

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, FEBRUARY 23, 1998 - 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, Art Kegler, Leann Rea, James Bloodsworth, Richard Kent and Henry Bass

MEMBERS ABSENT: Ken Grieb

OTHERS PRESENT: Diane Gettmann, Harry & Carolyn Ashcraft, Daryl Ashcraft, John & Diane Kilkenny, Dwight & Michelle Osborne, Eric Moeggenberg, Jim Johnson, Rick Danielson, Ruben Magallanes, Jean & Jack Correa, Larry Rew, Pat and Leslie Suter, Mike and Barbara Wetherell, Bill Hanlon and Mark and Elaine Miller

MINUTES OF OCTOBER 27, AND NOVEMBER 24, 1997 MEETING: On a motion by Joel Peterson and a second by Leann Rea, the minutes of these two Planning Commission meetings were unanimously approved by the Commission.

PUBLIC HEARING - Application by Ruben Magallanes for a Variance from Property Setback Requirements on Tax Lot 703 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 Lane, approximately two miles southeast of Boardman. Criteria for approval includes Zoning Ordinance ARTICLE 7, Section 7.020 - The location of the property was shown on the map. It was explained to the Commission that the applicant had already constructed the barn unaware that he needed a building permit. He was contacted by Building Codes and told he needed a permit. Since the property was not classified as Agricultural Exempt, the applicant needed to obtain zoning approval and a building permit. Preparing to issue a zoning approval, it was discovered that the applicant was six feet too close to the property line. This is a very standard Variance request. Notices were sent to adjacent property owners. Mr. Thomas, a neighbor, had no problem with the Variance, but expressed concern over the number of animals on the property. The Code Enforcement Office, Mark Miller, did an inspection of the property and because the applicant leases the adjoining property with an open gate between the properties, he is within the allowed number of animals. Mr. King, a neighbor, stated he has no problem with the building. Mr. Neal also owns property across the road and he has no problem with the Variance request. Leann Rea said that the barn is close to Mr. King's property and since he has no objection she does not see any problem with the Variance. Joe Miller moved and Leann Rea seconded the motion to approve the Variance Setback request with the conditions as stated in the Findings of Fact and below. Motion passed unanimously by the Commission.

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

PUBLIC HEARING - Application by Dwight and Michelle Osborne for a Variance from Property Setback Requirements on Tax Lot 1101 of Assessor's Map 5N 26 25D in a Rural Residential One Acre (RR-1) Zone. This parcel is located on the east side of West Second Street, approximately one-quarter mile southwest of the City of Irrigon. Criteria for approval includes Zoning Ordinance ARTICLE 7, Section 7.020 - The location was shown on the map. This request is about a barn being built too close to the rear yard property line. The barn will actually be 12 feet too close to the rear property line. The Staff Report was reviewed and the Planning Director felt they met the conditions. Adjacent property owners were notified and no responses were received. One of the Commissioners reported that the building was already up. Dwight Osborne, applicant, responded that he had talked to all his neighbors and none had an objection and because of no January meeting, he was running out of time before birthing season started. Therefore, he started construction of the building. There were no other comments from the audience or Commission. Leann Rea moved and Joe Miller seconded the motion to approve the Variance for Setback Requirements with the conditions stated in the Findings of Fact and below. The motion passed unanimously.

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

PUBLIC HEARING - Land Partition Application, LP-N-210: Donald E. Jorgensen, applicant and owner. Property is described as tax lot 2500 (4.0 acres) of Assessor's Map 5N 26 23D, located on the northwest corner of Columbia Lane and West Fourth Road, approximately one-quarter mile west of the City of Irrigon. The proposal is to partition the parcel into two parcels each meeting the minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval includes Subdivision Ordinance ARTICLE 5, Section 5.020 and 5.030 - The applicant would like to partition a one acre parcel from his four acres. The request meets the minimum lot size and has access off West Fourth Road. Parcel #2 is directly north of the city sewer line. Mayor Don Eppenbach said that they would allow hookup even though it is outside the UGB. It is considered a new hookup and not an extension of the city sewer system. The property south of this area is going to be a subdivision in the near future. The City has indicated that there would have to be an expansion to their system for this subdivision and it would tap their system. Therefore, this subdivision could not be hooked to the City's sewer lines, but will require individual septic systems. An access permit from Public Works will be required before entry onto West Fourth Road. The property is in West Extension Irrigation District boundaries and WEID approval is made a condition. There are no groundwater rights according to the Watermaster's Office. The Staff Report was written before the Planning Department received notice of a violation of the Conditional Use Permit for

having trailers parked on the property. Mark Miller, CEO, stated that it was his understanding that the Commission could not approve any permits if the applicant was in violation of any other permits. It was suggested that a condition be added that the Planning Department not sign the final plat until applicant is in compliance with his other CUP and that the violations are corrected. Bill Hanlon, County Counsel, said that the violation of the trailers on the property will need to be addressed. Commissioner Rea mentioned that she knew there was an uncapped abandoned well on the property. Chairman Padberg said that a condition could be added that any potable water supply be noted on the plat and any pre-existing wells and/or abandoned should also be noted. The Planning Director stated that the well and compliance issue can be addressed as conditions added to the Staff Report. On a motion by Joel Peterson and a second by Leann Rea, the Planning Commission unanimously approved Land Partition, LP-N-210, with added conditions and the conditions stated in the Findings and below:

1. The applicant shall comply with the requirements of the West Extension Irrigation District. District approval shall be noted on the final partition plat or in the form of a letter.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall 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 before any development occurs.
5. Submit written verification that Parcel #2 will be served by City sewer, or obtain Site Suitability from DEQ.
6. Any further partitioning of Parcel #1 may require subdivision standards.
7. Potable water supply will be noted on the plat. Pre-existing wells will be properly closed (abandoned), and identified on the preliminary plat.
8. Property must be in compliance with Zoning Ordinance prior to signing final plat, e.g. no trailers parked on the property.

PUBLIC HEARING - Land Partition Application, LP-N-211 and Conditional Use Permit, CUP-N-114: Robert Kilkenny, applicant and owner. Property is described as tax lot 3500 of Assessor's Map 1N 26, located on the west side of Kilkenny Road, approximately six miles northeast of the City of Lexington. Proposal is to partition an approximate ten (10) acre parcel with an existing mobile home in an Exclusive Farm Use (EFU) Zone from the parent parcel of 847.18 acres creating a

“non-farm dwelling” parcel. 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 6050(16), and Oregon Administrative Rules 660-033-130(4) - The partition request is to partition 10 acres with an existing dwelling from the parent parcel in an EFU Zone. The Staff Report was reviewed as was the criteria for a CUP. The letter from Water Resources Department indicated there are water rights but they do not apply to Parcel #2, but map is small and if landowners claim there are none, WRD would agree. Meets conditions of “non-farm dwelling” according to state law. The Planning Director made the evaluation that this partition would not make a cumulative impact on the area. Leann Rea stated that this is the typical non-farm dwelling parcel we have done in the past. Mr. Kilkenny said that their manufactured home sits in the middle of the farm and they want to get their own parcel. The usual Right-to-Farm disclaimer will be required of the applicants. Art Kegler moved and Joe Miller seconded the motion to approve the Land Partition and Conditional Use Permit with the conditions stated in the Findings of Fact and below. Motion passed unanimously.

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. The plat shall include a legal easement across Parcel #1 to Parcel #2.
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.

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. This is a continuation from the January Planning Commission meeting, which was canceled because of inclement weather - The latest information from applicant

and lawyer of adjacent property owners was handed out to the Planning Commissioners. The Planning Director introduced Jim Johnson, Department of Agriculture, Salem office; and Eric Moeggenberg, CAFO representative from Department of Agriculture, Pendleton office, who are here to answer any questions about the operation. The location of the Emu grow out facility was shown on the map. The Planning Director and County Counsel found that most of the negative issues raised at the last meeting on the CUP can be mitigated by adding conditions to the permit. Adjoining property which is zoned Farm residential was part of an exception area. This area was taken as a exception to the farm use zone. The County made a case to the Land Use Conservation And Development Committee that by zoning some of these areas as Farm Residential Two Acre it would not negatively impact existing farming practices. The policy and the law are bent toward protecting the agricultural uses. Another portion of the Ordinance refers to the fact that the proposal not exceed the carrying capacity of the natural resources. This issue was referred to the Dept. Of Ag, especially the CAFO program and we have on file a couple of letters that said the existing operation is not violating any Dept. of Ag. or water quality or quantity rules. Planning Commission could require Mr. Ashcraft to have a Management Plan as a Condition of Approval, but the authority to monitor the operation remains with the Department of Agriculture. Mr. Ashcraft has spoken to several of the agencies involved, and has submitted a Management Plan and the number of emus will not exceed 4800. The County Counsel said that the Commission should not issue a provisional approval. His recommendation was to either approve or disapprove the CUP. If the hatchery were located at the Boardman Site, it would be a outright use. Some possible conditions which might be included in the CUP.

1. Require Mr. Ashcraft to develop a management plan.
2. Plant a buffer of trees around facility.
3. Limit the number of emus. (Not sure we have this authority)
4. No accumulation of animal carcasses; must be in compliance with State law.
5. Annual review of the CUP.

Art Kegler wanted the Department of Agriculture to participate. Mr. Ashcraft showed the location of the new area when they expand. Poplar trees will be put along the west side of the property and on the south side (Lombard Poplars). On the west, east and down the center of the pens rows of Simon Poplars will be planted. These trees will be drip line irrigated. Birds will be watered via an underground water system. Straw which has been used as windbreaks will not be used. The trees will create a turbulence and this turbulence will help eliminate the smell. A dry sleeping area in the pens will be constructed. The area will be made of straw and sawdust (similar to a feedlot berm, a higher area). This berm will be knocked down every two to three years. With the

manure being removed every third year, the nitrogen concern will be eliminated. A 25 foot grass strip will be maintained on the south, east and north perimeter of the pens. On the west side of the pens, a 75 foot grass strip will be maintained. Mr. Ashcraft also stated that the removal of dead animals will be taken care of every day. A 55 inch woven wire fence will be constructed around the facility. Well testing will be done at one well located in the middle of the growout facility and the other well on Jack Correa's property north of the facility. Leann Rea commented that the sleeping area will be in the middle of each pen. The birds find a spot that is dry and they use that area. Joe Miller asked if there are any existing wells to the west. There are some wells to the north of the property. The land slopes to the northwest and the groundwater moves to the river.

Jim Johnson, Department of Agriculture, is familiar with water use and water planning. He stated that this operation is not a CAFO and does not require a permit. Inspectors have been on the site at least twice and have found no violations on water quality issues. ORS statutes says that if there are water quality issues related to agricultural practices, only the Dept of Ag can regulate those practices. If the Commission does have water quality concerns tonight, he suggests they consult with their County Counsel as the Dept. of Ag. does not believe they can put conditions on any agricultural operation related to water quality. Mr. Johnson stated that the operation exists in an EFU Zone and as such agricultural operations are the primary use that the area is planned for. When an exception is taken for an area, two things occur before this can be approved. One is that you have to find that the land is physically developed or irrevocably committed to such nature that it is no longer available for agriculture. And #2 even if it does meet that requirement, will the proposed use impact uses in the surrounding zones which would be allowed; which in this case would be agricultural. If they would, then the exception should not be granted and the area should remain in a farm or forest zone. Areas were committed or developed with the exception that agriculture would not be affected in the area. The ability for local government to regulate agriculture jumps around in several statutes. In ORS 215.253 statutes state that no local government can regulate agricultural practices unless it is a health, safety or welfare issue; water quality practices cannot be regulated. ORS 30.935 is the right-to-farm statutes; not just disclaimers but insures the local government cannot adopt an ordinance or regulation that would restrict an agricultural practice because it is an "nuisance." If you do not like the smell, you cannot regulate against it as it is not a health, safety or welfare issue. One other issue regarding water quality he would like to discuss is that he has heard that the Department of Agriculture is complaint driven. He does not look at it that way. It is very similar to the Forest Practices Act and other regulations that they deal with. Statutes require that all land uses, including agriculture, do not discharge into the waters of the State in such a way that they would violate the Clean Water Act. It is the responsibility of the landowners to comply with these provisions and to be aware of what is being required. The fact that Mr. Ashcraft is developing a management plan goes a long ways to his understanding that he has to comply with the Clean Water Act. If he does not comply with those provisions, that is when the Department of Agriculture gets involved in regard to whatever violation

process occurs. The Department of Agriculture would be concerned even if only one cow were involved or 5,000 cows if they were violating the Clean Water Act. CAFOS only gets involved when there is a confined livestock feedlot, a prepared surface with a manure system on site prepared for treatment.

Art Kegler asked if Eric or any other Department of Ag people looked at the water off-site north or west of the site. The response was no.

Pat Suter, a neighboring property owner, questioned the management plan regarding excess manure which will be placed in concrete or rubber liners. He wondered if this did not make the operation a CAFO since you were stockpiling manure. Eric responded that it does not as it is not a waste water system.

Larry Rew, Attorney for neighbors, said that he does have some people that would like to make a comment. First is Mr. Wetherell, adjacent property owner, who has some pictures and video of the project site. The pictures and video show the water issue as it relates to the property. It shows the amount of water and the incompatibility of this operation as a feedlot. There is a lot of groundwater and the area is very swampy from November through March. They are concerned about water run-off from the pens and well contamination. He does not believe a feedlot in an area like this is compatible with existing farming practices and something the area can handle. He believes the video, taken sometime back, will show their concerns. The property is just not suitable for a feedlot operation. This feedlot has been there since July without a permit. Birds have escaped three or four times. Mr. Wetherell stated that when the wind blows from the east there is quite an odor connected with the feedlot. Mr. Rew asked Mr. Wetherell if they have had any problems with other feedlots in the area. Mr. Wetherell stated that they have had problems with the beef feedlot at Three Mile Canyon. The odor was a problem, but also flies. They had to spray on a weekly basis to keep the fly problem to a minimum.

Pat Suter was then called by Mr. Rew. Mr. Suter lives about one-quarter mile west of the facility. He leases pasture to the north and west. Water comes through the ditch and heads to the Columbia River. Flooding occurs every year. He says that they were told the property was to be sprinkler irrigated. He said he contacted WEID and that no one has come in asking to switch to sprinkler irrigation.

Mr. Rew said that he would like to ask Mr. Ashcraft some questions. Chairman Padberg said to ask the questions of the Planning Commission and they will try to answer them.

1. How do you keep the water from going down into the ground (filtration into the ground)?
2. He would like to know the cost of putting the rubber line holding area into place.

3. Are there any plans to put in monitoring wells to monitor water quality of both surface and groundwater.?
4. Cost of the improvements now set forth in the management plan?
5. Timeframe in which this management plan would be implemented.

Pat Suter also asked about the number of dead animals. He would like to see a few of the dead birds have a necropsy to see what killed them.

Rick Danielson lives a half mile from the property. He asked what is done with the bedding materials after it is removed and also what is going to be done with the waste material in the holding facility (bedding and manure material) and what he is going to do about the flies.

Jack Correa, adjacent property owner, is concerned because of the well being right there. They have given permission for Mr. Ashcraft to test his well. If well does show a lot of nitrogen will Mr. Ashcraft correct the problem. The trees along the north side have been eliminated and he wondered why. The water flows across the property pretty fast.

Art Kegler asked the Department of Agriculture what happens in the case of water problems. Who will act on these problems. If it is not this Commission's position to act or grant or not grant the CUP relative to water issues and if we do monitoring of wells and the maximum is exceeded in a year's time, what will the Department of Agriculture do. Jim Johnson responded that something is already being done in this area called the Lower Umatilla Basin Plan. Just because you have a well in the area that is high in nitrogen does not mean that this emu operation is the source of the problem. You have an aquifer that is moving through numerous properties and we do not know which property is the source. It is not as simple as saying that we have a higher nitrogen level which is coming from the adjacent property. Have been working with groundwater situations throughout the state and have management plans for agriculture in general. Working to decrease not just nitrates but other elements in the groundwater basin. Art asked again whether the Department of Agriculture would step in if the nitrate level increased in the wells in the area. Jim Johnson responded that the problem cannot be easily solved and that the source cannot be traced to one operation. Groundwater is hard to understand.

Henry Bass asked that if test wells were put on the neighbors property to measure surface and groundwater and if there is any nitrate can't that go into the wells. The answer was that if the wells were cased properly this would not happen. Commissioner Bass also asked for someone to define "Agriculture." Is it basically ground crops?. Legal definition of agriculture as it applies to regulations under state laws includes not only to the growing of crops, forage, and it also involves the management of livestock and other animals. In this case, emu by definition is livestock and is under land use

statutes and right-to-farm use or operation.

Chairman Padberg asked how deep the wells were that he intends to monitor. Harry responded that he does not know at this time. They are existing wells. After last month's meeting, he felt that by monitoring the wells he would address some of the nitrate contamination concerns of the neighboring property owners.

Mr. Ashcraft was asked to explain the rubber lined holding area he is planning to put in. It was explained by Mr. Ashcraft that this is one option. Another is to spread immediately as he has several landowners who already requested the manure be spread on their property. If they do not have any property that needs manure spread at the time, they would not just pile it on the ground. They would either put concrete lining as a holding area until it could be spread on property. He explained that the pens would be cleaned every two years. The material for the bedding material is straw and sawdust and it becomes part of the manure to be spread. Manure is a mixture of animal waste and bedding material.

Chairman Padberg asked if Mr. Ashcraft thought that the birds changed the water filtration of the soil; does it tighten up the soil. Mr. Ashcraft responded that it does. If you were to take a shovel and drive it into the ground in the pens, the ground would be dry four inches under the manure or ground. If you did it in another area, it would be dry six to eight inches. Chairman Padberg stated that there may be a little more runoff on the emu ground than say the next pasture. Mr. Ashcraft said that might be the case, but really there is not a lot of runoff. When it rains on the manure in the pens, the birds walk it into the manure and because it does not immediately soak in does not mean that it runs off the property. The air in Eastern Oregon removes a lot of the moisture; it evaporates. Most of the people concerned with agriculture realize that you lose most of the moisture into the air, not into the ground. There is where a lot of the moisture is removed. We saw some pictures of water and that was on January 17 when we had six to eight inches of snow and a Chinook rain came in and wash it all away. The water that was in the pens washed some of the manure out of the pens seven to ten feet. It did not run down the irrigation ditch. Because they do not have a permit and have not damaged any of Sim's original property, they had more water coming back toward the pens than after they develop the operation. The reason they switched the pen location was because when it rained all the water came into that area. Mr. Ashcraft showed how they were going to flood irrigate. He has talked to the WEID about sprinkler irrigating when it is taken out of rotation. Leann Rea asked if the farms that are going to spread the manure are flood or sprinkler irrigated. Mr. Ashcraft responded that most are flood or sprinkler irrigated farms. Mr. Wetherell asked if they were familiar with the practice, now discontinued, in Ohio of spreading fowl manure on farmland. Eric responded that he had not heard of it. Mr. Wetherell hoped he would check into it because it referred to infestation of insects and disease and danger to grazing animals. Jim Johnson responded that the State Veterinarian, Dr. Andrews, said that he has done some research into emus and has found no evidence of any damage to animals because of disease transmission.

Chairman Padberg asked Harry what kind of a timeframe he had in implementing the management plan. Harry indicated that he will start on it immediately and within six months everything they have agreed to will be done. They will start right away with planting the trees because now is the best time to get the job done. The grass walk ways are existing and they will also be reestablishing some tall fescue in the filler strips as recommended by OSU Extension Service. The perimeter fencing will be started immediately. Joe Miller asked about the dead birds. He asked if emus were like chickens or turkeys in that they pile up and die. Mr. Ashcraft indicated that is true and the dead birds will be picked up every day. Mrs. Suter asked if all the emus that died from suffocation. She also wanted to know if any necropsy's were being done on the dead animals. She is concerned about certain diseases that are transmittable to people and animals. Mr. Ashcraft said that they had birds die from suffocation, stress and the inability to handle the winter.

The Planning Director asked about filtrating the groundwater. The study of groundwater is a very complex thing and Mr. Rew asked whether or not Mr. Ashcraft could prevent the infiltration of groundwater. Just short of an impermeable man-made surface, she would say no that Mr. Ashcraft could not prevent filtrating the groundwater. She would submit that this Planning Commission shares your concern about groundwater contamination, but it seems that is not an issue that can be directly regulated by the Commission, but indirectly regulated by the Department of Agriculture. She would like to hear their response about the groundwater contamination and how it would be monitored. Eric stated that he is new in Eastern Oregon and he knows that the water quality planner in his office is the Oregon Department of Agriculture agent and he is working in the Lower Umatilla Basin with producers of all types. He is mainly a surface water specialist. Jim Johnson indicated it is also the responsibility of the Department of Environmental Quality to do the monitoring and once the DEQ decides that there is a problem with water quality and then pinpoints what those problems are and agriculture comes into play, then the Department of Agriculture comes into the development of the management plan to address the agricultural practices element of the bigger management plan for the water quality area. The Planning Director stated that the concern is that we are cognizant of those activities going on do we have any assurance other than Mr. Ashcraft voluntarily monitoring the wells that DEQ would be monitoring wells in this particular area. Jim Johnson indicated that he could not speak for DEQ, but this is an area of state-wide concern so there is monitoring going on; where and when you would have to check with DEQ. The Planning Director asked what type of evidence the adjoining property owners would have to relay to the Department of Agriculture before they took action if they had some groundwater concerns. Jim Johnson said that the groundwater concerns that we have addressed so far in the state's three or four basins came after there had been a comprehensive monitoring program done by DEQ and then ultimately brought in to them. One well does not mean that it is coming from a specific source in the region but from a larger area. Groundwater is affected from a large area. It is not as simple as saying that we are going to monitor one property; it has to be a comprehensive approach to a bigger water ground study. The Planning Director said that she though the frustration is that

we intuitively know that a large concentration of animals and manure will effect surface water and groundwater, but to what extent can we characterize one operation and compare it to another operation. What she is hearing is that we cannot. We assume that the operator is using the best management practices and unless we have some very clear evidence that a particular operation is contaminating groundwater we cannot do anything about it. Jim Johnson responded that is a fair assumption.

Larry Rew indicated that DEQ does not have money to do anything. He has been chair going on his third year of the Umatilla Watershed Council and they have been very concerned about water quality. Out of 990 streams that are on the list DEQ has been able to pick only about four or five to provide materials about water quality. Unless the amount of money goes up significantly, that is going to be the way it continues. The people from Pendleton and Soil and Water Conservation District came and monitored wells for three years before the plan was put together. He knows that we have wrestled with the same thing. He does not agree with Mr. Johnson indicating that this Planning Commission has absolutely no authority to make a decision based on water quality issues. He thinks this Commission may not be able to determine what the water quality parameters might be, but he feels this Commission can make a yes or no decision based on what the water quality problems are that existing on a piece of property like this. This is one issue that he thinks we should clarify as to what authority that the Commission has to make a decision based on that tract of land for this type of use.

Leann Rea asked what our Code Enforcement Officer thought of the site as she believed he had been out there recently. Mark Miller, CEO, said that he was called out sometime back and he does not know how relevant this is but he was called out about the dead birds on the site. He made a trip out the following day and he found three dead emus on the property. They did not have any deterioration and appeared to be recently demised.

The Planning Director asked Mr. Ashcraft where the rubber lined holding pen would be located. He stated that it will be in the center of the 120'x120' area. They are not talking of a big holding area only a 30'x30' area. It will probably be concrete and will be on top of the ground. It will be a pad with probably a four to six inch wall around it and it will be sloped so the moisture can drain.

Rick Danielson asked if there was any regulation or requirement for the manure pad. The answer was no.

Mr. Ashcraft pointed out to Tamra that one of the items that was missed was the letter from Dr. Johnson, an adjacent neighbor, in support of the operation. The Planning Director responded that if it was submitted in January it went out in the January packets and she did not go through all those items. The letter from Vector Control was brought up and it was stated that it was in the packet of materials that was sent out.

Limiting the number of birds was brought up and the Planning Director asked Jim

Johnson, DOA, to respond to that. He felt that the limitation of the number of birds to be a regulation of an agricultural practice and unless you have a connection of that to a health or safety issue other than water quality or other than a nuisance, it would appear to him that you could not do that without violating the provisions that you cannot regulate a farming practice in a farm zone. Bill Hanlon, Morrow County Counsel, said he is going to differ with that and that there is a difference. We are undertaking a review of a proposal for 5,000 birds and if we approve that he does not think it is an unlimited right to put 350,000 birds. He thinks the Planning Commission has that ability to set conditions related to impacts on adjoining property. He may be challenged on that but he thinks they can do it.

Mr. Correa asked a question -- he had formally agreed to allow Mr. Ashcraft to test their well and he wanted to know who will pay the bill if the level of nitrogen is higher than allowed. Bill Hanlon said that is a legal matter. The Planning Director suggested abandoning and capping the well. Mr. Correa said that they use it for livestock. The property is currently up for sale and one prospective buyer looked over the fence and said he did not want the property. He now leases it out.

Rick Danielson said the depth of his well is 30', Wetherell's is 40' and Suter's is 38' with zero nitrates.

Mr. Rew asked if the question of what the cost of the operation was. Chairman Padberg indicated that he did not see how it is relevant. Mr. Rew said that he saw in the Ordinance that the Commission has the authority to require a bond of the applicant to make sure all the conditions are done. Chairman Padberg said that if Mr. Ashcraft did not complete the conditions he would not have an operation out there. Mr. Rew said then the County would have quite a mess to clean up.

Joe Miller stated that they do not have any jurisdiction over the water, smell is a nuisance, then the applicant is meeting all the other criteria. Art Kegler asked if Bill Hanlon was comfortable with the fact that the Commission does not have the jurisdiction over the water issues. Bill Hanlon said that we are not here to regulate the agricultural impacts on water.

Leann Rea said that we do have the right then to regulate or stipulate that the applicant cannot have over 4800 birds. Bill Hanlon said that he feels comfortable with that. In terms of general impacts that property and the adjoining property is a general use issue. Leann Rea said if we do limit the number of birds and the hatchery facility is moved down there, the hatchery facility does not fall in under the number limitation. The Planning Director said that in the EFU Zone the number of chicks would not be limited, but after a certain age they no longer are chicks and would have to be counted as adults.

Mrs. Ashcraft stated that it was difficult for her to speak, but she wanted to say that they would go above and beyond to help the neighboring property owners with any problems

they might have. They will work hard to be good neighbors; if the adjacent property owners are not happy, they are not either. They want to be environmentally sound and they love animals and would not intentionally hurt anyone.

Chairman Padberg felt that they have put together a fairly good management plan. Eric told Harry to send it to Portland for comment and to the Soil and Water Conservation District for review. Jim Johnson said that for the record the Department of Agriculture has no jurisdiction to approve or deny a management plan that is not required under the CAFO standards, but will review it and make recommendations as to the best management practices. The Planning Director asked the County Counsel what he thought about asking the Department of Agriculture to review the management plan and make recommendations. Would it be sensible for the Commission to require the plan to be reviewed by the Dept. Of Ag. so that it meets all of the Dept. Of Ag. recommendations. Bill Hanlon, County Counsel, said that it could be included as a condition of approval and he has no problem with it being required. County Counsel said that we could require the applicant to submit a management plan that has been reviewed by the Dept. Of Ag. If the review was not acceptable to the Dept. Of Ag. then it would not be acceptable to the Commission.

Rick Danielson asked how many tons of manure will be generated in two years. Mr. Ashcraft said that he could not make an estimate of the tons. In the worst pens to the east, there is 1-1-1/2 inch buildup of manure and he moved a dump truck load to make sure they had a dry bed. Those pens had been in operation since July.

How many tons of feed do 4800 birds consume each day. Mr. Ashcraft responded that approximately 22 tons of feed each week.

Commissioner Kent had a question regarding the extra pens, not to exceed 66% of total capacity. Mr. Ashcraft explained that the density of the birds by research was 400 birds per acre at 18 acres. If they had full density on the number of acres, they would have 7200 birds, but since they are utilizing only 66% of capacity, they will have 4800 birds. Mr. Ashcraft explained that 4800 is a numerical relation to the number of acres.

Mr. Suter asked if there are any vaccinations on the birds when they arrive. Mr. Ashcraft said that the birds are wormed after they come on site. Birds are first given a shot as chicks and then given in their water as a backup.

The Planning Director changed Condition A to read, "Develop Conservation Management Plan with the assistance of Soil and Water Conservation District and incorporate those agency recommendations. Condition B, add within six months from the date final plan is accepted. Mr. Ashcraft felt that he could do it within six months. He did ask if he would have to perimeter fence an area that he is not using. When he does expand to the new area, then he will plant the trees and will do the perimeter fencing then. Mr. Ashcraft said that he was not going to plant the trees until he has approval. He asked if the Commission was asking him to wait until April 15 to give him

okay or what are they talking about. The Planning Director indicated that is when he has to submit the Management Plan to the Department of Ag and the Soil and Water Conservation District for their review. It was stated that he could do this before this date. He was just trying to make sure he could plant the trees during the proper season. Mr. Ashcraft said that the Management Plan was the incorporation of Soil and Water Conservation recommendations. They came up with the ideas and Mr. Ashcraft put them into the Plan. The Planning Director said that Condition C could be eliminated and Condition D would limit the total number of emus to 4800 as presented in the Management Plan and E would remain the same, review in 1999 to determine compliance with permit conditions."

Larry Rew said that he would like to make a comment. He is concerned that this Commission should seriously consider the yes or no. The Ordinance involved has three points that have to be looked at to determine if this is an appropriate Conditional Use Permit to grant. One is the appropriateness and desirability versus the adverse conditions. The second is public convenience or necessity to serve versus adverse conditions that would result and the third is whether or not it meets the carrying capacity of the natural resources. No one disagrees that a feedlot is an appropriate use in Ag zone, but it has to be in the right place and desired. You cannot just put anything and everything in an ag zone. The evidence presented to you by the property owners shows that this is not an appropriate use to put this kind of a heavy concentration in an area with this much water. This is an area that is very permeable and that water runs across very quickly and the pictures show very clearly what the conditions look like - standing water only. Why when given the situation that we all have to deal with water quality would a concentrated feedlot be allowed in the area. If this were for an application for a feedlot in a dry area, there would be nobody here. But this is not the situation. It is not the right location. Is there any public necessity for this feedlot. Mr. Rew feels there is not as the closest slaughter plant is in Moses Lake and a feedlot could be developed closer to this plant. The last issue is whether or not it will exceed the carrying capacity of the natural resources. This is the real item that has not been addressed. If you look through the correspondence from the different agencies that will be responsible for the issue who is going to deal with it. Everyone has drawn out. DEQ says they do not have anything to do with it at this point. Department of Ag also says they do not have anything to do with it at this point. So who makes the decision as to whether or not we are going to put it at this location. The Commission is the only person to do this. The state agencies are not going to. This particular use exceeds the carrying capacity of this kind of ground. For these reasons, he feels the Commission should consider denying this permit and suggesting that Mr. Ashcraft look for a place that is compatible with the use. What the Commission will be doing is putting the concentration in an area where they know the water is going to move.

Jim Johnson said that the Department of Agriculture does have something to do with it. They have inspected the site and found no violation of the Clean Water Regulations under the State Statutes. They have met their obligation and have done inspections and found no violations. Just because they do not require a permit, does not mean

they have no obligations under the law.

Public hearing closed.

Leann Rea commented that as Joe Miller stated earlier, a lot of the issues brought up are not issues that the Commission has any authority or right to base a ruling on.

Marvin Padberg stated that we were burned with the feedlot at Simplot and when they closed and then reopened the Commission put conditions which helped take care of the problems out there. So with this management plan and the conditions, we hope to mitigate any damage that might occur with this emu operation. He sympathizes with the neighbors that live close to it in a rural residential zone; land use laws of Oregon as stated by Jim Johnson say that agricultural lands are pretty well protected. The Commission has been in this position before with rock quarries and other things that are quite controversial and sometimes they are not the most popular people around because of having to uphold these laws.

Joel Peterson said that he could have gone anywhere in the County after that 8-12 inches of snow melt and found standing water. Do know that was an extreme but there was standing water everywhere. So there is no location for this operation if you take those standards. He knows there is a groundwater problem, but the rainfall is not that much. He is impressed with the plan and Mr. Ashcraft does have the facility on the higher ground, not where the water stands. He drove out there and there are a lot of other animals on surrounding property. He had to really look for the emus.

Joe Miller said that he still has not heard anything here tonight that would change his feeling that you need to protect the agricultural or EFU Zone. He feels very strongly that Mr. Ashcraft has done the very best he could with what he has. He is concerned with groundwater as is everyone else, but there is not a hydrologist in the room. They are the only ones that can tell where the groundwater can go and where it is going. A lot of times they just guess. He does not see any reason to deny the permit.

Jim Bloodsworth said everyone said about what he would say.

Leann Rea said that she had already made her comments.

Henry Bass said he does not know that much about it. What he is getting the from the gentleman in the back is that the Commission should tell the man what he can and cannot do; how to make his own living. Does not feel that the Commission can do that.

Art Kegler stated that his major concern as stated was groundwater factors and the Commission is out of the loop as to approving or not approving CUP relative to groundwater. He only hopes that DEQ and the Department of Agriculture live up to the standards that if there is contamination that something is done about it. Other than that he has no problems with it.

Richard Kent expressed concern over the groundwater issue too. Hoped that DEQ will monitor the water quality in the area.

Chairman Padberg said that it is too bad that they have to react rather than act before something happens.

Joe Miller moved and Leann Rea seconded the motion to approve the Conditional Use Permit with the conditions stated by the Planning Director. Motion passed unanimously. Conditions of Approval are:

- A. Develop a Conservation/Management Plan with assistance of the Soil and Water Conservation District and the Oregon Department of Agriculture. Incorporate those agency recommendations. Submit the plan by April 15, 1998.
- B. Implement the Conservation/Management Plan within six months of date is accepted.
- C. Limit the total number of emus to 4,800 as presented in the Management Plan.
- D. Animal carcasses may not accumulate and disposal shall be consistent with state law.
- E. The Conditional Use Permit shall be reviewed in 1999 to determine compliance with permit conditions.

Art Kegler requested that, not as a condition, the well tests that are done by Harry be copied and given to the Commission.

The Commission then took a five minute break.

REVIEW OF CITIES URBAN GROWTH MANAGEMENT-JOINT MANAGEMENT AGREEMENTS - RECOMMENDATION TO COUNTY COURT - Sample copies were sent to the Commissioners in their packets so they will not be read. The agreements are coordination agreements between the city and the county for property within the Urban Growth Boundaries. Mr. Bass did not receive copies of these as it was before he was appointed to the Commission. Therefore, copies will be mailed to him. There is an agreement for Irrigon and Boardman. A grant was obtained last year through the Transportation Growth Management Program. The cities, county and technical advisory committees worked together to work through the issues. They clarify who has what jurisdiction and road standards for development within the UGB. When property is developed within the UGB when annexed, the city will take the roads as long as we require the minimum road standard. Still not sure what is going to be done about existing roads, but this applies to all new roads. It also deals with the policy on

notification when an urban growth boundary is expanded; who initiates that. The Planning Director would like a recommendation to the County Court to approve these so they can be implemented. No official action needs to be taken by the Commission, but a recommendation to the County Court for the adoption. County Counsel has reviewed them as well as the cities legal Counsel's. Joe Miller made a motion and Leann Rea seconded to recommend to the County Court adoption of the Irrigon and Boardman Urban Growth Management-Joint Management Agreements. Motion passed unanimously. Leann Rea felt that if the County Counsel, the cities legal Counsels and the Planning Director reviewed them that should be sufficient.

ENFORCEMENT REPORT - Mark Miller presented his year end report of the Code Enforcement Program for last year. Copies of the report are available. He keeps track of what he does on a daily basis generally by the half hour. Last year took on 44 new cases. A large number of these were generated by Mark rather than by complaint. What causes this generation is that if he is investigating a complaint and sees another next door he follows through on them both. He has cleared 34 cases. He had 66 case contacts and 144 site inspections with 12 citations issued and 9 hours in a court process of some type. He spent 158 hours on case investigation and 381 hours preparing reports, 103 hours of meetings and conferences and 141 hours driving from the south to the north end of the County, 116 hours of miscellaneous activities. He spent 908 hours of his time last year to Code Enforcement. As the end of the year rolled on he spent a hundred hours regularly per month. In 1997 the law changed on towing abandoned vehicles and it was great for the County. Now Mark does not have to do all the paper work for the vehicles to be towed. Bert's Towing now does all the notification. A total of 463 cars have been towed since the program was first started. He is sure we are over 500 now and several people are waiting to have cars towed. This is a program that is taking care of itself. He wrote up instructions and furnishes tags to the people wanting junk vehicles towed, and now they do the work themselves. West Glen has had the roads finished and there is quite an improvement. Letters were sent out to certain key residents two weeks ago and they will have a group meeting of residents to try to clean up this subdivision. The idea is to get this small group of people to develop a plan for the area and then go knock on doors trying to get the other residents to come to a meeting. At this meeting he hopes to present some financing options to them which are for low income, low interest loans available. West Glen was included in Boardman's strategic plan which Rick Minster has indicated will allow for some different financing options and loans through the state that the property owners may be able to take advantage of. Mark indicated that his strategic plan is to get out of West Glen.

Art Kegler worked on the strategic plan and the City has to address the issues of sewer and water for this subdivision. When everyone gets together to talk money he suggests that they talk about money for water and sewer because there can be some low interest money because of the low income of residents in the area. Some grants may be available besides an LID. Mark said that he can clean up West Glen, but there are still some properties that will continue to bring back these problems. Some of the

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issues causing problems are fencing materials and materials used to build outbuildings. These are not addressed in the nuisance ordinance. These issues are being thrown out for discussion.

The statistics were reviewed recently with Judge Carlson and he stated that too much of Mark's time was being spent on clerical and that money should be budgeted for clerical. Judge Carlson mentioned this to the Sheriff and he said they would find money to hire some clerical help right away. The clerical person is his wife, Elaine, as she had been volunteering helping Mark with the paperwork. They have budgeted about 40 hours a month. Her help has enabled Mark to increase productivity. So far this year he has opened 22 cases. He does not see where he will run out of work before the end of the year. Should run well over 100 cases by the end of the year. Bill Hanlon has helped streamline the system. He will be doing two abatements. Bill fixed the nuisance ordinance in the abatement process. Some abatements will be done in West Glen and also on Kunze Lane. He wants to start with smaller ones and then tackle the biggest one in the County. Carrying a case load of about 40 at a time. The Sheriff's office also budgeted to send Mark to a nuisance abatement conference in Tigard. Mark came back with a lot of things that will benefit what he is doing and also benefit law enforcement that deals with doing abatement on drug houses and gang houses.

Chairman Padberg offered his congratulations on the good job he is doing. He also said that it is very seldom that Morrow County is up on Umatilla County, but a recent article in the newspaper commended the job Morrow County was doing in code enforcement and wanted to know how they were getting the job done.

Art Kegler asked the Chair to send a letter to the Sheriff's Department and County Court on behalf of the Commission for what Mark has done. Mark Miller said that it is through the efforts of the Sheriff, Undersheriff and County Court that the program is successful. Chairman Padberg stated that it adds credibility to what the Commission does. The Planning Director will write the letter.

GENERAL DISCUSSION - A discussion followed about the LUBA decision on partitions for nonfarm dwellings. What we have been doing seems to be all right. Can talk about this further at another meeting if the Commission wants to.

DISCUSSION ABOUT TRAILER AS TEMPORARY DWELLING DURING CONSTRUCTION OF NEW DWELLING - The Planning Director and Bill Hanlon have talked about this. Recently we have been asked about the use of travel trailers during construction of new dwelling. We do not have anything in our code and the Planning Director thought it might be a good idea to put something in. She knows other counties have something in their code. We could have something when the applicant comes for a zoning approval. They could sign a paper that says when they get their occupancy permit they shall move out of the temporary trailer in three or six months. Sometimes people want to do the work on the house themselves and they do not want to stay in an

RV Park and it has worked in other areas. There might be a way to do it and she wanted the Commission's feelings on it. Art Kegler indicated he gets questions on it all the time. Bill Hanlon indicated that he did it in Jefferson County. He said that our Ordinance has the provision for it but it is for a mobile home not a travel trailer. There can be abuses to this use if you did not have provisions ensure that the home was completed and that the travel trailer was not used as a permanent dwelling. Art wanted to include RV's under the definition of travel trailers. A time limit would have to be put on the length of residence in the trailer. A building permit is valid for 180 days, so this might be a time limit to impose. Mark Miller felt that some type of restrictions needed to be put on the type of additions or improvements that are added to these temporary trailers. Some people have a tendency to make them permanent and then it becomes an enforcement problem. Mark feels that it is written pretty vague in the Ordinance so there must be some strict guidelines written.

AWARD PROGRAM - The Planning Director has read about a program in the East that gave out awards for good development. She thought it might be a good idea or a nice switch for us to issue awards and wondered how the Commission felt about it. Might consider annually recognizing a subdivision that had a really nice design or contributed to the livability of the County. We are trying to protect property values and trying to enhance the livability of the area. Chairman Padberg felt it had some merit and Art Kegler said kudos are always good. The Planning Director felt that if a developer could hang up a plaque like this or advertise to sell the property this recognition award might be good. Can report more on this later.

POSSIBLE AMENDMENT OF ANIMAL UNITS PER ACRE - This item was requested to be brought up by Leann Rea. Some information was obtained from the Extension Service. There is no equivalent for an emu and what our present residential zone states is two animals per acre. We do not distinguish between cows and other animals. Harry wanted us to review this because of his hatchery at his Irrigon site. This would make Mark's job more complicated. Leann Rea said that on federal lands five sheep equal one cow and she feels there is a lot of difference between a sheep and a cow and also an emu and a cow. She has a problem with each of them being treated the same; requiring the same room. The Planning Director wanted to know if that is something they want her to pursue. It does not apply to EFU land. It is a lot more scientific, and more difficult to administer. When our code was adopted they just said two to keep it simple. Extension does not have an update, but the Poultry Specialist at OSU and Bill came up with the emu figure. Bill Broderick stressed that this is a rough estimate and no scientific research was done on this. There will be more study done on emus as it is becoming a more popular industry. Chairman Padberg asked if this was based on forage consumption and the Director said yes. The Planning Director will work on this.

LEWIS AND CLARK/COLUMBIA RIVER TRAIL PLANNING PROJECT - In January the Planning Director attended a Rails to Trails Conference in San Diego in order to get ideas on the development of a river trail in the County. In April there will be a stake-

holders meeting with people from Park Service and they select projects from people who submit a letter of interest, which the Planning Director did. They come to the area and act as a consultant to an area trying to develop or are at various stages of trying to develop a trail. It is something that others have talked about for a long time. It is having a trail linking Irrigon and Boardman and then having a Lewis and Clark Trail. People from various agencies and interested community groups are going to be invited to the meeting. There are a variety of different funding sources for it; ISTEPA has money available for different modes of transportation. The Planning Director thinks there is a strong possibility to get funding for the project. We are required in our transportation plan to plan for alternative modes. The Strategic Planning groups in Irrigon and Boardman think it is a good idea. The Park Service will take the lead on this project. If anyone is interested, they can be put on the mailing list.

IONE-BOARDMAN ROAD - Chairman Padberg reminded everyone about the conditions that were set for it on the Inland Land Project. An easement was going to be obtained in exchange for that land going back to EFU. Nothing was done on this. Boeing was asked to go and get Tagarres to allow the use of the westerly route which is the easiest, cheapest and shortest route. Tagarres is standing in the way and Boeing had ample time to discuss it with them and it was not even brought up. Part of the CUP is if Boeing does not get route, it will be turned over to an arbitrator. Chairman Padberg does not think that Boeing understands what that language is. The Planning Director indicated that they talked about this condition at County Court last week and County Court directed herself and County Counsel to draft a letter to Boeing and Boeing's attorneys putting them on notice that since they did not comply with the condition of approval and secondly an extension of that which was a contract that Boeing entered into, and that the zone change is not effective until they meet that condition. The Court seems to be very serious about it. Chairman Padberg said that he had a meeting with Representative Jenson and Lundquist and the Port and they lobbied with them for about three hours about the siting of Inland Land there. It looks better now than it did six months ago. If the State's Governor would just put a little pressure on NPSS it might go. They are holding it up on illegal ground; it is an emotional deal. It is not a dead issue. Inland Land wants to get going and, even though, we do not want to hold that project up Chairman Padberg does not want to cave in on the road deal and he wants the Commission to stand with him on it. The County Court is only going to have as much strength as the Commission gives them so tell the Court that our stand is firm and we want that easement. This is the best chance we have ever had. He cannot believe that one farmer, who is renting land from the State of Oregon via Boeing, can stop this road. Bill Nickleberry told Chairman Padberg that we could not condemn state lands for the road easement. He said that he could not understand why Tagarres could not say what he wants so that we could negotiate with him. The road would not ruin the integrity of his farm.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 11:30 p.m. The next Commission meeting will be on Monday, March 30, 1998, at 7:30 p.m. at the Morrow County Public Works Building in Lexington, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, MARCH 30, 1998 - 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, Leann Rea, Ken Grieb, James Bloodsworth and Henry Bass

MEMBERS ABSENT: Richard Kent

OTHERS PRESENT: Tim Fuzi, Nancy Huddleston, Brenda Newport, Gary Ball, Donna Ball, Dave Piper, Pam Piper, Mark Miller and Harry Ashcraft

MINUTES OF FEBRUARY 23, 1998 MEETING: The minutes of the February 23, 1998, meeting were not completed due to their length, but will be mailed with next month's packets.

PUBLIC HEARING - Application for a Variance from Property Setback requirements by Timothy Fuzi on Tax Lot 706 (1.09 acres) of Assessor's Map 5N 26 25B in a Suburban Residential One (SR-1) Zone. This parcel is located on the east side of West Fourth Road, approximately one-quarter mile west of the City of Irrigon and is not within the Urban Growth Boundary. Criteria for approval includes Zoning Ordinance ARTICLE 7, Section 7.020(B), Subsections (B) (1) (2) - The Findings of Fact was reviewed. This parcel is in an SR-1 Zone outside the UGB. The location was shown on the map. There is some dispute in Irrigon about survey lines so Tim's estimate and what we have seen on the map may not be correct. He is 5-1/2 feet from the fence and his fence is three feet from his property line. One person, a neighbor, came in to indicate that she thought the fence line was actually his property line. The Variance then according to her estimate is 5-1/2 feet not eight feet from property line. Other than making them survey the property lines again, the Planning Director wanted the Commission to realize there was a discrepancy there. The closest the building would be is 5-1/2 feet and the Planning Director felt there is plenty of room for the County road and for future development of the road. The Variance criteria was reviewed. The applicant has undeveloped property in the rear of his shop, home and carport, but the Planning Director did not feel there was adequate roadway space between the buildings and fence line on the south to get back there. The Planning Director felt that the applicant complied with the Variance standards. The Planning Director did

try to make contact with Ivan Driver, one of the surveyors who had surveyed the area in the past, but could not reach him. Commissioner Bass asked Mr. Fuzi if the small building he has there now will come out. Mr. Fuzi indicated it would. Commissioner Bass also asked why Mr. Fuzi did not switch the building around. Mr. Fuzi said that if he changed the direction of the building, it would not fit the dimensions and would look out of place with the other buildings in the area. No other comments were received or heard from the audience. Art Kegler asked if the person that made the comment on the property line was just commenting on that or was she complaining. The Planning Director indicated that it was probably both. The complainant wanted to know why we had setback standards if we were not going to hold people to them. The Planning Director explained to her that we do hold people to the setback standards, but if they want a variance to it they file a variance application and one of the main issues that we look at is access and right away and compatibility with the surrounding neighborhood. The Planning Director stated that her main concern was over the survey line and the principle of the Ordinance and that we follow it. Mary Ellen Coleman was the party questioning the Variance application. Joe Miller said that it looks like we are protecting the road pretty well and no problem with utilities; therefore, he has no problem with it. The Director said that the other issue is that the Variance is not for a house and she would be more concerned about it than a storage building. Leann Rea made a motion to approve the Variance request with the condition stated in the Findings of Fact below. Motion seconded by James Bloodsworth and passed unanimously by the Commission.

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

PUBLIC HEARING - Land Partition Application, LP-N-212: Wayne and Marchell Downey, applicants and owners. Property is described as tax lot 200(31.03 acres) of Assessor's Map 4N 25 14C, located on the south side of Wilson Lane, approximately two miles southeast of the City of Boardman. The proposal is to partition a two (2.0) acre parcel from the parent parcel of 31.03 acres with each parcel meeting the two acre minimum of the Farm Residential Two Acre (FR-2) Zone. Criteria for approval includes Subdivision Ordinance ARTICLE 5, Section 5.020 and 5.030 - Art Kegler declared a conflict of interest as he has the property listed and will not vote on this land partition request. The property was shown on the map and is next to Hamilton Estates. There is an existing gravel road that goes south from Wilson Lane. One of the recommendations that the Planning Director included as a condition was that they dedicate 30 feet of their property on the east side for a road. Mr. Downey said that he has already

approved that easement but for some reason it has never been recorded. Art Kegler stated that they are in the process of getting the easement recorded. Leann Rea said that she remembered that it was to be 30' on each side for a 60' easement. The easement goes to the last house and not all the way to the canal. There currently is one older house on Parcel #1 and Parcel #2, the two acre parcel, also has a house. The applicant is proposing to put a new well on the two acre parcel. No one lives in the old home and the second dwelling was approved as a hardship and he is required to tear down one, but if this land partition is approved he does not have to do that. The applicant indicated that it will be torn down. West Extension Irrigation District sent a letter indicating that they give their approval for the land partition request. A letter was received from the Watermaster that stated there are no groundwater rights, but is in the irrigation district. Any further subdividing will require a subdivision application. The conditions were listed and Condition #4 was suggested to be eliminated. Leann Rea inquired about the proximity of this land partition to farm land and suggested the right-to-farm disclaimer statement be added. The right-to-farm waiver was explained to Mr. Downey. Ken Grieb moved and Joe Miller seconded to approve LP-N-212 with the conditions stated in the Findings of Fact minus #4. Motion passed unanimously with Art Kegler abstaining. The amended Conditions are:

1. The applicant shall comply with the requirements of the West Extension Irrigation District. District approval shall be noted on the final partition plat or in the form of a letter.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall submit a **preliminary** and a final plat in compliance with ORS Chapter 92.
4. Sign and record a Right-To-Farm Disclaimer.
5. Sign and record a Consent to Participate Agreement in future road improvements.

PUBLIC HEARING - Conditional Use Permit Application, CUP-S-115: Gary and Donna Ball and David E. Piper, applicants and owners. Property is described as tax lot 2903 (20.0 acres) of Assessor's Map 5S 27, located approximately 25 miles south of the City of Heppner. Application is to construct a portable storage shed/picnic shelter. Criteria for approval includes Zoning Ordinance Section 3.020(2)(B), (3) and OAR 660-06-025(4) - One of these applications was processed a couple of years ago. It is in

a Forest Use Zone and the statute allows park and camping in this zone. It did not meet the requirements of the statutes to build a cabin under the Forest Rules the Legislature passed in 1993, but can qualify to build a portable storage shed. However, that might not be the case after DLCD finishes their latest version, but this applicant would be grandfathered in. The use must be compatible with farm and forest uses and the applicant would be responsible for complying with the Forest Practices Act. The local government is not required to enforce the Forest Practices Act; the State Forestry is. The Director cannot see that the camp site shelter would interfere with the Forest Practices Act and the applicant has had a hunting camp there for many years during hunting season and this would not have any impact on the area. The location was shown on the map and is near the Umatilla National Forest. The area is a flat area with rocky outcrop and is basically unsuitable for farming. Another condition is to comply with fire safety standards and must be added as a condition of approval. Applicants will use existing road and no other public utilities. There is a natural spring on the property and the applicants must be at least 100 feet from the spring. No other comments were heard. Art Kegler moved and Leann Rea seconded to approve CUP-S-115 with the conditions stated in the Findings of Fact and below. Motion passed unanimously by the Commission.

1. Applicant shall obtain a County Zoning Permit and Shall comply with applicable provisions of the State Building Codes Agency.
2. Construction shall comply with the minimum fire safety standards listed in the Oregon Department of Forestry's publication "Fire Safety Considerations for Development of Forested Areas."
3. Nothing in this approval shall be used to justify the conversion of the camping shelter as a dwelling unit.

PUBLIC HEARING - Subdivision Application No. SD-N-200: Stephen and Bonnie Simpson, applicants and owners. Property is described as tax lot 200 (26.86 acres) of Assessor's Map 4N 25 22, located on the south side of Kunze Lane, approximately two miles east of the City of Boardman in a Farm Residential Two Acre (FR-2) Zone. The proposal for Parker Subdivision is to subdivide the existing 26.86 acres into thirteen lots of two acres in size. Criteria for approval includes Subdivision Ordinance ARTICLE 3, Section 3.020 and 3.100 - The developers were not present. The location was shown on the map. The Subdivision Review Committee met several weeks ago. West Extension Irrigation District has been contacted and is coordinating with the developer. Water Resources states that there are no water rights. Septic and

sewage disposal was discussed with the DEQ representative, Bob Baggett. Mr. Baggett reminded the Committee that just because DEQ says a site is suitable does not mean it is developable. What he means is that if they approve a septic system for a lot and the rest of the lot is wet or if the drainfield takes up the rest of the parcel, they are not accounting for the footprint of any other building. That is up to the developer so it makes sense for the developer when they are going in for DEQ approval to show the footprint of where the buildings are going to be. Mark Rogelstad, Boardman Rural Fire Station, was at the meeting and he wanted stricter standards for the roads. Mark said that he needed road standards that were 24' paved (asphalt) in order to get his trucks around. He stated that any road that is over 1,000 feet long they actually have to have a wider road. They are planning on consolidating driveways so every parcel does not have a driveway. Lots 1 and 2 are directly off Kunze Road, but will share a driveway. The lots along the canal, 7, 8, 9, 10, 11, are cut down in size because of the 100 foot easement of the canal. Within that easement, these properties cannot have any drainfields, permanent structures or even fences. Umatilla Electric was at the meeting and they want a utility easement outside the road easement. UEC says it costs more to maintain an easement within the road right-of-way. The County said there is a 24 foot paved surface and a two foot shoulder on either side, then you still have plenty of land within that 60 foot right-of-way to put an easement in. UEC does not want to do it. Their main reason is that it costs more to dig up a road. We gave them the argument that it would be a number of years before property is annexed into city and would we ever require anyone to expand that road. The real reason is that every year in the Legislature, Counties try to get the ability to tax the utility districts for locating in the right-of-ways. It is more a financial tax avoidance policy than it is a cost of maintaining the utilities. Joe Miller asked if we should reduce the size of the road easement. Chairman Padberg felt that the utilities and the County should come up with a solid agreement to see if we should abide by the 60 foot roadway that was agreed to. Art Kegler asked if you could take 10 feet of the 60 foot roadway and divert it to the utilities. The County used the standard that most rural areas use. The Planning Director said that she invited UEC to come to County Court to discuss this. They had their Boardman District Manager and one of their engineers on board meet the Court, and they said that they would not serve the property if they had to put the utilities in the roadway. The Commission can either have the roadway be 40 feet with 10 feet on each side or stay with the road standard of 60 feet. The Planning Director would like to defer to the Public Works Director before a decision is made. Art Kegler said that what he can see is a continual conflict with the utilities who are taking extra property from property owners. He believes the Commission

should really take a look at this issue and see how to deal with it. It will happen again and again with all the open area which can be developed. Chairman Padberg felt that the County needs to do some homework on this 60 foot roadway and look into this issue. Leann Rea said that the applicants started out with 26 acres for 13 lots that are two acres a piece and then there is a road out of it and a 100 foot easement for the canal on the south side. She questions whether those lots are really two acres in size after everything is taken out of the 26 acres. Joel Peterson feels there is some more work to be done:

1. Need to calculate net acres of developable area.
2. Make sure 100 foot easement does come out of the property.
3. Get comments from Public Works Director about size of the road. Cannot actually change the road standard, but could effectively input a different standard for this scenario if you knew that UEC needs 10 foot on each side. See if Public Works Director would agree to a 40 foot or if he would want it to be a 50 foot.
4. Property will need a right-to-farm disclaimer statement.
5. Indicate wells and septic on proposed lots. The applicant will be asked to provide a footprint of the property.
6. Drawing needs to be to scale.

Mr. Delmer Hug was concerned that his well may be affected by the development of this subdivision. Leann Rea suggested having a community well system that would serve three lots. The Planning Director can require the applicants to come in with a Site Suitability from DEQ before signing off on the plat. The developer will be required to plot out the location of the wells and septic systems. Art Kegler asked if DEQ required a footprint of the property. Planning Director said no DEQ does not require this.

Chairman Padberg said that we are not trying to hold these people up, but wanted to make sure everything is done right. Leann Rea moved and Joe Miller seconded a motion to postpone the hearing until the next Commission meeting. Motion passed unanimously.

REPORT ON RESEARCH ON AUM DENSITY IN RESIDENTIAL ZONES - There are some people here to address this issue. Currently our residential zones allow two animals per acre. There has been a

request by one of the Commissioners to look into this issue. The Planning Department did some research from other sources and most everyone uses information on AUM's that came out of Montana State University. The Planning Director would like the Commissions input as to whether we want to stick with our present allowance of two adult animals per acre or if we should consider something like this that allows the equivalent. It will be a little more difficult for us to keep track of. Mr. Ashcraft and Mrs. Huddleston are present tonight because of the emus they have on their property in residential zones. The information that we received from Extension was the AUM equivalent for emus is 12-15 birds equal one cow. The first question is whether we want to consider implementing this or keep it generic of two livestock per acre.

Mark Miller said that it is not so much the animal unit per acre, but the intent is that the use is more commercial than hobby. When you go from that point beyond to commercial you are competing against someone that has to pay the freight in a Commercial or EFU Zone to operate a business and you are operating it in a residential zone. In a residential zone when the numbers get up there, he will get the complaints. Deputy Miller stated that the two animals per acre may not be totally equitable but the intent is to keep it a hobby operation and residential in nature. The Planning Director said that the people she talked with from the Department of Ag indicated the same thought; the primary use in a residential zone is the dwellings and the secondary use is the farming and the reverse is true in an EFU Zone. She is not sure the Planning Commission wants to go to bat to protect farming interests in a residential zone.

Mr. Ashcraft asked if someone in a residential zone complains than the use is wrong. Even if someone has a commercial cattle operation in a residential zone that is adjacent to a farm zone and no one complains, then it is allowed. He has a problem with this. Mark Miller responded that originally the Enforcement Program was started on a complaint basis because of the backlog, but are beyond that point now. The CE Program is already, workload wise, three-quarters of what we did last year and have more ahead of us. Mr. Ashcraft said that an emu is not a horse or cow.

Chairman Padberg said the chart is giving the equivalent of what an animal eats and you are talking about an in and out deal. The Chairman wanted to know if they are going to be the body that determines the number. The Planning Director said that is the direction that we need for our code and which we need to share with Mark.

Mrs. Huddleston said that when she talked with Bill Broderick, Extension Agent, she asked him why the 10-15 birds per unit. He said that was just an estimate. He was to call the Planning Director about this estimate. The Planning Director said that the different is what the land can actually handle without becoming a feedlot. Mrs. Huddleston said that she has more than the 24 birds per acre.

Art Kegler said that if we say okay to 12 to 1 and say the emu is different and should be 24 to 1 than the person with cows will say that they want more per acre as well. The problem is we are affecting the groundwater. Mrs. Huddleston does not feel they would be polluting the groundwater. Art Kegler said that any pollution is a problem. His concern is with the density of animals per acre. Mrs. Huddleston would like 50 emus per acre.

Chairman Padberg said that we are loosing site of one thing and that is the nuisance value they create in a residential area. Might not be as simple as the number per acre, but the nuisance factor is great.

Brenda Newport wants to say something on Mrs. Huddleston's behalf. She lives downwind of the property and does not smell anything and they are not a problem in the area. She has no complaints about the 80 birds on the property.

Chairman Padberg said it is an issue between residential and farm ground.

Mr. Ashcraft is looking for an animal unit designation. Many people within the residential zones are illegal with the numbers of animal they have on their property.

Planning Director shared a letter Leann Rea got from the Department of Ag who quoted from an EPA document, entitled "Guidance Specifying Management Measures for Sources of Non-Point Pollution in Coastal Waters." It is the same standard for non-coastal waters. They use a similar formula, an equivalent formula, and the reason it is in this document is because of the non-point source pollution. It is a generally accepted standard based on the weight and uptake of the soil, erosion, compactibility and absorption, nitrates. Leann Rea felt that if we adopted something different we need to keep it at a manageable level for our Code Enforcement Officer. He should not have to go out and determine if a cow is lactating or not; it should be a simple process. Poultry is addressed in the code. Planning Director said that all we are asking if to differentiate between livestock. She would like to know whether the Commission is in favor of implementing something like this or to keep it the way it is.

Chairman Padberg suggested getting the numbers off the present code and see what we can come up with for the next meeting. Mrs. Huddleston asked what a nuisance was. Chairman Padberg stated a nuisance is when your neighbors complain about it.

Ken Grieb said that he is not in favor of changing the numbers and if the Emu Association took so much time and worked so hard to get them defined as livestock then leave numbers the way they are. If you want to be a farmer, find some farm ground. He will not be at the next meeting, so would not be in favor of implementing it.

The Planning Director stated that, poultry aside and just dealing with livestock, the matter at hand is whether we want two animals per acre or do we want to have a livestock equivalent per acre. Mark Miller and the Planning Director sat down this week and discussed the trucking operations and businesses in the residential zone, and the way we have argued these issues is that we are protecting the residential areas for living. If everyone on the block has a truck operation, no one will care or if everyone on the block has an emu operation, no one will care, but it only takes one of these situations in a neighborhood and he has to defend to the neighbors that don't care for this situation why it is appropriate in a residential area. So if you make a decision like that he hopes that you make one that he can argue. He feels that residential areas are primarily for living and not conducting a business or a home occupation such as trucking. The Planning Director stated that she feels that we can still defend the zoning of the residential areas as being for residential, but you can also have animals; but if you are interested in going beyond this or what we currently have in our Ordinance you cannot do this.

Joe Miller suggested that this issue be tabled until the next meeting. Ken Grieb said that he is getting annoyed with people wanting to change these types of things in residential areas. Chairman Padberg said it is a nuisance issue; there may be some validity to the AUM listing. Leann Rea finds it hard to look at a goat or a sheep and count them the same as a cow. The AUM list could be consolidated and made easier. Joel Peterson usually has strong opinions but does not have one on this matter. Art Kegler would probably move toward the ratio factor. Joe Miller said it all makes sense until you bring in the nuisance factor. Chairman Padberg directed the Planning Director to make a list of new numbers, something easy to live by, and if someone comes in with some new exotic animals we will decide on numbers later. Chairman Padberg asked Henry Bass for his comments. He said some people have two animals, but his nuisance problem is the dogs.

He is in favor or staying with what we have, but is willing to discuss AUM's. James Bloodsworth seconded Joe Miller's motion to table until next month. Motion passed unanimously.

REPORT ON DRINKING WATER CONFERENCE - Leann Rea and the Planning Director attended this conference. People from the conference are willing to come to give a presentation at one of the Commission meetings. The Planning Director would like to know if the Commissioners are interested in having this at one of our meetings when we have a light agenda. It might be good to have this presentation before we get into part of our Periodic Review when we have to look at what we are doing with our codes and how we are addressing groundwater quality and quantity, particularly in residential areas. Leann Rea felt this would be important especially with the subdivisions we are doing in the north end of the County. It would help everyone to have a little more knowledge of the potential impacts. Chairman Padberg said to try to set this up at one of our future meetings that is not too booked.

AUDIENCE PARTICIPATION/NEW BUSINESS - The Judge has asked if the Planning Commission wanted to sign a letter of support for the Oregon Youth Authority Boot Camp. Rick Minster gave a report on the hearing that night in Heppner. Most of the people, 80/20, were in favor of the camp. LaGrande and Union are the two other sites being considered. Leann Rea asked what the main concerns were. Rick Minster said people are concerned about the flexibility the State requires in siting the facility; meaning will the state come in at a later date and increase the size of the facility. The lack of adequate housing was also a complaint. The Planning Director said the Judge asked her if there was a way to come up with limiting the State's flexibility. Since the County is involved with the buying of the property she felt some covenant could be put on the deed. If an expansion is done, it could be a public process to get public input and then it would not be an outright, automatic right that the State would have. If the State does not want to allow that, then maybe the City does not want it. A Memorandum of Understanding was another possibility or you could amend the City Zoning Code to clarify definitions of a Correction facility and have siting issues. This could be done after the fact. On the zone change, the City initiates the action and the County takes action on it since the property is in the County EFU Zone. The Planning Director wrote a brief letter of support. Chairman Padberg asked if the Commission was in favor. A discussion followed. Those wanting to personally sign this letter were asked to.

The Planning Director passed out a pamphlet on property rights, land stewardship and the taking issues. She felt it was good material on land issues.

ADJOURNMENT - Chairman Padberg adjourned the meeting at 10:20 p.m. The next Planning Commission meeting will be on April 27, 1998, at 7:30 p.m. at the North Morrow Annex Building in Irrigon, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, APRIL 27, 1998 - 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, James Bloodsworth and Henry Bass

MEMBERS ABSENT: Joel Peterson, Ken Grieb and Richard Kent

OTHERS PRESENT: Greg Close, Vern Evans, Harry Ashcraft, Nancy Huddleston, Loren and Maria Hughes, Dean Seeger, Ken Johnson, UECA, and Stan and Rich Foster

MINUTES OF FEBRUARY 23 AND MARCH 30, 1998 MEETINGS: Leann Rea moved and Henry Bass seconded that the minutes of these two meetings be approved with the corrections as noted by Leann Rea on her copy of the minutes. Motion passed unanimously. Both sets of minutes were quite voluminous.

PUBLIC HEARING - Subdivision Application No. SD-N-200: Stephen and Bonnie Simpson, applicants and owners. Property is described as tax lot 200 (26.86 acres) of Assessor's Map 4N 25 22, located on the south side of Kunze Lane, approximately two miles east of the City OF Boardman in a Farm Residential Two Acre (FR-2) Zone. The proposal for Parker Subdivision is to subdivide the existing 26.86 acres into thirteen lots pf two acres in size. Criteria for approval includes Subdivision Ordinance ARTICLE 3, Section 3.020 and 3.100.

(The Commission postponed this application until the April meeting when more information could be provided by the applicant.) - The Planning Director stated we have a letter in the file from the applicant withdrawing their subdivision application for a variety of reasons. They are planning on resubmitting it as a land partition within the next few months. Part of the reason was financial and part was because they looked at the market and saw that there are a lot of two acre parcels for sale and the requirements of the utilities, irrigation district and the county were too much for them at this time. Applicants are planning on dividing the property into three parcels. The Planning Department was faxed a plot plan late today, but the Planning Director has not had time to thoroughly review it so it will have to be scheduled for the May meeting. The Planning Director also told the applicants she would ask if the application fee for the land partition can be waived.

PUBLIC HEARING - Subdivision Application No. SD-N-201: Charles & Mary Fasciona, applicants (in process of purchasing property); Michael Smith, owner. Property is described as tax lot 3200 OF Assessor's Map 5N 26 23D, located on the south side of Columbia Lane, approximately one mile west of the City of Irrigon in a Rural Residential

One Acre (RR-1) Zone. The proposal is to subdivide the existing 7.41 acre parcel into six (6) parcels with each parcel meeting the one acre minimum of the RR-1 Zone. Criteria for approval includes Subdivision Ordinance ARTICLE 3, Section 3.020 and 3.100 -

The location of the proposed subdivision was shown on the map. Idaho Street is platted on the map but is not improved all the way to the parcel. The development of Idaho is not on the five year road plan of the County. There was a Subdivision Review Committee meeting with the Planning Director, Mr. Fasciona and Debi Watson, Umatilla Electric Cooperative Association's representative. Bill Broderick, Extension Service, called and he said he did not have any comments. The Planning Director summarized what was discussed at this Review Committee meeting. There was a discussion about the wells and West Extension Irrigation District water. The applicants do have an obligation to provide irrigation water to each of the parcels. The Planning Director had encouraged Mr. Fasciona to make application with DEQ for Site Suitability for the parcels before the hearing. The Fasciona's are in the process of purchasing the property and the owner, Michael Smith, did not want them to enter the property until the title had actually changed hands. Therefore, they were not able to file with DEQ. The Planning Director explained that the City of Irrigon's sewer services the mobile home park across the street. The property is outside of the Urban Growth Boundary and is not just a single hookup and by statute and Administrative Rule would be considered an extension of the City sewer service and the property, therefore, has to have individual septic systems. Until there is an emergency declared, we cannot allow them to hook up to City sewer and also the City sewer is above capacity for their system. Had not heard from the Fire District, but Burrell Cooley, Fire District Board, called the Director today and he said they would like a turn-around rather than going in and backing out. He had talked with the Public Works Director and he had said Idaho Street might go in, but he does not know when. The Director talked with Mrs. Fasciona and they thought they could either have a temporary easement or when they installed the road they could have a turn-around until such time as Idaho goes through. Have not made the change on the conditions, but will do that later. Have not proposed any covenants, but are intending to develop the lots with manufactured home for around \$81,000. That would allow first time and low income home buyers to qualify for special lending programs. They have an agreement with a manufactured home dealer to install the homes. The road was discussed and it is classified as Rural Access I which includes a twenty foot roadway and eighteen foot paved travelway with a base and top course. Mr. Fasciona did not have any objection to this. The Fire Department said the turn-around would not have to be paved. The proposed road name is Sunnyside Road. Debi Watson of UECA said that she thought there was a line on the west side of the property for the parcels on the west side of the lot, but they would need an easement for the parcels on the east side of the property. A representative OF UECA was at the hearing and will probably explain more later. The name of the proposed subdivision is Sunnyside Park. The Director explained that she had asked the applicant for a footprint showing well and septic system, similar to what was requested of the Simpson's, and what DEQ would require in their Site Suitability. The applicants have not done this yet, but know it is required. The conditions of approval were reviewed. Besides the conditions in the Staff Report, the Planning Director added another one after talking to Debi Watson. UECA would like to have a condition that the applicant has met UECA requirements before signing of final plat. Another condition was added with regard to Idaho Lane. This condition is that the applicant will be required to sign a Consent to Participate Agreement so that if Idaho is ever improved, the applicants will be required to help the County with the cost. If it is

an LID, then they have signed a Consent to Participate Agreement, they would pay for just the frontage to be developed.

The hearing was opened to the Commissioners. Commissioner Rea mentioned that the land directly to the south is EFU and wondered if a Right-to-Farm Disclaimer should be added to the conditions. The Chairman said that the Commission should do that. The applicants were not present and the Director told them that if there were questions raised at the hearing, then it might need to be tabled until next month. Leann Rea said that there is a water line that runs north and south on the west side of the property, which is Logan's line from the river to his property. Dennis Logan shares the pump station with West Extension Irrigation District. The Planning Director asked if there was an easement, but Commissioner Rea said she did not know for sure. It is a large line and would reduce the area on the west parcels. If there is a private easement, it should show up on the title report. Will try to determine where this line is located.

Art Kegler asked what the situation is with Umatilla Electric. The Planning Director did write a letter to the Commission about this issue. She stated that at the time, UECA is not pursuing putting their utility in the right-of-way. Commissioner Kegler was concerned about the taking of so much of the property owners land for utility easements. The Director said that she also included a memo from the engineer on the TSP Plan as to why the 60' roadway was decided upon. It is the common road standard for rural roadways and is used by many Oregon counties. The Planning Director stated that you will need the wider area for snowplowing and drainage. It was her feeling that it was important to stay with the road standards established in the TSP to provide for future growth of the area. If the County would agree not to charge UECA for placement of utilities in the easement, then UECA would probably agree to placing utilities within the road right-of-way. The UECA representative, Ken Johnson, said that their preference is not to locate within the right-of-way unless they do not have a choice. He said that if the road has to be repaired or widened and the utilities are within the right-of-way, the utility company will have extra expenses incurred with the movement of the utilities. There are times when the utility cannot be placed in the right-of-way. Mr. Johnson indicated that it was UECA policy to put their utilities outside the right-of-way if at all possible. They try to negotiate with the landowner, but if the landowner wants to put the utilities in the right-of-way, they will work with them. They will supply power to the properties. Joe Miller said that originally the 60' roadway was to include the utility easement and that was part of the reason for adopting the 60' roadway. Now we might think about recinding that. The Planning Director explained that on a parcel you will have a property setback of at least 10' and that is where the utility easement will most likely be located. This is undevelopable land anyway until you annex into the city and have zero lot line development where you can develop right on the property line. That is not the case around here. Commissioner Rea said that the property owner could put his fence at the end of the 60' easement and then the utility would be on the inside of the fence. Chairman Padberg said that it does interfere with your footage for DEQ approval for a double system. You cannot have it within so many feet of the utility easement. Commissioner Kegler said that he is just concerned that we are making the easements wider and wider and he felt it should be addressed.

Deane Seeger said that he agrees with Art Kegler's comments. He said that the area is zoned rural residential and in his life time he will not see it annexed into the city. Design is very

important in subdivisions. The 60' standard should include the utilities and is more than adequate to handle a large amount of traffic. He feels that a 50' easement would be more than sufficient to handle the traffic for this subdivision. The Planning Director said that if we considerably reduce the size of the easement we are setting up problems for future generations. The standards we have set are national standards, but there is the ability in our new Transportation Plan to deviate from this standard if a situation merits it. Commissioner Kegler said that we have later discussion on this issue and he does not want to make it any different than what we have in the past. In this case, we should probably make UECA put the utilities in the right-of-way. The Director said that the parcels on the west side already have a line running down it, so they would not have to pay to put in a new line down the center. The parcels on the east would probably have to pay to have it put down the right-of-way. Having a standard where we never deviate from having it in the right-of-way in cases of this kind is not sensible. Chairman Padberg said that if water line OF Logan's is there than an easement of that size would cut down on the lot sizes. The Planning Director said that the Commission may not want to make a decision on this subdivision tonight until more information can be obtained about the water line easements. She also suggested that she talk to the Public Works Director regarding the 60' easement and this may be a time to deviate from the road standard.

Mr. Hughes lives to the east of the proposed subdivision and he is worried about the number of wells that are going to be put in and that they might tap into their water supply. The fence line is also a concern. He would like to see the applicants put up a privacy fence. The road on Idaho Street is not fully developed to the parcel to be subdivided. The applicants will need to file a well log with the Watermaster's office in Pendleton, but by law they can put in a new well for each lot. Chairman Padberg suggested that Mr. Hughes find out how deep his well is and how it is constructed so it will be documented in case his well level drops off.

Chairman Padberg suggested postponing this hearing until information regarding the water lines can be obtained. Commissioner Miller felt that this was the thing to do to protect the applicants.

Deane Seeger owns the property across the street and he is opposed to the subdivision. He wanted to ask if the lots in this subdivision will hook up to City sewer or have individual septic systems. The Planning Director said that by law because they are outside the Urban Growth Boundary they will have to have individual septic systems. Mr. Seeger wanted to establish the fact that they could not hook up to the City sewer system because by law a sewer system cannot be extended outside the Urban Growth Boundary and the system was illegally extended into the County. At the time that the County Court granted the City permission to extend the system into the County, the Public Works Director and Mr. Seeger, then Planning Director, told them it was illegal and they opposed it. The Court went ahead and did it anyway; although there is no record of this decision in the Court minutes. He then went to DEQ and told them that if they wanted a class action suit all they would have to do is deny him the ability to repair his system if it were to fail. However, this legal entanglement causes him to be opposed if he cannot be assured by DEQ that he can repair his system if it fails and will not have to hook into City sewer. He is familiar with the Smith property and its problems with pigs. He asked if this property is also going to be rezoned. The Planning Director said that no request for rezoning had been received and that the property was zoned RR-1. The problem with the road that they are planning on extending from

Washington to Highway 730 is that portions of it have been vacated and that buildings have been placed on the right-of-way. It was explained that the proposed road will only run from Columbia Lane to Idaho Lane. His third concern is the well water and his water supply has always been more than adequate. He says that Smith's well is almost artesian. He says we probably will not have to worry about water. He wants answers to the DEQ question. Mr. Seeger also stated that he agrees with Art Kegler on the roads as he does not believe we will see the traffic increase to the point that we need roads of that size.

Chairman Padberg said that it should be verified that the City will not demand that this subdivision hook up to its sewer system and that DEQ will allow individual septic systems. The Planning Director indicated that an extension of the sewer system is a violation of Goal 11 and she is not sure she can get a statement from DEQ. The main issues to be addressed are the fencing, right-to-farm disclaimer, and sewer system. Art Kegler moved and Joe Miller seconded a motion to postpone this Subdivision hearing until the next Commission meeting. Motion passed unanimously. The Planning Director will check with Public Works Director about the required 60' roadway.

REPORT ON RESEARCH ON AUM DENSITY IN RESIDENTIAL ZONES - The Planning Director said that in other counties the AUM density is all over the board. Wasco County has no density limits and refer everything to the Health Department. Jackson County allows four emus per acre. Our AUM chart is based strictly on poundage and poundage is based strictly on forage of land not erosion or nuisance. Method OF measuring was based on the size of the animal and how much the land will feed. It is in the residential zones that you cannot have animals for commercial enterprises. The Planning Director said that in the current Ordinance in the SR-1 Zone, it specifically states that animals cannot be kept for commercial purposes. She believes it was the intent of the RR-1 and FR-2 Zone as well to protect these areas from commercial enterprises. Mrs. Huddleston wanted to know if she rented pasture in EFU zone would she still have a home occupation business on her Rural Residential property. The purpose of the residential zone is to accommodate rural life style, but to also protect the integrity of the area. If the Commission adopts for one area, the standard is the same no matter where it is located in the County if it is in this zone. The Planning Director thinks this is a good compromise, but if the Commission chooses they can work with the numbers. Commissioner Rea said that total acreage is different from available acreage. In the proposed Ordinance amendment, it is stated that you have to have a minimum of a half acre to have any animals on the parcel. Commissioner Grieb had said at the last meeting that this is a residential area and two per acre is enough. If this is a hobby and not a Commercial operation, you do not need the added density. Commission Rea asked what the definition of Commercial was; anything that you make money off of. The Planning Director indicated that she was not sure if it was defined in the Ordinance. Harry Ashcraft said that he has talked to Jim Johnson, and he said that for the purposes of planning the raising of livestock in Oregon is not a commercial activity. The Planning Director said the raising of livestock is an agricultural, commercial activity. Mr. Ashcraft said that Jim Johnson was going to contact the Planning Director, but he did not. The Planning Director stated that other than a hobby farm, the primary function of a residential zone is for residential purposes; animals are a secondary use.

Chairman Padberg asked if the Commission wanted to work with these numbers. A discussion followed regarding the number of young that would be allowed. In the present form, there is no distinction for the number of young. The Commission felt this could be a problem. The Planning Director asked the Commission to make a decision on the allowance of young. Commissioner Miller said that in order to help Mark Miller, CEO, one cow should be one cow no matter its age. Commissioner Rea said that she knows there is a lot of land zoned residential that is 40 acres. You have to be fair to the people that have one acre and those who have 40 acres. Commissioner Kegler said that it is difficult to be fair to both. Chairman Padberg felt that you should allow the young of the allowed animals. Commissioner Bass asked why we want to change it in the first place. It is a residential zone and the number should be limited. The Planning Director said that the main reason this change was initiated was for the emu people and if it were not for that it might not even be an issue. The Commissioners decided to allow two offspring up to six months of age for livestock, including cattle, horses, mules, donkeys, llamas, sheep, goats emu and ostrich.

The issue of colonies OF bees was brought up. They are currently allowed in the SR-1 Zone, but not in the RR-1 and FR-2 Zones. The Ordinance currently allows one colony for each 1,000 square feet of lot area. Bees will be allowed in all the residential zones.

MASTER PARK PLAN REVIEW AND RECOMMENDATION - The County had a grant to do the Master Park Plan and the consultants hired were Rick and Stan Foster, ORPARC. The Technical Advisory Committee met and decided on two items -- an update to Recreation Element in our Comp Plan and a new zone called the Parkland Overlay Zone. Both county parks are zoned Forest. This overlay zone would allow both County Parks to do improvements without having to go through a Conditional Use Permit or a Zone Change. Copies of the document will be given to the Commissioners after ORPARC gets their copier repaired. The two existing County parks need to be improved from a safety and hazard mitigation area (ADA, electrical and sewer needs to be improved). The recommendations were laid out in three phases -- immediate action (get the parks up-to-date), intermediate action (to optimize what you have), long-term action (which is the 20-year plan). A marketing plan for the area was also recommended. The 4-H facility has no septic system and this needs to be addressed. New parks were wanted, but the cost is prohibitive and it is better to upgrade our existing parks. Recreation element updated to reflect the new numbers and bring in what was brought up in the Masterplan. The Planning Director said this element gives deference to the Park Districts. This updated Masterplan will be a good tool in acquiring land from the Corps. She encourages the Commissioners to review this plan. She is concerned that we have the planning in place, the zoning in place, but is not clear how the County will implement the plan. This is a County Court function. Asks that they think about some type of recommendation to the County Court that says a lot of work has gone into this plan and how does the County Court intend to implement it. The Planning Commission should ask this question. She thinks there should be a lot of opportunity in pursuing grants for the parks. Stan Foster said that while they were working with the plan, they had a difficult time staying up with the changes that were occurring. His concern is that an order should be determined on when and what improvements should be done. Needs some cohesive stewardship on this plan. If the Park Overlay Zone is adopted, it would give the Planning Commission cursory review. Art Kegler wanted to know who would pursue the grant options. The Planning Director

indicated that could be included in the Commissions recommendation to the County Court. The motion could include that not only does the Planning Commission recommend approval of the Overlay Zone and Recreation Element, but they identify the need to ensure that these two things are implemented and that the Masterplan is implemented. Let the County Court decide as they are the ones that have the fiscal constraint. They may recommend to the Parks Advisory Committee is there a staff person to carry that through the Parks Advisory Committee. The Planning Director said she would be happy to do it, but she is not officially staffed to the Parks Advisory Committee. It may be a joint Departmental effort. Do need some designation as to who is responsible for applying for grants. Just so the Plan does not sit up on some shelf. Stan Foster said that marketing the plan is important. The Planning Director said that the Tourism Committee has done a good job in promoting the area and also the parks within the County. Stan said that it is probable that most of the work will be done out of the Public Works Department, but that the funding will not be out of the general fund. It will take a cooperative effort to fund the projects. Group facilities along with equestrian facilities are in great demand and that is why they recommended improvement to the 4-H facility. The Planning Director said that we could advertise the hearing for next month's meeting and the following month for the final one before the Commission. The Commission said to advertise the hearing for next month's meeting.

AUDIENCE PARTICIPATION/NEW BUSINESS - The Planning Director recommended moving ahead on the agenda to discuss the easement situation with the engineer representative from UECA, Ken Johnson. Mr. Johnson said that he was here in place of Debi Watson who could not make it. He said that the issue was whether the utility should be included in the right-of-way. He wanted to know if we were talking about all of Morrow County. Yes, it would be for the unincorporated area of Morrow County outside the city limits. The Planning Director said that presently our code is silent on it and is not a requirement to put the utility in the right-of-way. Part of the justification in the TSP for the 60' right-of-way was that the utilities would be put in it. Chairman Padberg said that it all started when the County wanted the 60' and then Gary Neal put his subdivision in and the 60' easement started crowding into the acreage that he needed to make his lots saleable size and then the utility came along and put it outside the right-of-way. The Commission was under the understanding at the time when the County was requesting the 60' easement the utilities would be within that easement and now they are not. The Commission was wondering why it wasn't and if it could be taxable. Mr. Johnson indicated that at the time of the Neal Subdivision, a plot plan was submitted that they did not know was approved. They went out and staked it and it was outside the right-of-way, as Neal's had requested. Mr. Johnson asked how it is detrimental or harmful to the County if they are not within the right-of-way. Chairman Padberg said that it is not to the County, but is to the homeowners and subdividers. Mr. Johnson indicated that most of their lines are not within the right-of-ways. They are where ever they can place them the cheapest and easiest. Right-of-ways are generally not on the section lines and they like to go the shortest way possible. They feel it is good business. Chairman Padberg said that he thinks the Commission's concern is in these new subdivisions where new service is to be placed and most likely UECA will follow the road. He feels that it almost a takings and it is tough on the guy doing the subdividing or who owns the property. Then a 60' roadway with the utility easement being separate from that. Mr. Johnson said that with gas, telephone, TV, and irrigation it is getting pretty full in the right-of-ways. Commissioner Kegler said that he believes that in subdivisions that are not going to be thoroughfares or collectors, the sensible thing is to put these

utilities in the 60' easements. He feels that sometimes the stubbornness of the utility companies is unreal. He feels that in some situations it is the best use of the land in the planning of the subdivision and whatever is the least expensive should be done. It should be decided on a case by case basis and tonight's subdivision proves that. Chairman Padberg asked Mr. Johnson if it could be done on a case by case basis. Mr. Johnson said that if the Commission approves a subdivision with the utility easement in the right-of-way, they will abide by that. Mr. Johnson said that they also have to have a right-of-way from where the line runs to the house. The Planning Director indicated that it is not specified in the Subdivision Ordinance and she feels that our Subdivision Ordinance is written sufficiently broad enough that as a matter of policy we can give preference to locating within a right-of-way where it is feasible. The Director said that UECA has been very good about participating in our Subdivision Review Committee meetings and if she can communicate that policy, technically we will not have to change our code. Commissioner Bass brought up the subdivision that the Commission heard last month where the utility company wanted ten feet on either side of the 60' right-of-way, thus taking up 80'. Mr. Johnson said that he thinks that was overstated. The Planning Director said that at the Subdivision Review meetings, UECA's representative says that they do not want to be in the right-of-way. She suggests that Mr. Johnson talk to Steve and have him tell them how to represent on the Committee. It is a balancing act for this Commission. Mr. Johnson said that he will not back off on that statement; it still is their preference and they will do whatever the Commission or County decides. The Planning Director requested that he explain to Debi that if she does not want it in the right-of-way to state why and if she just does not want it, we might be inclined to say as a condition to put it in the right-of-way. Mr. Johnson said that they do not want a County-wide Ordinance. The Commission thanked Mr. Johnson for coming in and clarifying some of the issues.

DISCUSSION OF STORAGE BUILDINGS IN VANS, BOX CARS OR BOX TRAILERS -

The Planning Director explained that Mark Miller sent a citation to a property owner who has a lot of cars, trucks and junk on his property. The property owner wants to know if he can store it in a van (box trailer part of truck and trailer). The Planning Director said that if he asked for her interpretation she would probably say "no" as the Planning Commission said about a year or two ago "no" to storage in old mobile homes. She told him she would take it to the Commission. Joe Miller said it is different than storage in a mobile home and he does not have a problem with it. Art Kegler asked if a person puts up a storage building does he need to go to the Planning Department. The response was anything larger than a 10'x12' requires a permit. The Commission decided after discussion that they would allow one per parcel and it must be sited with zoning approval and without its wheels. Leann Rea moved and Joe Miller seconded the motion to approve allowing one van, box car or box trailer without wheels per parcel with zoning approval. Motion passed unanimously.

LEWIS AND CLARK TRAIL - The Planning Director explained that the Court has advised her to go ahead and put together a Trail Advisory Committee for the proposed Lewis and Clark Trail and she would like a volunteer from the Planning Commission. Commissioner Rea is interested on being on the Committee. Time involvement will be approximately a meeting every two months for about a year.

OREGON YOUTH AUTHORITY BOOT CAMP - The County Court is asking the Planning Director to help the City of Heppner with the Zone Change or Urban Growth Expansion. The City has only 32 acres of Industrial and much of that is in the floodplain. The Planning Commission will have to review the process. It was asked if the CUP for the project could have conditions to limit the growth of the facility. The Planning Director indicated that the community could have a say in this expansion.

JORGENSEN PROPERTY - Commissioner Rea asked what we had found out about the abandoned well on the Jorgensen property. It was never a completed well and was closed.

IONE-BOARDMAN ROAD - Boeing will be hiring a consultant to get all the parties together to discuss the road and the opportunities and constraints on developing the road.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 10:10 p.m. The next Planning Commission meeting will be on Tuesday, May 26, 1998, at the Morrow County Public Works Building in Lexington.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
TUESDAY, MAY 26, 1998 - 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, Ken Grieb, James Bloodsworth, Richard Kent and Henry Bass

MEMBERS ABSENT: None

OTHERS PRESENT: Theresa Goffredo, Bob Krein, Brian Thompson, Harry Ashcraft, Al Hensley, Steven Wilkie, Lois Thomason, Lorraine Wilson, Guy VanArsdale and Mark Miller

PUBLIC HEARING - Subdivision Application No. SD-N-201; Charles & Mary Fasciona, applicants; Michael Smith, owner. Property is described as tax lot 3200 of Assessor's Map 5N 26 23D, located on the south side of Columbia Lane, approximately one mile west of the City of Irrigon in a Rural Residential One Acre (RR-1) Zone. The proposal is to subdivide the existing 7.41 acre parcel into six (6) parcels. Criteria for approval includes Subdivision Ordinance ARTICLE 3, Sections 3.020 and 3.100. (This hearing was continued from the April 27, 1998 Commission Meeting.) - The Fasciona's distributed to the Commission their responses to the questions posed by the Commission at last month's meeting. According to deeds the Fasciona's obtained, the easement for the water line along the west side of the property is with Western Empire. The fencing issue was discussed and the applicants said that if it is a problem they will put up fencing. They are still in the process of making arrangements to have Site Evaluations done on the property. They just signed the final papers and until that time the owners did not want them doing anything on the property. The location of the proposed septic, drainfields and wells will be indicated on a plot plan when they have had DEQ out. They are considering putting in one central well, but will decide later on this issue. The Planning Director indicated that anything over three is a public well and anything over fifteen is a community well, but she was not sure how much of an area you can irrigate off a community well. Umatilla Electric has agreed to supply power to the subdivision. The only covenant the applicants are considering is one that limits irrigation to the properties per WEID. A copy of the title was submitted by the applicants. The Commission asked about the 60' road easement. The Planning Director said that she has given serious thought to deviating from the 60' requirement, and if Idaho is ever improved, this road would help create a nice circular pattern. She does think there may some be situations where the Commission may want to deviate from this 60' requirement, but much thought should be given to it. The Public Works Director felt that the Commission should be very careful deviating from the 60' roadway easement. Chairman Padberg asked whether this 60' easement would affect the ability to obtain DEQ approval for a septic system. The Planning Director stated that they could get DEQ approval for some type of system on a one acre parcel, but it may possibly not be a conventional system. Chairman Padberg asked if there were any

restrictions on the pipeline easement. The Director said that the deed did not specifically state anything. WEID says their line does run on the west side of the property. It was suggested that the applicant check into this fully. The Planning Director got a late letter from the Irrigon Rural Fire District and had a couple of recommendations:

1. That the north/south street does not provide for ingress on the south end at Idaho and does not allow emergency rigs to safely turn around.
2. Recommends that West Idaho Lane be developed to provide connectivity between West Fourth Road and the proposed subdivision. If Idaho cannot be opened in a timely manner, they suggest the applicants construct to County standards a gravel cul-de-sac at the south end of the new road at Idaho Lane.

Joe Miller made a motion to approve with the conditions as stated in the Staff Report and with the added conditions regarding Fire Department requirements and the right-to-farm disclaimer statement and to verify the irrigation easements. The motion was seconded by Leann Rea and unanimously approved by the Commission. The conditions of approval are:

1. The landowner shall file a preliminary and a final subdivision plat in accordance with ORS Chapter 92 provisions.
2. Submit a copy of a title or Subdivision Guarantee Report.
3. The final plat shall be approved by the West Extension Irrigation District prior to final approval by the Planning Commission.
4. The interior road shall be improved to County standard for a Rural Access I, prior to issuance of Zoning permits. The road will be inspected and approved by the Public Works Director.
5. Obtain Site Suitability (for each lot) from DEQ prior to submission of the final plat.
6. Submit a letter of approval from the County Watermaster regarding groundwater rights and plan for domestic wells.
7. Obtain DEQ stormwater discharge permit, if required.
8. Developer 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.
9. Submit a written statement from Umatilla Electric Cooperative Association stating Coop's willingness to serve property.

10. A Consent to Participate Agreement in future road improvements must be signed, and provide turn-around for fire trucks on Idaho Lane right-of-way.
11. Sign and record a Right-to-Farm Disclaimer Statement.
12. Identify location of existing water lines.

PUBLIC HEARING - Conditional Use Permit Application, CUP-N-116: Michael L. Swope, applicant and owner. Property is described as Tax Lot 100 of Assessor's Map 5N 26 25B, located on the northwest corner of State Highway 730 and West Second Lane, approximately one-eighth mile west of the City of Irrigon. The proposal is to operate an Boat, RV and Manufactured Home Sales Lot in a General Commercial Zone outside the Urban Growth Boundary. Criteria for approval includes Zoning Ordinance 3.060(2)(c) and ARTICLE 6, Sections 6.010, 6.020, 6.030 and 6.050(10)(A)(B)(C) - The Findings of Fact was reviewed and it was explained that this was the old Jorgensen property. The plot plan was shown and the existing single-wide mobile home and shop were pointed out. Mr. Swope intends to sell RV's, MH's and boats off the property. At a later date, he would like to put a new manufactured home on the property. The shop had been red tagged years ago and has never been cleared with Building Codes. The site is in a Commercial Zone and they propose to put up one sign. They must obtain ODOT permits for the sign. Anything under 300 trips per day does not require a transportation analysis study. Several comments were received from property owners, George Horrace, Brenda Newport, Al Hensley, John Matthews and Mr. Cook. Commissioner Rea asked if there was any way the Commission could be restrictive as to the type of mobile homes the applicant intends to sell on his lot (no older ones). Commissioner Rea was concerned that it might turn into an eyesore and with its location on Hwy 730 would not be a good entrance into Irrigon. Chairman Padberg agreed that it must be maintained and kept clean and looking good. Commissioner Bass asked if the applicant was going to put a security fence around it and also lighting. The hearing was opened to the audience. Al Hensley asked if the permit is granted by the Commission is there any restriction about hours of operation. He is also concerned about trash in the area. It has been a problem the past ten years. Traffic is also a problem. Steven Wilkie, lives east of the property, and he does not know how the Commission can even consider this application. It was his understanding that Jorgensen could not live in the trailer and that it was strictly an office. Al Hensley also mentioned the fact that the shop building on the property was condemned by the State when Jorgensen lived there and should not be used. Pieces of the roof fly off on windy days and end up in everyone else's yard. Chairman Padberg said that this property has been a problem for fifteen years. Some of the issues are fencing, lighting, cleaning up of the lot, hours of operation, access to the lot with long loads, trash on the property, and the problems with the building being red tagged or any other condemnation of the building. Commissioner Peterson said that he remembered from earlier meetings the fact that Jorgensen was not to live in the mobile home. The issue of siting a new home on the problem will have to be addressed as it may not be possible to do this. The zoning can be a problem. Commissioner Rea moved and Joe Miller seconded a motion to postpone the hearing until next month at which time the applicant can respond to the issues the Commission asked for responses to. The motion passed unanimously.

PUBLIC HEARING - Application for a Hardship Variance to site a second manufactured home on Tax Lot 303 (9.85 acres) of Assessor's Map 5N 26 35 in an Exclusive Farm Use (EFU) Zone. This parcel is located on the north side of Depot Lane, approximately three miles south of the City of Irrigon. Criteria for approval includes Zoning Ordinance ARTICLE 7, Section 7.020(B)(1)(2) - This is a typical hardship request to site a second

manufactured dwelling on a tax lot with an existing dwelling. The request is made by the Bryant's to allow their daughter to site a home on the property because of serious health problems of the father. In the file is a copy of a letter from Mr. Bryant's doctor indicating that he is disabled and does need assistance. Brenda Newport, Irrigon File Department, responded indicating no problems with this Variance request. No other comments or correspondence was received. The Bryant's intend to remove the older mobile home after the Variance is no longer needed. A new septic system for the new dwelling is going to be put in. The conditions of approval were reviewed. Joe Miller moved and Henry Bass seconded a motion to approve the Hardship Variance with the conditions stated in the Findings of Fact and below:

1. The applicant will provide a written, notarized statement 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 Site Suitability can be obtained for second dwelling unit.
3. Applicant shall respond to annual review of permit to demonstrate manufactured home is still needed for use by daughter due to father's health reasons.
4. All applicable zoning and Building Codes Agency permits be obtained.

PUBLIC HEARING - Land Partition Application, LP-N-213: Dustin & Lois Thomason, applicants and owners on contract; Jane Townsley, mortgage holder. Property is described as Tax Lot 211 (2.47 acres) of Assessor's Map 5N 26 36 located on the north side of Depot Lane, approximately three miles south of the City of Irrigon. The proposal is to partition the 2.47 acre parcel into two parcels each exceeding the minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval includes Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030 - The location was shown on the map and the Findings of Fact was reviewed. The Planning Director indicated there is an existing 35' easement that comes along the west side of the property. Access is not from the easement but from Depot Lane. The Public Works Director did go out and look at the site and he indicated that an access for the new parcel from Depot was all right with him. Also, the existing parcel has an access from Depot and not off the private easement. The Irrigon Fire District responded and said they had no problems with the partition. The applicant indicated that the well will not be shared with Parcel #2. Commissioner Rea recommended adding the Right-to-Farm Disclaimer Statement as the land to the South is EFU. Commissioner Rea moved and Joe Miller seconded the motion to approve the Land Partition request with the conditions stated in the Findings of Fact and the added one regarding Right-to-Farm. The Commission unanimously approve the motion. The conditions of approval are:

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. Submit DEQ Site Suitability for Parcel #2 prior to approval of final partition plat.
4. The final plat shall include 10' easement for Depot Lane along south boundary of parcel.
5. Applicant shall obtain Access Permit from Public Works Director, and approval for location of access.
6. Applicant shall sign and record with deed Right-to-Farm Disclaimer Statement.

PUBLIC HEARING - Land Partition Application, LP-N-214: Stephen & Bonnie Simpson, applicants and owners. Property is described as Tax Lot 200 (26.86 acres) of Assessor's Map 4N 25 22 located on the south side of Kunze Lane, approximately one-half mile southeast of the City of Boardman. The proposal is to partition the 26.86 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, Sections 5.020 and 5.030 - At last month's meeting, the applicant had proposed a subdivision for this property, but the feasibility of developing these lots and problems with Umatilla Electric caused the applicant to resubmit as a land partition. This partition will create three lots. The access for one lot will be off Kunze and the other two lots will share a common driveway access onto Kunze Lane. The Public Works Director did not feel the driveway accesses would be a problem. The applicants will need to obtain access permits from the Public Works Department. The applicants will be asked to obtain DEQ Site Suitability before the Department will sign off on the final partition plat. A 10' easement along the north side of the property for the future widening of Kunze Lane will be made a condition of approval. Art Kegler moved and Joe Miller seconded a motion to approve the Land Partition with the conditions stated in the Findings of Fact. Motion unanimously approved with the following conditions:

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. Submit DEQ Site Suitability for Parcels #1, #2, and #3 prior to approval of final partition plat.
4. West Extension Irrigation District approval will be noted on the final partition plat or in the form of a letter.

5. A Right-To-Farm Disclaimer Statement will be recorded with the deed.
6. Include a 10' easement for Kunze Lane on the Final Plat.
7. Obtain approval from the Public Works Director for proposed access. Access must meet construction standards specified in the County Access Permit.
8. Further partitioning of parcels will require Subdivision standard.

PUBLIC HEARING - First of three hearings to amend Zoning Text of the Suburban Residential Section 3.050(3), Rural Residential Section 3.040(3) and Farm Residential Section 3.041(3) Zones of the Morrow County Zoning Ordinance to change the animal density in these zones. Criteria for approval includes ARTICLE 8 of the Morrow County Zoning Ordinance

The Planning Director explained that the Commissioners had gotten in their packets language proposed for each of the three residential zones based on discussion from the past three month's regarding animal density. The only change to this was that the phrase "and for purposes other than commercial enterprise" was struck out. When we included this language in the residential zone, the Planning Department and CEO felt that this meant that animals in the residential zone are for a hobby. The way people were interpreting it was that if they were incidentally making money on the raising of animals they were in violation of the code. In order to clarify that matter, we struck that language. We are assuming that you probably are not a commercial operation if you comply with the density as proposed. If you happen to have a few animals on your home and you also have property in another area where you raise similar animals, it is perfectly acceptable to do your book work and other business from your home. This is consistent with the interpretation of what a home occupation is and is not. Commissioner Bass questioned the allowance of two offspring; is this two offspring per acre or animals. The Director said two per animal. Commissioner Bass said that it needs to be clarified. The Director said that we could change it to read two offspring up to the age of six months per animal allowed. This applies only to livestock. Commissioner Bass also asked about the allowance of four pigs in the RR-1 and FR-2 zones. He said that previously only one per acre was allowed. Chairman Padberg said four do not smell any worse than one. The Planning Director said that Bill Broderick, Extension Agent, has taken the time to call several times, and he said that the previous list he had submitted on the AUM equivalent was for forage utility and he said that the list we came up with he is not going to speak to the preferred list but by no means is his list suppose to be used in every application. His list did not take in any zoning considerations such as compatibility in a residential zone. He also raised a very good point in the SR-1 Zone about existing language. We tried to leave as much existing language as we could. Under "E" in the SR-1 Zone, it states that animal feed shall be appropriately stored in rodent free receptacles; he felt this is an admirable goal, but good luck. Commissioner Rea said to state that animal feed shall be appropriately stored. Chairman Padberg said to leave it in as it is an attempt to have someone store it properly. Harry Ashcraft said that he would like to commend the Commission for working on this issue. He still has problems with the numbers. He feels that the emu number should be higher than that of ostrich because emus weigh less. Also emus do not eat grass and forage, but ostrich do. Mr. Ashcraft said that he knows the Commission chose for one reason or another to not use the Extension Service recommendation, but he still has trouble with the numbers. Chairman Padberg

asked Mr. Ashcraft what number he would put in on for emus. Mr. Ashcraft said that based on the number we are working on with sheep and goats you have six sheep, which is 60% of the recommendation of OSU, and he then looks at emus with a recommendation of 12 per cow which is 24 per acre and then at 60% of that, he would be at 16 emus and lower the ostrich to six due to the weight. Everyone knows that emus are very good neighbors because they are very quiet, not noisy livestock. The weight of an adult emu is eighty pounds and an ostrich is 350 pounds. Commissioner Rea asked what was the weight of sheep. Mr. Ashcraft indicated about 200 pounds. Commissioner Miller said that the Commission still needs to look at the nuisance factor. Commissioner Bass said that he thought we were setting these numbers up using a hobby farm, not a commercial operation. He felt that as a hobby farm these numbers were sufficient. He realizes that Mr. Ashcraft has a commercial operation, but a hobby farm is a hobby farm. Chairman Padberg said the word "residential" is important. This is the first of three hearings. The Planning Director said that we could lower the ostrich allowance to four. Chairman Padberg said that he thought we should lower the number to four. Commissioner Rea said that she would like to see it be pretty standard, and she thinks it would help Mark. The Commission asked Mark if he could get by with the list as it is. Code Enforcement Officer Miller said that he thought he could get through on the counting of the animals as listed. Chairman Padberg said that if it is agreeable they will change the ostrich to four and leave the rest as is and take it to the next hearing next month. Chairman Padberg said that the first hearing on the AUM's is over.

PUBLIC HEARING - First of three hearings to amend the Zoning Ordinance and Comprehensive Plan to include changes recommended in the Master Park Plan. Criteria for approval includes ARTICLE 8 of the Morrow County Zoning Ordinance - The Planning Director apologized that the Plan got in the mail late. This was a joint department application to get the park masterplan. Part of the agreement with the consulting firm included also to amend the Recreation Element in the Comprehensive Plan and to develop any appropriate zoning amendments. The consultants were here last month to explain it informally. The Planning Director said that she would recommend several changes to the Parkland Overlay Zone which the Commissioners received in their packets. She proposes to delete "O" that says similar uses determined by staff. This is not the kind of insurance that surrounding property owners want when they move in next to a park. She suggested adding "other park uses as allowed in Oregon Administrative Rule 660-034-0040. This is an Administrative Rule that LCDC is considering this month for adoption. The reason is that the State Parks Department wanted the ability to have certain criteria and standards in place when siting new state parks and County government said that if they got that privilege the County wanted it to even if it is on a farm or forest zone. A lot of these criteria are already in the OAR's and the Planning Director will see that the Commissioners get a copy before next month. Things on this list were developed during the process in developing the Master Park Plan. There were a few other clarifications that were made. The consultant added some language regarding a review process and to include zoning approval. Also, under the list of permissible uses some language was added that says that the following list is allowed in the Parkland Overlay Zone and in conjunction with park use. This is so that someone could not come in and say they want to put an office that was not in conjunction with park use. If this amendment was approved, it would be a technical report; sort of an appendix to our Comprehensive Plan. This new Recreation Element would be included in the Comp Plan and the Parkland Overlay Zone would be added to the Zoning Ordinance. This was

done so that when Public Works and the County Court want to apply for some grants to do some improvements to the Parks, it is already allowed and we do not have to go through exceptions or zone changes. Commissioner Bass asked about Page 102 stating that all County resources should be focused on repairing, enhancing and improving existing County parks. He does not feel that "all" should be included in the phrasing. The Planning Director said that it within the context of the County Parks Budget and the Park Plan. Commissioner Bass was concerned that people will take it literally. The Planning Director said that the one thing that is outside of the traditional purview of the Commission is how this plan is going to be implemented. Today it is coming out of the Public Works Department and it is one of those things that will be folded into the annual budget for the County Parks and grants that are applied for the parks. The Planning Department's involvement will be in implementing the Parkland Overlay Zone and maybe a little grant writing for park improvements. Commissioner Kegler asked whether the Planning Director wanted their input in the Recreation Element and Parkland Overlay Zone. The Director said she definitely did. One of the issues is that since LCDC is considering new rules for parks and one of rule amendments is if you comply with these certain provisions, you do not have to go through an exception process for siting new parks and making improvements to existing parks. That is what this Recreation Element and Parkland Overlay Zone will do and we will not have to go through the exception process. LCDC wanted to make sure that they were not allowing us to do anything beyond the scope of what everyone else in the state was doing. Commissioner Peterson asked why we were doing this. It was explained that we had gotten a grant because when the Public Works Director tried getting some funding for park improvements many of the agencies said that we needed some type of park masterplan. Chairman Padberg said there was also some concern about needing some more parks and it was decided that we needed some priority order we need to take care of these things. The Planning Director said that everytime you apply for a grant for the parks one of the questions is how this project fits into the Master Park Plan. Therefore, the need for the plan. Commissioner Kegler was the Commission's representative on the Advisory Committee as well as representatives from all the park districts. Boardman Park District was concerned about having a new park in the Boardman area. The study showed that at this time there was no justification for a new park. In the long term, the County may consider acquiring land from the Corps of Engineers for a new park but this is a future consideration. Chairman Padberg then closed this hearing.

PUBLIC HEARING - First of three hearings to adopt the Transportation System Plan and amend the Zoning and Subdivision Ordinances and Comprehensive Plan to implement recommendations of the TSP. Criteria for approval includes ARTICLE 8 of the Morrow County Zoning Ordinance - A grant was obtained to complete this project. The road standards that are discussed at the Commission meetings are included in this TSP. A map with all the new names will eventually be an insert in the Plan as soon as the new GIS person gets settled in and can get to some of the projects. The Planning Director said that portions of this plan have already been discussed as the project was started about two years ago. Representatives from the north and south ends of the County, the Port and Calvin Keys, former Planning Commissioner, were on the Committee. Several issues were taken to the County Court, including goals and policies and also adopting the interim standards. So before this is formally adopted we have implemented those standards. During a field trip with ODOT, the Plan was useful in pointing out areas that we have planned to do improvements. ODOT wanted all counties to have a transportation plan.

ODOT's main motive was to protect the preservation on State highways and they saw that over the long run if counties and cities properly planned for and developed their road system and their other systems in sync with ODOT, then ODOT will better preserve their systems. Morrow County is one of the first in Eastern Oregon to have their TSP completed and all counties and cities must have theirs done within five years. If a project is not listed in the TSP, the chances of getting funded for it by ODOT are not extremely slim. If they are listed and we show that by increasing local circulation decreases some demand and capacity on the State highways, they may fund it. This minor cooperation with ODOT and the county on Second Street is an example of the two working together. Another usefulness of this is has Zoning and Subdivision Ordinance amendments and it also has a Buildable Lands Map and a future traffic projections and what a future road might look like. The planning horizon on this plan was twenty years. The population numbers that DLCD originally gave us for projects the Planning Director thought were too low and she projected other figures which DLCD approved. The reason for accurate projected numbers is that the higher your population and traffic road volumes the higher you are on ODOT's priority list. The Planning Director said that this is the fifth draft of the plan and she feels that once we start using it, it will all make sense. We have already used it with our road standards and traffic impact assessment, which was above the contract that KCM did. Having these guidelines will help the development community something to expect when they come in with a large development. The Public Works Director also has his capital development list included in the plan. Guy stated that if we do not have our projects on this list the state will not consider them for their highway bridge replacement program or for ISTEA monies. Chairman Padberg asked if he could pencil in the Ione Boardman Road on some of these. The Planning Director said that it is in there, not because of volume, but because of economic, connectivity and intermodal purposes it is important. There is a need to get the easement across there. Boeing in an agreement with the County has obtained a mediator to resolve the easement situation and other items needing resolving. Commissioner Kegler wanted to commend the Planning Director for undertaking this TSP. It was tremendous challenge that was done very professionally. The Chairman closed this public hearing.

AUDIENCE PARTICIPATION - Bob Krein and Terry Thompson were present to tell the Commission of their plans to develop a piece of south end property (approximately 400 acres) into ranchettes. They talked to the Planning Director about it and they can take a parcel and partition it into three smaller parcels as long as the parent parcel remains at least 160 acres. They are asking some input as to what the Commission will require to accomplish this or if they are wasting their time in putting this together. They have checked into the water issues and some of these parcels will have water rights. Chairman Padberg asked if it is true that you have to build on Class 7 soils. The Planning Director said you don't, but the parcel has to be predominantly nonfarm, Class 7 soil. The applicants talked about phasing them in. The Planning Director pointed out that it is currently a loophole, but is legitimate. The way that nonfarm dwelling rules are set up, the nonfarm provision where you can create a nonfarm parcel is setup for a tract of land; contiguous parcels is a tract of land. Say you have four tax lots which are in the same name, you have a tract of land, so you have an opportunity for three nonfarm parcels. If each of those tax lots are legal lots of record, and each of those four parcels are in a separate name or ownership then each separate ownership has that right and you can reconfigure how that ownership on those four parcels are. This is a little more complicated because you do not have

just one person coming in on one piece of ground. They are doing some speculating and the Planning Director is trying to give them some insight to allow them a few more nonfarm parcels than if they had gone in as one company and acquired four tax lots. Chairman Padberg said that the downside of the project is that you could end up with areas like West Glen that are trashy, junky and a real mess. There are County rules against this, but some of the opposition you find is farmers or neighbors that do not want situations like this. Thompson and Krein indicated that they do not want to create something that is a nuisance; these lots are not going to be priced so that someone can come in and make a dump of it. They have some investors that are willing to come in and put in some road and the infrastructure and fences. This is what they want to do and if the Commission thinks it can be done that will be good; otherwise, they do not need another ranch. Commissioner Rea asked what size parcels were proposed. Brian Thompson said that it looks like they would be about twelve acres each. They would still be in an EFU Zone, but would be disqualified from farm deferral. There will be water rights on it. Chairman Padberg said he thought the project was a good idea. Brian Thompson said that he wanted to put everything on the board and not try to sneak it by. He has talked to professionals about covenants and restrictions for the parcels. They could even create a company to maintain the roads, pumps and irrigation. Commissioner Kegler suggested a Homeowners Association be an option. He also asked if some of the ground was irrigated and possibly might be high value. The Planning Director stated that even some of the irrigated land was a Class VII soil. The Planning Director also cautioned that every year the Legislature gets together and these rules could be changed, so it might be wise for them to submit an application before they actually purchase the property. If an application is made and the laws are changed after the application is made, you would be considered grandfathered in. This Planning Commission has been real supportive of this, but there may be some surrounding property owners that may oppose your project. There are certain criteria that must be answered in the Findings of Fact and one is if the development will alter the stability of the land use pattern of the area or make farming more expensive. The applicants just wanted to know the general feeling of the Commission for a project like theirs. Commissioner Padberg suggested the applicants visit with the owners of surrounding farmland to explain their project and get their feelings about it. Bobby Krein asked what the opposition from adjacent landowners could be. Commissioner Miller said "I don't want it in my backyard." Chairman Padberg said they could complain about spraying, junk cars, fire hazard, added traffic, dust and dogs. The Planning Director said that they had also talked about doing a zone change; this option would be more challenging. It would be easier to do on soil that is Class VII or VI. In the Willow Creek Valley there is no land outside the Urban Growth Boundary that is zoned Rural Residential. There probably was not a need for this zoning when the Comprehensive Plan was adopted, but there is the need now. The County is not in the position to file for Zone Changes, but the applicant can certainly go that route if he so desires. It is not the sure bet that at this time the nonfarm dwelling is. Commissioner Miller said that he feels the Commission will back them as far as they can and be as helpful as they can with this type of development in the south end of the County. Chairman Padberg said that the only exception he has to that statement is that the Commission is still going to protect the EFU lands all around it. The Planning Director said that the Commission has guidelines and have to stay within those guidelines but can be generous in those issues. Anyone can participate in a hearing. Thompson and Krein thanked the Commission for listening to their proposal.

CODE ENFORCEMENT REPORT - Mark Miller, Enforcement Officer, reported about the abatement operation on the Acheson property in Boardman. This was the first complaint that the previous Enforcement Officer, Martha Doherty, dealt with in 1991. He has been working on this for four years and citations were issued by the Court and nothing seemed to work. Therefore, Deputy Miller sent out an abatement notice to Mr. Acheson and low and behold after seven years, the property has been cleaned up. Deputy Miller said that this was the toughest customer, but the threat of abatement was enough to finally get the job done. Deputy Miller does not feel that there will be many of these. Chairman Padberg asked about the Sullivan problem at Morgan. The Sheriff's office has had many calls to the area so there are other problems than the code enforcement violations. He is hoping that down the line some of the problems there can be isolated and dealt with.

OTHER BUSINESS - Some of the Commissioners had misplaced their travel vouchers and asked for new ones. The Planning Director said that the County has a policy that they do not pay for meals, but you can request this from the Budget Committee. She said that in Douglas County they have an annual appreciation dinner for the Planning Commission and eight other regional planning advisory groups.

Guy VanArsdale asked if affected landowners were notified of the Master Park Plan. He was surprised that Barbara Gilbert did not comment. The Planning Director indicated that she did not think we had to as long as notice was put in the paper of record, but she will look into it.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 10:05 p.m. The next Planning Commission meeting will be on Monday, July 27, 1998, at the Morrow County Public Works Building in Lexington, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, JUNE 29, 1998 - 7:30 P.M.
NORTH MORROW ANNEX BUILDING
IRRIGON, OREGON

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

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

MEMBERS ABSENT: Art Kegler

OTHERS PRESENT: Mike Mahoney, Bob Mahoney, Tom Moore, George W. Horrace, Olive J. Horrace, Linda Davis, Kyle D. Morgan, Kellie R. Morgan, Bill and Sue Morgan, R. C. Flournoy, John Mollahan, Gerald W. Davis, Al Hensley, Steven M. Wilkie, W. L. Dawkins, Nancy Dawkins, Al and Donna Osmin, Douglas and Jeanne Walton, Michael Swope and Arnie and Shiela McClure

MINUTES OF APRIL 27, 1998 MEETING - The minutes of the April 27, 1998 Planning Commission meeting were unanimously approved as mailed.

PUBLIC HEARING - Conditional Use Permit Application, CUP-N-116; Michael L. Swope, applicant and owner. Property is described as Tax Lot 100 of Assessor's Map 5N 26 25B, located on the northwest corner of State Highway 730 and West Second Road, approximately one-eighth mile west of the City of Irrigon. The proposal is to operate an Boat, RV and Manufactured Home Sales Lot in a General Commercial Zone outside the Urban Growth Boundary. Criteria for approval includes Zoning Ordinance 3.060(2)(c) and ARTICLE 6, Sections 6.010, 6.020, 6.030 and 6.050(10)(A)(B) and© - This hearing was continued from last month's meeting in order to obtain more information from the applicant regarding his application to operate this sales lot and to reside in a manufactured home on the General Commercial property. A copy of the Planning Commission's questions were sent to Mr. Swope and his response to those questions were included in the Commissioners packets. The use of the mobile home as a dwelling was also brought up. Mr. Jorgensen had initially set the mobile home up as a business office. At various times throughout the years, Jorgensen and renters have lived in it. Mr. Swope has been living in it for two years. The Planning Director dug through the files to find out the back history of this parcel and gave the information to the Pro-tem County Counsel who responded with a letter indicating that he does not feel the applicant can live in the dwelling because it does not reflect the correct use of the property. The Commercial Zone allows for the resumption of residential use but only if it is not left vacant for longer than six months. Mr. Swope then went through the questions posed by the Commission. He said he does have security lights and the existing fence should keep people out of the property. The normal work hours will be from 8 a.m. to 6 p.m. and possibly longer in the summer. He will be selling both new and used boats, RV's and mobile homes. The existing 40' x 40' building would not be used in

the business operation. He is currently living in the mobile home, but would like to have a larger home and use the older, smaller mobile home as an office. Mr. Swope admits there is some clean up to be done and presented a drawing for what is proposed on the property. He will only use the front portion of the property for a sales lot and the back portion will be private for his home. There are shrubs on the property and the present access is off Idaho with a gate opening of 16' with another 16' gate to go up yet. No employees other than his family are planned at this time. Discussion followed on how the Commission should handle this application. Since County Counsel stated the living in the mobile home as an illegal use, it was suggested that the Commission deal with the sales lot and not address the living in the mobile home as part of the application. It was suggested by the Planning Director that the land be partitioned and the portion with the dwelling be zoned residential and leave the front portion of the parcel Commercial for the sales lot operation. The applicant would have to submit a request for a zone change. The Commission should include what the time limit should be for allowing Mr. Swope to live in the mobile home and the apply for a zone change or cease living in the dwelling. It was suggested that a six month time limit be placed on the living in the dwelling. The hearing was then opened to the public. Mr. Hensley would like to see a condition that the applicant put in a sight obscuring fence on the east and north side of the property. Mrs. Horrace asked about the hours of operation on weekends. Mr. Swope would like to have the same hours as on weekdays. Mr. Wilkie was upset about the junk and garbage that the wind blows from the applicant's property onto his own. Would like to see this mess cleaned up. After much discussion regarding all the past problems of the property Commissioner miller moved and Commissioner Rea seconded a motion to approve the Conditional Use Permit for the operation of the sales lot and to limit the living of the dwelling to a six month period during which time the applicant will submit a zone change for the northern portion of the parcel. The motion passed unanimously with the conditions stated below:

1. The permit shall be reviewed annually to verify compliance with permit conditions.
2. Comply with setback requirements.
3. Obtain necessary permits (Department of Commerce) for operation of the business.
4. Obtain permit from ODOT for sign, if required.
5. Develop according to plot plan including landscaping and fencing. Minor modification may be made with approval of the Planning Department.
6. Clean up existing junk and rubbish. Sign off from Code Enforcement Officer.
7. There shall be no debris relative to the business, scattered on or off the premises.
8. Hours of Operation: 8 a.m. to 5 p.m. (No later than 7:00 p.m. during day light or summer hours).
9. The existing mobile home may be used as an office for the business.
10. Residential occupancy of the mobile home is not permissible. Planning Commission recognizes Mr. Swope intends to apply for a Zone Change on the north half of the property, and further, they will allow Mr. Swope to continue to live in the mobile home for no more than six months, pending approval of the Zone Change. If the Zone Change is not approved, then Mr. Swope shall discontinue residential occupancy of the mobile home.

PUBLIC HEARING - Second of three hearings to amend Zoning Text of the Suburban Residential Section 3.050(3), Rural Residential Section 3.040(3) and Farm Residential Section 3.041(3) Zones of the Morrow County Zoning Ordinance to change the animal density in these zones. Criteria for approval includes ARTICLE 8 of the Morrow County Zoning Ordinance - The newspaper article on the animal density and emus was discussed.

Commissioner Rea passed out a new AUM proposal consisting of what she feels the ground can support as far as the nitrate level is concerned. Chairman Padberg expressed that he is still concerned with the nuisance factor. Mr. Gorley stated that he would like more animals per acre and does not want the Ordinance to be so restrictive. Mrs. Dawkins said there is a difference from a dry and green pasture and that the Ordinance needs to distinguish between the two types of land. Mr. Dawkins feels that it should be looked at from a nuisance standpoint. Mr. Morgan would like to see an amendment to the proposal to consider miniature horses, donkeys and cows. Because of the weight and size of the miniature animals a larger number should be allowed per acre. Mrs. Davis felt that the issue was the nuisance level. Mr. Flourney lives next to the Morgan's and he has no problem with the donkeys and he feels the issue is a nuisance matter rather than hard numbers that should be looked at. Mr. Moore said that the problems are not with the people here in the audience, but those who have exceeded the allowed number. The Planning Director stated that the Commission is being more generous than what the present Ordinance allows. The goal of this amendment is to establish clear and objective standards that the Enforcement Officer can follow. Commissioner Miller moved and Commissioner Peterson seconded the motion to approve and refer to the County Court the amendment on animal density with the addition of miniature animals and the deletion of poultry and fur bearing animals under livestock and adding it as "H". The hearing before County Court will be on July 8, 1998.

PUBLIC HEARING - Second of three hearings to amend the Zoning Ordinance and Comprehensive Plan to include changes recommended in the Master Park Plan. Criteria for approval includes ARTICLE 8 of the Morrow County Zoning Ordinance - The

Commission would be approving the Park Overland Zone and the Master Park Plan. There was a technical advisory committee appointed for this project with Art Kegler the Planning Commission's representative. The consultant took a look at all the County parks and determined that there were enough existing parks to take care of and that at this time no new parks should be considered. The existing parks needed improvements to them and this should be a priority in the County. Chairman Padberg felt this was a very thorough study and it should help the County obtain funding for various projects. Commissioner Grieb made a motion to accept the Master Park Plan and to adopt the Park Overland Zone and refer them to the County Court with a recommendation for approval. The motion was seconded by Commissioner Rea and approved unanimously by the Commission. The hearing before County Court will be on July 8, 1998

PUBLIC HEARING - Second of three hearings to adopt the Transportation System Plan and amend the Zoning and Subdivision Ordinances and comprehensive Plan to implement recommendations of the TSP. Criteria for approval includes ARTICLE 8 of the Morrow County Zoning Ordinance - The Planning Director explained that DLCD had responded with some issues of concern. The Commission could either try to address the issues or postpone the hearing until next month's meeting. Some of the issues were whether the numbers were incorporated into the Comprehensive Plan whether there was adequate shoulder for bicycle and

pedestrian paths. DLCD wanted to make sure the County was coordinating with the other Departments and organizations. There was some discussion regarding the skinny streets that are being promoted in urban areas. It is not good for the rural areas of the County. The Commission decided to postpone this second hearing to July 27 meeting until further word is heard from DLCD.

PUBLIC HEARING - Land Partition Application, LP-N-215: Thomas & Carol Tolar Moore, applicants and owners. Property is described as Tax Lot 6100 (3.76 acres) of Assessor's Map 5N 27 21A located on the west side of Pleasant View Road, approximately three miles east of the City of Irrigon. The proposal is to partition the 3.76 acre parcel into two parcels each exceeding the minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval includes Subdivision Ordinance ARTICLE 5, Section 5.020 and 5.03 - The Findings of Fact was reviewed. The applicant will extend the existing 15' easement along the west side of Parcel #2 to Parcel #1. Discussion followed regarding the easement servicing only two lots and that it crosses the irrigation easement. Even though, the parcel is not abutting EFU land, it is close by and the Commission recommended the addition of the Right-to-Farm Disclaimer as a condition of approval. On a motion by Commissioner Grieb and a second by Commissioner Rea, the Planning Commission unanimously approved LP-N-215 with the following conditions:

1. The applicant shall comply with the requirements of the West Extension Irrigation District including proposed roadway location as well as necessary irrigation easements. 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. Submit DEQ Site Suitability for Parcel #1 and #2 prior to approval of final partition plat.
5. Applicant shall obtain Access Permit from Public Works Director, and approval for location of access for Parcel #2 if other than the easement proposed.

PUBLIC HEARING - Conditional Use Permit Application, CUP-S-117: Al Osmin, applicant and owner. Property is described as Tax Lot 700 (1383.03 acres) of Assessor's Map 3S 26, located two miles south of the City of Heppner on Balm Fork 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 Findings of Fact was reviewed by the Planning Director. This is a simple request for a second dwelling for farm help. The conditions of approval were reviewed. Commissioner Rea moved and Commission Bloodsworth seconded a motion to approve CUP-S-117 with the conditions stated below. Motion passed unanimously by the Commission.

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

2. An access permit must be obtained from the Public Works Director for a paved access onto Balm Fork Road.
3. Sign and record a Right-to-Farm Disclaimer.

PUBLIC HEARING - Conditional Use Permit Application, CUP-S-118, and Land Partition Application, LP-S-216: HM Ranch (Robert Mahoney, Sharon Mahoney, Shannon Smith and Helen Smith), applicants and owners. Property is described as Tax Lot 300 (2710.53) of Assessor's Map 3S 25 10 located on the west side of Clarks Canyon Road approximately 11 miles southwest of the City of Heppner. The proposal is to partition an approximate 40 acre parcel of land out of the 2,710.53 acre parcel, creating a "non-farm dwelling" 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 6.050, and Oregon

Administrative Rules - The Findings of Fact were reviewed. The applicant wanted less than the required 160 acres. The property will be removed from farm deferral. DLCD developed the formula to determine that the dwelling will not materially alter the stability of the overall land use pattern of the area. It was asked if the 40 acres could be put back in farm deferral if it was joined to another 160 acre parcel. The Planning Director said she would find out. The conditions of approval were reviewed and no other comments were heard. Commissioner Rea moved and Commissioner Miller second the motion to approve LP-S-216 and LP-N-118 with the conditions stated in the Findings of Fact and below. The motion was unanimously approved by the Commission.

1. The applicant shall sign a Right-to-Farm Disclaimer statement. The disclaimer shall be recorded with the County Clerk.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall submit a final partition plat in compliance with ORS Chapter 92.
4. Per ORS 215.236, County Assessor shall disqualify the "nonfarm dwelling" Parcel from farm deferral and all taxes shall be paid prior to recording the final partition plat.
5. Applicant shall obtain Site Suitability from the Department of Environmental Quality before sign-off on final partition plat.

DISCUSSION OF NEW GOAL 3 AND 4 RULES - The new rules were sent to the Commissioners in their packets. Some of them effect the County and others do not. The Ordinance can now be revised to incorporate these rules. One thing the new rule does is to allow certain of the decisions to be made administratively. The Planning Director asked the Commission if they would support deferring some applications to the administrative process. The Staff would make a decision and send a report (preliminary findings) to adjoining property owners and only if it is appealed would it come before the Planning Commission. Land Partitions can be handled administratively, but the Planning Director would still like to bring them to the Commission because this decision is very permanent. The "farmer jones" and nonfarm dwellings do not need to go before the Commission unless they are more difficult. In the administrative process, people are allowed a fourteen day opportunity to respond. The Commission supported

moving applications to the administrative review process, but stated they would like some type of a recap of the decisions made administratively.

CORRESPONDENCE - Coyote Springs Cogeneration Plant requested the Energy Siting Council modify their permit. The Planning Director gave some background on the issue. PGE is requesting that their permit be subject to the new "need" standard. The new "need" standard was developed by the Energy Forum Siting Task Force in regard to environmental groups who were trying to stop all energy producers from coming into the state because of air emissions. The new standard would eliminate the old need standard and all new plants would have to meet an efficiency goal. PGE requested their permit be granted to meet the need standards, the carbon dioxide standard. If they operate, they will meet this efficiency standard and the tax will go to the Oregon Climate Trust. The cities of Boardman and Irrigon, and County Planning in correspondence to ODOE asked that the Oregon Climate Trust allow the money to remain in the County and not go to other counties. PGE has indicated they would like to spend the money locally.

AUDIENCE PARTICIPATION/NEW BUSINESS

Ione Boardman Road Update - The consultant hired by Boeing is meeting with everyone and will meet with Pete Tagarres later. The consultant, Gordon Davis, will be up next week to talk to Chairman Padberg and Judge Carlson. Inland Land Project is still an issue and if they continue we will need to get the easement established. The Planning Director felt it was good to have this third party looking at the problem.

Army Depot and Impact Money - This project is consuming a lot of the Planning Director's time. A group of people from the Yellow Ribbon Committee made recommendations to Umatilla and Morrow County. Each County has come up with two different methodologies for determining the impact costs; Morrow County's cost is \$20 million and Umatilla County's is \$35 million. The Committee said they supported both and the Counties should work together to get impact fees.

Minutes - The minutes are getting lengthy and the Planning Department wanted to know if we could scale them down. The Commission agreed that we have the tapes and the minutes could be scaled down to include only the important issues.

Miscellaneous - Chairman Padberg reported that after the failure of the Youth Camp in Heppner the Port is attempting to determine what can be done to prevent this from happening again. They are afraid the aluminum plant could have the same problem as certain factions of the community will be concerned with the impact.

The Planning Director told about a conference she attended for the Judge in Salt Lake City. It brought together all opponents and proponents of the chemical incinerator proposal. It was stated that the amount of toxins coming out of one of the stacks is the equivalent of smoking three or four cigarettes a day.

ADJOURNMENT - Chairman Marvin Padberg adjourned the meeting at 10:50 p.m. The next Planning Commission meeting will be on Monday, July 27, 1998, at the Morrow County Public Works Building in Lexington, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, JULY 27, 1998 - 7:30 P.M.
MORROW COUNTY PUBLIC WORKS BUILDING
LEXINGTON, OREGON

Chairman Marvin Padberg called the meeting to order at 7:39 p.m.

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

MEMBERS ABSENT: Joel Peterson and Leann Rea

OTHERS PRESENT: Harry Ashcraft, Raymond and Angelyn Wynn, Paul Jolly, Samuel and Chris Davault, Pete Richards, John Mollihan, Bill Hanlon and William Cline and children

MINUTES OF MAY 26 AND JUNE 29, 1998 MEETING: The Planning Director made several corrections to the June 29th minutes. Art Kegler moved and Joe Miller seconded approval of the minutes of the May 26 and June 29 (as corrected), 1998 Planning Commission meetings. Motion unanimously approved by the Commission.

PUBLIC HEARING - Land Partition Application, LP-N-217: Gerardo and Maria Martinez, applicants and owners. Property is described as Tax Lot 3101 (2.61 acres) of Assessor's Map 5N 26 23C, located on the south side of Columbia Lane approximately one mile west of the City of Irrigon. The proposal is to partition the 2.61 acre parcel into two parcels each exceeding the minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval includes Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030 - The Findings of Fact were reviewed. Parcel #1 has an existing dwelling and they would like to sell Parcel #2. The property is not within the UGB of Irrigon. Applicants are proposing to have individual well and septic. They do not have Site Evaluation from DEQ but it will be required as a condition of approval. Access to Parcel #2 will be a new driveway off Columbia as it would not be possible for the two parcels to share the existing drive as it is on the west side of Parcel #1. A right-to-farm disclaimer statement will be required as a condition of approval. Letters were received from WEID and Water Resources saying there were no water rights on the property. The Planning Department received calls from Esther Noah, Mary Leaf and Kathy Neal, agent for Mr. Doramus. All parties were only interested in knowing what was being partitioned and no one had any opposing comments. There were no comments from the audience. Commissioner Kegler stated that even though Kathy is in his office he has had no dealings with the Doramus property and did not feel there was any conflict of interest. Commissioner Kegler moved and Commissioner Miller seconded the motion to approve LP-N-217 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. Submit DEQ Site Suitability for Parcel #2 prior to approval of final partition plat.
4. Applicant shall obtain Access Permit from Public Works Director, and approval for location of access.
5. Applicant shall sign and record with deed Right-to-Farm Disclaimer Statement.

PUBLIC HEARING - Subdivision Application No. SD-N-202: Ronald and Nancy Huddleston, applicants and owners. Property is described as Tax Lot 303 of Assessor's Map 5N 26 26, located on the east side of West Eighth Road approximately three miles west of the City of Irrigon in a Rural Residential One Acre (RR-1) Zone. The proposal is to subdivide the existing 4.89 acre parcel into five parcels. Criteria for approval includes Subdivision Ordinance ARTICLE 3, Sections 3.020 and 3.100 - It was explained that the property in question is the one with the emus west of Irrigon. Mrs. Huddleston said at the Subdivision Review Meeting that since she was not allowed the number of emus she needed to operate her business, she had decided to subdivide the property. According to the Assessor's office, the parcel is 4.89 acres. Mrs. Huddleston claims she has over five acres. After a survey is done, the correct number of acres will be determined. Staff summarized discussion at the Subdivision Review Meeting. At the July 11, 1998, Subdivision Review Committee Meeting Umatilla Electric Cooperative, Guy VanArsdale, Public Works Director and the Huddleston's were present. Bill Broderick, Morrow County Extension Service called and said he had no comments on the proposed subdivision. West Extension Irrigation District told the Planning Department the property is within the District's boundaries, but does not have water rights. Water Resources Department indicated that there are groundwater rights with the property but the well is on someone else's property and recommended the Huddleston's terminate these rights. One issue at this meeting was the question of access and the configuration of the lots. The configuration of the lots is a little unconventional and since the required easement will take a portion of each lot there did not appear to be enough acreage to meet the minimum lot size of one acre. The Public Works Director wanted the road to extend all the way to the end of the last parcel to provide access to the adjacent parcel that now has access through the gravel pit area. Mrs. Huddleston wanted the easement to remain private. The Planning Department tried to work out some of these issues with the applicant, but the applicant was not certain what they were going to with the parcels and therefore Mrs. Huddleston requested that the application be considered as is. Staff read letters from WEID and Water Resources. Due to the concerns of the Public Works Director and the Planning Department, the Planning Director asked the Commission to postpone the hearing until the lot configuration, road access, fire department access and water rights could be worked out with the parties involved. Chairman Padberg, with Commission agreement, stated that the hearing for Subdivision, SD-N-202, be postponed until 7:30 p.m. at the August 31, 1998, Commission meeting at the North Morrow Annex Building in Irrigon.

PUBLIC HEARING - Conditional Use Permit Application, CUP-S-119: Raymond and Angelyn Wynn, applicants and owners. Property is described as Tax Lot 305 of Assessor's

Map 4S 28 27, located 20 miles southeast of the City of Heppner directly above Cutsforth Park. The proposal is to site a dwelling on a 2.80 acre parcel in a Forest Use Zone. Criteria for approval includes Zoning Ordinance 3.020 and 6.060 and Oregon Administrative Rules

- The Findings of Fact were reviewed. The County Ordinance allows a dwelling in a Forest Zone under 3.020 and OAR 660. The Planning Department recommends approval with the conditions stated in the Findings of Fact. Mr. Wynn spoke in favor and no opposition was noted. Chairman Padberg said the fire standards should be met and fire guards must be provided. Commissioner Miller moved and Commissioner Bloodsworth seconded a motion to approve CUP-S-119 with the conditions stated in the Findings of Fact and below. Motion passed unanimously by the members of the Commission.

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, if applicable from the Public Works Director.

PUBLIC HEARING - Conditional Use Permit Application, CUP-S-120: Paul and Karen Jolly, applicants and owners. Property is described as Tax Lot 2300 of Assessor's Map 4S 28 11AB, located approximately 15 miles southeast of the City of Heppner on Coyote Trail Lane in the Blake Ranch area. The proposal is to site a dwelling on a 2.02 acre parcel in a Forest Use Zone. Criteria for approval includes Zoning Ordinance 3.020 and 6.060 and Oregon Administrative Rules - The Findings of Fact were reviewed. The parcel is within the Blake Ranch Subdivision in a Forest Use Zone. Mr. Jolly said he combined two parcels and there is an existing driveway. The Planning Director recommended that the applicant contact the Public Works Director to assure that this driveway is okay. There were no comments from the audience. Commissioner Miller moved to approve CUP-S-120 with the conditions stated in the Findings of Fact and Commissioner Kent seconded. Motion carried unanimously.

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 - Land Partition Application, LP-N-218: Samuel and Chris Davault, applicants and owners. Property is described as Tax Lot 1200 of Assessor's Map 5N 26 23C, located on the northeast corner of West Eighth Road and Washington Lane approximately two miles west of the City of Irrigon. The proposal is to partition the 10.60 acre parcel into three parcels each exceeding the minimum lot size of the Rural Residential

One Acre (RR-1) Zone. Criteria for approval includes Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030 - The location was shown on the map and the Findings of Fact were reviewed. The applicants propose to create three parcels and put an easement down the center of Parcel #2 and #3. The road could not go through to the end of the parcels as it would dead-end at Magic Garden Estates Subdivision. They will have to have an adequate turn-around for fire purposes. The letter from West Extension Irrigation District was read into the record. Each lot will be required to have a separate shut off valve. The Davault's would like to have access from Washington and not have to put in a road. Commissioner Miller said that the Commission has to look at what can happen in the future. It was suggested that possibly the right-of-way could be indicated on the plat, but the applicant would not have to develop the road. Bill Hanlon said that they could do a Consent to Participate on each of the lots. According to the TSP, the new roadway standards say the easement must be 60 feet. A discussion followed on what roadway should be required. Commission concluded that only dedication of the roadway would be required. Commissioner Kegler moved to approve LP-N-218 with the amended conditions of approval. The motion was seconded by Commissioner Miller and passed unanimously by the Commission. The amended conditions of approval are:

1. The Plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
2. Applicant shall comply with the requirements of the West Extension Irrigation District and District approval shall be noted on the final partition plat or in the form of a letter.
3. Applicant shall submit a **preliminary** and a final Partition plat in compliance with ORS Chapter 92.
4. Submit DEQ Site Suitability for Parcels #2 and #3 prior to approval of final partition plat.
5. Applicant shall obtain Access Permit from Public Works Director, and approval for location of access.
6. Any further partitioning of Parcels #2 and #3 may require Subdivision standards.
7. The new road proposed for Parcels #2 and #3 shall be classified as a Rural Access II, and shall be 500' in length, including the 100' turn around.

PUBLIC HEARING - Land Partition Application, LP-N-219: Harry and Carolyn Ashcraft, applicants and owners on contract. Property is described as Tax Lot 2405 of Assessor's Map 5N 27 20, located on the northeast corner of West Oregon Lane and Eighteenth Road, approximately 1.5 miles east of the City of Irrigon. The proposal is to partition the 3.21 acre parcel into two parcels each exceeding the minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval includes Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030 - The Planning Director reviewed the Findings of Fact and the

location was shown on the map. Parcel #1 has an existing dwelling and applicant does not plan to develop Parcel #2 at this time. The Planning Director indicated she had talked with Guy VanArsdale, Public Works Director, regarding access and he would like the Commission to postpone this hearing until next month. This will give him more time to check out the access issue. The letter from West Extension Irrigation District was read into the record. The parcel does have water rights through the District and they want a plan for deliverance of the water to each parcel. Mr. Slead, adjacent property owner, called and he does not like the idea of homes being so close and questions whether DEQ approval can be obtained. Commissioner Miller said that he feels the Commission should meet Guy's wishes and table this land partition request until next month. Commissioner Grieb moved to postpone this hearing until the next Planning Commission meeting on August 31, 1998 at 7:30 p.m. at the North Morrow Annex Building in Irrigon. Motion seconded by Commissioner Miller and passed unanimously.

PUBLIC HEARING - Land Partition Application, LP-N-220: Willard and Evelyn Miller, applicants and owners. Property is described as Tax Lot 1300 of Assessor's Map 5N 26 23B, located on the east side of West Seventh Road, approximately 2 miles west of the City of Irrigon. The proposal is to partition the 3.91 acre parcel into two parcels each exceeding the minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval includes Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030 - Location of property was shown on the map and the Findings of Fact were reviewed. Property is in WEID and Water Resources says there are no groundwater rights on parcels. There were no comments from the audience. Commissioner Miller moved to approve with the conditions stated in the Findings of Fact. Ken Grieb seconded the motion which was passed unanimously by the Commission.

1. The Plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
2. Applicant shall comply with the requirements of the West Extension Irrigation District and District approval shall be noted on the final partition plat or in the form of a letter.
3. Applicant shall submit a **preliminary** and a final Partition plat in compliance with ORS Chapter 92.
4. Submit DEQ Site Suitability for Parcel #2 prior to approval of final partition plat.
5. Any further partitioning of Parcel #2 may require Subdivision standards including improving an access road to Montana Lane.

PUBLIC HEARING - First of three hearings to amend Zoning Text of the General Commercial Zone (CG) Section 3.060 of the Morrow County Zoning Ordinance to allow a single-family dwelling in conjunction with a business. Criteria for approval includes ARTICLE 8 of the Morrow County Zoning Ordinance - At the last Commission meeting it was suggested that Mr. Swope change the zoning of the property where the mobile home is sited,

but after researching this option the Planning Director felt that it might be easier to amend the General Commercial Zone to allow a dwelling in conjunction with a business. This was a way for Mr. Swope to be allowed to continue to live in the mobile home on his commercially zoned property. The Planning Director said that it would not be an outright use, but a conditional use. Commissioner Bass asked if the Commission allowed the dwelling, would Mr. Swope be allowed any type of animal on the property as well. At this time, Mr. Swope has horses on the property. In the General Commercial Zone, this use would not be allowed. Bill Hanlon said that if the business ceases, the mobile home would not be allowed. Chairman Padberg explained that this is the first of three hearings.

TRANSPORTATION SYSTEM PLAN - DLCD has brought up several concerns and they seem to be firm on what they want. Some of their concerns were about sidewalks and bicycle and pedestrian paths. The consultant that worked on the TSP and the Planning Director felt that the larger roadways provided enough room for bicycle and pedestrian paths. Also in the rural areas sidewalks were not a practical idea. The Planning Director said she is working out the solutions with DLCD and would like to have this postponed until the next meeting when she can show the Planning Commission the agreement that is reached. Chairman Padberg and the Commission decided to continue this until the August Commission meeting.

AUDIENCE PARTICIPATION/NEW BUSINESS - Mr. Cline was present to discuss the newly passed ordinance on animal density in residential zones. He wanted to know how something like this could be decided without any public input. He was sent a letter from the Planning Department stating he was in violation of the number of animals allowed. Chairman Padberg explained that the Planning Commission held two public hearings and the County Court also held two hearings. The Planning Director explained that this Ordinance actually allows more animals than the old Ordinance. The Planning Commission spent six Commission meetings discussing this animal issue. The hearings were advertised in the newspaper of record which is the Heppner Gazette. Law states that the newspaper of record must be published in the County. Since so many of the public hearings pertain to the north end of the County, the Planning Director went to the County Court to request that notices regarding issues on the north end be advertised in the East Oregonian as well as the Heppner Gazette. The Planning Director explained that the letter of violation was sent to Mr. Cline because of several complaints received by the Department. Mr. Cline asked if he could get an extension until after Fair season. The Commission agreed that the animals could stay until State Fair is over and then Mr. Cline will need to come into compliance with the code. Mr. Cline indicated that the pigs will be out of there by the end of August. Chairman Padberg said that the rules are set up to protect the property owner and their neighbors as this is a residential zone. Pete Richards was concerned about the number of animals he has, but it was explained that he is in an EFU Zone and he is not restricted. Commissioner Kegler says he has empathy for the Cline situation, but the Planning Commission establishes criteria that then goes before the County Court and only after public hearings before the Planning Commission and County Court is it made a law. The hearings before the Planning Commission did have public input. The Planning Director explained that a new Enforcement Officer has been hired, but she will not be starting for about one and one-half months. Mr. Cook hopes that there is some common sense thrown in with the law.

ADJOURNMENT - Chairman Padberg adjourned the meeting at 10:10 p.m. The next Planning Commission meeting will be on Monday, August 31, 1998, at the North Morrow Annex Building in Irrigon, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, AUGUST 31, 1998 - 7:30 P.M.
NORTH MORROW ANNEX BUILDING
IRRIGON, OREGON

Vice-Chairman, Joel Peterson called the meeting to order at 7:30 p.m. Chairman Padberg arrived at 7:42 p.m. and chaired the remainder of the meeting.

MEMBERS PRESENT: Marvin Padberg (arrived at 7:42 p.m.), Joel Peterson, Art Kegler (arrived at 7:40 p.m.), Leann Rea, Ken Grieb, Richard Kent and Henry Bass

MEMBERS ABSENT: Joe Miller and James Bloodsworth

OTHERS PRESENT: Ivan Driver, Dee Fritz, Bev Bridgewater, Dave Payne, Harry Ashcraft, Brian Cook, Hartley Seeger, Glen and Margaret Moore, Michael Moore, Deane Seeger, Charlotte Line, Leo Kizer, Mavis Willard and Doug Daniels

MINUTES OF JULY 27, 1998 MEETING: The minutes of the July 27, 1998, meeting were approved as mailed on a motion by Commissioner Grieb and a second by Commissioner Bass.

PUBLIC HEARING - Continued from July Commission Meeting - Subdivision Application No. SD-N-202: Ronald and Nancy Huddleston, applicants and owners. Property is described as Tax Lot 303 of Assessor's Map 5N 26 26, located on the east side of West Eighth Road approximately three miles west of the City of Irrigon in a Rural Residential One Acre (RR-1) Zone. The proposal is to subdivide the existing 4.89 acre parcel into five parcels. Criteria for approval include Subdivision Ordinance ARTICLE 3, Sections 3.020 and 3.100 - This hearing was continued from the July Commission meeting because the Commission had questions regarding the configuration of the parcels and the access road question. The applicant, Mrs. Huddleston, resubmitted her plat map and also submitted a letter which the Planning Director read into the record. A letter from the Irrigon Fire District was also read into the record in which they stated the east-west road in the subdivision does not provide for ingress/egress on the east end and it does not allow space for a fire truck to turn around. They would like to see a road developed to Morrow County Standards to provide connectivity between West Eighth Road and West Seventh Road. If the road could not be opened in a timely manner, the Fire District recommended construction of a graveled cul-de-sac at the east end of the subdivision road. The Planning Director explained that she pulled out the road standards and it states that if a road will serve three or fewer lots in the future a 20' road is required. The Fire District recommended that if the plat remains the same, they would like to see at least a 30' roadway. At a later time, 30' could be obtained from the EFU land for the other half of the road. Mrs. Huddleston expressed a desire to have the road be a private easement. The Planning Director said that 6.1 in the TSP says the minimum requirement is a 20' easement for three or fewer lots. The Planning Commission could require a 30' public easement. The EFU

land directly to the south of the property is served by a private dirt road. Mrs. Huddleston objected to a public road as she felt that a private one would be maintained better by the people living on it. The Fire Department has seen the new plat and would still like to see the road go through. The Huddleston's were not present. No one in the audience spoke in favor or against the subdivision. Commissioner Rea moved and Commissioner Bass seconded the motion to approve the subdivision with the 30' public easement and a temporary cul-de-sac until West Seventh Road is put in and a survey of parcel to determine correct acreage to be included as conditions. Motion approved unanimously. The conditions of approval are:

RECOMMENDATIONS OF THE PLANNING DEPARTMENT:

1. Approval of the Subdivision subject to the following conditions:
2. Approval of the Subdivision proposed road name,

CONDITIONS OF APPROVAL

The application shall be subject to the following conditions:

1. The landowner shall file a preliminary and a final subdivision plat in accordance with ORS Chapter 92 provisions.
2. The final plat shall be approved by the West Extension Irrigation District prior to final approval by the Planning Commission.
3. The interior road shall be a 30' public easement and shall be improved to County standard for a Rural Access II, prior to issuance of zoning permits. The road will be inspected and approved by the Public Works Director. Construct and maintain a temporary cul-de-sac until such time as the road is extended to West Seventh Road.
4. Obtain Site Suitability (for each lot) from DEQ prior to submission of the final plat.
5. Submit a letter of approval from the County Watermaster regarding groundwater rights and plan for domestic wells.
6. Obtain DEQ stormwater discharge permit, if required.
7. Developer 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.
8. Sign and record a Right-to-Farm Disclaimer Statement.
9. With survey will need to verify lots are one acre. If not, need to reduce the Subdivision to four lots.

PUBLIC HEARING - Continued from July Commission Meeting - Land Partition Application, LP-N-219; Harry and Carolyn Ashcraft, applicants and owners on contract. Property is described as Tax Lot 2405 of Assessor's Map 5N 27 20, located on the northeast corner of West Oregon Lane and Eighteenth Road, approximately 1.5 miles east of the City of Irrigon. The proposal is to partition the 3.21 acre parcel into two parcels each exceeding the minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030 - This hearing is a

continuation from the July Commission meeting. It was explained by the Planning Director that she and the Public Works Director were not clear on the access to the parcel. They went out to the site and both agreed that access from 18th Road is okay. Mr. Strebin called and said that the fence is on the road right-of-way. It was explained that at the time of development the fence will need to be taken down. Mr. Ashcraft agreed that the fence will be moved before the property is sold. A Consent to Participate Agreement on any future improvements to East Oregon Lane and 18th Road will have to be signed before the final plat will be signed. Mr. Slead objected to the homes being so close and he felt that DEQ might not approve the parcel for septic. It was explained that the applicant must have Site Suitability from DEQ before the final plat will be signed and that this is one of the conditions of approval. Mr. Ashcraft had mentioned to the Planning Director that he might want to break the two acre parcel into two one acre parcels at a later time. The Planning Director suggested that this might be a more cost effective time to do it. Mr. Ashcraft indicated that he had decided not to as he was not sure the location of the barn would allow sufficient setback requirements on the one parcel. Commissioner Kegler moved and Commissioner Rea suggested the motion to approve the partition with the added Right-to-Farm Disclaimer Statement being added and that the Consent to Participate Agreement will be for East Oregon Lane and 18th Road. The motion passed unanimously by the members of the Commission. The Conditions are:

1. The Plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
2. Applicant shall comply with the requirements of the West Extension Irrigation District and District approval shall be noted on the final partition plat or in the form of a letter.
3. Applicant shall submit a **preliminary** and a final Partition plat in compliance with ORS Chapter 92.
4. Submit DEQ Site Suitability for Parcel #2 prior to approval of final partition plat.
5. Applicant shall obtain Access Permit to Eighteenth (18) Road for Parcel #2 from the Public Works Director, and approval for location of access.
6. Sign and record an Irrevocable Consent Agreement to Participate in future upgrades of Eighteenth Road and Oregon Lane.
7. Dedicate a 10' public easement from the west boundary of the property for use in the future.
8. Sign and record a Right-to-Farm Disclaimer Statement.

PUBLIC HEARING - Second of three hearings to amend Zoning Text of the General Commercial Zone (CG) Section 3.060 of the Morrow County Zoning Ordinance to allow a single-family dwelling in conjunction with a business. Criteria for approval includes

ARTICLE 8 of the Morrow County Zoning Ordinance - The Planning Director explained that the reason behind this amendment to the General Commercial Zone was due to a property owner who wanted to have his dwelling along with his business operation on a Commercial piece of property. The business operation for Mr. Swope's property was approved by the Commission several months ago, but the dwelling was not allowed as it was not a permitted use in the zone. This amendment was a method to allow these dwellings in conjunction with a business operation

through the Conditional Use Permit process. Mr. Brian Cook, an opponent, said that he has concerns as a neighbor as to the direction the Planning Commission is heading. Chairman Padberg explained that this is a general change in the zone via the Conditional Use Permit process. The dwelling would be allowed only in conjunction with an existing business operation. It is not allowed as an outright use and conditions of approval can be applied. The Planning Director and Commission wanted to make it clear that if the business ceases operation then the dwelling would have to be removed. Mr. Swope spoke in favor of the amendment. No other comments were heard. Commissioner Peterson moved and Commissioner Grieb seconded a motion to approve the amendment and refer it to the County Court with a recommendation to approve. The motion passed unanimously by the Commission.

PUBLIC HEARING - Land Partition Application, LP-N-221: Dolores Fritz, applicant and owner. Property is described as tax lot 1800 (4.0 acres) of Assessor's Map 5N 26 23B, located on the west side of West Seventh Road, approximately two miles west of the City of Irrigon. The proposal is to partition the 4.0 acre parcel into three parcels each meeting the minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030 - The proposal is to split the property into three parcels. The Planning Director explained that access is the major problem with this partition. The proposed access is Magic Garden Lane, which is a dirt road with a little bit of gravel. The surveyor of Magic Garden Estates says that the small piece of property bordered by Magic Garden Lane and tax lot 1800 and owned by Charlotte Line was originally intended as a public utility easement so that tax lot 1800 could have access via this piece of property. Mrs. Fritz did propose another access off West Seventh Road with a 20' easement along the northern or southern portion of the property. The Irrigon Rural Fire District preferred access from Magic Garden Lane. West Extension Irrigation District does not want the north access from West Seventh Road as it would be over their buried irrigation line. Ivan Driver, surveyor, said that WEID does not have an easement for this line. A letter from Richard Coppota was read into the record and he says Magic Garden Lane was a private road and is the responsibilities of the property owners and that Mrs. Fritz never had access from it. The Assessor's Office has Magic Garden as a public easement which is maintained and to be shared equally by the property owners of the Subdivision. Deane Seeger, representing Mrs. Line, stated that Mrs. Line does not want to sell the strip of property and will not allow access across it. Bev Bridgewater, WEID Manager, said that they are beginning to remove the concrete ditch and that the property goes to the centerline and even though, the pipe is now buried they have the Federal rights easement. Ivan Driver wanted to know what WEID thought the size of their easement was. Bev Bridgewater responded that it is 50' on either side, but she does not have any paperwork to substantiate this. The Planning Director said the final subdivision plat showed 12.5' on each side and a total of 25'. It is not clear what the WEID easement is. WEID says they have a Fact of Use Easement. Ivan Driver requested a postponement until next month's Commission meeting so more research could be done on this issue. Chairman Padberg felt if all parties agreed it was wise to postpone this hearing. Commissioner Rea moved and Commissioner Bass seconded motion to postpone hearing until 7:30 p.m. on October 26, 1998, at the Public Works Building in Lexington. Motion passed unanimously.

PUBLIC HEARING - Subdivision Application, SD-N-203: Glen and Margaret Moore, applicants and owners. Property is described as Lots 1-9 of Moore Ranch Estates, Assessor's Map 4N 25 17D. The Subdivision is located on the south side of Wilson Lane, adjacent to the City limits of Boardman in a Suburban Residential One Acre (SR-1) Zone. The proposal is to replat Lots 1-9 of the Moore Ranch Estates Subdivision, converting the approximate two acre lots into one acre lots. Criteria for approval include Subdivision Ordinance ARTICLE 3, Sections 3.020 and 3.100 - It was explained by the Planning Director that this is a replat of Phase 1 of a subdivision done over a year ago. The Subdivision Review Committee met. Location of Subdivision was shown on the map and it was explained that the replat involves Lots 1-9 only. The lots were initially platted as two acres but for various reasons the Moore's want to drop them to one acre in size. City sewer and water are proposed. Access to Lot #3 is a major concern of the City. They do not want access off Wilson Lane. Barry Beyeler, City of Boardman, said that if the County had already granted that access, he would take it to their Planning Commission and tell them that. Hartley Seeger, agent for the Moore's, said that by reducing the lots to one acre they become more saleable and provide a nice urban to rural setting. Commissioner Kegler declared a conflict of interest and would abstain from voting. Commissioner Rea asked where the entrance to the Outback Apartments was and if that would cause a traffic problem. The entrance is to the west of Branding Iron Road and would not appear to cause any problems. Commissioner Bass asked if the next phase of the Subdivision is going to be replatted. Mr. Moore said he does not think those lots will be reduced. The existing road easement is adequate and the conditions of approval were reviewed. Hartley Seeger asked that since this is an established subdivision and just a replat, must it be signed by a licensed surveyor. A plat prepared by a surveyor will need to be completed for the replat. The Planning Director said the real challenge was the water and sewer. The City wants to look at looping the water system. Commissioner Kegler said that if the City does not do the rezoning, the property can be protected with deed restrictions or covenants stating that the parcels will not be divided into 8,000 square foot lots. He agrees that additional zoning for the City is needed and they are working on it. Commissioner Peterson moved to approve the replat of the Moore Ranch Estate with the conditions stated in the Findings of Fact. Commissioner Grieb seconded the motion that was approved unanimously (with Commissioner Kegler abstaining) by the Commission. Conditions of approval are:

1. The landowner shall file a final subdivision plat in accordance with ORS Chapter 92. Submit a preliminary and a final plat.
2. Renumber the entire subdivision plat to incorporate the new 8 lots in sequence with the whole Moore Ranch Estates Subdivision
3. Provide a letter from the City verifying provision of sewer, water and fire protection.
4. Submit a copy of proposed covenants, if any, including agreements with the city, e.g. Consent to Annex.
5. Obtain stormwater discharge permit from the DEQ, if required.
6. Comply with requirements of the West Extension Irrigation District.
7. Submit a copy of the Title Report, including any (See Subdivision Ordinance) stating the record owner(s) of the land proposed to be subdivided and setting forth all encumbrances relative to the subject property.

8. Make necessary improvements to Branding Iron Road, Rural Collector II, and Saddle Lane, Rural Access III, to meet minimum road standards. (See attached profile for roads.)
9. Submit design for access/driveway to Parcel #3 (limit back out of vehicles onto Wilson Lane).
10. Access to Lots #1 and #2 should be off Branding Iron Road and as far from Wilson Lane as possible.

PUBLIC HEARING - Second of three hearings to adopt the Transportation System Plan and amend the Zoning and Subdivision Ordinances and Comprehensive Plan to implement recommendations of the TSP. Criteria for approval include ARTICLE 8 of the Morrow County Zoning Ordinance

- The Planning Director explained that this is the last hearing before the Planning Commission. Commissioner Bass inquired about an item on Page 6-7 requiring 60' Right-of-Way with utilities being included in it. He asked if this was set in cement due to all the difficulties the Commission was having with requiring the 60' r-o-w and then the electric company requiring the applicants to place utilities outside the r-o-w. The problem was discussed by the Commissioners. Commissioner Bass questioned the statement on Page 3-23 under Port Aviation that a 4,200 foot long runway designed for heavy bombers and 727 commercial jet service is available at the airport. He stated that these type of planes require a runway much longer. Some additional inserts were given to the Commissioners for their copy of the TSP. DLCD has signed off on the TSP with the new attachments. Commissioner Rea moved and Commissioner Grieb seconded the motion to approve the TSP and refer to County Court with a recommendation to approve. Motion passed unanimously.

CORRESPONDENCE - The Planning Director gave the Commissioners a handout she had obtained from a representative of EPA who is working with the County on some groundwater modeling to determine what the nitrate potential is for some of these one and two acre subdivisions that are being approved. There is a conference coming up in Yakima in October which is very farm focused and the Director thought some of the Commissioners might be interested.

AUDIENCE PARTICIPATION/NEW BUSINESS - Mr. Wayne Downey had requested the Planning Department for a change in his Land Partition, LP-N-212, which the Planning Commission approved at their March 1998 meeting. The final partition plat had not been finalized. He would like to add one more parcel to the be partitioned, bringing to three the number of parcels. A revised plat map was shown to the Commissioners. Commissioner Kegler declared a conflict of interest and will refrain from voting. The Planning Director said that this could be a modification to the plat before final approval. The Planning Director did have a question about an north/south easement for the Hamilton Estates Subdivision. According to the Assessor's office the easement was not included in the legal description or on the plat. The easement was granted at the time, but never recorded. The northern parcel above Hamilton Estates that is owned by Skoubo never had the easement recorded giving access to the subdivision. Commissioner Kegler said that at the time the Commission approved the easement a 50' easement was requested by the Commission. The new standard is now 60'. The Planning Director asked that the 30' easement be shown on the final plat for access to the Hamilton

Estates. Mr. Downey agreed to this 30' easement. This easement will only go to the last road in Hamilton Estates and not to the canal. This will prevent through traffic going all the way to the canal. Commissioner Rea moved and Commissioner Peterson moved to approve the request to amend his land partition by adding a parcel and to include the 30' north/south easement on the east portion of the property to the last road in Hamilton Estates (Jerry Lane). Motion passed unanimously by the Commission (Art Kegler abstained).

Chairman Padberg asked if the Director had heard anything about how the meeting with Pete Tagarres and the County went. The negotiator did not attend the meeting. The Planning Director said she had heard briefly that Pete wants the County to take over Three Mile Canyon Road, but she had not heard anything more. Inland Land has gotten by one of NEMPS biggest road blocks and that they might be able to go forward.

Commissioner Kegler brought up a partition that Blue Mountain Community College will be requesting at the next Commission meeting. They have decided on only going with three parcels. He has interested buyers for the property as it will be divided, but did not have anyone interested in the entire parcel.

Brian Cook has a problem with item 4C on the Agenda. He says Mr. Swope has not lived up to the conditions of the earlier CUP the Commission approved. Mr. Swope was to landscape, but what was planted has died and the horse is still there on the property, even though, Mr. Swope said he would remove it. There is still junk on the property and Mr. Cook says he sees deception there. He would like the Commission to help make the property more aesthetically pleasing by imposing conditions and enforcing the Ordinances. He just wants to keep a good appearance to the area. He would like to make sure that the Commission keeps an eye on this situation. The new Code Enforcement Officer will not be working full force for a few months; she needs to go through the training procedure.

ADJOURNMENT - Chairman Padberg adjourned the meeting at 10:15 p.m. The next Planning Commission meeting will be on Monday, September 28, 1998, at the Morrow County Public Works Building on State Highway 74 in Lexington, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, SEPTEMBER 28, 1998 - 7:30 P.M.
MORROW COUNTY PUBLIC WORKS BUILDING
LEXINGTON, OREGON

Chairman Marvin Padberg called the meeting to order at 7:36 p.m.

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

MEMBERS ABSENT: Art Kegler and Richard Kent

OTHERS PRESENT: Jon and Alicia Blake

MINUTES OF AUGUST 31, 1998 MEETING: The minutes of the August 31, 1998, meeting were approved with two corrections pointed out by Leann Rea.

PUBLIC HEARING - (Continued from August Commission Meeting) Land Partition Application, LP-N-221: Dolores Fritz, applicant and owner. Property is described as tax lot 1800 (4.0 acres) of Assessor's Map 5N 26 23B, located on the west side of West Seventh Road, approximately two miles west of the City of Irrigon. The proposal is to partition the 4.0 acre parcel into three parcels each meeting the minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030 - The Planning Department received a request from the applicant to postpone this hearing until the October meeting as she is negotiating with a neighbor to the north to obtain access through his property. The applicant also agreed to waive the 120 day decision time limit. This hearing will be held on October 26, 1998, at 7:30 p.m. in the Irrigon Annex Building. On a motion by Commissioner Peterson and a second by Commissioner Miller, the Commission unanimously approved to continue LP-N-221 until October's meeting.

PUBLIC HEARING - Land Partition Application, LP-N-222: William and Marcia Hill V, applicants and owners. Property is described as tax lot 314 (5.28 acres) of Assessor's Map 5N 26 26, located in an area east of West Eighth Road and south of Columbia Lane, approximately two miles west of the City of Irrigon. The proposal is to partition the 5.28 acre parcel into two parcels each meeting the minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030 - The location was shown on the map. Parcel #1 has a dwelling and a dwelling is intended for Parcel #2. Access is going to be on the existing 30' easement from West Eighth Road. This easement is not on the applicant's property but provides access to his property. It is recommended to continue the 30' easement to the end of tax lot 314. In the future when this parcel is divided, the applicant will have to abide by the subdivision standards. A letter from West Extension Irrigation District states that the parcel is in WEID and applicant should stop in to discuss his plans. The letter from Water Resources was read into the record. There are

groundwater rights to the parcel, but there is no distribution system. A condition of approval will be that the final plat be reviewed by the Watermaster and include WEID sign-off. Commission Rea suggested that the applicant be told about the groundwater rights and how important they are to him. The applicant could apply to WRD for a change of appropriation and then sell the groundwater rights. Irrigon Fire District did not respond, but have included as condition of approval their standard requirement of 100' turn-around or a through street. There were no comments from the audience. Commissioner Rea moved and Joe Miller seconded the motion to approve LP-N-222 with the conditions stated in the findings of fact and below and to have the Planning Department include in the letter of approval to the applicant the importance of his groundwater rights. Motion approved by the full Commission.

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. Submit DEQ Site Suitability for Parcel #2 prior to approval of final partition plat.
4. West Extension Irrigation District approval must be obtained either by letter or sign-off on the final partition plat.
5. Any further partitioning of Parcel #1 may require subdivision standards including a 60' access easement.
6. Comply with recommendations of the Irrigon Rural Fire District regarding access and turn-around. (Although the Irrigon Rural Fire District did not comment, typically they request a 100' turn-around or a through street.)
7. Sign and record a Right-to Farm Disclaimer Statement.

PUBLIC HEARING - Conditional Use Permit Application, CUP-S-121: Jon & Alicia Blake, applicants and owners; Albert Phillips, Agent. Property is described as tax lot 3100 of Assessor's Map 4S 28 11AA, located approximately 15 miles southeast of the City of Heppner on Coyote Trail Lane in the Blake Ranch area. The proposal is to site a dwelling on a .92 acre parcel in a Forest Use Zone. Criteria for approval includes Zoning Ordinance 3.020 and 6.060 and Oregon Administrative Rules - This is an application for a forest dwelling. The existing lots in the Blake Ranch will qualify for dwellings, but property owners will need to go through the conditional use process. The higher the capability of the soil, the higher the standard. The applicant is having to install a new septic system and Randy Qualls is handling this. The applicant will have to sign on the Zoning Approval that he is complying with the Fire Standards in OAR 660-06-029 and 660-06-035. The Planning Director then read a letter from Earl Rother from the Forest Service. He expressed his concerns about the build out of homes in the forest zone and what is happening with the road. He says that homeowners in the forest area feel that if there is a fire, the Forest Service will come in and fight it. There was no other opposition to the dwelling. Chairman Padberg did stress to the Blake's the importance of abiding by the fire standards. Commissioner Miller moved and Commissioner Peterson seconded the motion to approve CUP-S-121 with the conditions stated in the Findings and below. Motion passed unanimously.

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).

PUBLIC HEARING - Land Partition Application, LP-S-223: Blue Mountain Community College, Applicant and owner; Art Kegler, Agent. Property is described as tax lot 200 of Assessor's Map 1S 23, located on the on the south side of State Highway 74, approximately four miles northwest of the City of Ione. The proposal is to partition the 1,941.43 acre parcel into three parcels each meeting the minimum lot size of the Exclusive Farm Use (EFU) Zone. Criteria for approval include Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.150 and Oregon Administrative Rules - Originally the applicant wanted to do a subdivision, but you cannot do a subdivision in an EFU Zone. The proposal now is to divide into three parcels. They are not proposing any changes to the land, but someone is proposing to buy and site a dwelling on Parcel #2, which qualifies for a farm dwelling. Parcels #1 and #2 have access from State Highway 74 and Parcel #3 may need an easement provided through Parcel #2. Commissioner Kegler and Commissioner Peterson declared a conflict of interest and will not vote on the land partition. Commissioner Rea moved and Commissioner Grieb seconded the motion to approve LP-S-223 with the change to Condition #4 regarding access. Motion passed unanimously with Commissioners Kegler and Peterson abstaining. Conditions of approval are:

1. Record deed or partition plat with the County Clerk to complete the land partition transaction. (ORS 92.025)
2. The deed or partition plat shall include a statement of water rights.
3. After the deed or partition plat has been recorded, provide the Planning Department a copy of the recorded document. This is necessary in order to amend Planning Department maps.
4. Show existing access to each parcel.

UPDATE ON BOEING ZONE CHANGE CONDITION FOR ROAD EASEMENT - The Planning Director explained that there will be a meeting on October 13th at 11 a.m. at the Irrigon Annex to discuss the Ione/Boardman Road with the consultant and all members of the County Court. She asked Judge Carlson if it would be all right for members of the Planning Commission to attend. He said it would be fine. The meeting with Pete Tagarres resulted in Pete stating that he wants the County to take over Three Mile Canyon Road, as well as Tower Road, to maintain. If the County is to take over Three Mile Canyon Road then it was felt by the County Court that the "No Trespassing" signs must come down. It is not fully clear whether the entire County Court is in favor of the road. The will of the Planning Commission was to get the easement for the road. It was mentioned that there was a rumor that Tagarres had sold his farm. Discussion followed on the proposed road. Commissioner Peterson moved to reinforce the Commission's position that they support the action of obtaining an easement across the Boeing property as specified by the conditions of the Zone Change. The motion was seconded by Commissioner Rea and passed unanimously.

AUDIENCE PARTICIPATION/NEW BUSINESS - The letter from Earl Rother, Forest Service was passed out to the Commissioners. The Forest Service has a lot of concerns about Blake Ranch and other developments in the Forest Zone. The County Court does not want to address the road issue as they do not want to take over these private roads. It was suggested that when issuing permits in these areas that the property owner be required to sign a Consent to Participate in future road development. Fire is a big concern with the Forest Service. All new dwellings sited in the Forest Zone have to adhere to the Fire Standards.

The Planning Director received a telephone call from Mike Swope asking if he could have an extension on his request to have a dwelling on his Commercial property. The reason is that by the time County Court approves the amendment to the Zone, his six month time limit will be expired. The Commission said that an extension would be granted, but to explain to Mr. Swope that even though they have given him an extension it is not a guarantee that the Commission will approve the dwelling. The Commission also said to tell Mr. Swope that he must meet the conditions applied on the Conditional Use Permit granted for the sales lot. The parcel must be cleaned up. Commissioner Rea said that it is a major challenge to get this parcel cleaned.

Commissioner Miller suggested that the Commissioners call and chat with the County Court on the Ione/Boardman Road. Let them know that the Commission is in favor of it.

ADJOURNMENT - Chairman Padberg adjourned the meeting at 9:25 p.m. The next Planning Commission meeting will be on Monday, October 26, 1998, at 7:30 at the North Morrow Annex Building on Third and North Main in Irrigon, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, OCTOBER 26, 1998 - 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, Art Kegler, Leann Rea, Ken Grieb, James Bloodsworth and Henry Bass

MEMBERS ABSENT: Richard Kent

OTHERS PRESENT: Kelly Nobles, Barbara Gilbert, Elden Gilbert, George Griffith, Dee Fritz and Ivan Driver

MINUTES OF SEPTEMBER 28, 1998 MEETING: The minutes of the September 28, 1998, meeting were approved as mailed.

PUBLIC HEARING - (Continued from August and September Commission Meeting)

Land Partition Application, LP-N-221: Dolores Fritz, applicant and owner. Property is described as tax lot 1800 (4.0 acres) of Assessor's Map 5N 26 23B, located on the west side of West Seventh Road, approximately two miles west of the City of Irrigon. The proposal is to partition the 4.0 acre parcel into three parcels each meeting the minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030 - The first hearing for this land partition was in August and was postponed due to questions regarding an easement to two of the parcels. The second hearing in September was also postponed as the applicant was making arrangements with an adjacent property owner to obtain a small portion of his property for an easement. Ivan Driver, surveyor for the applicant, said that they have come up with an alternative easement by obtaining a small portion of property from the neighbor to the north. WEID will probably ask for a 20' easement along their line and will want it indicated on the plat. Commissioner Rea inquired about possibly including a Covenant to Participate Agreement and asked about an emergency vehicle turn-around. Since the area accessing on Magic Garden Lane, which is a private road, was so small, a CTPA would not be required and since the Fire Department did not respond, a turn-around would not be required. There were no other comments either written or verbal. Commissioner Kegler moved and Commissioner Rea seconded the motion to approve LP-N-221 with the conditions stated in the Staff Report and the correction to #5. Motion passed unanimously. The conditions of approval are stated below:

1. The Plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
2. Applicant shall comply with the requirements of the West Extension Irrigation District and District approval shall be noted on the final partition plat or

- in the form of a letter.
3. Applicant shall submit a **preliminary** and a final partition plat in compliance with ORS Chapter 92.
 4. Submit DEQ Site Suitability for Parcels #2 and #3 prior to approval of final partition plat.
 5. Dedicate a minimum 20 foot easement along the north and westerly line of Parcel #3. Show easement across the adjacent property.

PUBLIC HEARING - Conditional Use Permit Application, CUP-N-123: Triple H Farms, Owner; Dana L. Heideman, applicant and agent. Property is described as tax lot 2902 of Assessor's Map 1N 23, approximately six miles north of the City of Ione on the east side of State Highway 74. The proposal is to site a dwelling on a 36.31 acre parcel in an Exclusive Farm Use (EFU) Zone (lot of record). Criteria for approval includes Zoning Ordinance 3.010 and OAR 660-033-0130(3)(a) -

Commissioner Kegler stated that he does not have any personal interest in this issue, but has had some previous dealings the Heideman's. He does not feel that it would interfere with this Conditional Use Permit Request. The Planning Director stated that this is a "lot of record" application. Heideman's have owned the property prior to 1985. The criteria in the Findings of Fact were reviewed. Mr. George Griffith stated that he objects to the CUP and Findings of Fact. Mr. Griffith's comments from a recent visit to the Planning Department were then read into the record. Mr. Griffith commented that dogs are a problem, fire threat, no safe access onto Highway 74 and that EFU ground should be protected. The Planning Director stated that ODOT is concerned and wrote a letter about safe access. The applicant will be required to obtain an access permit from ODOT and they will determine where access will be the safest. The Planning Director also stated that the laws in regard to EFU property are strict, but a few exceptions have been granted by the Legislature. She does not know how to address the dog issue as dogs can be a problem everywhere. Commissioner Rea asked if the property is within the Ione Rural Fire District. Chairman Padberg said that it is within the District. No one spoke in favor of the request. Mr. Griffith said that the Heideman's are good friends and neighbors and he regrets having to protest the application. He feels that being a non-farmer is not consistent with good farming use of the land. Mr. Griffith has had a lot of problems with dogs running loose and as more people move in so do the dogs. Trash is another problem as well as the fire danger with added people in the area. He does not want to see the area become a bedroom community. He feels the land is not useless and the reason it is a small parcel is because the owner separated it from a larger parcel. Mr. Griffith was also concerned about safety of access. Commissioner Peterson said that there are several access roads like this in the area. The applicant will be required to sign a Right-to-Farm Disclaimer and then they cannot complain about ongoing farming practices. Commissioner Grieb moved and Joe Miller seconded motion to approved CUP-N-123 with the conditions stated in the Findings of Fact. Motion passed. Conditions of approval are:

1. Following final approval of the Planning Commission, applicant shall submit a final plot plan, obtain a County Zoning Permit, and all other necessary State Building Codes Agency and Department of Environmental Quality permits.
2. Sign and record a Right-to-Farm Disclaimer.

3. Obtain an access permit from ODOT prior to issuance of a County Zoning Permit.

PUBLIC HEARING - Conditional Use Permit Application, CUP-S-122: Barbara A. Gilbert, applicant and owner. Property is described as tax lot 800 of Assessor's Map 4S 28 27, located on the east side of Willow Creek Road across from Cutsforth Park, approximately 20 miles southeast of the City of Heppner. The proposal is to Site a dwelling on an approximate 30.0 acre parcel in a Forest Use Zone. Criteria for approval includes Zoning Ordinance 3.020 and 6.060 and OAR 660-006-0027(1)(f) - The request is to site a dwelling in a Forest Use Zone. The criteria in the Findings of Fact were reviewed. Fire Standards must be meet and applicant shall sign a statement they will meet these standards. Access to the property is existing. No one spoke in opposition of the request. Commissioner Miller moved and Commissioner Rea seconded motion to approve CUP-S-122 with the conditions stated in the Findings of Fact and below. Motion passed unanimously by the Commission.

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, if applicable from the Public Works Director.

PUBLIC HEARING - Land Partition Application, LP-N-225: Kelly C. Nobles, applicant and owner. Property is described as tax lot 5500 (12.69 acres) of Assessor's Map 5N 27 21A, located on the east side of Rand Road (formerly 23rd Street), approximately two miles east of the City of Irrigon. The proposal is to partition the 12.69 acre parcel into two parcels each meeting the minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030 - The applicant is proposing to take out a two acre parcel from the 12.69 acre parcel. There is an existing mobile home on Parcel #2 which the applicant intends to sell. The Planning Director would like to see a 45' easement on the bottom of Parcel #2. Mr. Nobles asked if he needed to apply for the Site Suitability from DEQ for Parcel #1 as he will be building on the parcel. There is an easement on the north portion of the parcel for ingress and ingress. Commissioner Miller moved and Commissioner Rea seconded motion to approve LP-N-225 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. West Extension Irrigation District approval must be obtained either by letter or sign-off on the final partition plat.
4. Any further partitioning of Parcel #1 may require subdivision standards including a 60' access easement.

5. Comply with recommendations of the Irrigon Rural Fire District regarding access and turn-around.
6. Sign and record a Right-to Farm Disclaimer Statement.
7. Sign and record a Consent to Participate Statement for any future improvements to Rand Road.

PUBLIC HEARING - Land Partition Application, LP-N-226: Prudential Insurance Company of America, applicant and owner; Capital Agricultural Property Services, Inc., agent. Property is described as tax lot 100 (418.94 acres) of Assessor's Map 5N 27 31, located on the east side of Ordinance Extension, south of the West Extension Irrigation District Canal, approximately one mile south of the City of Irrigon. The proposal is to partition the 418.94 acre parcel into two parcels each meeting the minimum lot size (160 acres) of the Exclusive Farm Use Zone. Criteria for approval includes Subdivision Ordinance Section 5.120 and Oregon Administrative Rules - This application request has been withdrawn by the applicant at this time. A letter requesting this withdrawal has been put in the files.

PUBLIC HEARING - Amendment to Zoning Ordinance Sections 3.010 (EFU), 3.020 (FU) and 3.042 (Small Farm 40). The purpose of the amendments is to codify Oregon Administrative Rules for Goals 3 and 4 (Agricultural and Forest Lands) which became effective June 1, 1998 - The Planning Director explained that these amendments are to incorporate all the legislative and revised Oregon Administrative Rules into our Ordinance. A discussion followed as to these amendments. The Planning Director indicated that DLCD is asking to comment on these amendments and we should have these comments back by the next Commission meeting. This is the first of three hearing, two before the Planning Commission and one before the County Court. Advertisement has been in both the Heppner Gazette-Times and the East Oregonian.

CORRESPONDENCE - A letter from DLCD was passed out regarding changes to Goal 14 and Administrative Rule. It defines what is an urban and what is a rural area. In December DLCD is going to consider these definitions. The Planning Director did some number crunching and has listed the figures on a separate sheet. The Planning Commission felt that they would like to leave this decision to the locals and not have the State make the improvisations. Most people want larger and not smaller lots. Commissioner Miller said that the south part of the County does not have the same type of one acre zoning as in the north. The Planning Commission wants the control to be left in the County and that one acre is okay.

The training session for Planning Commissioner's was discussed. The Planning Department has a line item to pay for any Commissioner's interested in attending this session. Commissioner Peterson said that he would like to attend. The Planning Department will handle his registration. Thank you, Joel.

The Ione/Boardman Road was then discussed. The County has talked with Pete Tagarres and some progress has been made. He wants the County to take over Three Mile Road. It will become a County Road and will be subject to the same weight limitations of other County roads.

There is rumor that Tagarres has sold out. If this is the case, it might be easier working with the new owners. Guy has not had time to walk the proposed road location yet. Inland Land Company is in favor of the road, but would like the route determined before they start engineering or determining the placement of their circles. Tower Road would also have to be taken over. Commission French has expressed some doubt about the project because of the expense and has concerns about funding. Until we have the easement you cannot arrange for funding of the project.

Tamra Mabbott has been officially appointed to the Local Reuse Committee (LRA) for the Umatilla Depot.

ADJOURNMENT - Chairman Padberg adjourned the meeting at 9:50 p.m. The next Planning Commission meeting will be on Monday, November 30, 1998, at 7:30 p.m. at the Morrow County Public Works Building on State Highway 74 in Lexington, Oregon.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, NOVEMBER 30, 1998 - 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, Leann Rea, Ken Grieb, James Bloodsworth, Richard Kent (arrived at 7:35 p.m.) and Henry Bass

MEMBERS ABSENT: Art Kegler

OTHERS PRESENT: Stephen Hill, Gene Majeske, Villas Ropp, Edna Peck, Harold Peck, John Church, Rick Hohnbaum, Lee Padberg and Jim Starr

MINUTES OF OCTOBER 26, 1998 MEETING: The minutes of the October 26, 1998, meeting were approved as mailed.

The Chairman of the Commission asked if the Commissioners would be open to hearing from Gary Neal, Port of Morrow Manager, before the public hearing portion of the meeting begins. The Commissioners agreed to allow the Port Manager to speak before the public hearings. Gary Neal explained that he would like to make a presentation on the development of dairies in some of the farm areas. The Port is working on trying to entice a major dairy into the County. He would like the Planning Commission to endorse this agriculturally oriented business. A dairy and creamery is looking to relocate from the coastal area and the Port is trying to show the company that this is a good place to do business. One large and possibly several satellite dairies are proposed. Commissioner Rea said that she has always encouraged dairies in the area. It was explained by the Planning Director that the dairy is an outright use if it is in a farm zone and a Conditional Use if it is not in a farm zone. Commissioner Rea moved and Commissioner Miller seconded the motion of consensus encouraging the siting of a dairy in Morrow County. Motion passed unanimously. The Planning Director will draft a letter of support for the Chairman's signature.

PUBLIC HEARING - Land Partition Application, LP-N-227: Craig Hulse, applicant and owner on contract from Helena Brown (L. Est). Property is described as tax lot 1300 (4.41 acres) of Assessor's Map 5N 26 25A, located on the southeast corner of West Second Road and Utah Street, within the Urban Growth Boundary of the City of Irrigon. The proposal is to partition the 4.41 acre parcel into two parcels each meeting the minimum lot size of the Suburban Residential One (SR-1) Acre Zone. Criteria for approval include Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030 - The Planning Director explained there currently is a dwelling and a pole structure on the property. If a new parcel is created, Mr. Hulse will be able to have an additional dwelling. Parcel is in Irrigon's Urban Growth Boundary and the parcel will have to have an individual septic system. One of the

Planning Director's concerns is the absence of permits on the existing building and also the need to clean up the property. There were no comments received or heard from the audience. The letter from West Extension Irrigation District was read into the record. The conditions of approval were reviewed and it was suggested that #8 include that clean-up and removal of all rubbish and debris has to be done before sign-off on the final partition plat. Commissioner Grieb moved and Commissioner Miller seconded the motion to approve LP-N-227 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. Submit DEQ Site Suitability for Parcel #2 prior to approval of final partition plat.
4. Applicant shall obtain Access Permit for Parcel #1 from Public Works Director, and approval for location of access.
5. Applicant shall obtain all State Building Codes Division Permits for the shop building which was built without building permits.
6. West Extension Irrigation District approval must be on the final partition plat.
7. Further partitioning may require subdivision standards.
8. Clean up and remove all rubbish and debris so as to bring property in compliance with the County Solid Waste Ordinance (prior to approval of final plat).

PUBLIC HEARING - Land Partition Application, LP-S-228: Carolyn Cutsforth, applicant; Frieda Slocum, owner. Property is described as tax lot 700 (529.81 acres) of Assessor's Map 4S 26, located on the east side of Upper Rhea Creek Road, approximately 10.5 miles south of the City of Heppner. The proposal is to partition a 160 acre parcel from the parent parcel of 529.81 acres with each parcel meeting the minimum lot size (160 acres) of the Exclusive Farm Use Zone. Criteria for approval includes Subdivision Ordinance 5.120 and Oregon Administrative Rules - This is a straight forward partition creating two parcels each larger than the 160 acre minimum lot size of the Exclusive Farm Use Zone. The Planning Director read the conditions of approval and said that the partition can be done by a metes and bounds because it is over 80 acres. No comments were received or heard in favor or against this partition. Commission Rea moved and Commissioner Grieb seconded motion to approve LP-S-228 with the conditions stated in the Findings of Fact and below. Motion passed unanimously by the members of the Commission.

1. Record deed or partition plat with the County Clerk to complete the land partition transaction. (ORS 92.025)
2. The deed or partition plat shall include a statement of water rights.
3. After the deed or partition plat has been recorded, provide the Planning Department a copy of the recorded document. This is necessary in order to amend Planning Department maps.
4. Show existing access to each parcel.

PUBLIC HEARING - Land Partition Application, LP-S-229: Casey and Anne Beard, applicants; James and Barbara Bloodsworth, owners. Property is described as tax lot 101 (236.0 acres) of Assessor's Map 2S 25, located on the west side of State Highway 74, approximately two miles south of the City of Lexington. The proposal is to partition approximately 160 and an 80 acre parcel from the parent parcel in an Exclusive Farm Use Zone. Criteria for approval includes Subdivision Ordinance Section 5.120 and Oregon Administrative Rules - The Planning Director explained that our code allows a person to go

below the 80 acres. Even though, the one parcel is showing less than the 160 acres with the road added to the acreage it creates a 160 acre parcel. Jim Bloodsworth said that the other parcel has measured out to be 90 acres instead of the 80 acres. The conditions of approval were reviewed. DLCD had a question in regard to the acreage and the farm dwelling, but after the Planning Director explained what was being done, they did not have a problem with it. Commissioner Bloodsworth withdrew from voting because of a conflict of interest. The hearing was then opened to the audience and Jim Starr said that he is in a lawsuit with the Bloodsworth's over a piece of property. He wanted to know why they can partition when the parcel is not 160 acres. He stated he is against land divisions and land divisions should go with section lines or metes and bounds. Gene Majeske, a neighbor, wanted to know what will happen to the remaining 80 acres. It was explained that the decision tonight is to just split the property. It is the decision of the property owners to create, and 80 acres is allowed according to the OAR's and County rules. Villas Rupp asked if they can split up all their parcels into 80 acre parcels. The Planning Director said that the only way 80 acres would qualify for a dwelling is to segregate a part of the parcel for the dwelling and it would then become a "nonfarm dwelling" parcel. Lee Padberg said that he sold a parcel and was required to put in a statement about farming practices, and asked if some protection might not be required to protect ongoing farming practices. It was explained that if this request was for a "nonfarm dwelling" parcel, a right-to farm disclaimer would be required; it protects the farm ground. The right-to farm disclaimer is not required for farm parcels, but are required for non-farm dwellings. Casey Beard asked if the soil is high value is there a different standard for these. It does not pertain to partitions, but does for siting a dwelling. Villas Rupp thought that to site a dwelling you need 160 acres. The Planning Director said that this has changed and you can have an 80 acre parcel. The 80 acres is the minimum farm parcel size. Jim Star wanted to know if he could build a home on each of his 80 acre parcels. The process of building on 80 acres was then explained by the Planning Director. The public hearing was then closed to the public. Commissioner Miller moved and Commissioner Rea seconded the motion to approve LP-S-229 with the conditions stated in the Findings of Fact and below. Motion unanimously approved by the Commission.

1. Record deed or partition plat with the County Clerk to complete the land partition transaction. (ORS 92.025)
2. The deed or partition plat shall include a statement of water rights.
3. After the deed or partition plat has been recorded, provide the Planning Department a copy of the recorded document. This is necessary in order to amend Planning Department maps.
4. Show existing access to each parcel and obtain access permit from the Morrow County Public Works Department.

PUBLIC HEARING - Land Partition Application, LP-S-230 and Conditional Use Permit, CUP-S-124: John and Diane Kilkenny, applicants and owners. Property is described as tax lot 1300 (4,465.65 acres) of Assessor's Map 2S 28, located on the south side of State Highway 74, approximately nine miles east of the City of Heppner. The proposal is to partition an approximate 11 acre parcel of land out of the 4,465.65 acre parent parcel, creating a "non-farm dwelling" parcel in an Exclusive Farm Use Zone. Criteria for approval include Subdivision Ordinance Sections 5.020 and 5.030 and Zoning Ordinance Section 3.010 and 6.050 and Oregon Administrative Rules - The Planning Director explained that this application will create a "nonfarm dwelling" parcel. According to the application over 50% of the area to be partitioned is Class 7 soil. A right-to-farm disclaimer statement would be required as a condition of approval. The dwelling is already in place so land use will not change. The OAR was included as a criteria and the application appears to meet this criteria. The conditions of approval were read into the record. No correspondence was received on this application. John Kilkenny said that the house sits up on Class 7 soil and the location was shown on the map. No other comments were heard. The hearing was closed. Commissioner Miller moved to approve LP-S-230 and CUP-S-124 with the conditions stated in the Findings of Fact and below. Motion seconded by Commission Peterson and the motion approved unanimously by the Commission.

PRECEDENT CONDITIONS: Precedent Conditions must be completed before staff may issue final approval of the Partition:

1. Applicant must show the "non-farm" parcel is either:
 - 1) Comprised predominantly of "non-farm" (Class VII) Soils, or
 - 2) that the "non-farm" parcel is not farmable.
2. The applicant shall sign a right to farm disclaimer statement.
3. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
4. Any new access to State Highway 74 will require approval from ODOT.

SUBSEQUENT CONDITIONS:

5. Applicant shall submit a **preliminary** and final partition plat in compliance with ORS Chapter 92.
6. 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.
7. The final partition shall include one "non-farm" parcel and one farm parcel.

PUBLIC HEARING - Second of three hearings to amend the Morrow County Zoning Ordinance Sections 3.020 (EFU), 3.020 (FU) and 3.042 (Small Farm 40). The purpose of the amendments is to codify Oregon Administrative Rules for Goals 3 and 4 (Agricultural and Forest Lands) which became effective June 1, 1998 - The Planning Director reviewed the changes to the EFU and SF-40 Zones that were recommended by the Commissioner's at last month's meeting. There were no changes to the Forest Use (FU) Zone. Commissioner Peterson asked what the income level was for siting in the EFU Zone. The Planning Director said that it is \$80,000 on high value land and \$40,000 on Class 3-6 soil type. Commissioner Miller moved to

accept and refer to County Court the changes to the EFU and FU Zones. The motion was seconded by Commissioner Rea and passed unanimously by the Planning Commission.

PUBLIC HEARING - First of three hearings to amend Morrow County Zoning Ordinance ARTICLE 4, Supplementary Provisions, to allow temporary residence in a travel trailer during construction of a home - This change to the ordinance was requested by several people as a means for them to live on the property while building a home. The addition of a motor home as a temporary use was recommended, and also a statement regarding extensions being permitted if due diligence is demonstrated. This is the first hearing on this amendment to the Zoning Ordinance.

PUBLIC HEARING - First of three hearings to amend Morrow County Zoning Ordinance ARTICLE 9, Administrative Provisions, to allow Administrative Review of certain land use decisions - Currently all applications that require a Conditional Use Permit or a Land Partition go before the Planning Commission. This amendment would allow the Planning Director to make decisions on standard applications. The process is basically still the same with a Staff Report being prepared, property owner notification and a time period for response (21 days). If there are no questions regarding the application, the Planning Director approves the application. If there are any complaints regarding the application, it would then be taken to the Planning Commission. The Commission felt that certain land use actions should be brought before the Commission. There would like to see "nonfarm dwelling" parcels and any other controversial issues brought before them. This is the first of three hearings on this amendment.

CORRESPONDENCE - Letters of response to Earle Rother and Mitch Rohse were written by the Planning Director and sent in the Commissioner's packets. Brent Lake, DLCD, will be coming to the office to discuss with the Planning Director Periodic Review and the density requirement in our residential zones. It might be easier to take on the density issue during Periodic Review rather than as a enforcement order. DLCD is concerned about the large number of acres zoned one acre that are outside the Urban Growth Boundary. They feel that one acre is more urban than rural. The Commissioner's expressed concern that DLCD is trying to force the County into having only larger size parcels. Chairman Padberg felt the State is trying to tell people that they cannot break their parcels into smaller lots. All lots would be five acre and no one acre parcels. Rick Hohnbaum, City of Irrigon Manager, said that Chairman Padberg's statement is accurate, but there is one qualifier. To provide the type of services the State says is a healthy life style you need to provide water, sewer and transportation. If you have five acre lots and want to break them down to one acre, you will become a part of a city which provides these services. The Commission said if LCDC does not create a safe harbor rule, they would like to maintain their ability to have one or two acre parcels. Commissioner Peterson said that the implication is that people are not able to take care of themselves. Commissioner Bass objects to the State telling us what to do with our little amount of land.

The pamphlets received from the Department of Forestry on Siting in a Forest Zone were shown to the Commissioners. The Forestry Department provided the Planning Department with copies to distribute to people siting in a Forest Zone.

The December meeting is scheduled for December 28 and the Planning Director wanted to know if the Commission wants to meet in December or have a combined December/January meeting. The Planning Department does have an application from ODOT for a batch plant/gravel pit and from Cascade Natural Gas for a gas line leading to the Army Depot in the County right-of-way. It was decided the meeting will be held on January 18 (this date was later changed to January 11, 1999 due to the fact January 18 is a holiday).

The Planning Director said that she has been asked to speak before the Oregon Water Congress group's annual meeting next week because our Planning Commission does a good job of coordinating with the irrigation districts. The Planning Director is declining the invitation but will send a letter explaining the Department's policy on notification to water districts.

NEW BUSINESS - The article in the East Oregonian on the County's new animal density was then read to the Commissioners. It was a very inaccurate and misleading article. The Planning Director said she would notify the editor that the reporter did only half a story. She was to meet with a reporter from the Oregonian who was going to do a follow up on this inaccurate article.

Commissioner Peterson then gave a report on the Planning Commissioners seminar he attended in Pendleton. He felt that it was a good session. How to conduct a meeting, different types of hearings, conflicts of interest were all issues discussed. If a Commissioner drives by and inspects a sight, it is considered ex parte and must be brought up at the meeting so the applicant can have a chance to rebuttal. When money is involved it is a definite conflict of interest.

Commissioner Rea told about an article she read where Andy Kerr is going to reduce the population and a certain percentage of property will be given up for wildlife enhancement.

The Ione/Boardman Road is kind of a go again.

Mr. Swope will be notified of the change of January meeting date as he must make an application for the dwelling on his property by that date. It was asked what was going on with the big hole he has dug on his property. No one knew.

The City of Irrigon is proposing to annex a portion of Honeywild Subdivision and the Cecil Rock property across from the service station. Also the City of Ione has annexed Emert Addition and also the Swanson and Krebs property.

ADJOURNMENT - Chairman Padberg adjourned the meeting at 9:35 p.m. The next Planning Commission meeting will be on Monday, January 11, 1998, at 7:30 p.m. at the North Morrow Annex Building in Irrigon, Oregon.