. The Planning Director said that traffic volume and safety on the road are problems, and if they are real then they will need to be addressed. It was suggested that Joe Miller get some figures on how much hauling and truck traffic will be done. Ryan Miller felt that they might have 30 trucks a day during road project. Joe Miller felt this is a large amount. Art Kegler stated that the Commission can require the Road Department to address the safety factors and the surface condition of the road. Joe Miller said that it will probably be the end of August before the CUP will be approved and they need the pit opened before Guy can do the work on Dee Cox Road. Rita Britt wanted to know what issue can stop the gravel pit. The Planning Director stated that the issues in the Findings of Fact must be addressed and if they meet these criteria, it can be approved. The Director stated that an estimate of peak volume of hauling needs to be done. The speed limit issue also needs to be addressed. Guy

VanArsdale said that the citizens would need to petition County Court for a change in the speed limit. The Planning Director said that she and the Public Works Director will look at it and then get an estimate for volume and product movement and bring the information back to the Commission. Guy VanArsdale felt that the road improvement project will take about a month or two to complete once started. Both Directors will contact interested adjacent property owners before the next meeting.

PUBLIC HEARING - Conditional Use Permit Application S-108: Morrow County Fair & Rodeo, applicant; Morrow County, owner. Property is described as tax lot 4200 of Assessor's Map 2S 26 26, located on State Highway 74 adjacent to the east city limits of Heppner. The proposal is to build a seven space RV Park within the Morrow County Fairgrounds located in an Exclusive Farm Use (EFU) Zone. Criteria for approval include Zoning Ordinance Sections 3.010(2), 6.050(14)

- The Findings of Fact was reviewed and the location of the RV spaces was shown on the map. Letters from the Fair Board and the City were included in the Commissioner's packets. Tamra Mabbott, Planning Director, suggested that the Fairgrounds might want to be included in the Urban Growth Boundary area of the City of Heppner as water and sewer service from the city services the Fairgrounds. An Exception is not required for the RV Park as it is an existing use in the EFU Zone; it meets Goal 11. DLCDC inquired why it was not in the city limits. The RV Park must also meet State Building Code Division approval. The Fair Board must also show that the site is not in the Floodway. Planning Director explained the significance of the flood zone: there would be a \$50.00 fine for each person with flood insurance, if the County does not address the floodway issue. Parking also needs to be addressed. The City wanted to review the application and make comments, but the County will make final decision. The County does not want to make applicant go through a double permit application. Most of the questions raised by the City in their letter have been addressed. Marvin Padberg commented that he does not like to see water extended outside of the UGB. Fair Manager, LaRae Kindle, said that even though they are not in the City, the Fair will pay the City tax. The Commission felt that a letter from the City stating that they will continue to provide water and sewer should be required. Art Kegler moved and Leann Rea seconded a motion to approve Conditional Use Permit, S-107, with the conditions stated in the Findings of Fact along with one condition requiring the adherence of the Fair Board to the rates and length of stay stated in their letter to the City. Motion passed unanimously. Conditions of Approval are:

1. Obtain necessary approval on RV Park design from State Building Codes Division, RV Park Section.
2. Submit drawings showing location of floodway and floodplain on property, and certification of compliance with standards in Floodplain Combining Zone.

3. Submit revised plot plan showing plans for parking and access improvements are required in Section 6.050(14).
4. Submit letter from City of Heppner indicating they will provide necessary sewer and water.
5. Adhere to rates and length of stay indicated in Fair Board letter to Heppner Planning Commission dated June 9, 1997. (The charge for camping will be \$2.00 above the private rate and a two (2) week maximum stay as indicated in letter.)

PUBLIC HEARING - Application for a Hardship Variance by Sherrie Smiley to allow the siting of a second dwelling on tax lot 300 (45.11 acres) of Assessor's Map 4N 25 13 in an Exclusive Farm Use (EFU) Zone. This parcel is located on Root Lane north of Wilson Lane, approximately three miles southeast of the City of Boardman. Criteria for approval includes Zoning Ordinance ARTICLE 7, Section 7.020(B)(1)(2) - Findings of Fact were reviewed. The request is to allow parents with health problems to live next to applicants home. The Commissioner's requested a change in Condition #1, change "the" dwelling unit to "a" dwelling unit. This was done in case applicant chooses to remove their older, non-conforming size mobile home for the newer conforming size mobile home. Leann Rea declared a conflict of interest and abstained from voting. Art Kegler moved and Joe Miller seconded motion to approve Hardship Variance Request with the one change to Condition #1. Motion passed unanimously. Conditions of Approval:

1. The applicant will provide a written, notarized statement that at such time that the Variance is no longer in effect, they will remove a dwelling unit.
2. Applicant shall provide verification from DEQ that the second dwelling unit can be connected to the present septic system.
3. Applicant shall respond to annual review of permit to demonstrate manufactured home is still needed for use by parents due to health reasons.
4. All applicable zoning and Building Codes Agency permits be obtained.

PUBLIC HEARING - Land Partition Application No. LP-N-200: Emilio Luna, applicant and owner. Property is described as tax lot 306 of Assessor's Map 5N 26 26, located on the east side of West Eighth Road, approximately two miles west of the City of Irrigon. The proposal is to partition a 4.96 acre parcel into three parcels larger than the one acre minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Subdivision Ordinance Sections 5.020 and 5.030 - The location of the parcel to be partitioned was shown on the map. The Planning Director had

asked the applicant to provide a map of surrounding wells and septic systems. The request meets the one acre minimum providing they can provide access and DEQ Site Suitability. Legal access to the property is from West Eighth Road and a 30 foot easement on the north side of property. Easement will serve Parcel #1. The conditions of approval were read and also the subsequent conditions regarding groundwater quality. It was suggested that in the letter of approval to the applicant it be stated that he bring someone with him who understands English so the Planning Department can explain what is required to complete the land partition. Leann Rea moved and Joe Miller seconded motion to approve Land Partition, LP-N-200, with the conditions stated in the Findings of Fact and to submit a letter to applicant stating he go to the Planning Department for an explanation of completion process. Motion passed unanimously by the Commission. Conditions of Approval:

Precedent Conditions (to be completed prior to Planning Director signing the final plat):

1. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
2. Applicant shall submit a preliminary and a final partition plat in compliance with ORS Chapter 92.
3. Legal access shall include a minimum 20' easement and shall be identified on the final partition plat.
4. Legal access shall be improved to minimum road standard as recommended by the Public Works Director.
5. Road entry/approach permit must be obtained for Parcel #2 and #3 before siting permits can be issued.
6. Applicant must obtain DEQ Site Suitability approval before final plat will be signed by Planning Director.
7. West Extension Irrigation District sign and approve final plat.
8. Further partitioning of Parcel #1 may require a subdivision application.

Subsequent Conditions (apply to the parcels after plat is recorded):

1. Developer/land owner will distribute to buyers information about groundwater quality, nitrate contamination, septic system maintenance, landscaping and other methods for residential homeowners to reduce nitrate contamination. Information will be provided by the Planning Department.

PUBLIC HEARING - Land Partition Application No. LP-N-201: Triple H Farms, c/o Dana Heideman, applicant and owner. Property is described as tax lot 5700, 7402 and 7403 of Assessor's Map 1N 23

27, located on the west side of State Highway 74, approximately six and one-half miles north of Ione. The proposal is to segregate 150.00 acres from three parcels of land totaling approximately 528.00 acres in an Exclusive Farm Use (EFU) Zone. Criteria for approval include Subdivision Ordinance, ARTICLE 5, Section 5.020, 5.030 and 5.040 and OAR 660-33-100(1) and OAR 660-33-150(1) - The applicant wants to create one 150 acre parcel from three parcels, one being a Union Pacific Railroad abandoned parcel. It will clear up some of the mapping problems. Even though there is a 160 acre minimum lot size in EFU, parcels within 11% meet the minimum lot size requirement. Before the meeting, Mr. Griffith, a neighbor, came in to the Planning Department to discuss buying a portion of the parcel. Art Kegler stated he has a conflict of interest and will abstain from voting. He said that the buyer would be happy to sell the area Mr. Griffith needs. The Commission could allow the reconfiguration of new parcel to give owners option to do a property line adjustment. Art Kegler stated that there are water rights to the parcel. Everything under 80 acres must be on a partition plat but anything over 80 acres needs a deed. Leann Area moved to approve Land Partition, N-201, with conditions stated in Findings of Fact, and to allow the Property Line Adjustment map done to the owner's specifications. Motion was seconded by Joe Miller and passed unanimously by the Commission with Art Kegler abstaining. Conditions of Approval:

1. Provide the Planning Department with a revised plat map to show legal access to Parcel #1. Access shall be approved by the Public Works Director. Any new access to State Highway 74 shall require permission from ODOT.
2. Record deed with the County Clerk to complete the land partition transaction.
3. The deed shall include a statement of water rights.
4. 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.
5. Allow reconfiguration of the new parcel to accommodate a Property Line Adjustment, provided the new parcel is within 11% of the minimum lot size.

CORRESPONDENCE - A letter from the Department of the Navy regarding the western route location of the proposed Ione/Boardman Road was read into the record. Navy representative, ETC. Randolph Scott, stated that nothing has changed since the letter was sent. The two flightways are the problem. The route fails to meet the Navy and FAA criteria regarding their flightways. The new proposed road will not be approved by the Navy. Tagarres will not agree to the first proposed road location. Marvin Padberg said that he had heard the Navy was proposing to close the Bombing Range. ETC. Scott stated that the Navy Bombing Range is a long-term project.

Conditions of Approval with the Space Age Industrial Zone Amendment were signed by Boeing. The Agreement with Boeing provided that they would meet on the proposed road location by a certain date and that if an agreement cannot be reached by a certain date, a mediator would be called in with Boeing paying the expense. A five year time limit before road construction could begin was requested by Boeing for security reasons. Boeing must designate person who will deal with this project by July 15, 1997. Marvin Padberg stated that this new stumbling block disappoints him because after working on this project the last twenty years, we have gotten nowhere. Tagarres is the major problem. The new agreement with Boeing is all we have now. The Navy representative stated that he is not sure whether the 500 foot easement applies to the Inland Farm land project.

NEW BUSINESS - The draft TSP (Transportation System Plan) has been completed and the consultant has agreed to make a presentation before the Planning Commission. This presentation would give the Planning Commission the opportunity to ask questions and see why the consultants came up with their findings. It was agreed that the consultants would be invited to give the presentation at the end of next month's meeting, July 28, 1997.

Leann Rea brought up some of the unsightly trailers around the Army Depot. She also brought up the trailer at Ed Glenn's place. It was explained that this was now in the City limits. The Code Enforcement Officer will check on those at the Army Depot.

Harold Baker was in regarding the travel trailer on his property. The Enforcement Officer had sent him a notice and he was upset.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 10:40 p.m. The next Commission meeting will be Monday, July 28, 1997, at 7:30 p.m. at the Morrow County Public Works Building in Lexington, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY JULY 28, 1997 - 7:30 P.M.
MORROW COUNTY PUBLIC WORKS BUILDING
LEXINGTON, OREGON

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

MEMBERS PRESENT: Marvin Padberg, Joe Miller, Art Kegler, Leann Rea, Ken Grieb, James Bloodsworth and Richard Kent

MEMBERS ABSENT: Joel Peterson and Mary Ellen Coleman

OTHERS PRESENT: Morrow County Counsel Bill Hanlon, Public Works Director Guy VanArsdale, Morrow County GIS Coordinator Rick Cvarak, Trudy Trader, Floyd Wilson, Loraine Wilson, Sandra Thomason, Commissioner John Wenholtz, Patti Burres, Mark McCabe, Melvin McCabe, Roger Britt, Rita Britt, Hal Bergstrom, Rita Bergstrom, Emily Bergstrom, Charlene Bucka Gentry, Kerry Rilling, Raymond Reid, Adam Bergstrom, Robert Reid and Ryan Miller

MINUTES OF JUNE 30, 1997 MEETING: Minutes of the June 30, 1997, meeting were approved as mailed on a motion by Leann Rea and a second by Joe Miller. Motion passed unanimously.

PUBLIC HEARING - Land Partition Application No. LP-N-196: Joseph C. Holt, Jr., applicant and owner; Patti Burres, agent. Property is described as tax lot 1200 of Assessor's Map 5N 26 23A, located on the north side of Washington Lane and west of West Fourth Road, approximately one mile west of the City of Irrigon. The proposal is to partition a 3.0 acre parcel into two parcels larger than the one acre minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Subdivision Ordinance Sections 5.020 and 5.030. This hearing was continued from the June 30, 1997, Planning Commission meeting - This land partition was reviewed several months ago where the Planning Commission questioned the legal easement into the property. The easement is 26 feet along the east border of adjoining property to the two parcels and then a 20 foot easement from the one parcel providing access to the second parcel. The applicant had the surveyor verify the easement to the property. Conditions of approval were then reviewed by the Planning Director. West Extension Irrigation District has responded to the land partition and require certain items be completed by the applicant. The Planning Director explained that under the new TSP guidelines if an access road services four or fewer lots, an easement is okay and no additional improvements to the road would be required. The lots in this partitioning are larger than minimum lot size and will make two homesites. Public Works Director, Guy VanArsdale, stated that he did not have any problems with the partition. Patti Burres, agent, was in the audience and stated the applicant wanted to sell the lots for homesites. No other comments from the audience. Joe Miller moved and Art Kegler seconded the motion to approve Land Partition, LP-N-196, with the conditions stated in the Findings of Fact. Motion passed unanimously.

PUBLIC HEARING - Second of three public hearings on Conditional Use Permit Application No. S-107 and an Amendment to the Comprehensive Plan: Miller & Sons Excavating, co/o Joe Miller, applicant; Etta Turner, ETAL, owner. Property is described as tax lot 3402 of Assessor's Map 2S 26 23, located one mile east of the intersection of State Highway 74 and Dee Cox Road, approximately two miles northeast of the City of Heppner. Application is to allow the operation of a rock crusher and stockpiling of crushed rock for sale to the public and for use in applicant's business. Request is also to add the site to the Goal 5 aggregate inventory in the Comprehensive Plan. Criteria for approval include Zoning Ordinance Section 6.050(9), ARTICLE 8 and 215.298(2) - Joe Miller stated that he had a conflict of interest and would be abstaining from voting and that if the Chairman wanted he would sit in the audience. Chairman Padberg stated that he could remain at the Commissioner's table. The Planning Director explained that this is a two part request. One is to add the quarry pit to the Comprehensive Plan and the second request to actually operate in that quarry and to set up a rock crusher and to crush and haul rock off the site in an Exclusive Farm Use (EFU) Zone. There were several questions the Commission needed clarification on from the last meeting and the Planning Director will address the first one regarding Goal 5. Some handouts were distributed to the Commissioners. In ORS Chapter 215, it says that for any new quarries it needs to be on an inventory in the Comprehensive Plan and there are two ways to go. In Morrow County what we have done is to follow the second step. The First step is to determine the completeness of the application and once we determine it complete, the 120 clock kicks in which means that we must make a final decision about that specific request within the 120 day time limit. We are well within that time frame. The second is to determine the significance of the Goal 5 site. The applicant did not request for Goal 5 protection. Had they requested this protection, they would have had to do the full blown environmental analysis and follow these new rules that DLCD adopted just over a year ago. So what is done is we want to recognize the site, but do not declare it significant. We are not going to grade it, not require core samples as to specific quantity and quality and the impact. We are not doing the detailed impact analysis, but it has to be on an inventory. This is the precedent that has been set and this is what has been done the last few years. Then we follow the Conditional Use Permit process and that is where we are tonight. If the applicant had requested the full Goal 5 process, these are the steps that would have been taken, (refer to handlout). Other counties and the valley require the full Goal 5 analysis. At the last meeting some issues were raised by some of the property owners in the area. The main issue was Dee Cox Road. Guy will report on the road and the County Counsel is also present to answer any legal questions that might come up. The one item that was requested of the applicant at the last meeting was the number of trucks that would be going in and out of the gravel pit site per day. There also was concern that Dee Cox was not currently up to standards and that additional traffic would jeopardize the safety and quality of the road. Joe Miller provided

information that an average over a year's time was two trucks per day; some days it may be more and some less. If it takes 35 minutes a trip to make a cycle in an eight hour day that will be ten trips a day. That will be the most trips that you can make because Joe said that he cannot imagine making a trip in much less than 35 minutes. If the truck trips were at 30 or above a day, a full analysis could be asked for. Joe Miller submitted a more detailed site plan showing where the pit and stockpile are located. The Planning Director, Tamra Mabbott, and the Public Works Director, Guy VanArsdale, did make a site inspection last week with a couple of the adjacent property owners and they pointed out a few things that were not recognized in the first draft of our report.

That report was based on just what was on paper. There are some wetlands in the area, and the road is prone to flooding. A map of the area done on the GIS program by Rick Cvarak was shown and the red area is the designated floodplain. Even though the area is not in the designated floodplain, part of that drainage comes into the floodplain. It is out of our regulated floodplain and FEMA regulations that apply to construction in a floodplain would not apply to this, but there is some concern about drainage into the floodplain. The Planning Director does not have specific recommendations on this matter, but the Commission should take note of this. The nearest building to the quarry site is 800 feet. Conditional Use Permit regulations require only 500 feet from a building. Leann Rea asked whether it was a dwelling and Guy advised that it was a shop and not a dwelling. Mrs. Turner is the closest home, which is about 950 feet, from the pit site. The detailed floodplain map is available as well as the letters from property owners.

The Planning Director then summarized the letters that were received in favor of the Miller pit. A letter from Tom Kraft, who lives next to Miller's pit site on Highway 74 and Dee Cox Road, says he has had no problem with this pit site. Miller's have done a good job in controlling dust and noise. His only concern is trucks on Dee Cox. Mr. Kraft has no objections and concerns regarding the new pit site. Glen and Susie Cooper wrote that they have no objection to the quarry site location as most winds come from a different direction. Denny and Linda Nave also wrote they are in support of pit and do not believe it will have any effect on their property. It is being sited in farm country not in a residential area. They feel that it is important to strive to obtain any new business ventures outside of lumber in the County. This letter was also signed by Tim Adams with a note stating that he has no problem with the pit. The letter from Etta Turner giving permission for the pit to be placed on her property was then read.

Jim Bloodsworth asked what the plans of the County were in regard to repair and resurfacing of Dee Cox. Guy VanArsdale, Public Works Director, stated that there is one bad curve on the road and site distance is a problem. Reconstruction of Dee Cox is now slated for this fall probably November and early summer for repaving. The Planning Director asked if there was a problem with washing out

when putting in the base. The Public Works Director said the drainage issue would be addressed when the reconstruction plans are addressed.

Joe Miller said that they have jumped through all the hoops in obtaining a Conditional Use Permit. They have tried to do a better job with this site and they are farther away than other sites from buildings. They are not planning any screening as the area is screened by a shop building and some other buildings between the site and Dee Cox Road. They were going to get a cat in there and start moving some dirt, but they decided to wait and not start until everything was done by the book. Opposition seems to be strictly on the road and Mr. Miller stated he addressed it as a short term solution as the County has agreed to fix the road. He does not see any problem with two trucks average per day. This equals 5,000 yards divided by 360 days and would be 20 yards per day. The wetlands issue has just come up today and the road area has been used for a good number of years to feed into the old Heppner landfill. Although the dirt got muddy in the winter they never had any problem with it. So he does not look at that as an insurmountable issue although he cannot speak for the State agencies which deal with the wetland issue. He feels that the opposition is strictly a "not in my back yard" problem. In the minutes of last meeting it is quoted that Rita Britt asked the question, "what issue can stop the gravel pit." In Joe's mind this means that she is not looking for the wetland or anything else; she is just looking for anything that will stop the quarry. Joe also feels that just as he cannot vote on the Commission because of a conflict of interest, she should not be able to complain because it is conflict of interest between her business and his and they are direct competitors. That is a question he wants the Commission to look into very deeply and find out what the actual reason is for the "not in my backyard" syndrome. Ryan Miller stated that the road was a main issue and he feels that it will be taken care of and brought up to standards. He said they are looking for the best location and a prime source for gravel. If it comes down to truck traffic on the road, he feels that if his trucks cannot run on it then the wheat trucks should not be allowed to run. The pit will also benefit a former employees widow who can use the extra money. The pit will be in the Turner name and they will basically step out of the way and the gravel will be offered to the County who will pay directly to the Turner's. They will move out and then return at a later date.

Art Kegler asked how wide was the rest of Dee Cox Road. The Public Works Director said it is about 20 feet but has shoulders which widen it to about 24 feet. The bad curve is only about 18 feet wide and this stretch is less than 100 feet. If the truck traffic increases, the County may have to go in before the scheduled date to repair the bad curve area. Commissioner John Wenzholz stated that he knew this matter would probably be brought before County Court but he wanted to know if there was any record of accidents on Dee Cox Road. The Public Works Department does not have records of accidents on specific roads. The Commissioner wondered if some of

the families that live along the road could remember if there were any accidents on the road. Joe Miller said that some of the families along the road have been there about five to seven years. Approximately fifteen houses are tributary to that road. The State uses 10 trips per day per household so this road probably generates 150 trips per day for the general public.

Those in opposition then spoke. Hal Bergstrom stated his main concern is what might happen to the wells in the area when blasting the pit occurs. He wondered how much of a charge is going to be used and who is going to be responsible for the wells if they start collapsing. Over a ten year period he would like to know what type of effect the pit would have on his well. Safety is his other concern. Joe Miller said that when they blew at the pit site on Highway 74 and Dee Cox, the well was right next to it and they did not have any problem. Mr. Bergstrom said that there would be more blasting done at this site and he was concerned about what this might do to his well over a period of years. Joe said that if they are having limestone flaking off now that has nothing to do with where he is now. Guy said that when they shoot an expert should come out who will put seismograph equipment up to monitor what is happening. The expert is out of Hood River/Dupont. Joe will check into this. Marvin Padberg said that wells have to be encased up to bedrock and that if anyone is having trouble with their well, they probably have an illegal well.

Letters from those in opposition were read at last month's meeting, but one received tonight was summarized by the Planning Director. Deanna Reid stated in her letter that she contacted the State Water Department and also Ben Mundie, DOGAMI, regarding the pit. Ms. Reid stated that it is hers and Ben Mundie's concern what the stability of water quality of their wells would be and the nitrate that might end up in their wells. He suggested pre-imposed testing would be very necessary for their benefit and he was concerned with road traffic safety. He said he would try to catch the end of the meeting, if possible.

Rita Britt said that when Joe quoted from the minutes, they were told at the last meeting just because they did not want the rock pit next to them that was not reason enough to stop it and that was why she asked the question what they had to do to stop it. She is the closest neighbor, outside of the landowners, and she can sit on her front porch and see it. She is opposed to it not because they are her competition. She never said one word when they crushed down the road. She does not care where they crush as long as it is not in her front yard. No one else would like to have it in their front yard. She also would like to remind Jim Bloodsworth that when Starr's wanted to site the pit across from his place, he objected because they did not want the noise and dust and she would like the same consideration in this matter. She also talked to Ben Mundie and he said that the wells are a big concern.

Charlene Bucka Gentry said that she has talked to alot of agencies in the last few days. The environmental concern is about the

wetlands. As a citizen when she moved up that road, she asked the Road Department about some repairs to the road and she was told that things had been pushed forward. She would ask the Commission what guarantee she has that these repairs will be made in October. As Guy stated last month he would like to make these repairs, but it all depends on funding.

Rita Bergstrom has lived up Dee Cox Road the last seven years and she has a daughter with severe asthma problems. They have had to put an air purifier in their home and she is concerned about the dust and also the traffic. She has letters from doctors stating the health problem. Her house is about one-quarter of a mile from the proposed pit site.

Rita Britt asked about the letters of opposition from last month's meeting. The Planning Director said there were seven letters read last month and copies could be made available to anyone who wanted them.

Charlene Bucka Gentry asked if there were any specifics on the wetlands. The Planning Director said she talked to a representative from the Division of State Lands and he said that if there is any improvement done to that road to include the conditions of that access road since it the access road and the wetlands are in the same place, a permit would be needed from the Division of State Lands; a fill and removal permit. If you move more than 50 cubic yards a permit is required. She also added as a condition of approval that it be added that DSL be contacted and all permits needed be obtained by the applicant. Some of the stockpile area is on the other side of the wetland so you will be going across that wetland. So as long as we defer to DSL and that is how we generally handle it. They may suggest changing the stockpile area so the applicant is not going back and forth over the wetland area.

Rita Britt asked Joe about the man who wrote the first letter in favor of the pit, Tom Kraft, as to whether he moved off the property when the first pit off Highway 74 was blasted. Joe said that he did as he would have been buried. Rita said he sounded like he as there at the time of blasting, and that he is living illegally in a travel trailer on the property at this time. The Planning Director asked what property it was. Rita Britt said that it was property Guy VanArsdale owned as indicated by the Assessor's office. It may be being bought on contract and it will be shown as VanArsdale the owner. The County does not allow people to live in recreational vehicles; must only be in a RV or mobile home park.

Roger Britt spoke in opposition of this pit operation. Back several years ago, the canyon started being developed from the bottom up into five acre plots by Ployhar. A lot of people wanted out of town and started buying up these parcels. Each parcel has a driveway, septic system, and well. More people live on up the canyon, but Ployhar is the main addition. All lots are taken. As a truck driver for years, he can state that the road is not safe.

The bar pit where the water runs down the road from the fields is bad and very deep, and if you get stuck in it you have a real problem. The other side is a vertical bank. Those who drive the canyon know that if you meet another vehicle you stop and let the other one by. It is always a worry. They are the closest neighbor to the pit site and it has nothing to do with a vindictive or a competitive attitude. He does not care where Miller's crush, but this is not the place. There are better locations and places that do not involve as many people. The people in that area like to come home to the quiet and peace of the area, not the noise and dust created by a pit. It would be a different story if the pit were existing and they moved there knowing the pit was there, but this is not the case. He feels it puts every family in danger. He said that Jim Bloodsworth stated similar feelings on the Starr pit. Jim said that he did not want the pit next to the highway and especially right across from his place. Marvin Padberg said Jim's was not the only reason the Starr pit was required to move up the canyon; there were other reasons. Roger would ask the Commission to give them the consideration as if it were themselves that it was happening to.

Leann Rea asked how often Miller's would be blasting the pit. Joe responded they would be in once a year for 5,000 yards. Crushing would take two to three weeks. The questions of peace and quiet was addressed. She wanted to know what the hours might be. Joe said they would vary, but most likely would be finished by 6 p.m.

The Planning Director stated that she had discussed with County Counsel the criteria that is in our Ordinance and whether or not those were met. Preliminary Findings show pretty favorably, but since that time we have found out about the wetlands and the proximity to the floodplain. The one criteria that she asked Bill to think about was regarding Criteria B of the second page of Findings regarding access roads. She asked whether access road meant the road off of Dee Cox into the pit or if it included Dee Cox Road. Bill Hanlon stated you certainly can consider the impacts for people along the road. Conflicts arise in this type of Conditional Use Permit where you have farming operations and aggregate operations. A balance needs to be considered between the aggregate and farming operations.

Joe Miller stated that what they did at his other pit in regard to dust was place a fogging nozzle on the outlet conveyor. This does not eliminate the dust but it does reduce it considerably. This is about the only place that you can put water because if you put it in other places too soon you get mud balls. Glenn Cooper in his letter lives probably 500 feet away and he thought they did a good job in keeping the dust down. Joe does not know how they could keep the noise down. At his place he can hear the mill and he is a good ways away from it. Ryan would like to add that they have so far met all the County requirements and have run into DEQ problems as well as DSL and they want to do it right and will clear it with these agencies and try not to inconvenience anyone.

Kerry Rilling, works for Miller, and they gave him a job last year and because of the gravel operations he has had a job for the past year. If people built a home on Dee Cox, they had to get the rock from someplace. He thinks they have done everything that is required and he thinks they are doing it right. His concern is the safety factor too. He drives a truck and has rolled one and he hopes not to do it again. He feels Miller and Sons is doing right at the right time. He hopes they grant the permit.

Marvin Padberg said that we are talking about EFU ground, not residential area. The criteria the Commission is looking at is EFU ground and this CUP that the Miller's are asking for is in an EFU Zone. Everyone is well aware of our "right-to-farm" and we are flirting with the same situation here. Although, he sympathizes with the people living there, it is an EFU Zone so they have a little different set of criteria to live by when they choose to live in these areas. You do have some peace and quiet and can have some livestock, etc., but the bad news is that for a few weeks it might be dusty and noisy. Road safety, noise issue, well problems with blasting, and nitrate issues are all concerns.

Art Kegler's main concerns were safety and wetlands and they should be part of the conditions. His recommendation would be to approve the CUP subject to the road being made safe and the wetlands issue being dealt with. The Planning Director indicated that when she talked to DSL about the existing road they said the regulatory provisions do apply even though it is an existing road. This would be something that would be conditioned. Art felt that the safety of the residents along the road must be a priority. Joe said the road is roughly a mile long and it takes 2.4 minutes to drive it at 25 miles per hour. If you do it at 30 mph it will take 1.5 minutes to drive it. Joe can see limiting speed on this road. Time is inconsequential. Art is mainly concerned with the safety factors. Charlene Bucka Gentry asked if there would be a reduction. Joe responded that he did expect a tremendous reduction. Ryan Miller said that this summer is very busy. It was also asked whether the hours of operation included Saturdays. Joe said that it would sometimes be Saturdays. It was explained by Joe that they have talked to several other landowners in the area to try to obtain permission to open a site on their land, but most are not interested. This in his opinion is the best location.

Leann Rea also has a safety concern, but she feels that anyone that drives a gravel road on a regular basis is fully aware of the dangers involved. If Joe is willing to make a commitment that his drivers will stay at a given rate of speed, she feels he should be allowed to go ahead with it as long as he will commit to the safety on the road. The wetland issue will be addressed by the DSL. She realizes there will be dust and this is always a problem in Morrow County. Her recommendation is to approve it with all the conditions.

Jim Bloodsworth said that he would abstain from voting. He does feel that the road needs to be fixed.

Richard Kent felt there might be a better site that won't effect as many people. He also asked if school buses used the road. They do and there are two buses a day that use the road. The wheat trucks also use the road and for a period of seven to ten days approximately 30-35 trips per day were counted by Ledbetter and Peck. The people in the audience said that the wheat trucks are now going slow. Guy VanArsdale said that there is not a speed limit on the road. Joe said he can live with a speed limit. There currently is no posted speed limit.

Ken Grieb said that the road safety is a concern and that he feels the people have presented some valid concerns.

Tamra Mabbott, Planning Director, said that if the main issue is the safety of the road she would like to ask County Counsel if this is approved with some clear evidence about safety of the road, is there some issue about indemnification to the County. County Counsel said that the Planning Commission can make recommendations to address the road safety, but again it is a balancing act with farm and gravel operations. The Planning Director said that if the issue is safety, and if the tendency is to approve or not approve based on safety, then the Planning Commission needs to think of a condition based on this issue. Do we have a firm commitment from Public Works and County Court to do the road improvements and the time frame. Guy stated that they plan to start work this fall. He says there are very many safety concerns about the road as it is now and these will be addressed right away.

The Planning Director said that there is one last issue and that is operating not within a floodplain, but just outside of one and she visited with Joe about it today and he is not going to put a stockpile in an area that will get washed away with a heavy rain. We just need a commitment to that effect. She does not know how to evaluate a site plan to determine if it is outside of a drainage area. The stockpile cannot be done in a wetland area, but can probably be done adjacent to it. Public Works and DOGAMI can look at how the project is set up to prevent drainage from going down Dee Cox Road. The conditions that shall be applied to the CUP are:

1. Applicant shall obtain necessary permits from DOGAMI DEQ and DSL.
2. Stockpiling and operation shall be outside of drainage. Plot plan shall be reviewed and approved by DOGAMI.
3. County Public Works Director shall verify the road is safe and set appropriate standards prior to hauling material off-site.

Bill Hanlon suggested recommending to County Court that final approval not be given until Public Works has addressed the road safety issue.

Marvin Padberg said they are trying to protect EFU zoned area. By

the same token a gravel pit is allowed in that zone with a conditional use permit. Challenge is to live up to the land use laws and to protect the farm land. Well problems should be looked into when blasting occurs. The wetland issue must be handled with DSL and the applicant must do what they say. Safety issue is a real concern and a speed limit should be considered. Not much can be done about the noise issue; a few weeks of crushing and it will be over.

Art Kegler said that we can state that the Planning Commission approve the permit, but that County Court not approve until the safety issue has been corrected. Safety is the only issue in his mind.

Ken Grieb said that the wheat trucks are grandfathered in there and Miller's do run a good outfit, but it is as Art says just because wheat trucks are there we do not need to add more to it. As far as using the ground for the pit he does not have a problem with it. Legally it is farm zoned and it can be put there.

The Planning Director asked for a clarification of the word "operation" in Condition #3. Joe asked if he could go in and do some site leveling. It will be an issue between Joe and the neighbors and she is asking the Commission to clarify this. Art Kegler said that preparation of the site is not an issue, but hauling is the issue. Add hauling material off-site to Condition #3.

The recommendation of the County Court on the Comprehensive Plan Amendment is to approve the request to add the quarry site to the Comprehensive Plan after the road safety issue is addressed. The County Court is scheduled to hear this Amendment request on August 6, 1997 at 10:00 a.m. at the Courthouse in Heppner.

Art Kegler moved to approve the Conditional Use Permit with the conditions stated and to approve and recommend to County Court approval of the Comprehensive Plan Amendment. Motion seconded by Leann Rea. The final vote was four in favor (Padberg, Rea, Kent and Kegler) and

Ken Grieb voted against the approval. James Bloodsworth and Joe Miller abstained from voting.

Tamra Mabbott explained that the hearing before the County Court is on the Amendment to the Goal 5 Inventory in the Comprehensive Plan. The decision on the Conditional Use Permit for the quarry is final unless appealed. There is fifteen days in which to file an appeal and the fifteen days does not start until the Chairman of the Commission signs the Final Findings of Fact. We usually get these back in a week or so. If anyone in the audience signed the sign-in sheet and wants a copy of the Findings, please indicate so on the sheet and they will be sent to you.

Marvin Padberg asked the people present to please not feel this Planning Commission let them down. You are in an EFU zone and we

had to look at what is allowed and to put conditions on the permit. It is mainly a land use issue and he hopes Guy will live up to his comments on the road.

Ryan Miller said that they are just out to make a living and not out to railroad anyone and he understands their concerns about safety and water and condition of the road. He will do anything within his power to work out any problems. He cannot promise anything, but he will work with them.

The County Court will review the Comprehensive Plan Amendment on August 6th at 10:00 a.m., but will not review the Conditional Use Permit unless appealed. Conditions of approval:

- 1) Comprehensive Plan Amendment:
Recommendation to County Court to approve the request to add the quarry site to the Comprehensive Plan after the road safety issue is addressed.
- 2) Conditional Use Permit Application shall be subject to the following condition(s):
 1. Applicant shall obtain necessary permits from Department of Geology & Mineral Industries, Department of Environmental Quality and Division of State Lands.
 2. Stockpiling and operation shall be outside of drainage. Plot plan shall be reviewed and approved by DOGAMI.
 3. County Public Works Director shall verify the road is safe and set appropriate standards prior to hauling material off-site.

PUBLIC HEARING - Land Partition Application No. LP-N-202: Leland and Mary Ann Searl, applicant and owner. Property is described as tax lot 3201 of Assessor's Map 5N 26 23B, located on the east side of West Eighth Road, approximately two miles west of the City of Irrigon. The proposal is to partition a 2.52 acre parcel into two parcels larger than the one acre minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Subdivision Ordinance Sections 5.020 and 5.030 - The land partition request meets the minimum one acre size requirement of the Rural Residential One Acre Zone. Parcel #1 has an existing home and Parcel #2 is vacant with a home proposed. The survey must show the legal easement. The Findings of Fact were reviewed. A condition is being required of all land partitionings in the critical groundwater area for all sellers of new property to give the new property owners information on groundwater. This information will be furnished by the Planning Department. West Extension Irrigation submitted a letter listing their requirements of the property owner. The usual condition of WEID sign-off on the final plat or a letter is listed as one of the conditions of approval. The applicant should have his surveyor submit a preliminary plat before

completing the final to insure all conditions are met. Art Kegler said that the applicant accesses off Usage now, but plans to access off West Eighth Road after the partition is completed. An access permit from Morrow County Public Works will be listed as a condition of approval. No comments were received and there were no comments from the audience. Joe Miller moved and James Bloodsworth second the approve Land Partition, LP-N-202, with the conditions stated in the Findings deleting Condition #5 and inserting condition regarding obtaining access permit from Public Works. Motion passed unanimously. 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 submit a preliminary and a final partition plat in compliance with ORS Chapter 92.
4. Location of the legal access easement shall be identified on the preliminary partition plat and final plat. The minimum width is 20 feet.
5. Obtain access permit from Public Works Director.
6. Applicant shall distribute information regarding groundwater to the new property owner. Planning Department will provide the information.

PUBLIC HEARING - Application for a Hardship Variance by Ray Cunningham to allow the siting of a second manufactured home on Tax Lot 2300 of 5N 26 BC (1.0 acre) in a Rural Residential One Acre (RR-1) Zone. This parcel is located on the west side of Wagon Wheel Loop in Wagon Wheel Estates which is approximately three miles southwest of the City of Irrigon. Criteria for approval includes Zoning Ordinance ARTICLE 7, Section 7.020(B)(1)(2) - The applicants submitted the required doctor's statement and letter from DEQ. The Findings of Fact was reviewed. The neighbor inquired about whether the dwelling would be allowed permanently and whether the new dwelling would use water from the same well. It was explained that the applicant would sign a disclaimer statement about removal of the dwelling after the Variance was no longer needed. It was also explained that up to three people can use a common well. After that it becomes a community well with additional requirements by the Public Health Division. No other comments were received or heard from the audience. Joe Miller moved and Leann Rea seconded a motion to approve the Hardship Variance with the conditions stated in the Findings of Fact. Motion passed unanimously. Conditions of approval:

1. The applicant will provide a written, notarized state-

ment that at such time the Variance is no longer in effect, they will remove a dwelling unit.

2. Applicant shall provide verification from DEQ that the second dwelling unit can be connected to the present septic system or a repair to the present system be done.
3. Applicant shall respond to annual review of permit to demonstrate manufactured home is still needed for use by parents due to health reasons.
4. All applicable zoning and Building Codes Agency permits be obtained.

PUBLIC HEARING - Conditional Use Permit Application No. CUP-N-109: Floyd Wilson, applicant; Melvin & Marla McCabe, owners. Property is described as tax lot 500 of Assessor's Map 5N 26 36BC, located on the east side of Wagon Wheel Loop in Wagon Wheel Estates which is approximately three miles southwest of the City of Irrigon. Application is to allow a small engine repair business as a "Home Occupation." Criteria for approval include Zoning Ordinance Section 3.040(2)(H) and ARTICLE 6, Section 6.050(7)(A-H) - The land is not currently owned by the Wilson's, but a land swap is going on and will be deeded to them in the near future. The Planning Director did an inspection of the site and there are some junk cars and other junk on the parcel. It is a quonset type building. Applicant in his application did not specify the type of engines. Planning Commission needs to give guidance on how to define small engines. A sign of 200 square inches in size can be displayed. The request is something the Commission wants to accommodate, but because of past history of problems with this type of business, the Commission needs to think through the issues. Mr. Wilson stated that he will repair only small engines connected with power saws, hedge trimmers, lawn mowers, etc.; no automobile engines. He intends to fence in a section of the property with a solid board fence (approximately 16'x 16' area) to store the extra equipment. Parts will not be enclosed within the fenced area. Mrs. Wilson presented a petition from people in the area who had no problem with the home occupation business. Hours of operation will be 9 a.m. to 5 p.m., Monday through Friday. Mrs. Wilson stated that the junk was there and they are working at removing it from the property. The sign issue was discussed. The Wilson's want to put the sign up on their daughter's property on Depot Lane. The Commission decided that this would be allowed, but only one sign of the proper size. Joe Miller moved and Ken Grieb seconded the motion to approve Conditional Use Permit, CUP-N-109, with the conditions stated in the Findings of Fact and the added conditions regarding the fence and hours of operation. Motion passed unanimously by the Commission. Conditions of approval are:

1. Submit written approval from landowner.
2. Comply with recommendations of the County Code Enforcement Officer to clean up junk on property.

3. Permit shall be reviewed annually to verify compliance, or, reviewed if complaints are filed.
4. Construct fenced area to store machines, not parts.
5. Hours of operation shall be 9 a.m. to 5 p.m., Monday through Friday.
6. Applicant shall be allowed to put one 200 square inch sign on tax lot 211 (daughter is current owner) of Assessor's Map 5N 26 36 with permission of property owner. If property is sold, permission for sign placement must be obtained from new property owner.

PRESENTATION OF DRAFT TSP (TRANSPORTATION SYSTEM PLAN) BY STAFF AND CONSULTANTS - KCM Consultants, Al Shewey and Molly Johnson, presented the Commissioners copies of the Draft Transportation System Plan (TSP) they developed for Morrow County through a grant obtained from ODOT by the Planning Department. The consultants explained that the TSP establishes guidelines for developing the County's transportation system over the short term and the long term. It also contains transportation goals and policies, summary of the existing system, projections for the future system, comparison of alternatives and recommendations for the future. A Technical Advisory Committee composed of citizens from the entire county and County staff helped develop the TSP, while the consultants prepared the plan, mapping, analysis and ordinance changes. Some of the recommendations which came out of the Plan were: transportation goals and policies; revised road standards; strategies for bicycles, pedestrians and equestrians, and freight and goods movement; update the Airport Master Plan; Construct roadway improvements, including the Boardman/Ione Road; and, require traffic impact analysis for some new developments. The final step is to prepare CAD maps and do the final on the TSP. They hope to have the project completed by next week. KCM is planning on addressing the County Court on the 13th of August.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 10:30 p.m. The next Commission meeting will be Monday, August 25, 1997, at 7:30 p.m. at the North Morrow Annex Building in Irrigon, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, AUGUST 25, 1997 - 7:30 P.M.
NORTH MORROW ANNEX BUILDING
IRRIGON, OREGON

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

MEMBERS PRESENT: Marvin Padberg, Joel Peterson, Art Kegler, Leann Rea, Ken Grieb and Richard Kent

MEMBERS ABSENT: Mary Ellen Coleman, Joe Miller and James Bloodsworth

OTHERS PRESENT: Dean C. Moore, Pat Walker, Ivan Driver, Katie Dawson, Harold Baker, Vernon Puckett, Meri Lynn Hurd, Robert Picthall, Paul Westfall, Pauline Dalton and Toni Skinner

MINUTES OF JULY 28, 1997 MEETING: Minutes of the July 28, 1997, meeting were approved as mailed on a motion by Lean Rea and a second by Ken Grieb. Motion passed unanimously. Marvin Padberg indicated that he only gets mail three times a week and did not receive the minutes in time for the meeting.

PUBLIC HEARING - Conditional Use Permit Application No. CUP-S-110 and Land Partitioning Application LP-S-203: Patricia Walker, applicant; Ruth Bergstrom, c/o Gerald Bergstrom, owner. Property described as tax lot 2800 of Assessor's Map 3S 24 14, 23 and 24, located on the south side of Bergstrom Road, approximately 15 miles southwest of the City of Heppner. Proposal is to partition an approximate 20 acre parcel with an existing dwelling and barn in an Exclusive Farm Use Zone from the parent parcel consisting of 749.17 acres, creating a "non-farm dwelling" parcel in an Exclusive Farm Use (EFU) Zone. Criteria for approval include Subdivision Ordinance Sections 5.020, 5.030 and Zoning Ordinance Section 3.010(2) CONDITIONAL USES in Exclusive Farm Use Zone and 6.050(16), and Oregon Administrative Rules 660-033-130(4) - The Planning Director explained that this was a combined land partition and Conditional Use Permit request filed by Pat Walker. She is partitioning a twenty-one acre parcel from the main parcel that has been deeded to her. The only way to do this is to create a non-farm parcel. Soil class is predominantly non-farmable soil, Class VII. Soil class VII is the best to use as a non-farm parcel. Morrow County has very little Class I or II soil. Criteria listed in the Findings of Fact was reviewed. It meets the non-farm dwelling criteria. Access to Parcel #1 was stated as Bergstrom Road in the Finding Summary, but with the new rural addressing it now known as Liberty School Road. The preliminary plat showed two parcels #1 and #2, and the Planning Director stated that the final plat must show only one non-farm parcel being approved. Domestic water use and irrigation is obtained from a shared spring. The applicant presented a contract regarding water supplied from the spring. The letter from Water Resources Department stating their concern regarding the water rights was read into the record. The

OAR criteria was then reviewed. The dwelling will not affect the accepted farming practices in the area. If there were an abundance of non-farm dwelling divisions in the area, the Planning Department might have to address these criteria with much more concern. The rule wants to stop the creation of a semblance of developing a residential area. Conditions of approval were then listed. The Planning Director would like to see a letter from Watermaster stating that all of their requirements have been met. There were no comments from the Commission. Pat Walker stated that she is filing with Water Resources for water rights on the spring and she is applying for a well for domestic use. She is currently sharing a spring across the road with Mr. Bergstrom. It was explained to Ms. Walker that if she wanted to use some water from the stream she would need to file a water right application. There was no correspondence received and no other comments from the audience. Art Kegler asked if the Commission was clear on the water rights issue. The Planning Director felt that the condition included in the Findings would take care of the water rights. Marvin Padberg recommended to Ms. Walker to get clarification on the spring issue from Water Resources. Planning Director will take the last sentence on Condition #2 and add it as a Condition #6. Leann Rea moved and Joel Peterson seconded the motion to approve the combined Land Partition, LP-S-203 and Conditional Use Permit, CUP-S-110, with the corrections indicated to the conditions. Motion passed unanimously by the Commission. Conditions of approval 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 preliminary and 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. Any new access to County road will require road entry permit from the County Public Works Director.
6. The final partition shall include one "non-farm" parcel and one farm parcel. The preliminary plat shows two "non-farm" parcels.

PUBLIC HEARING - Land Partitioning Application No. LP-N-204: Dean C. Moore, applicant and owner. Property is described as tax lot 203 of Assessor's Map 5N 26 24DB, located on the northeast corner of Washington Lane and Second Street West, approximately two blocks west of the City of Irrigon. The proposal is to partition a 2.0 acre parcel into two one acre parcels meeting the one acre minimum lot size of the Suburban Residential One Acre (SR-1) Zone.

Criteria for approval include Subdivision Ordinance Sections 5.020 and 5.030 - Mr. Moore wants to partition a two acre parcel just northwest of the city limits of Irrigon. The request meets the minimum lot size requirement. Access is from Washington Lane, which has not been determined as to whether it is a city or county street. We have a copy of a Quit Claim deed that deeds Washington Street from First Street to the City limits to the City of Irrigon. The parcel to be partitioned was shown on the map. The parcel is not in the UGB, but the city sewer line does run in front of the property. Goal 11 states no sewer should be extended outside a UGB, but DEQ requires a property owner to hook to a sewer system if it is within 200 feet of the property. A copy of the Findings was mailed to our DLCD representative and he has not gotten back to us. The Rule states that a sewer line cannot be extended, but the line is already in place and it would just be a hook up to an existing sewer line. The Planning Director stated that there is a conflict between Goal 11 and DEQ requirements. The applicant stated in his application that he wants to hook up to the sewer system. The property is within 10 feet of the existing sewer line. Condition #5 will require verification from City or DEQ. A preliminary plat map should be submitted before the final partition plat. West Extension Irrigation District did respond with their requirements which the applicant must meet. Mr. Moore indicated that WEID has approached him on buying the pump he has and they will operate it. Some easements to WEID might need to be made. The only comment received was from Mrs. Arnt, who lives across the road. She opposed the land partition because it will block her view and she feels lower the value of her property. Only comment from the audience was from Mr. Moore, applicant. He, of course, is in favor of the partition and wants to site two manufactured homes on the property. There are no deed restrictions on the property that we know of. Pauline Dalton asked how many homes would be allowed on the property. One home on each parcel will be allowed. No other comments or questions. Chairman Padberg asked Mr. Moore if the conditions were acceptable to him. He said they were. Copies of the SR-1 Zone will be given to the applicant with the letter of approval. Art Kegler moved and Leann Rea seconded motion to approve Land Partition, LP-N-204, with Condition #6 regarding requirements in SR-1 Zone being added to the Findings. Motion passed unanimously by the members of the Commission. 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 submit a preliminary and a final partition plat in compliance with ORS Chapter 92.
4. Obtain access permit from the Morrow County Public

Works Department.

5. Submit written verification that the parcels will be served by City sewer, or obtain Site Suitability approval from DEQ.
6. Dwelling requirements shall comply with Suburban-Residential One Acre (SR-1A) Zone requirements.

REQUEST FOR CONTINUATION OF HEARING ON AMENDMENT TO AIRPORT/INDUSTRIAL ZONE - The Planning Director explained that DLCD objected to this amendment on the basis that this request for more industrial type use of the area is above and beyond what was acknowledged in our Industrial Zone. Gary Neal, Port Manager, has requested a postponement. The Port is also waiving the 120 day time limit on this request. If it were just a matter of amending the Ordinance it would not be difficult, but if an exception is required as DLCD has stated, it is a monumental job and the Port will have to do it. Brent Lake, our field representative for DLCD, is gone, but when he comes back we can begin again on this amendment.

REVIEW OF HURD VARIANCE TO ALLOW STORAGE OF FARM EQUIPMENT ON TAX LOT 100 OF ASSESSOR'S MAP 4N 25 20A (REQUESTED BY HAROLD BAKER - Commissioner Kegler withdraws from voting on this issue as he has a conflict of interest. Ms. Hurd's letter, stating that the Variance should be revoked as the property was partitioned and one of the Conditions of Approval stated that if the property was partitioned, the Variance becomes null and void, was read into the record. According to Ms. Hurd the property has been divided and the use has changed from storage to a nuisance, junk area and a real eyesore. The Planning Director visited the site with Mark Miller, CEO, and confirmed that there is a lot of junk on the property. The land is clearly under the ownership of Ms. Hurd. The letter from the Planning Director to Mr. Baker was distributed to the Commissioners. In this letter, the Planning Director explained that according to the Variance conditions, the partitioning caused the Variance to become null and void. The Director invited Mr. Baker to come in and talk to her and the Enforcement Officer, but Mr. Baker asked to be put on the Planning Commission agenda. Mr. Baker and Ms. Hurd are both present. Toni Skinner, Attorney, represents Ms. Hurd and Mr. Baker's attorney, Mr. Smallman, was not present. Toni Skinner explained that the property is being used to store items other than farm related equipment as was stated in the Variance. There is also a dispute over the final plat map that the attorney's are trying to resolve. The Variance is no longer valid because of the partition. Mr. Baker is purchasing the property from Ms. Hurd and he wants the Variance for him to park and store equipment on the lot he is buying from Ms. Hurd. Pictures were passed out of the violation on the property. Joel Peterson said that if Mr. Baker wants a Variance he will have to apply for it where he will be the applicant and owner of the property. The notification process to adjacent property owners will have to be followed if Mr. Baker

applies. The Planning Commission at an previous meeting made a distinction between Exclusive Farm Use and residential land. The Planning Director asked if the Commission agrees with the letter she sent about removing the junk and until he owns the land he cannot apply for the variance or do they want to let Mr. Baker leave the equipment on the property until the legal issue of ownership is cleared. Leann Rea said the Commission must honor the original Variance conditions stating that if the property is partitioned, the Variance becomes null and void. The legal dispute is over the boundaries of the three parcels partitioned. Mr. Baker does not have deed to property he claims he is buying from Ms. Hurd. Mr. Baker asked about the commercial trucks he uses in his farming business. The trucks haul hay all winter long and it is his own product. Marvin Padberg stated that sometimes zoning in an area does not allow for this type of operation. A new Variance can be applied for by Mr. Baker when he has legal ownership of the property, but some of the conditions that may be included in the approval of the Variance request may not make Mr. Baker happy. The area is zoned Suburban Residential One Acre within the Boardman Urban Growth Boundary. The equipment needs to be moved as the Variance is null and void. The Planning Commission decided to give Mr. Baker thirty days from tonight's meeting date to remove the equipment and junk on the property.

REVIEW OF LAND PARTITION OF TAX LOT 100 OF ASSESSOR'S MAP 4N 25 20A (REQUESTED BY MERI LYNN HURD) - Art Kegler declared a conflict of interest. Tony Skinner explained that on the final partition plat the middle parcel extends too far to the west at 340'. The Planning Director stated that a property line adjustment needs to be filed. It would be a replat of Parcels #2 and #3. The Planning Director will talk to Denny Edwards about whether it will be necessary to do a replat or a property line adjustment. Ms. Hurd contends that what was requested by her was not what was approved as the final plat. Toni Skinner will be Meri Lynn Hurd's power of attorney and Mrs. Dalton is buying the property from Ms. Hurd.

AUDIENCE PARTICIPATION/NEW BUSINESS - Kay Dawson requested to be put on the Agenda, but was too late to be listed. She is asking for permission to have a Bed and Breakfast on their five acres east of the Boardman area. The Planning Director explained that in a Farm Residential Two Acre Zone there is nothing listed in the Ordinance regarding Bed and Breakfasts. She would need an interpretation of whether this is considered a home occupation or a guest or dude ranch and then it can go through the Conditional Use Permit process. There is no definition in the Ordinance for a Bed and Breakfast. The Commission agreed that the Dawson's could submit an application for a CUP for a Home Occupation. It was pointed out that the Dawson's presently have a CUP for a rental unit in their home. The rental unit issue could be clarified on the new application. Mrs. Dawson passed out the flyer they have made up and asked if they could get an exception to operate the Bed and Breakfast during Roundup. The Commission said they could not grant an exception, but if they chose to have guest at their home at this time, the Commission could not do anything. Dawson's

agreed to submit a CUP application for a Home Occupation for the September meeting.

DISCUSSION OF DRAFT JOINT MANAGEMENT AGREEMENTS/BUILDABLE LAND STUDY - Copies of the agreement between the City of Irrigon and Morrow County were mailed to the Commissioners. The City of Boardman and Morrow County's agreement is basically the same except for a few changes. These agreements cover many areas such as who does rural addresses, roads, proposed facilities within UGB and other items. The buildable land study is an attempt to understand how growth is happening and preliminary projections on land available in the UGB's. In Irrigon, there are 315 acres of residentially zoned land available to be developed. Boardman also has a large number of acres available within their UGB for development. The County disagreed with Portland State's population estimate and after the submittal of information verifying a larger population, they granted us a higher population total of 9,895. With these larger predictions, sewer and water expansion can be planned. In the State of Washington, a person has to show how they are going to pay for the development. The study did not address industrial land. This study also gives us good information when we go to the Army requesting funding for development occurring due to the incinerator project. Cogan Owens Cogan prepared the buildable lands study. The study shows what infrastructure is needed. Irrigon sewer system was designed for 300 hookups and now has over 500 it is serving. This study does help the cities more than the County. The Hellberg property is not within the UGB and because of the study showing there is enough buildable land within the UGB, the UGB cannot be extended to include their property. He must either put in separate systems or prove that due to health issues request to run the city sewer and water to his property.

The old UGB agreement between Boardman and the County also included the Port of Morrow. A new cooperative agreement between the Port and County was done whereby the Port will be notified of any new land use decisions. There was a good understanding of who will issue permits and where the responsibility lies in other areas. The County and cities agreed to common road standards. The County has jurisdiction in the UGB's until it is annexed and then roads will be built or brought up to minimum road standards. Boardman wanted curbs, gutters, etc., but Irrigon wanted less than County standards. Marvin Padberg stated that good roads promote good housing development. Art Kegler said that a grocery survey he had done showed that grocery potential is higher in Irrigon than in Boardman.

This study will be finalized and then will go to County Council and then to County Court. Cities are notified of land use issues within the UGB. The cities have agreed to notify the County when they are annexing areas of the UGB. Joel Peterson asked if there were going to be agreements with the other towns. Tamra Mabbott stated that she has applied for a grant for the Willow Creek Valley cities which will deal with new UGB agreements, buildable land study and TSP plans. These studies are the basis for funding for

new State or Government funding. These studies aid in long term planning.

OTHER BUSINESS - The Planning Director mentioned to the Commission that the Planning Department is closed on Fridays. Sharon works Monday through Thursday and Tamra is in on Friday's but does not take calls or customers. County Court approved this closure, but the Planning Director wanted to know if it is a problem for any of the Commissioners. The Port of Morrow has objected and she wanted to know how the Commissioners felt. Art mentioned that several times he has tried to call and then remembered we were closed. He did not have a problem with the closure. The Planning Director stated that the Department might be getting another person through the RARE program. All candidates have finished their graduate work from the University of Oregon. If successful, this RARE person will help work on projects for Periodic Review such as the Water Element and help update the Comprehensive Plan and Zoning Ordinance. The Planning Department presently has a CAPECO person who is working on a new filing system and possibly the RARE person could finish up this project.

Tamra Mabbott, Planning Director, said there are 40 bills that deal with land use and planning that were passed by the State Legislature. Bill 2515 will be passed on to the voters. This bill deals with property notification. It will mean the Planning Department will have to send out more notices.

The Miller Conditional Use Permit Appeal on the Amendment to Goal 5 inventory went to County Court and they approved the Planning Commission decision. Property owners have appealed the CUP on the gravel site to the County Court and the hearing will be on September 3, 1997. The property owners have already indicated that they will take these decisions to LUBA. Joe Miller wanted to know if he could go in and start developing, but the Planning Director told him LUBA said the local decision is held until a decision is made by LUBA. Everyone is welcome to come to the County Court hearing on September 3rd.

The Planning Director also told the Commission that the Grittmann trial is scheduled for Thursday of this week. This involves the travel trailer being lived in out at Eastregard.

Leann Rea talked to Water Resources Department over cancellation of water rights. A new directive is that they are aggressively pursuing water rights that are not being put to beneficial use. She questions whether the State has the right to take that property right away from individuals.

The Planning Director announced that Mary Ellen Coleman has decided to resign from the Commission. Mary Ellen indicated she has some serious back and health problems and that is why she has missed nine of the last twelve meetings. Tamra gave her the opportunity to serve if she wanted to, but Mary Ellen decided to resign. A letter thanking her for her service will be sent by County Court

and the Planning Department will order a plaque thanking her for her service.

Leann Rea indicated that she will not be at the next meeting.

Marvin Padberg reported that 15 lots have been sold in the Emert Addition in Ione.

Leann Rea moved and Art Kegler seconded motion to write a letter to County Court urging them to encourage the Sheriff's Office to allow Mark Miller to spend his time on enforcement issues. Motion passed unanimously.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 10:15 p.m. The next Commission meeting will be Monday, September 29, 1997, at 7:30 p.m. at the Morrow County Public Works Building in Lexington, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, SEPTEMBER 29, 1997 - 7:30 P.M.
MORROW COUNTY 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, Art Kegler, Ken Grieb, James Bloodsworth and Richard Kent

MEMBERS ABSENT: Leann Rea and Vacant Irrigon Position

OTHERS PRESENT: Debi Watson, Umatilla Electric Cooperative Association, Kathy and Gary Neal, Bill Hanlon, County Counsel

MINUTES OF AUGUST 25, 1997 MEETING: Two Commissioners did not receive the minutes; therefore, the Planning Commission decided to postpone approval until the October meeting.

PUBLIC HEARING - Conditional Use Permit Application, CUP-N-111, and Variance Request: John M. Dawson, applicant and owner. Property is described as Tax Lot 1802 of Assessor's Map 4N 25 14, located on the south side of Wilson Lane just east of Rippee Road, approximately three miles southeast of the City of Boardman. The proposal is for a home occupation to operate a Bed and Breakfast in the existing home in a Farm Residential (FR-2) Two Acre Zone, and a Variance to put up a 3'x 3' sign which is larger than the 200 square inch allowed for a home occupation. Criteria for approval includes Zoning Ordinance Sections 3.041(2)(H) and ARTICLE 6, Section 6.050(7), and ARTICLE 7, Section 7.020 - The Planning Director reminded the Commission that Mrs. Dawson talked to them at the end of the August Planning Commission meeting of their plans for a Bed and Breakfast and a site for weddings, and the Commission recommended that she apply for a Home Occupation Conditional Use Permit. This application includes this request as well as a Variance for a larger sign than is allowed under a Home Occupation. The Dawson's have a large home outside the Boardman area. The location of the proposed Bed and Breakfast was shown on the map. The home sits back approximately 700 feet from Wilson Lane. Applicants have requested that they be allowed to rent out two and possibly three of the rooms on a nightly basis. At last month's Commission meeting, the Dawson's showed a brochure they intend to distribute to the public. In addition to the Bed and Breakfast, the Dawson's would like to rent out their home and garden area for weddings and special occasions. The criteria for Conditional Use Permits, Home Occupations, was then reviewed by the Planning Director. The sign issue was then discussed. A larger sign in a residential area might be detrimental to the area. It was felt that the Bed and Breakfast would not be a problem, but allowing weddings and other special events might be a problem with noise and parking. One way to limit this is to review the CUP every year. The Planning Director made a field trip and felt the parking might

be a problem as she had little room to turn around the County car. The Dawson's do have a large front field where cars could be parked. The Commission felt that a plot plan showing parking in the area could be listed as a condition. The Planning Director reminded the Commission of a previous CUP issued to the Dawson's to allow them to add two apartment units for family members or to be rented out until the family members needed the units. Kathy Neal wanted to know if we could check to see if the operation would be an intrusion on the neighbors. Notices were sent to surrounding property owners and no comments were received. She also wanted to know if the CUP passes on to other owners if the property is sold. Marvin Padberg said it might, but no condition was listed that if the property changes hands the CUP will be null and void. Gary Neal asked if the existing use was in compliance with the Ordinance. It was explained that the previous CUP does allow two rental units. Art Kegler said that the home is back from the road quite a bit, but the area is developing and he wonders what new neighbors will feel about it. Bill Hanlon stated that Home Occupations are generally confined to inside a building, not outside as for the special occasions. He also stated that land uses go with the property not with the individual requesting the CUP. Kathy Neal said that the Dawson's have a lovely setting and if it is controlled she has no problem with the CUP. Art Kegler said if the Dawson's opened up the front field they would have enough parking area for weddings. Richard Kent asked if the land were divided, would this make the CUP null and void. Planning Director stated only if it were a condition of approval. The sign issue was discussed again and everyone felt that it does not seem to be a problem in this density. Art Kegler moved and Joe Miller seconded to approve the Conditional Use Permit for a Bed and Breakfast and the Variance for Sign Size with the added conditions. Motion passed unanimously by the Commission. Conditions of approval are:

1. Permit shall be reviewed annually to verify compliance, or, reviewed if complaints are filed. Permit may be revoked, if review concludes use is not in compliance with Ordinance.
2. Revise plot plan to show parking area.
3. Allow 3'x 3' Sign Variance as requested. Sign will also be part of annual review.

PUBLIC HEARING - Land Partition Application, LP-S-205: Donalda Reed, applicant and owner. Property is described as tax lot 2200 of Assessor's Map 4S 26 and tax lot 1000 of Assessor's Map 4S 27, located on Upper Rhea Creek Road, approximately ten miles south of the City of Heppner. The proposal is to partition 140.0 acres from tax lot 2200 consisting of 1,398.48 acres and 130.0 acres from tax lot 1000 consisting of 832.38 acres to create a new 270 acre parcel in an EFU Zone. Criteria for approval includes Subdivision Ordinance Sections 5.020, 5.030 and 5.120 and Oregon Administrative Rules 660-33-100 - Property from two large parcels is being taken

to create a new 270 acre parcel in an EFU Zone. Both remaining parcels will be within the 160 acre requirement for the zone. The Planning Director checked with the Assessor's office as the property is within two separate ranges. He indicated the partition could be done. A map of the parcels and what is being split and the remaining parcels was shown to the Commission. The Planning Director also showed on the colored map that two of the parcels do not have any access to them. Road Canyon is not a legal access. The Planning Director recommended that the Commission ask the applicants to clarify their access to the two parcels. The Planning Department has not heard from Water Resources yet. The applicant must present a new deed or a partition plat. Shirley Rugg called regarding this partition. She wanted to know what was being partitioned and she then stated she had no objections. No other comments were received or heard from the audience. Ken Grieb asked why all these lots (40~~±~~ acre lots) were out there. It was explained that they are old survey lines. Joel Peterson moved to accept the land partition with the conditions stated in the Findings of Fact. Joe Miller seconded the motion which passed unanimously. Conditions of approval are:

1. Record deed or partition plat with the County Clerk to complete the land partition transaction. (ORS 92.012) Deed shall include new legal easements, if necessary, to guarantee legal access to parcels.
2. The deed or partition plat shall include a statement of water rights or the partition shall be reviewed by the County Watermaster.
3. Submit a revised preliminary plot plan to show legal access to each parcel.
4. 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.

NEW BUSINESS - SUNRISE MEADOWS SUBDIVISION ROAD - Gary Neal explained that they ran into some lot line problems with their neighbors next to their subdivision. The Dawson's fence and trees are sixty feet at one point and thirty feet at another point over on the Neal's property. They would like to do a property line adjustment with the Dawson's. Mr. Neal wanted to ask the Planning Commission to reduce the right-of-way width of the road. It would help the Neal's meet their lot size requirements if the road right-of-way was reduced. UECA put their lines outside the right-of way. Art Kegler declared a conflict of interest and would abstain from voting if a vote were taken. It was explained that the 60' right-of-way was a standard the County Court accepted after the Transportation Study was done. This 60' will allow for development of bikeways or pedestrian ways in our rural areas. Lower than 60' right-of-ways are generally found in the urban areas and in urban development. The Planning Director indicated that the Variance for

substandard size road could be allowed under the Ordinance's Variance section which requires an applicant show that special and unusual circumstances related to the road size exist and that strict application of the ordinance would cause an undue or unnecessary hardship. The Planning Director stated that there is a need to look at the rural roads. It is not clear whether all utilities are in the right-of-ways or not. Debi Watson, Umatilla Electric Cooperative Association and the Planning Director have set up a meeting to talk with UECA engineer and the County Court regarding utility placement. Debbie said that the utilities are already in place in the subdivision. The road width for the subdivision was not definitely stated as 40' or 60' at the Subdivision Review Meeting. UECA's proposal is to get easements from property owners right away so the Company can make repairs without damaging the road. Her concern is that if we move the roadway width back to 55', the property owners might build on it, and it can cause some problems down the line. Gary Neal said that the people will build fences to the end of their property and then the utility company will have go behind the fences if any work needs to be done. The Planning Director said that the safe thing to do is to follow the Variance criteria. Joe Miller feels that going with the Variance will be the best way. Can take 5' off the 60' roadway, but still maintain the 24' travel way. Ken Grieb mentioned that when the Subdivision was presented to the Commission initially, they talked about the fact that they might have to reduce the lot size. If the lots are within 11% of the minimum lot size they can be allowed. Bill Hanlon said that Neal's must have an application in before the Planning Commission makes a decision. No one has a problem with 55' except that they hesitate making an exception to the 60' standard that was adopted. The Planning Director said that she appreciates the Planning Commission's concern about the 60' standard, but if they want to they can make an exception to deviate from this standard. The Neal's indicated they will make an application for a Variance on road size. They then left the meeting. Art Kegler then suggested that possibly the Neal's could change and make a Variance for one or possibly two of the lots to be below the required acreage and leave the road at the 60' width. Marvin Padberg indicated that he felt this would be a better approach; keeping road right-of-way width at 60' and a Variance for smaller lot size. This suggestion will be offered to the Neal's in a letter from the Planning Department.

DISCUSSION ON AGREEMENT BETWEEN BOEING & MORROW COUNTY - Rob Brown, Boeing's selected representative on the Ione-Boardman road, was at County Court last week to update them on the easement for the Ione-Boardman road. There is a contract between Morrow County and Boeing, and Boeing has agreed to set up a meeting with the State to decide on the easement for the road. Guy has been working with Inland Land and they are trying to find a route. A meeting is planned for November to try to work out all the problems. The Planning Director does not want to be a mediator on this project and she does not believe Boeing is willing to sincerely work on it. The deadline date is February 15, 1998, when Boeing is to find an easement or to get a mediator to find a solution to the problem.

Bill Hanlon said that Boeing has their zone change whether they are able to pump water from the Columbia or not. The best route for the road is the one through part of Tagarres farms. It is the best grade and requires the least amount of new road to be built. It was mentioned that Pete Tagarres' health is failing and we might be dealing with someone else in the future.

SUMMARY OF LEGISLATION ON LAND USE - The Planning Director briefly went over the new Legislation she received from the Association of Oregon Counties (AOC).

HB 2006 is about the time frame for processing land use applications outside UGB's. The current time limit is 120 days and the new will be 150 days after the application is deemed complete.

HB 2014 allows guest or dude ranches in EFU Zones.

HB2021 limits local government from putting conditions upon certain nonconforming land uses.

HB2100 allows ODOT to sell property without conducting a property survey when the property being sold to an adjacent property owner.

HB2241 permits person who has submitted oral or written testimony in a proceeding before the LCDC and who want to appeal the Commission's decision to be able to appeal to the Court of Appeals. This applies to SF-80 (actually our SF-40).

HB2245 talks about the appeal of those decisions.

HB2258 Forest Zone dwelling owners must maintain fuel-free breaks surrounding the dwelling on their property.

HB2515 deals with the notification of anyone affected by any zone changes or amendments. This bill may limit the number of zone changes. This measure will be submitted to the voters at the next regular general election.

HB2605 amends airport planning and development statutes.

HB2615 allows insect breeding as a conditional use in farm zones.

HB2755 expands access criteria for dwellings in Forest Zone. Forest or BLM road can now be used as access.

HB2774 allows local government to set clear and objective standards.

HB2924 requires the State Parks to adopt rules to establish a process for the development of a master plan for each state park.

HB3304 allows for temporary and replacement dwellings in Forest Use and Farm Zones.

SB379, 470 and 475 were all vetoed.

SB588 expands description of activities that qualify as farm use. This bill is good for us. Allows for new uses in the farm zone. Would allow for the expansion of the County Fairgrounds which are in an EFU Zone.

SB868 allows replacement dwelling in EFU Zone to be sited anywhere on the same lot or parcel provided that the dwelling complies with all applicable siting standards. Applicant must execute and record in the deed records of the county where property is located.

SB899 allows for water bottling operations in an EFU Zone.

HB3740 is the important bill for Morrow County. It allows county governing body to assess effects on local communities of recovery or remedial action involving (hazardous substances) chemical agents that are conducted within county. Also allows county government body to impose fee to mitigate such effects on entity conducting recovery or remedial action or on owner of site at which such action occurs. This is the bill the County initiated and assisted in passage of Legislature.

CORRESPONDENCE - Letter from Rick Kepler, DEQ, regarding the Umatilla Basin On-site Loading Project was discussed. They have arranged for Martha Sabol, a hydrogeologist with EPA, to come and do modeling work in the County. The purpose of the modeling effort is to help the Counties identify those areas where nitrate loading from septic systems may have the potential to impact groundwater quality. After we have her comments, an attempt will be made to find a solution to the problems. All groups are working on the project (Lower Umatilla Basin Groundwater Management Area Action Plan), but the CAFO group does not seem to be too involved. Art Kegler said that zoning is inconsistent and that leakage from the canals can affect the groundwater and everyone in certain areas will have to have a reverse osmosis system.

OTHER BUSINESS - Property owners in the Dee Cox Road area where the Miller Gravel Pit will be located have filed an appeal with LUBA on the County Court's decision regarding the Goal 5 Amendment to the Comprehensive Plan and the Planning Department has received a Notice of Intent from LUBA regarding the appeal of the Conditional Use Permit decision. Bill Hanlon said that he has heard that some mediation between the two parties may be undertaken.

In regard to the controversial gravel pit near the Army Depot, it was stated that rumors have it that the railroad has approached Mr. Hansell about whether he wants to buy the mineral rights to the property. Art Kegler said he was approached by the owners of the mineral rights to ask Hansell if he wanted to buy them. Ken Grieb said that when the gas pipeline was put in, the damage to the EFU land was great and he does not see how the farmland cannot be permanently damaged.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 9:45 p.m. The next Commission meeting will be Monday, October 27, 1997, at 7:30 p.m. at the North Morrow Annex in Irrigon, Oregon.

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MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, OCTOBER 27, 1997 - 7:30 P.M
NORTH MORROW ANNEX BUILDING
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, Ken Grieb (arrived at 7:40 p.m.), James Bloodsworth and Henry Bass

MEMBERS ABSENT: Art Kegler and Richard Kent

OTHERS PRESENT: Duane Disque, Russ Morgan, Sandra Thomason, Floyd Wilson, Pat Moore, Elaine Moore and Bob Ployhar

MINUTES OF AUGUST 25, 1997 AND SEPTEMBER 29, 1997 MEETING: On a motion by Joe Miller and a second by Joel Peterson the minutes of these two Planning Commission meetings were unanimously approved by the Commission.

PUBLIC HEARING - Application for a Hardship Variance by Patrick and Elaine Moore to allow the siting of a second manufactured home on Tax Lot 1819 of Assessor's Map 5N 27 21 (3.75 acres) in a Rural Residential One Acre (RR-1) Zone. This parcel is located on the northwest corner of Rand Road and Sunset Lane approximately one-eighth mile from the Umatilla County line. Access to the property is via State Highway 730 to Rand and then south to the subject parcel. Criteria for approval includes Zoning Ordinance ARTICLE 7, Section 7.020(B)(1)(2) - The Findings of Fact was reviewed and the location of the property was indicated on the maps included in the Commissioner's packets. On a motion by Ken Grieb and a second by Leann Rea, the Planning Commission unanimously approved the Hardship Variance with the conditions listed below:

1. The applicant will provide a written, notarized statement that at such time that the Variance is no longer in effect, they will remove the dwelling unit. (Copy Attached)
2. Applicant shall respond to annual review of permit to demonstrate manufactured home is still needed for use by mother due to health reasons.
3. The manufactured home shall comply with Zoning Ordinance minimum siting standards (Section 4.110).

PUBLIC HEARING - Land Partition Application, LP-N-206: Ethel Male and Regie Horn, applicants and owners. Property is described as tax lot 1800 (39.79 acres) of Assessor's Map 4N 25 14 located on the southeast corner of Rippee Road and Wilson Lane, approximately one and one-half miles southwest of the City of Boardman. The proposal is to partition the 39.70 acre parcel into three parcels

each exceeding the minimum lot size of the Farm Residential Two Acre (FR-2) Zone. Criteria for approval includes Subdivision Ordinance ARTICLE 5, Section 5.020 and 5.030 - The Findings of Fact was reviewed and several corrections to the location of the property were made. The property is southeast of the City of Boardman and outside the Urban Growth Boundary. The existing 30 foot north-south easement that runs on the west side of the property was discussed and it was decided that since the subject partition will only add two new homes, the developer should not be required to improve the existing easement to a Rural Collector III. When the subject parcel is built out (FR-2 allows for density of 20 homesites), the road will require improvement. At that time it would be reasonable to request improvements to a Rural Access II standard and then a commitment to participate in road improvements when the land is further partitioned. In addition to physical improvements, a commitment to participate in future improvement should also be required. County Counsel recommends a Consent to Participate Agreement. Also, the easement running east-west is proposed to be 30 feet in width but should be increased to 60 feet to comply with the minimum road standard. The east-west road should be classified as a Rural Access II, but would be upgraded to Rural Access I when further development occurs. A Consent to Participate Agreement would also be appropriate for this road. The groundwater in the area was then discussed. The area has tested high nitrate levels and the Planning Department will provide informational materials for homeowners about groundwater. The Planning Commission is not liable for any groundwater problems landowners may experience. Leann Rea made a motion to approve the land partition with the conditions stated below. The motion passed unanimously by the Commission.

1. Approval by WEID either by letter or by 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. Further partition shall require subdivision standards.
5. Submit DEQ Site Evaluation for each parcel prior to approval of final partition plat.
6. The North-South easement shall be 60 feet in width and shall be classified as a Rural Collector II. The road shall be improved to meet minimum road standards recommended by the Public Works Director and the landowner shall sign and record a Consent to Participate Agreement regarding road improvements in the future.

7. The East-West easement shall be 60 feet in width and shall be classified as a Rural Access I road. The landowner shall make improvements to minimum standards or shall sign and record an Irrevocable Consent Agreement to participate in future road improvements.
8. All conditions shall be completed within one year of date of approval or approval becomes null and void.
9. The Plat shall be reviewed by the Boardman Rural Fire District to insure adequate access and turn-around for fire vehicles.

PUBLIC HEARING - Land Partition Application, LP-S-207 and Conditional Use Permit, CUP-S-112: Willow Creek Country Club, Owner; Ron Bowman, President, applicant and agent. Property is described as tax lot 900 of Assessor's Map 2S 26, located on the west side of State Highway 74, approximately one mile north of the City of Heppner. Proposal is to partition an approximate 2.0 acre parcel with an existing house, barn and shop in an Exclusive Farm Use (EFU) Zone from the parent parcel of 18.01 acres creating a "non-farm dwelling" parcel. The request also combines the remaining acreage of the parent parcel with tax lot 601 also owned by Willow Creek Country Club. Criteria for approval includes Subdivision Ordinance Sections 5.020, 5.030 and Zoning Ordinance Section 3.010(2) CONDITIONAL USES in Exclusive Farm Use Zone and 6.050(16), and Oregon Administrative Rules 660-033-130(4) - The Findings of Fact was reviewed by the Planning Director. The request basically is to create a "non-farm dwelling" parcel and to combine the remaining acreage with adjacent land. As is the case in "non-farm dwelling" parcels, the applicant will be required to sign a right-to-farm disclaimer statement and the parcel will be removed from farm deferral status. The proposed "non-farm dwelling" parcel is already developed as a home site with a well and septic system. Proposed access for the parcel is existing to State Highway 207. Joe Miller moved and Joel Peterson seconded a motion to approve the land partition and conditional use permit request with the conditions stated below. The motion was unanimously approved by the Planning 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 "non-farm dwelling" parcel from farm deferral and all taxes shall be paid prior to recording the final partition plat.

5. A road entry permit is required for any new road access, if any.

PUBLIC HEARING - Land Partition Application, LP-N-208: Gregorio Lopez, applicant; Gregorio Lopez on contract from Western United Life Assurance Company, owner. Property is described as tax lot 230 of Assessor's Map 5N 26 36, located on the north side of Depot Lane, approximately two miles south of the City of Irrigon. Proposal is to partition a nine acre parcel into three parcels in a Rural Residential One Acre (RR-1) Zone. Criteria for approval includes Subdivision Ordinance ARTICLE 5, Section 5.020 and 5.030 -

A new application for this partition was required as the applicant did not meet conditions of approval or submit a partition plat within the required time period. It was also required since certain partition and subdivision standards have changed, including minimum road standards. The Findings of Fact was reviewed by the Planning Director. There is an existing 60 foot easement for ingress and egress and utilities along the east side of the parcel. Although the road (existing easement) currently serves two homesites, based on the one acre zoning, the road has the potential to serve eighteen parcels. The easement could also serve property to the north. Based on the minimum road standards adopted by the County Court, the easement must be improved prior to development. Road improvement requires six inches of base rock and two inches of topcourse. Improvement to the road was recommended as a condition of approval. The classification of the road will be upgraded in the future when the parcels are further partitioned. It was suggested that the Commission may require the landowner to sign a Consent to Participate Agreement for future road improvements. Since the road will serve three or more residences, the Rural Address Ordinance requires the easement be named. The name may be included on the Final Partition Plat. Addresses will be based on the new road name. Septic approval for Parcels #1 and #2 will be required before final approval of the Partition Plat. Letters from Water Resources Department indicate there are no water rights for irrigation on the parcel. The WEID must give their approval either by letter or their signature on the final plat. On a motion by Leann Rea and a second by Joe Miller, the Planning Commission unanimously approved the land partition with the conditions as stated below:

1. Approval by WEID 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. Further partition of Parcel #1 in the future may be

subject to subdivision requirements.

5. Submit DEQ Site Evaluation for new parcels prior to approval of final partition plat.
6. Road shall be improved to a Rural Access II prior to issuance of zoning permits for new development.
7. Sign and record a Consent to Participate Agreement regarding improvements to the road.
8. All conditions shall be completed within one year of date of approval or approval becomes null and void.

PUBLIC HEARING - Land Partition Application, LP-S-209: James and Barbara Hayes, applicants and owners. Property is described as tax lot 1900 of Assessor's Map 4S 26, located on Upper Rhea Creek Road, approximately 14 miles southeast of the City of Heppner. Proposal is to partition an approximate 630.0 acre parcel with an existing dwelling site from the parent parcel of 1283.22 acres in an Exclusive Farm Use (EFU) Zone. Criteria for approval include Subdivision Ordinance Sections 5.020 and 5.030 - The Findings of Fact was reviewed by the Planning Director. Land use will not change and no new development is proposed except to place a manufactured home on Parcel #2, where a manufactured home has recently been removed. Each parcel has legal access to a County Road. The parcel is not located in an irrigation district. The County Watermaster stated there are surface water rights on the property and recommended the landowners discuss the water rights with him prior to filing the final plat. Commissioner Grieb moved and Commissioner Peterson seconded a motion to approve the land partition application with the conditions stated below. The motion passed unanimously by the members of the Commission.

1. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights. Submit a letter from the Watermaster to verify the appropriate documents have been filed regarding water rights.
2. Applicant shall record a deed to complete the land transaction and submit a copy to the Planning Department.

AUDIENCE PARTICIPATION/NEW BUSINESS - The Wilson's, who were granted a Conditional Use Permit several months ago to operate a Small Engine Repair Shop on their property in Wagon Wheel, were present and requested the Commission to allow them to enlarge their business sign to a 3'x3'. They felt the smaller sign allowed in the Ordinance was not adequate to be seen from the road. They said the sign is on property owned by a relative and would not create a problem in the rural area. Planning Commission discussed limitations of a small sign and acknowledged the need to reconsider the Ordinance restriction. The Commission expressed support to allow this request as a way of experimenting with a larger sign. On a motion by Joe Miller and a second by Leann Rea, the Planning

Commission unanimously approved the request of the Wilson's for a larger sign.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting. The next Commission meeting will be on Monday, November 24, 1997, at 7:30 p.m. at the Morrow County Public Works Building in Lexington, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, NOVEMBER 24, 1997 - 7:30 P.M.
MORROW COUNTY PUBLIC WORKS BUILDING
LEXINGTON, OREGON

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

MEMBERS PRESENT: Marvin Padberg, Joel Peterson, Art Kegler, Leann Rea, Ken Grieb, James Bloodsworth, Richard Kent and Henry Bass

MEMBERS ABSENT: Joe Miller

OTHERS PRESENT: Harry and Carolyn Ashcraft, Sim and Ramona TenEyck, Janet Greenup, Ann Spicer, David Ashcraft, Mike and Barbara Wetherell, Gordon Lienau, Jack and Jean Correa, Shiela McClure, Pat and Leslie Suter, Dalarie Philippi, John Edwards, Mark Miller, Code Enforcement Officer, Bill Hanlon, County Counsel, Greg Sweek, Cyde Marie Estes and Barb Danielson.

MINUTES OF OCTOBER 27, 1997 MEETING: Due to a problem with the tape recorder, the minutes of the last Planning Commission meeting were not able to be transcribed, but will be done for the next meeting.

PUBLIC HEARING - CONDITIONAL USE PERMIT APPLICATION, CUP-N-113: HARRY D. ASHCRAFT, APPLICANT; SIM AND RAMONA TENEYCK, OWNERS. PROPERTY IS DESCRIBED AS TAX LOT 1300 OF ASSESSOR'S MAP 4N 24 13, LOCATED ON THE NORTH SIDE OF KUNZE LANE BETWEEN PETERS AND TOMS CAMP ROADS, APPROXIMATELY THREE MILES SOUTHWEST OF THE CITY OF BOARDMAN. THE PROPOSAL IS TO OPERATE AN EMU GROW OUT FACILITY IN A SMALL FARM 40 (SF-40) ZONE. CRITERIA FOR APPROVAL INCLUDES ZONING ORDINANCE SECTION 3.010(2)(P) AND ARTICLE 6, SECTIONS 6.010, 6.020 AND 6.030 - An explanation of the public hearing process was explained by Chairman Padberg. The Planning Director, Tamra Mabbott, then reviewed the Findings of Fact. The owners of the 39 acre parcel are the Teneyck's and the applicant is Harry Ashcraft. A map of the area and the parcel location were shown. The history of the operation is that the Planning Director did not know much about the feedlot until the neighbors complained. Mr. Ashcraft had been in to the Planning Department to talk about the emu operation, but at that time the size and what emus were defined as was not discussed. Emu's are defined by statute as livestock. Mr. Ashcraft has leased twenty acres with a contingency for another ten acres. There are some emu's located at Mr. Ashcraft's Irrigon property. The zoning density at the Irrigon location is higher than the Boardman site. The Code Enforcement Officer and the Planning Director met and they decided to wait until after the breeding season to move the breeders from the Irrigon site. This is a two part operation. The facility in Irrigon will be phased out in the spring. The Irrigon site is in a Rural Residential One Acre Zone. Typically, there is specific criteria to be followed, but with a feedlot we do not have this specific evaluation

criteria. In the Ordinance there is only general criteria under 6.020. This criteria was then reviewed. Under criteria #3, the Planning Director stated that there is some concern as to odor and water quality. Under Section 6.030, the Planning Commission may apply conditions that might help mitigate the impacts on the surrounding property owners. Air quality and water quality issues may be addressed by the Commission. Condition #9 on requiring screening, landscaping or diking to protect the nearby property may be considered by the Commission. The Department of Agriculture and DEQ did not see any problems with the natural resources issues. The application may be approved provisionally, have a time limit or be limited to a number of years.

Letters from all interested parties were read into the record. Vern Fredrickson stated that he has been out to the site and does not see a problem. West Extension Irrigation District refers everything to the agencies that are concerned with a feedlot operation. The sprinkling of irrigation water should be monitored and if the water is not used, the owner's water rights may be in jeopardy. DEQ submitted a letter regarding a similar operation in Milton Freewater. The streams were being polluted. The Department of Agriculture made recommendations for this operation. DEQ does not regulate feedlots unless there is a waste system or pollution of water bodies is involved. The Department of Agriculture and DEQ have a mutual agreement. Dewey West wrote that he was opposed to the operation because of the unsuitability of the property; it is in a high water area. Health and environmental issues were questioned by him. Mr. & Mrs. Bates wrote that they are not in favor of the feedlot and fear the contamination of wells, odor and devaluation of their property. They also stated that they wanted to keep the livability of area good. Dallas Wilson does not favor the permit or zone change. Bruce Whitmore wrote that he was concerned about decreasing the ecology of the neighborhood. Gordon Lienau, the manager of Wilson Willow Run, stated that the irrigation water runs through the property and then drains near the eleventh green and then goes into the Columbia River. He does not wish to endanger the health of the golfers and other people. He is also concerned about nitrate contamination and odor due to the prevailing wind pattern. He feels this is a poor location for this type of an operation. Mr. Suter gave a brief history of the emu operation on this property. The operation started in June and in September complaints were turned in to the Code Enforcement Officer. They have contacted the Department of Agriculture and DEQ. He also stated that the breeding pairs can be moved up to one week before the laying season. Mr. Suter said the CUP is laden with discrepancies. One example is that it states that no structures are proposed, but a grain bin was erected. The Danielson's stated that they oppose the operation. Water run-off from the site onto their property and contamination of their well are big concerns. Cattle drink from the irrigation canal water and they are concerned that the run-off water will drain into the canal and cause water pollution. Odor is also another problem. Mr. Wetherall stated in his letter that he wants the hearing process results which are findings and actions in the best interest of

people, lands, natural resources including wildlife and the environment. He has several concerns regarding the emu operation. These concerns are for the health, safety and livability of his family and neighbors, contamination of domestic water, potential disease, offensive odor and unsightly conditions. Of concern also is devaluation of his property, land conservation and preservation and the compatibility of the operation with existing land use practices. Mr. Wetherall also stated that although the land is zoned agriculture, the area is really residential. Construction began in June on the project and only after complaints were filed was any action taken. The operation intended to slip in through the back door. At this point in the process, he feels no animals should be in the pens. He also feels there is not sufficient factual and objective information on this operation.

Chairman Padberg asked if anyone has a conflict of interest. Leann Rea, Marvin Padberg, Art Kegler and Ken Grieb all wanted it on record that they had visited the site. The Planning Director felt this was not a problem.

Mr. Ashcraft then spoke about his operation. He stated that before the property was leased he contacted the Planning Department about it. At that time the size of the operation was not known and it was also said that emus were poultry. He also explained that the Emu Association requested the change of emus from poultry to livestock.

Leann Rea asked if the operation leased ten acres with an option for ten more to be leased. That is correct.

Letter from Ron Edwards, CAFO Program for the Department of Agriculture, was read into the record. There are no waste water facilities, therefore, it is not a CAFO operation. He found no water quality problem on the land on his inspection on September 17, 1997. Mr. Ashcraft said Ron was out at the site today but will be making another visit later.

A letter from Dr. Paul Windschit was read into the record regarding the nitrate content of the emu feed. He stated that the nitrate in this feed should not be a concern based on the fact that the feed is a low forage containing formula and the ingredient quality of the feed is checked routinely by their quality control program.

Mr. Ashcraft explained that it is difficult for people to relate emu feeding to cattle feeding. It is not the same operation and does not have the same problems as a cattle feedlot. There is less than one-half inch buildup in a pen that has 100 birds. An emu operation is different and one needs to come and see it and then evaluate the project. It is not something you can judge from a distance. He said that diseased and dead birds was a problem, but he has now made arrangements with Darling, Intl., to pick up the dead stock if it is brought in to E.O.M.S. Mr. Ashcraft has also found out that dead birds can be taken to the landfill. Mr. Ashcraft stated that the expansion area will be changed from the

plot map he submitted.. He did not realize that the proposed expansion area was a low water area and because of this he will move it to the southwest quarter of the property. There will be a buffer area; he will not go up to the property line and the irrigation ditches. There is no standing water in the areas of the pens. Mr. Wetherall said all winter long there will be standing water. Marvin Padberg asked about the land composition of the pens and would that cause water run-off. Mr. Ashcraft said that he will remove birds off pens every third of the time (on a rotation basis). He will then disc pens and plant grass to reestablish the area. These areas will sit vacant for one year. Dead carcasses will be hauled off on Tuesdays and Thursdays. Since they will be using the water every third year, their water rights with WEID will not be lost. If there is a long term snow or ice buildup, then there could be the possibility of run-off.

Commissioner Peterson asked how many birds there are now on the property. Mr. Ashcraft said there are 2600 birds there now. It was agreed with the CEO and Planning Department that Mr. Ashcraft could keep 100 birds at the Irrigon site until the breeding season is over. An estimate of 200 birds per week will be slaughtered. Rainfall averages from the Weather Service for the two previous months were read. Mr. Ashcraft said that if people would visit the site, there would not be as many questions about the operation.

Mr. Sim Teneyck, owner of the property, said he does not understand what has happened to this piece of property. He does not feel that people can say there is any smell or run-off, and does not affect any other birds. There are places on the parcel that are swampy, but the ten acre area where the emus are is not one of them. He cannot move the birds in the projected area because of the water. Will go to sprinklers in this area. The culvert and drainage area was shown on the map. Any property that Mr. Ashcraft leases will be sprinkle irrigated. Other areas will be flood irrigated.

Terry Schlacht, who raises emus in the Hermiston area, has raised both cattle and birds and he says you can put a larger number of birds in a confined area and will not get as much manure as you do with cattle. The emu manure is not hot and does not have the odor of chicken manure. Commissioner Padberg said that manure does smell and it is worse when it rains and after it rains. Mr. Ashcraft says that you can smell it for about 100 yards outside of the area that is fenced. Mr. Ashcraft asked Mr. Wetherall if he had ever smelled the manure. Mr. Wetherall said that he has smelled the manure and he can detect a little taste of it in the air. When it was wet, it was more like a hog pen.

Ann Spicer, representing some of the property owners, had several issues she wanted to discuss:

1. Mr. Ashcraft stated that he has made arrangements for disposal of the dead birds twice a week. State law requires 15 hours for dead animals to remain on the ground.

2. How often is someone on the property? Mr. Ashcraft said that he is on the property every day.
3. What is the procedure for the disposal of waste for the birds. Mr. Ashcraft said that they scrape the manure and remove it from the pens and put it on separate fields (alfalfa and crop land).
4. How often will the manure be removed? It will be removed as buildup occurs.
5. Where will the manure be stored? Manure will be stored on the property and will be disposed according to the state.
6. The manure will be stored in a lined or concrete bunker.
7. Is there any screening? No, there is none, but are planning on it.
8. What is the final number of birds? The final number is 5,000 with 20 acres being used.
9. Rotation of pens will be yearly on one-third of the property.
10. The climate and location determined the location on this site.
11. There are 2800 new chicks under contract. (All chicks at Boardman are this year's hatch)
12. The slaughter plant is in Grangeville, Idaho and Moses Lake, Washington. 130 birds a week go to slaughter right now.
13. How long has NADC been in business. They have been in business for eight years.

Jack Correa said that he has property near the feedlot; the pens are within 65 feet of his land. He has it listed with a realtor and the realtor is concerned about whether it can be sold. Mr. Correa says there is a place for feedlots and this is not the right place. Once you get a feedlot in you cannot get it out. He knows the ground out there and it is wet in that area.

Mrs. Wetherall then gave a presentation with pictures supporting some of the property owners concerns. She said that the families were in the area first and this is a serious matter. In July the operation started and appeared to be a small operation, but it grew quickly. In October she made a visit to the Irrigon site. It is nine acres and is zoned Rural Residential One Acre (two animals per acre). That number has been greatly exceeded. There is no grass

and no sprinkling system. At both sites, the weak animals are attacked and eaten by the others. Animals leaving for slaughter must be tested for disease. Emus can move at 30 mph and have gotten out of the pens if the fences are not high enough. Pictures were shown of the pens and sick emus. Mrs. Wetherall felt there was little regard for the animals and little regard for people in the area. She then showed the Commissioners pictures of the Boardman site. The Boardman area is the fastest growing area in the state and this location is not a good site for a feedlot. This is an infringement on the peoples rights.

Dalerie Philippi asked where the new pens were going to be located. The location was shown on a map. She was concerned as to what will happen in a year's time. She would like to see some recommendations that this be looked at later and put on a review schedule. If guidelines are set, they must be followed.

Janet Greenup from the Morrow County Soil & Water Conservation District said she would like to offer any assistance for whatever might be needed. Ashcraft's plan of operation was checked by the Department of Agriculture.

Ann Spicer said that CAFO is defined by State Statute and because the site does not have a wastewater treatment facility or a concrete area, it falls into a no mans land and no enforcement of DEQ issues. If there turns out to be a major problem, it will be difficult to regulate it.

Pat Suter, who has acreage to the north of the property wanted to know what they might be up against with the number of dead animals on the property. He has talked to the Hermiston Oregon Extension Service and they said some diseases could cross to other animals. He is also concerned about water run-off. There is a dike built by WEID on Miller's place to divert the water. Pictures of the run-off were shown to the Commissioners.

Mr. Wetherall contested the findings of the Department of Agriculture. These findings were based on observation and not data. Need to have information gathered, not just from superficial observation. The Wetherall's then passed out some information materials on trends in spreading manure on land and an information sheet the Emu Association puts out on potential diseases. He asks that the Commission looks at all the issues.

Dalerie Philippi has over 900 acres with 130 heifers standing in mud after the last rain. There is not a place in Boardman area that will not have run-off. The soil is sandy in areas and in other areas is deeper. Mr. Correa stated there is a place for feedlots, but this location is not a feedlot area.

Sheila McClure has property not directly adjacent, but northeast of the project property. She wanted to know about item #1 on Page 2 of the Findings regarding being consistent with the Comp Plan and objectives of the Zoning Ordinance. The Planning Director

explained that the property is zoned Exclusive Farm Use (EFU) and the proposed use is farm use. Emus are classified as livestock and comparable in size to smaller livestock. The Ordinance allows for livestock as long as the project meets the criteria cited in the Ordinance.

Commissioner Padberg said that the Commission has their work cut out for them. We have EFU and Rural Residential land sitting side by side. Art Kegler suggested that the Commission take a month to look at the data submitted and actual requirements of the feedlot and surface preparation. He would like in depth data presented by the Department of Agriculture and other agencies. The Planning Director explained that the Department of Agriculture will not require any permits unless the operator of the feedlot has a system to digest the waste. Unless groundwater contamination can be documented, the Dept. of Agriculture cannot regulate the operation.

Bill Hanlon, County Counsel, said that the Clean Water Act does not apply to groundwater contamination.

Joel Peterson wanted to hear from the Commissioner's who visited the site. Ken Grieb wanted to know how big the birds get. Mr. Ashcraft said the birds will get heavier in weight but do not get any taller. Average weight is 65-80 pounds but some can get to 100 pounds. They will need 20 huts for shelter for the 40 breeding pairs. Art Kegler asked if the breeders will be moved to the lot in Boardman. Mr. Ashcraft said that the breeders will be moved from the Irrigon to Boardman location with stipulation that no birds be removed without a blood test. He can move any birds within the State of Oregon without any permits but if you move them out of state they have to have permits.

Mr. Wetherall wanted to know if Mr. Ashcraft gets assistance from NAD. Mr. Ashcraft explained that he has a contract with them. Mr. Wetherall asked if there are provisions from them. Mr. Ashcraft said that there are and they are stated in the letter from NAD. The chicks are delivered at three months of age and are slaughtered at 12 months. Mr. Wetherall wanted to know if Mr. Ashcraft is going to be required to take more birds from the handling facility. Mr. Ashcraft explained that how many the Commission approves will be the number of birds allowed at the operation. Marvin Padberg said that if the project is going to be okayed, it will be limited for a period of time.

Joel Peterson asked how long the birds have been on site. The birds have been on site since July and there is no grass on the site. Marvin Padberg felt the operation was not obtrusive at all. There are about 125-130 birds per pen. Marv Padberg asked Mr. Ashcraft why did he allow the dead birds to lie on the ground? Mr. Ashcraft responded that he was wrong to put the birds in piles, but at the time he did not know what to do with them. Now that he has found a way to dispose of them, it will not happen again. There was no plan at the time, but he now has a plan. Can also take the dead birds to the landfill with a permit.

Mr. Suter asked if he has had any necropsy (autopsy). Mr. Ashcraft said that they have not. Some birds can be damaged internally in shipment and then they die. You cannot always see the injury. The weak birds are eliminated.

Joel Peterson asked if any of the birds have gotten out. Mr. Ashcraft stated that some have, but they are working on the perimeter fence. The birds walk on top of one another and then jump over the fence. Once a pen gate had been left open and some got out. Another time he was working with the water and had a temporary gate and the birds did a run at it and knocked it out.

Henry Bass asked if the breeders will be kept at the Irrigon site. Mr. Ashcraft said the hatchery will stay at Irrigon. Future years was not discussed. Mark Miller, CEO, mentioned that the agreement with Mr. Ashcraft was for the breeders and chicks to be removed by May 1, 1998. Only 18 birds can remain at the Irrigon site. The hatchery will have to be moved as the number of animals per acre will be exceeded when the hatched chicks are ready to go outside. Mr. Ashcraft misunderstood what the CEO and Planning Director had stated in agreement. Commissioner Bass asked if it would not be better to have the hatchery at the emu site in Boardman.

Chairman Padberg said that from looking at the project it did not appear that there was a great investment and he wondered if Mr. Ashcraft has given any thought to another location. Mr. Ashcraft said that he looked for six months. The Port of Morrow held him up trying to find a site and the site they found he could not build pens on it. He has approximately \$30,000 invested in equipment and labor.

The Commission felt they would like to possibly postpone the hearing and ask the Planning Department to do several things:

1. Review Data and prepare a summary
2. Review regulations of various agencies
3. Request in depth report from the Department of Agriculture
4. Review regulations if the operation were a CAFO operation and see how the site would be developed and what the issues would be.

Leann Rea commented that there are no other feedlots in that area. She has a feedlot in a Farm-Residential Two Acre Zone that is less than 1/8 mile from her house.

Art Kegler moved to postpone the decision on this application until the next meeting and have the staff prepare the information requested. Leann Rea seconded. Motion passed.

The question was brought up whether the operation could continue,

but not expand. Bill Hanlon said that basically there is not a conditional use permit to operate, but we are not going to enforce the operation of the project.

Mark Miller wanted it noted that the discussion between Mr. Ashcraft and the Planning Director and himself was about both Irrigon and Boardman and that at that time we were not aware of all the opposition to the project. Marvin Padberg said to continue to clean up the Rural Residential area and then decide at the next meeting about the Small Farm 40 area. Art Kegler wanted to know if there is going to be a hatchery and will it be a part of the growout facility (feedlot).

Ann Spicer also asked if you intend to take any action if the birds from Irrigon are moved to the site or if other birds are taken in from other sites.

Mark Miller stated he has tried to resolve the issues and tried to work out the best solution for all the people. Mr. Ashcraft can only deliver a certain amount of emus to a site for slaughter. Chairman Padberg stated that if the CUP were turned down at the next meeting, the Commission would give Ashcraft enough time to close down the facility. Mr. Ashcraft said that he will do everything in his ability not to bring in any other new birds. Most of the birds from Irrigon will be slaughtered as soon as possible.

The date of the next meeting was discussed. It was announced that the next Planning Commission meeting will be on Monday, January 12, 1998, at 7:30 p.m. at Irrigon. Ken Grieb said he would not be able to attend the January meeting as he will be out of town. Chairman Padberg postponed the hearing until next month.

A five minute recess was taken and the Commission reconvened at 10:05 p.m.

DISCUSSION OF FARM DWELLING TYPES/OPPORTUNITIES - The Planning Director passed out a sheet (see attached) on dwellings in EFU and SF-40 Zones as adopted from the 1993 Legislature. Morrow County does not have a lot of high value farm land. One lot of record siting permit has been issued in the County. A permit for a dwelling on land not high value can be issued over the counter if it meets the criteria listed under "C"1 for a large lot. Under Income Capability, #C2, it is more difficult to meet this criteria. Under "D", Farmer Jones Dwelling, it is fairly easy to site a dwelling for a farm hand to live on the property, but to segregate out a parcel is more difficult.

Bill Hanlon stated that it is possible to do a scam foreclosure to force a partitioning of a parcel. The Planning Director said that you can do a partitioning for financial purposes only, but do not like to do it as the partitioned parcel reverts back to the original parcel after the mortgage has been fulfilled. If the parcel ever changes hands, it is very difficult as an enforcement

issue.

Under "Non-Farm" Dwelling, #2, it explains the criteria to site a "non-farm" dwelling. If people ask questions about the siting of dwellings in EFU Zones, we can give them this handout.

Greg Sweek and Cyde Estes were present to explain how the Assessor's office figures the gross income or the amount made from the property. When the Assessor figures gross income, they take off for rent and other operating costs. The Planning Director explained that in the SF-40 Zone in order to allow dwellings, you can do either of two things:

1. Can apply for an exception to the zone or a zone change; or
2. Can apply for a go below. You must go before DLCD and ask them to allow siting on these parcels. If you are in our SF-40 acres zone on a go below, it could be used as a C1, On land "not high value", large lot.

Greg Sweek said that in EFU zones, the Assessor's Office does not check the property to make sure they qualify for farm deferral; it is automatic. The maximum gross income for a 40 acre parcel is \$3,000. The Commission felt that the Planning Director should pursue the go below option with DLCD. The Planning Director explained that once an exception is taken to Goal 3, DLCD makes it hard to justify. The time frame for the go below is several months.

AUDIENCE PARTICIPATION - Deputy Mark Miller explained that he thought everyone understood what animal limitations were placed on the Irrigon property of Mr. Ashcraft. He said that if you look at the last letter in the CUP packet, he feels there is no question of the number of animals. If the animals are in a building on the property, they should be counted.

Marvin Padberg reported that there was a meeting with all interested parties on the Ione/Boardman Road. The Navy has shot down the proposed route stating that the route violates their flyway easement. As a condition of approval of the change to the SAI Zone for Inland Land, Boeing agreed to find a route agreeable to all interested parties. Boeing is going to try to live up to the condition and is going to approach Taggares for permission to use the original route through a few of their circles. The road is acceptable to PGE and they are very good to work with. They do have to take everything through their new owner, Enron, in Houston. There is four and one-half miles of new road to be built. Chairman Padberg pointed out that the Planning Director did a good job in presenting our case on the road. The shortest route has the best grade and is the least expensive. Boeing has to live up to their agreement. Boeing has an iron-clad lease with the state and Taggares has an iron-clad lease with Boeing.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 10:55 p.m. The next Commission meeting will be on Monday, January 12, 1998, at 7:30 p.m. at the North Morrow Annex Building in Irrigon, Oregon.