

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION**  
**MONDAY, JANUARY 11, 1999 - 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, Art Kegler, Leann Rea, Ken Grieb, Keith Lewis, Richard Kent and Henry Bass

**MEMBERS ABSENT:** None -- Perfect Attendance!

**OTHERS PRESENT:** Dan Meredith, Cascade Natural Gas; Steve Hill, Miller & Nash; Ralph Nye, Cascade Natural Gas; Gary Graham, Cascade Natural Gas; Wesley Wise; Jason Wise; Bill Hanlon, Morrow County Counsel; Rick Fredricksen, ODOT; Mike Swope; Ryan Miller; Doug Streb; Betty Dornan; John Dornan; Ed Brown; and Bev Bridgewater, WEID

**MINUTES OF NOVEMBER 30, 1998 MEETING** - The minutes of the November 30, 1998, meeting were unanimously approved, as corrected, on a motion by Commissioner Rea and a second by Joe Miller. The correction was in the Correspondence section correcting the word "Department" to "Congress."

**NEW MEMBER AND ELECTION OF OFFICERS** - Keith Lewis, who replaced James Bloodsworth, was introduced to the Commission and welcomed. Chairman Padberg said as this is the first meeting of the new year it is also time for election of officers. Commissioner Rea moved and Commissioner Kegler seconded the motion to retain the same officers for the coming year. Motion passed unanimously.

**PUBLIC HEARING - Land Partition Application, LP-N-231: Wesley and Linda Wise, applicants and owners. Property is described as tax lot 405 of Assessor's Map 5N 26 22, located on the southwest corner of West Eighth Road and Froberg Lane, approximately two miles west of the City of Irrigon. Proposal is to partition a 2.21 acre parcel into two parcels larger than the one acre minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The Findings of Fact were presented. The Wise's previously obtained a hardship Variance for their parents to site a manufactured home on their property. The need for the Variance no longer exists and as a condition of approval of the Variance, the Wise's signed a Disclaimer Statement that at the time the Variance was no longer needed, the manufactured home would either be removed from the property or the property partitioned. The Wise's chose to partition the property and leave the manufactured home on the property. All required permits were obtained when the second dwelling was sited on the property. There is a separate septic

system, but the well is shared. A letter from West Extension Irrigation District was read into the record. The Irrigation District has also asked that Froberg Lane be indicated on the final partition plat. It is a public easement and could be indicated on the plat. The Planning Department did have a call from Rob Meakins who questioned the partition and asked if it could be denied due to an outstanding loan due him by the applicant. It was explained that was not an issue the Commission could deal with; he could put a lien on the property. There were no other comments received or from the audience. Commissioner Kegler asked about the easement. Wes Wise explained that it was a 17' easement to serve the parcels to the West of his property. Bev Bridgewater said that the easement is a public easement, but not a County road. WEID has a pipe on the north side of Froberg Lane and has graveled the road. They would like to protect their interest in the pipe line and would like to see an easement for this line. It was explained that if WEID wants an easement within an easement, they would have to go to County Court. Commissioner Bass asked how far Froberg Lane goes; it is approximately 1000'. Hearing closed. Commissioner Kegler moved and Commissioner Grieb seconded the motion to approve Land Partition, LP-N-231, with the conditions stated in the Findings of Fact and below. Motion passed unanimously by the 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. West Extension Irrigation District approval must be obtained either by letter or sign-off on the final partition plat.

**PUBLIC HEARING - First of three public hearings on Conditional Use Permit Application, CUP-S-125, and an Amendment to the Comprehensive Plan: Oregon Department of Transportation, applicant and owner. Property is described as tax lot 1700 (7.50 acres) of Assessor's Map 2S 28, located at milepost 57.5 on the Pendleton/Pilot Rock Highway #74 in an Exclusive Farm Use (EFU) Zone. Proposal is to allow the operation of a rock crusher and to process aggregate in an asphaltic concrete batch plant. Request is also to add the site to the Goal 5 aggregate inventory in the Comprehensive Plan. Criteria for approval include Zoning Ordinance ARTICLE 6, Section 6.050(9) and ARTICLE 8, and ORS 215.298(2) - Historically, ODOT has been in and out of this pit for just rip rap material, but are now looking to use it on a larger scale this summer for a large project. ODOT would like to include this in the Goal 5 aggregate inventory as they will need about 20,000 yards. There are no residences within ten miles of the site. Traffic will be taken care of by the project manager. No one spoke in opposition of the project. Rick Frederickson was present for ODOT and explained the need for the aggregate site. This is the first of three hearings; therefore, will be continued until the February 22 Commission meeting.**

**PUBLIC HEARING - Conditional Use Permit Application, CUP-S-126: Miller & Sons Excavating, Inc., applicant; Etta Turner, owner. Property is described as tax lot 3402 of Assessor's Map 2S 26, located on Dee Cox Road one mile east of State Highway 74,**

**approximately two miles northeast of the City of Heppner. Proposal is to mix and process crushed rock products for paving and/or concrete (portable batch plant). Criteria for approval include Zoning Ordinance Section 6.050(9) and ORS 215.298(2)** - Commissioner Miller asked to be excused for this hearing as he had a conflict of interest. The Planning Director, Tamra Mabbott, explained that last year the Commission approved a Goal 5 amendment to the Comprehensive Plan for the site to crush and process rock. The applicant now wants to operate a batch plant and at County Counsel's advice, it was recommended that a Conditional Use Permit be required. The site is just off Dee Cox Road. The Commission has reviewed this before and the proposed use is similar to the one in operation now. Applicants have agreed to obtain any necessary permits from DOGAMI, DEQ and DSL. The proposed use would not affect land use patterns of the area. Charlene Bucka Gentry telephoned and said she was going to fax something to the office, but it never came. Ryan Miller spoke in favor of the project. They thought this was part of last year's permit, but after talking to Tamra he realized it was not. There were no other comments. Chairman Padberg asked if there had been any other comments from the neighbors. Ryan Miller said he called Mrs. Gentry and told her to participate if she wanted to. Chairman Padberg asked if the safety aspect of the road had been met. Ryan Miller said that it has been. Hearing closed. Commissioner Rea moved to approve CUP-S-125 with the conditions stated in the Findings of Fact and below. Motion seconded by Commissioner Bass and passed unanimously by the Commission with Commissioner Miller abstaining.

1. Applicant shall obtain necessary permits from Department of Geology and Mineral Industries, Department of Environmental Quality and Division of State Lands.

**PUBLIC HEARING - Conditional Use Permit Application, CUP-N-127: Cascade Natural Gas, applicant; Morrow County, owner. Property is described as the Pleasant View Road Right-of-way on Assessor's Map 5N 27 21, located from State Highway 730 south to the West Extension Irrigation Canal, approximately three miles east of the City of Irrigon. Proposal is to locate a 4" natural gas main line along the County right-of-way. Criteria for approval include Zoning Ordinance ARTICLE 6, Sections 6.020 and 6.030** - The application is for a utility facility and the applicant proposes to install a 4" line from Highway 730 south across the irrigation canal, onto Perkins property and then into Umatilla County and onto the Umatilla Army Depot. It is proposed to put it in the County right-of-way and then into the EFU Zone. The Findings of Fact includes all applicable criteria. Cascade Natural Gas claims this is a local feeder. Both Morrow and Umatilla County do not consider a 4" diameter, four mile long line a local feeder line. The Planning Director gave examples of several cases before LUBA regarding utilities in EFU Zones. If it is not a utility facility, then it is not allowed in an EFU Zone and if it is "necessary" and there are no "feasible alternatives" it can be allowed on EFU Zoned ground. The Umatilla Army Depot Environmental Impact Statement shows a drawing where the line is to go and it is not where Cascade Natural Gas is now proposing to put the line. The hearing is scheduled before the Umatilla County Planning Commission for January 28. Cascade Natural Gas is appealing Umatilla County's Planning Director's decision and they have also filed a Conditional Use Permit in case the appeal is not approved. Cascade Natural Gas proposed to County Court for a right-of-way permit and they were advised that there were outstanding land

permits; therefore, they (County Court) decided not to make a decision until the Planning Commission has reached a decision. It was noted by the Planning Director that the County was not aware of the pipeline until a local farmer, Doug Strebin, contacted us about it. The pipeline has already been dug and buried on the Umatilla County side. Raj Malhotra from the Army said that the pipeline route is not significantly different from the EIS. The County feels that it should be either included in the EIS or a revision to the EIS be prepared. All agencies were notified including the Corps of Engineers. Conditions of approval were reviewed. The Confederated Tribes of the Umatilla Indian Reservation were contacted and they asked that their MOA be abided by and that they be notified when ground is disturbed. The Planning Director stated that it looks like the lines will be very close and might interfere with Strebins water line. The water line is a 28" line.

Doug Strebin did indicate that he thought the new line goes on the east side of his line. Pleasant View goes on an angle. He wants to know where Cascade Natural Gas is going to put the 4" line in relation to his water line. His water line has a layer of sand under it. Placement of Cascade Natural Gas line in relation to his easement needs to be clarified. He also needs clarification of the depth of the line. The Public Works Director was not available for comments. The Planning Director stated that she believes the Public Works Director is amenable if the only place to put the pipe is under the pavement, as the applicant will be required to do all repair to the road. The overall use of the pipeline is also in question. Is it for the incinerator only or can individuals hook up to it as well? If it is only for the incinerator use, we must address the retirement or removal of the line as it will be for the life of the incinerator which is five to eight years. The last issue to address is from West Extension Irrigation District. The District did issue permits to place the line under the canal, but there is some concern about the bridge. The owner of the bridge is not known. The letter from WEID was read into the record. Commissioner Peterson asked if we could ask Cascade Natural Gas to identify the owner of the bridge. The Planning Director said that if the bridge is replaced, which it will have to be because of its condition, someone will own it. The private landowners do not want the liability of the bridge. If the bridge is brought up to County standards, it might be possible that the County will take over ownership. The County's standards are higher than the Bureau of Reclamation's standards on bridges, and thus the bridge would be more expensive to construct.

Steve Hill, legal representative for Cascade Natural Gas, presented their case. He said his client does not believe that this pipeline installation requires a Conditional Use Permit and that by them putting in the line was not a way for Cascade Natural Gas to get out of getting a permit. They just did not feel it was required. He stated that the County Code, 3.010(1)(c), does provide a utility facility necessary for public service as a permitted use outright in an EFU Zone. It is not a commercial facility for generating power. The State law allows the use outright and Mr. Hill says the County does not have the authority to condition this use in an EFU Zone. He says Cascade Natural Gas wants to deal with the County on a fair basis. They are here to try to work out a solution to the problem. They would like the record to be held open to review any additional conditions that were not included in the Staff Report. One of the conditions they do not want is one requiring Cascade Natural Gas to do an EIS or a revision to the EIS. He feels the County has



no authority to require revisions to an EIS or to determine compliance with NEPA requirements. This can only be required by a Court of law and the County cannot require it. No one in the County has knowledge to comply with NEPA standards; it is a Federal law pertaining to Federal policies. This pipe line is not only for use of the incinerator, but will provide service to those that ask for it. If a neighbor along Pleasant View wants service, they will provide service off that line.

Cascade Natural Gas does not have the ability to revise the EIS. They do not feel there will be any additional impact to Morrow County. The line is similar in location to where it was indicated in the EIS and they feel the impacts will be reduced in Morrow County. The other conditions Cascade Natural Gas can agree with. There are no other new cultural issues with the Tribe. The installation of the pipeline will not interfere with anyone's water lines as they have liability if damage is done to anyone's lines. Cascade Natural Gas does not have any interest in building the bridge. Their position is that they do not need to use the bridge as they can access the line from the south. The Planning Director said that we would like to see a map showing the proposed access from the south.

Commissioner Rea asked if the pipe is PVC or steel. It is a steel line. Will electrolysis of the steel line cause Doug Strebin's line to deteriorate? Doug Strebin said that his line is to code. The Jones/Hartley property is where the line starts to elevate. Steve Hill said Cascade Natural Gas is willing to keep a safe distance from the water line. The pipe line shown on the map is just an estimate of where the line will go. Commissioner Kegler asked if the County's County Counsel, Bill Hanlon, had any comment on the legality of having a Conditional Use Permit or not having one. County Counsel said that he advised a Conditional Use Permit was required and if Cascade Natural Gas did not like the Planning Commission's decision, they could appeal the decision. Steve Hill said that they are here to ask that a CUP is not necessary. Bill Hanlon, County Counsel, said that we are here to review and consider the Conditional Use Permit application. Commissioner Bass asked if the earlier concept was to put in the line for the incinerator and not to be used by individual people. Steve Hill said that Cascade Natural Gas has an agreement with the State to serve anyone. The Planning Director said that the Army and Phil Grilla, Cascade Natural Gas legal counsel, said it is a dedicated use line. Commissioner Kegler asked if the 4" line can supply people other than the Army. Dan Meredith said yes it can be used for residences. Commissioner Peterson felt that CNG and the Planning Commission are not far off on the Conditional Use Permit. Commissioner Rea asked why CNG does not go down the west side instead of the east side of Pleasant View. CNG said that there is no room on the west side of the road. Doug Strebin would like to make sure the 10' easement will be maintained. Steve Hill does not see the right-of-way as an easement. Their line will not go any closer than 10' to Mr. Strebin's line. Dan Meredith said that they will locate the line in the future so there will not be any problem of the lines location. The line will be four feet deep, three feet deep under the road, and in the fields it will be five feet deep. The Planning Director said that Public Works needs to be involved in the decision of the pipe placement in the right-of-way.

The Planning Director feels that CNG should show it is consistent with the EIS or revise it. There are environmental issues as well as other impacts to the County. It is the Army's opinion

versus the County's. The County Counsel said that this has been an issue throughout this process and have tried to coordinate the process. Cascade Natural Gas was already on the site starting to dig without the required permits. The Army admitted they needed to address these concerns. Commissioner Miller asked if there is a good reason why the location of the line has changed. The Planning Director said that the issues brought up tonight should be addressed by the applicant. Access needs to be shown by the next Planning Commission meeting. The other issue is with engineering and design problems; one being the proximity to the other water line and road. The EIS should address these land use issues. Doug Strebin said that he needs protection. Mr. Strebin asked how CNG thinks they can put the pipe in without proper notification to any state or local agency or anyone else. Steve Hill said the issue is whether a permit is required. Chairman Padberg said everyone has to follow the procedures and CNG must also. The conditions that must be addressed are: access; engineering of the line (the real or actual location); revise the EIS; and electrolysis and the effect on the pipe. Steve Hill asked who will make the decision as to whether they meet the NEPA conditions of the EIS. What is the County asking them to respond to? Bill Hanlon said the EIS statement says the line is going in at a particular spot and it is not going in where indicated. Dan Meredith said they could do further engineering. If there was concurrence from Mr. Strebin and Guy VanArsdale, could they dig to find out the exact location of the line. The Commission felt they could with the proper permission.

This hearing will be left open until next month's meeting as requested by the applicant. That meeting will be on February 22, 1999, at 7:30 p.m. at the Public Works Building in Lexington.

**PUBLIC HEARING - Conditional Use Permit Application, CUP-N-128: 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 site a dwelling (manufactured home) in conjunction with a business operation in a General Commercial (CG) Zone outside the Urban Growth Boundary. Criteria for approval include ARTICLE 6, Sections 6.020 and 6.030** - It was explained that in July, the Planning Commission approved a Conditional Use Permit request for a boat, RV, and Manufactured home sales lot. It was approved by the Commission with a condition that the applicant apply for a change of zone to allow a home. The applicant has not started the business operation yet, but wants to put his house on the property. The existing mobile home will be used as an office. The Planning Director did not make any recommendations. Some of the conditions of the earlier CUP were not met by Mr. Swope. The conditions not met are:

1. To do some landscaping. The plants that were planted died due to lack of water.
2. Clean up of rubbish and junk on the property and obtain a sign-off from the Code Enforcement Officer.
3. Comply with annual inspection.

The Planning Director felt it is difficult to make a recommendation for approval if the applicant is

not complying with conditions imposed previously. It will be up to the Planning Commission to decide. Commissioner Rea asked if he has started the business yet. She thought that you could only have a home in conjunction with a business. She feels that you have to have the business before you have the home approved to be on the property. Mr. Swope said that he has taken care of all the items requested since April. The ashes and paper did blow onto Steve Wilkie's yard, but he had his kids pick up all the trash. He planted shrubs out front, but they died. He might put in grass instead. He is here to ask that he be allowed to live on the property. Chairman Padberg said that unless previous conditions are met he does not see how they can approve the request. They have had numerous complaints from that area; not a whole lot has been done to clean up the property. Mr. Swope said the animals are off except for a pair of pheasants which his daughter received as a gift from her grandfather. Commissioner Bass told Mr. Swope that he had pigs, chickens, goats and a horse on the property. He was told at the last meeting that no animals were allowed and the animals were not removed until just now. Chairman Padberg said that we will have the Code Enforcement Officer go out and check the property to make sure everything is cleaned up and there are no animals on the property. Commissioner Rea asked what is going to be done about the situation regarding the business. All of the conditions are in connection with there being a business in operation on the site. Mr. Swope said that if he can live on the property he can spend more money on starting the business. The Planning Director said the Commission can require Mr. Swope to start the business. Commissioner Peterson said that this is still a Commercial Zone and the residence is secondary to the business. Chairman Padberg expressed concern about the conditions the applicant has not met. The applicant will have to fulfill those conditions. Chairman Padberg said to get the Code Enforcement Officer out to the property to see if all the conditions have been met. As long as she has a letter in the file, we can have her review it in six months to make sure the applicant is in compliance with the conditions. Chairman Padberg said we can wait to hear from the Code Enforcement Officer and then act on this request next month. The applicant can live there another month until it is reviewed next month. Commissioner Rea stated again that the applicant needs to get a business started. Michael Swope asked if the pheasants are an issue. No decision was made on the pheasants. Commissioner Miller moved and Commissioner Rea seconded the motion to postpone until next month this hearing. Motion passed.

At the end of the final hearing of the night, Mr. Swope requested that the hearing on his Conditional Use Request, CUP-N-128 be reopened. Mr. Swope said that he has a loan pending, and postponing the decision thirty days will cause him to lose it. Chairman Padberg said if the Code Enforcement Officer checked the property and would sign off that it was all cleaned, and if the applicant turned in a business plan, he would not have any problem with Mr. Swope siting the manufactured home. Commissioner Kegler moved and Commissioner Miller seconded the motion that the CUP-N-128 is approved with the conditions stated in the Findings of Fact and below. Commissioner Rea and Commissioner Bass stated they would abstain from voting on this motion. Motion passed unanimously with the two Commissioners abstaining.

Precedent Conditions:

1. Comply with all conditions of CUP-N-116 and have Code Enforcement

- Officer sign-off.
2. Submit copy of a business plan.

**Subsequent Conditions:**

1. If business not in operation, then dwelling must be removed within three months.
2. Permit review in six months to verify compliance with conditions and to verify business is in operation (applicant must show receipts of business activity).

**PUBLIC HEARING - Second 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** - It was explained that this is the second hearing on this Ordinance amendment to allow temporary residence in a travel trailer during construction of a home. Commissioner Rea moved and Commissioner Kent seconded motion to approve this Ordinance amendment as presented and refer to County Court with a recommendation to approve. Motion passed unanimously.

**PUBLIC HEARING - Second of three hearings to amend Morrow County Zoning Ordinance ARTICLE 9, Administrative Provisions, to allow Administrative Review of certain land use decisions** - The Planning Director explained that certain land use issues would not have to come before the Planning Commission if they approved this amendment. There will still be a notification to property owners, but it will be twenty days instead of the existing ten days. A Findings of Fact is still prepared, but after the twenty-day response period is over, the Planning Director's decision would become effective if no objections or comments were received. If there were objections, the application would be brought before the Commission. Discussion followed and some of the Commissioners felt that they would like to know of these applications and the decisions made. Some of the Commissioners said they like to know what applications were requested so if someone asked them about it they were not in the dark. Commissioner Peterson moved to approve the amendment to ARTICLE 9 and refer to County Court. Commissioner Peterson rescinded his motion. Commissioner Peterson then moved and Commissioner Rea seconded a motion to postpone the hearing on this amendment until next month's meeting. Motion passed.

**CORRESPONDENCE** - The Planning Director read a letter from the Code Enforcement Officer regarding the truck/trailer parking on Don Jorgensen's property. She stated that he is not in compliance regarding the conditions of his Land Partition request. The Commission said that unless he is in compliance with conditions, the plat could not be signed.

The Commissioner's were sent in their packets the letter written under the Planning Commission letterhead to Tillamook Dairy regarding the possibility of siting their business in Morrow County. The Planning Director showed a map listing the potential sites. It was suggested that the Commissioners put a little pressure on the County Court encouraging their support of this project. It is good for the County.

**AUDIENCE PARTICIPATION/NEW BUSINESS** - The Planning Director explained that she

has talked with Gordon Davis, mediator on the Ione/Boardman Road, and he indicated that all parties are willing to sign the agreement. They are just waiting for Rob Brown. Inland Land Company is starting to move dirt already. The County Court is going to appoint a formal road committee and the meeting will be more like a public hearing. Chairman Padberg said we need to locate the road (get it engineered) so Inland Land won't be putting in any circles where the road might go. A LID was suggested to pay for the road. Commissioner Miller felt it is important to secure the easement, and that there is no cost in doing this. Bill Hanlon said that Boeing will have an eight-year exception from any LID and the road will have to be built within eight years.

Doug Strebin asked if there was some way the County can give some direction to the City of Irrigon; they need some guidance. Developers want City to pay for all development. The Planning Director explained that about two years ago the City Planning Commission came to her asking her to help them on some of the land use issues they were addressing at their meetings. The Planning Commission liked her help, but a developer at the meeting was not receptive to having the County Planner help the Commission. The Planning Director last year did get a grant for each of the cities to develop a transportation plan and to study about the buildable lands so the cities have those as guidelines. Commissioner Kegler said that one of Irrigon's main problems is the amount of assessed valuation within the town. They do not have any big business to tax. He also said that they are planning on putting in some additional businesses next to the market and bank sometime in the future.

**ADJOURNMENT** - Chairman Padberg adjourned the meeting at 11:15 p.m. The next Planning Commission meeting will be on Monday, February 22, 1999, at 7:30 p.m. at the Morrow County Public Works Building in Lexington, Oregon.

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION**  
**MONDAY, FEBRUARY 22, 1999 - 7:30 P.M.**  
**MORROW COUNTY PUBLIC WORKS BUILDING**  
**LEXINGTON, OREGON**

Chairman Marvin Padberg called the meeting to order at 7:37 p.m.

**MEMBERS PRESENT:** Marvin Padberg, Joe Miller, Art Kegler, Leann Rea, Ken Grieb, Keith Lewis, Richard Kent and Henry Bass

**MEMBERS ABSENT:** Joel Peterson

**OTHERS PRESENT:** Doug Strebins, Pat McNamee, Bev Bridgewater, Scott Ross, Jeddie Aylett, Gracie Hovinghoff, Stan Mills, Eric Wahler, Dan Sleed, Curt Richards, Guy VanArsdale, Chris Rauch, Max Hellberg, Tim Hellberg, Chris Broderson, Harry Ashcraft, Gary Grohan, Hartley Seeger, Steven Hill, Dan Meredith, Vern Evans, Mike McNamee, Vern Suchy and Greg Close

**MINUTES OF JANUARY 11, 1999 MEETING** - The minutes of the January 11, 1999, meeting were unanimously approved, as corrected, on a motion by Commissioner Rea and a second by Commissioner Bass. Motion unanimously approved.

**PUBLIC HEARING - Second of three public hearings on Conditional Use Permit Application, CUP-S-125, and an Amendment to the Comprehensive Plan: Oregon Department of Transportation, applicant and owner; Richard Fredrickson, agent. Property is described as tax lot 1700 (7.50 acres) of Assessor's Map 2S 28, located at milepost 57.5 on the Pendleton/Pilot Rock Highway #74 in an Exclusive Farm Use (EFU) Zone. Proposal is to allow the operation of a rock crusher and to process aggregate in an asphaltic concrete batch plant. Request is also to add the site to the Goal 5 aggregate inventory in the Comprehensive Plan. Criteria for approval include Zoning Ordinance ARTICLE 6, Section 6.050(9) and ARTICLE 8, and ORS 215.298(2)** - The Planning Director explained that the failure to present information at this hearing or any of the other hearings does not preclude appeal to LUBA based on those issues. This is the second hearing for this application by ODOT for a gravel pit and batch plant. No opposition was received or heard regarding this Conditional Use Permit. Commissioner Rea moved to approve the request and to add the site to the Comprehensive Plan Inventory and recommend that the County Court approve the amendment. Commissioner Bass seconded the motion which was unanimously approved by the Commission. This request will be referred to the County Court for the third and final hearing with a Planning Commission recommendation to approve. Conditions of approval are:

1. Applicant shall obtain necessary permits from DOGAMI and DEQ.

**PUBLIC HEARING - (Continued from January Commission Meeting) Conditional Use Permit Application, CUP-N-127: Cascade Natural Gas, applicant; Morrow County and Curt Perkins, owners. Property is described as the Pleasant View Road Right-of-way on Assessor's Map 5N 27 21, located from State Highway 730 south to the West Extension Irrigation Canal and then crossing canal onto Exclusive Farm Use land, tax lot 2000 of Assessor's Map 5N 27 21, approximately three miles east of the City of Irrigon. Proposal is to locate a 4" natural gas main line along the County right-of-way and on land in the Exclusive Farm Use Zone. Criteria for approval include Zoning Ordinance ARTICLE 6, Sections 6.020 and 6.030 and Oregon Administrative Rules** - The Planning Director said that

this hearing was continued from the January meeting because Cascade Natural Gas had asked for a continuance to answer questions the Commission asked. Some of the information requested by the Commission was for CNG to specify the exact location of the gas line, show legal access, prepare a map with location of pipe and the effect of electrolysis on the adjacent water pipe. Cascade Natural Gas passed out a letter to the Commission addressing the issues, and asked that it be entered into the record. Dan Meredith said that CNG will obtain OPUC approval for the design (Class 4 standards) and placement of the pipe, and that all interested parties will be invited to participate in the on-site review and that Morrow County Public Works Department conditions will be complied with regarding placement of the pipe and the restoration of the required road surface of Pleasant View Road. CNG has not done any further work in the area. Cascade proposes to place the gas main line a minimum of 10 feet laterally from the outside of the westerly water line or the west line of the water line easement, whichever is further west. They will establish the exact location of the water lines by excavation with the assistance of Doug Strebin and Morrow County Public Works Director. They will notify Mr. Strebin 10 days prior to construction of the gas main located within 50 feet of the water lines. Test lead and stations will be provided by Cascade and they will obtain the approval of OPUC gas safety staff prior to further construction of the gas main. Bill Hanlon asked if OPUC has been contacted to see if they want to do the monitoring. Dan Meredith stated they had been contacted. Steve Hill, attorney for Cascade Natural Gas, addressed the access issue. CNG does have accesses to the gas main right-of-way south of the WEID Canal. The access is through a right-of-way easement with C&B Livestock and the Perkins family. They are still working with the concerned property owners regarding the replacement of the existing bridge over the canal. Doug Strebin feels the pipeline should stay west of the water line and should be put in the right-of-way. The line will cross his water line twice, once at Highway 730 and once at the canal. Dan Meredith stated that test stations will be put at every crossing. Doug Strebin asked how long the line will be monitored. Dan Meredith said that it will be done for the life of the line. After March 15, they will not have access across the canal because the canal will be filled with water for the irrigation season. Commissioner Rea asked what will happen if Mr. Stebin gets a positive reading; what action will you take to protect him? Cascade will offer their expertise with a specialist on corrosion. If they are causing the problem, they will correct it. If the problem is large enough to affect Doug Strebin's line then it will also be affecting their line. Commissioner Kegler asked if Mr. Strebin was comfortable with CNG staying 10' from his pipe. Mr. Strebin said yes it was okay with him if it was alright with Morrow County Public Works. Chris Rauch said that he is with the Weed

District and he is concerned with the weeds after the pipeline is put in. Commissioner Rea wanted the weed issue to be addressed. Bill Hanlon said that the weed issue could be made a condition of approval. Bill Hanlon also asked about the retirement or removal of the pipe. Dan Meredith explained that they would purge all the gas out and then seal the ends of the pipe and leave it where it is. Bev Bridgewater, WEID, said their agreement states that where it goes under the canal it would be removed. Commissioner Bass asked about the bridge. Bev Bridgewater said they are still working on it. Steve Hill said they have made contact with the tribes, but have not received anything from them yet. Chairman Padberg asked if the line is abandoned, does Mr. Strebin feel the leaving of the line would be a problem. Dan Meredith said that if the line was not in use, it would not do any damage to Strebin's line. Can it be left up to the OPUC. Commissioner Rea suggested monitoring it for two years after its abandonment. Bill Hanlon asked if ENSR is satisfied with the EIS. CNG said that the letter states that they are satisfied.

Chairman Padberg closed the public comment part of the hearing and thanked Cascade Natural Gas for addressing the issues. Commissioner Rea wanted the condition added that if the line is abandoned, it will be monitored for two years following and then stopped if no problems are detected. The Planning Director reviewed the conditions of approval. Commissioner Kegler asked CNG if these conditions were okay for them. They responded they were. Commissioner Miller moved to approve the application with the conditions stated in the Findings of Fact and those in the letter dated February 22, 1999, from CNG to the Chairman of the Planning Commission. Motion seconded by Commissioner Kegler. Passed unanimously by the Commission. Conditions of approval as approved:

- A) Comply with recommendations of the Confederated Tribes of the Umatilla Indian Reservation regarding cultural resources.
- B) Obtain a Right-of-Way Permit from the Morrow County Court for construction in the County Road right-of-way.
- C) Installation of the lines shall not interfere with the existing water lines.
- D) Demonstrate permission to use the bridge to cross the West Extension Irrigation District Canal at the County Line or show an alternative access.
- E) Comply with weed control requirements of the County. Survey of existing weeds.
- F) If line is abandoned, it will be monitored for two years to show no impact.
- G) Conditions proposed by Cascade Natural Gas in a letter to the Chairman of the Morrow County Planning Commission dated February 22, 1999.

Design Standard



- 1) Conduct an on-site review with the OPUC Gas Safety Section personnel, obtain OPUC approval for the project design and pipe placement before further construction and comply with any additional conditions imposed by OPUC. Morrow County Planning Staff and other interested parties will be invited to participate in the on-site review.
- 2) Maintain pipe design and construction standards for a Class 4 location, as defined in 49 CFR Part 192.5
- 3) Comply with any reasonable conditions imposed by the Morrow County Public Works Dept. Concerning the placement of the pipe within Pleasant View Road and the restoration of the road surface on the required right-of-way permit.

Protection of existing irrigation water lines:

- 1) Place the gas main a minimum of 10 feet laterally from the outside of the westerly water line or the west line of the water line easement (Morrow County AFN 100437). Whichever is further west.
- 2) Establish the exact location of the water lines by coordinating several along the water lines with Mr. Doug Strebin, Morrow County Public Works Director and any other affected property owner. Cascade will provide the equipment and labor to perform the excavations. Mr. Strebin will provide on-site assistance with determining the location of the lines.
- 3) Notify Mr. Doug Strebin 10 days prior to construction of the gas main within 50 feet of the water lines.
- 4) Cascade will provide the labor and material to install test leads and test stations, if approved by Mr. Doug Strebin, for on-going monitoring of any stray current on the water lines due to the operation of the gas main in proximity to the water lines. These test facilities would be placed at the point where the gas main crosses one or both of the water lines.
- 5) Obtain the approval of OPUC gas safety staff prior to further construction of the gas main, as described above.

Review of Environmental Issues:

- 1) Install test leads and test stations at crossings of the water lines (subject to acceptance by Mr. Doug Strebin) to test for any stray current interference, as outlined above.
- 2) Review the proposed cathodic protection design with OPUC during the proposed on-site project review and comply with any additional conditions imposed by OPUC.

**PUBLIC HEARING - Land Partition Application, LP-N-232: Gracie Hovinghoff, applicant and owner. Property is described as tax lot 700 of Assessor's Map 5N 26 25D, located north of WEID canal and south of Wyoming Street between West Second Road and Division, approximately one-eighth mile south of the City of Irrigon. Proposal is to partition a 5.20 acre parcel into three parcels larger than the one acre minimum lot size of**

**the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The Planning Director reviewed the Staff Report and showed the location on the map. Hoop-n-Holler Lane is the current access for one of the parcels and it is not a legal access. The road standards are described in the TSP. Commissioner Kegler asked if First Street, which will be 60', will go from Wyoming to Nevada. It will. Gracie Hovinghoff talked to the gentleman on the property about the shed. He said he will remove it, but the Planning Director said it would only have to be removed when Nevada is put in. The comment period of the public hearing was closed. Condition #8 was added to the conditions of approval regarding the extension of First Street to Nevada. Commissioner Kegler moved and Commissioner Miller seconded motion to approve LP-N-232 with the conditions stated in the Findings of Fact and below. Motion passed unanimously by the 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. West Extension Irrigation District approval must be obtained either by letter or sign-off on the final partition plat.
4. Comply with recommendations of the Irrigon Rural Fire District regarding access.
5. Obtain DEQ Site Suitability for Parcel #3 prior to approval of the final partition plat.
6. Dedicate 30' public easement along the south boundary of Parcel #1, to insure future interior circulation of public roads.
7. Sign and record a Consent to Participate agreement for future improvements to First Street and Nevada.
8. Dedicate 60' to continue First Street. Road shall be improved from Wyoming Street south to south boundary of Parcel #1. Road shall be improved to Rural Access II standard.

**PUBLIC HEARING - Land Partition Application, LP-S-233: Patricia Wright, owner; James and Sandra Putman, applicant. Property is described as tax lot 1703 of Assessor's Map 2S 25, located on the south side of Bert Peck Road, approximately 2 miles south of the City of Lexington. Proposal is to partition a 575.82 acre parcel into two parcels larger than the 160 acre minimum lot size of Exclusive Farm Use (EFU) Zone. Criteria for approval include Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.150 and Oregon Administrative Rules** - The proposal is to split the parcel in two parcels. Access to Parcel #1 is from Bert Peck Road and access to Parcel #2 is a private easement along the easterly property line of Parcel #1 from Bert Peck Road. Access should be included on the deed. Conditions of approval were reviewed. No comments were received or heard from the audience. Commissioner Rea moved and Commissioner Kent seconded motion to approve LP-S-233 with the conditions stated in the Findings of Fact and below. The Commission unanimously approved the land partition.

1. Record deed or partition plat with the County Clerk to complete the land partition transaction. (ORS 92.025) Include access on the deed.
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 - Conditional Use Permit Application, CUP-N-130: Irwin and Mildred Rauch, owners; Chris and Kathy Rauch, applicants. Property is described as tax lot 3200 of Assessor's Map 1N 26, located on the northwest corner of Bombing Range Road and Strawberry Lane, approximately 10 miles northeast of the City of Lexington. Proposal is to site a second dwelling for farm help (relative - Farmer Jones) in an Exclusive Farm Use (EFU) Zone. Criteria for approval include Zoning Ordinance Section 3.010(D)(3) and Oregon Administrative Rules 660-33-130(9) -** The Findings of Fact was reviewed and it was explained that the application is to site a second dwelling. The old house will be used for farm help. It was brought to the Planning Director's attention that there may be another rental on the farm. One of the criteria is that there cannot be another dwelling on the subject farm that is used as a rental. If the other parcel is under a different name, it is okay. Chris Rauch said that it is under a different owner. The application meets the requirements of our Ordinance and also the OAR's. There were no comments in opposition and the public comment portion of the hearing was closed. Commissioner Grieb moved and Commissioner Rea seconded motion to approve CUP-N-130 with the conditions stated in the Findings of Fact and below. Motion passed unanimously.

1. Applicant shall obtain a zoning permit from the Planning Department and appropriate permits from the State Building Codes Agency and Department of Environmental Quality. (See attached permit checklist).
2. An access permit must be obtained from the Public Works Director if a new driveway is proposed.
3. Sign and record a Right-to-Farm Disclaimer.
4. No other existing dwellings may be used as "rentals" on the farm (not limited to subject tax lot).

**PUBLIC HEARING - Conditional Use Permit Application, CUP-N-129: Max Hellberg, applicant and owner. Property is described as tax lot 203 of Assessor's Map 5N 26 26, located east of West Eighth Road and south of Idaho Lane, approximately three miles west of the City of Irrigon in an Exclusive Farm Use (EFU) Zone. Proposal is to include a 2.6 acre and a 9.2 acre area as an extension of an existing gravel pit, and to add the site to the Goal 5 aggregate inventory in the Comprehensive Plan. Criteria for approval include Zoning Ordinance Section 6.050(9), ARTICLE 8 and ORS 215.298(2) -** The Planning Director explained that this is the first of three public hearings; two before the Commission and

one before the County Court. The request is to allow the expansion of a existing pit to include a 2.6 acre and 9.2 acre parcel. The applicant did not state in his application whether he wanted an asphaltic batch plant. Max Hellberg stated that he does want a batch plant to be included in the application request. The Findings of Fact was reviewed. No setback is proposed. Letter from a neighbor was then read into the record. It was from the Pruitt's who are opposed to the extension of the gravel pit due to noise, dust and additional traffic. The location of the existing pit and the expansion area was shown on the map. The County pit which is adjacent to this pit is very nearly mined out. Chairman Padberg then opened the hearing to the audience. Scott Ross, an adjacent landowner, is opposed to the expansion. He stated he can put up with the noise on the week days, but at night and on weekends it is very disturbing. The dust and trucks going back and forth are an issue. The area has children living there and it could be dangerous to them with additional truck traffic. The new area for the pit will extend farther south and southeast of the existing one. WEID thought they had a line along the property. Max Hellberg said that they did not. Commissioner Kegler asked if it was the County's batch plant that had been set up in front of the Pruitt home. Max Hellberg said that it was the County's. The Planning Director said there is a lot of Rural Residential dwellings in the area. Might need to protect some of the residents with a buffer around the pit. It would be a good idea to talk with the Public Works Director about the slope of the pit. Chairman Padberg asked the Planning Department to get a clear map with the roads drawn in of the subject property. ODOT was notified. They were approached to see if they wanted to sell their parcels where there pit is, but they do not. Max said that he does not have a formal agreement with ODOT to cross their property. Chairman Padberg announced that this is the first of two hearings before the Commission and the next hearing will be on March 29, 1999, at 7:30 p.m. at the North Morrow Annex Building in Irrigon.

**PUBLIC HEARING - Subdivision Application, SD-N-204: Curt Richards/Art Kegler, agents and applicant; Frank and Patti Burres, owners. Property is described as tax lots 2407 and 2408 of Assessor's Map 5N 27 20 and tax lot 1000 of Assessor's Map 5N 27 21C, located between Highway 730 and East Oregon Lane and on the east and west side of Nineteenth Road (a dedicated but not developed County road), approximately 1.5 miles east of the City of Irrigon in a Rural Residential One Acre (RR-1) Zone. Proposal is to subdivide the three parcels consisting of 24.65 acres into twenty parcels each meeting the one acre minimum lot size. Criteria for approval includes Subdivision Ordinance ARTICLE 3, Sections 3.020 and 3.100** - Commissioner Rea stated that she has been contacted by some of the people in the area regarding the subdivision, and she would like to state that fact. She also would like to ask Commissioner Kegler to leave the Commission table and sit in the audience as he is the agent for the subdivision. Commissioner Bass stated that he also has been contacted by some of the people in the area regarding this application. There was a Subdivision Review Committee meeting on February 10, 1999. Written comments were received from DEQ, and the Extension Service called and said they had no problem with the subdivision. West Extension Irrigation District asked for a 6" instead of a 4" line . Irrigon Rural Fire District is requesting a 100' diameter for cul-de-sac turn-around and they support County road standards. Umatilla Electric Cooperative objected to their lines going in the County right-of-way. There is a question as to whether Oregon Lane can be used as an access to the property as it does not

appear to touch the property. Commissioner Kegler faxed a copy of the map with the proposed wells and septic, which was given to the Commissioners. In the future, Oregon could possibly continue east and connect with Sunset Lane. No landscaping or covenants were proposed and no topographical map was submitted. Groundwater control was discussed, but the County cannot be liable in that area. Conditions of approval were reviewed. Guy VanArsdale told the Subdivision Review Committee that he had concerns about the cul-de-sacs. He asked that they take a look at the circulation pattern of the subdivision because of the additional maintenance problem with cul-de-sacs. The hearing was then opened to the public. Hartley Seeger, consultant, said that his client would like to maintain the plan as submitted. He said the Public Works Director and Irrigon Rural Fire District's ideas have merit, but we are dealing with rural not city development. He designed it for maximum visibility and useability. He says the property is beautiful and that the property to the west has started to be developed. The Planning Director asked what the access is going to be for the easterly parcels on the plat. Commissioner Kent said that he felt there is more homework to be done on the continuation of Oregon. Pat McNamee, an adjacent property owner, spoke in opposition of the subdivision. He does not like the cul-de-sac arrangement and encourages the Planning Commission to put off a decision until next month so some of the issues that have been brought up can be addressed by the developer. He questions whether the northern part of the property will be suitable for DEQ approval, and he will not give up any of his property for Oregon to be continued. He would also like to see covenants placed on this subdivision so the integrity of the area is maintained. Mr. McNamee would also encourage the Commission to visit the site. Bev Bridgewater, WEID, is concerned about all the one acre zoning in the area and questions access to Highway 730. She would like to encourage the Planning Department to look at this issue of small one acre parcels and to possibly change the zoning. Dan Slead, adjacent property owner, is concerned about the water quality with so many additional wells and septic systems going in. The additional traffic to Oregon Lane is also an issue. Vern Evans concern is that the water that runs off this property runs directly onto his property and he has standing water concerns. Commissioner Rea said that she knew that Vern Evans has lost usable land (3-4 acres) and creating more lots will make it even worse. Guy VanArsdale said there may be a potential problem with Nineteenth Road. State Highway 730 is a limited access highway and Nineteenth Road may not be a through access. He is checking it out with ODOT. A Reservation of Access from ODOT may not be able to be obtained for Nineteenth Road. Bill Hanlon said that Nineteenth Road is a deeded public right-of-way. It is not a County road. Commissioner Rea asked if the lots square footage included the roads or is it just the parcel. Hartley Seeger said that it is the size of the parcels without the road included. Guy VanArsdale asked if there was not a legal access, then maybe the Commission should not be reviewing this subdivision until one has been obtained. Harry Ashcraft said that he did not think there was an access from Oregon Lane. The Planning Director said that the Commission does not require DEQ approval of the parcels before the application is approved because there may be some changes in the lot configurations required by the Commission. Commissioner Rea said that she sees the concern with DEQ just looking at each parcels suitability instead of them looking at the entire picture and checking to see what effect the development might have on down gradient property owners. Doug Strebin, adjacent property owner, says that wells and septic systems are his concern as well. He does not want another Wagon Wheel and Division Street in Irrigon. Gravel roads are not acceptable any

longer. He wanted to know if the developer is going to put in the manufactured homes and develop the lots or just sell the lots to anyone. The Planning Director said that Oregon and Nineteenth would be classified as a Rural Collector II road. Commissioner Kegler stated that the developer is planning to pave roads and put in manufactured homes that will be within the County code regulation and possibly within 10 years of this date (age of mobile home). Harry Ashcraft asked if the developer could be made to put in covenants requiring newer manufactured homes. Curt Richards, the developer, introduced himself and said that he intends to develop the subdivision putting in late model homes. He does not want to belittle the area. He feels it will be one of the nicest developments around and he will have covenants. Commissioner Kegler said that they would get the covenants by the end of the week. He will also work on an attainable road plan. Doug Strebin said that he would like to see the covenants when they are prepared. Mike McNamee is concerned about groundwater. He would like to see urbanization into the urban growth boundary, but not into the County. Hartley Seeger said that back in the 70's Oregon counties were mandated to have these different areas of zoning and it is difficult to make EFU and residential areas compatible. The Planning Director said that zoning all that property rural residential one acre may not have been the proper thing to do back in the 70's. About five months ago the Planning Commission talked about not having one and two acres, but having five acre parcels. They were not willing to tell all these property owners that they cannot have one acre parcels. The Planning Director then listed the issues the Planning Commission wanted the developer to address before the March 29, 1999, Commission meeting at 7:30 p.m. in Irrigon. These issues are:

1. Access from Oregon Lane needs clarification (is access legal?).
2. Cul-de-Sac at end of Oregon Lane (none proposed on plat).
3. Concern about the layout of the roads.
4. Classification of the roads.
5. Identify spacing standards and individual access to each lot.
6. Access to Highway 730 with regard to Nineteenth Street (do we have a Reservation of Access to Highway 730 from ODOT?).
7. Submit Covenants for Commission review.
8. Groundwater run-off needs to be addressed, as well as groundwater problems.
9. Adjacent to an EFU Zone (need to sign and record Right-to-Farm Disclaimer for entire subdivision).
10. Check with DEQ to see if they can review the impact of the subdivision and the new septic systems on adjacent property.

**CORRESPONDENCE** - Umatilla Electric Cooperative wrote about the easement standards in Morrow County. They do not want to put their lines in the County right-of-ways. Debbie Watson has proposed holding a workshop with the Commission to deal with this issue. Taxation and assessment by the County appears to be one reason Umatilla Electric does not want their easements in the right-of-ways. The Commission opted at this time not to have a workshop, but asked the Planning Director to write UEC asking for a list of reasons why putting it in the right-

of-way is preferable to having an easement on the property owners land.

**AUDIENCE PARTICIPATION** - Guy VanArsdale did not have any new information on the Boardman/Ione Road. Bill Hanlon said that he has the redraft of our final language with our conditions and then it will be sent on to Boeing. Gordon Davis is actively working on Boeing and Inland Land. It was also decided that Three-Mile will not be a County road. There are now some Fish and Wildlife concerns that might affect the location of the road. County Commissioner Dan Brosnan said that we might have a much bigger problem with wildlife. So we need to get going on the alignment of the road. Orfett bought out Tagarres and might be easier to work with.

Chairman Padberg reported that the Morrow County area is on the short list for the possible dairy site. If Morrow County is chosen, the Ione/Boardman Road will be a main transportation link between the Ione and north county area.

**ADJOURNMENT** - Chairman Padberg adjourned the meeting at 10:50 p.m. The next Planning Commission meeting will be on Monday, March 29, 1999, at 7:30 p.m. at the North Morrow Annex Building in Irrigon, Oregon.

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION**  
**MONDAY, MARCH 29, 1999 - 7:30 P.M.**  
**NORTH MORROW ANNEX BUILDING**  
**IRRIGON, OREGON**

Vice-Chairman Joel Peterson called the meeting to order at 7:35 p.m.

**MEMBERS PRESENT:** Joel Peterson, Art Kegler, Leann Rea (left after second hearing), Keith Lewis, Richard Kent and Henry Bass

**MEMBERS ABSENT:** Marvin Padberg, Joe Miller and Ken Grieb

**OTHERS PRESENT:** Wes and Maria Hughes, Wade Aylett, Burke O'Brien, John Wenzholz, Hartley Seeger, Herb and Laura McNabb, Gladis Hadley, Bill Lake, Jason Wise, Ray & Thelda Juarez, Eric Wahler, Vern Evans, Dan Sleed, Paul and Ramona Murtha, Larry and Cecile Suchy, Wallace Telford, Vern Suchy, Pat McNamee, Wes Wise, Jeff Wise, Max Hellberg, Harry Ashcraft, Wayne Huwe, Jr., Chris Broderson, Steve Peck, Bev Bridgewater, Michael McNamee, Doug Strebin, Carma Barren, Scott Ross and Bill Hanlon

**MINUTES OF FEBRUARY 22, 1999 MEETING** - The minutes of the February 22, 1999, meeting were unanimously approved on a motion by Commissioner Rea and second by Commissioner Bass. Motion unanimously approved.

**PUBLIC HEARING - Land Partition Application, LP-N-234: Loren & Maria Hughes, applicants and owners. Property is described as tax lot 3100 of Assessor's Map 5N 26 23D, located on the south side of Columbia Lane, approximately one mile west of the City of Irrigon. Proposal is to partition a 2.99 acre parcel into three parcels larger than the one acre minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The Staff Report and the Conditions of Approval were reviewed by the Planning Director. The letter from WEID was read into the record indicating the parcel was in the District, but had no water rights. The Irrigon Rural Fire District letter was read into the record indicating the need for the development of Idaho Lane in order to provide adequate access for fire trucks. Mr. Hughes indicated that Parcels #1 and #2 do share a common driveway, and that the junk cars have been taken away and the remaining ones are being restored. He did indicate that the remaining cars are not licensed. The Planning Director said that if they are inside having them would not matter, but they needed to be out of site or they will have to work out an agreement with the Code Enforcement Officer. Mr. Hughes stated that no auto repair business is being operated on the property. The Planning Director explained that a sign-off by the Code Enforcement Officer will be included as a Condition of Approval. There were no other comments received by the Planning Department or from the audience. Commissioner Rea asked if the adjacent parcel had not long ago gone through a subdivision hearing and if the road in that subdivision did not go all the way to Idaho. The Planning Director said that it did and that the property owners were required to sign a Consent to Participate for future development of Idaho Lane. The applicant will be



required to sign a Consent to Participate for Idaho Lane, but it does not require that they actually do improvement to the road at this time. Commissioner Kegler moved and Commissioner Rea seconded motion to approve the Land Partition with the conditions, as amended, stated in the Findings of Fact. Motion passed unanimously. 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. West Extension Irrigation District approval must be obtained either by letter or sign-off on the final partition plat.
4. Comply with recommendations of the Irrigon Rural Fire District regarding access. (Planning Commission viewed the requirement for a Consent to Participate as complying with recommendation of Rural Fire Protection District.)
5. Sign and record a Consent to Participate agreement for future improvements to Idaho Lane.
6. Consolidate driveways on Parcels #1 and #2 to result in one shared or two driveways total. (Applicant states that Parcel #1 and #2 share a driveway.)
7. Obtain letter from Code Enforcement Officer verifying there are no Zoning or Solid Waste violations on the property.

**(Continued from February 22, 1999 Planning Commission Meeting) PUBLIC HEARING - Subdivision Application, SD-N-204: Curt Richards/Art Kegler, agents and applicant; Frank and Patti Burres, owners. Property is described as tax lots 2407 and 2408 of Assessor's Map 5N 27 20 and tax lot 1000 of Assessor's Map 5N 27 21C, located between Highway 730 and East Oregon Lane and on the east and west side of Nineteenth Road (a dedicated but not developed County road), approximately 1.5 miles east of the City of Irrigon in a Rural Residential One Acre (RR-1) Zone. Proposal is to subdivide the three parcels consisting of 24.65 acres into twenty parcels each meeting the one acre minimum lot size. Criteria for approval includes Subdivision Ordinance ARTICLE 3, Sections 3.020 and 3.100** - Commissioner Kegler declared a conflict of interest and will abstain from voting. The covenants submitted by the applicant were mailed in the Commissioner's packets. The Planning Director contacted DEQ and they submitted a letter, which was entered into the record, stating that DEQ does not typically make recommendations before a Site Evaluation is completed. Another request by the Commission was to research access to Highway 730 from 19th Road. The Planning Director stated that the County is of the opinion that 19th is a platted right-of-way and should have access onto Highway 730. The developer is probably not willing to make improvements to all of 19th Road. Art Kegler, agent for the developer, then addressed some of the questions raised at the last Commission meeting. Access from Oregon Lane is only 30' and an attempt to purchase an additional 30' from an adjacent property owner was unsuccessful. The cul-de-Sac at the end of Oregon was discussed. Mr. Kegler said that should the road plan for the subdivision not include further extension of Oregon Lane a cul-de-sac request by the Commission would be honored. The concern about the layout of the roads was discussed and some of the cul-de-sacs had been eliminated, and if the roads need to flow through for future extension in a master plan this would be incorporated. The roads would be according to County standards. The agent

said they are working with the Planning Department on 19th Road access onto Highway 730. A request has been made to ODOT for clarification. The addition of the subdivision should not increase the water run-off as the additional landscaping may actually reduce run-off by absorbing more of the water. A right-to-farm disclaimer will be executed. Mr. Kegler said that the developer is desirous in cooperating with the county and the neighbors, and only wants a development that will enhance the area. Hartley Seeger, consultant, said that Plan D is the last subdivision plan given to the Planning Department. They are attempting to develop a plan that will work in the future and that looks at the entire area. The Planning Director said that the County Court recently discussed the issue of taking over roads within subdivisions, and they are not inclined to this even if the roads are improved to County standards. The County's stance is that they have enough roads to maintain as is and that these roads be part of the subdivision and maintained by the property owners. Bill Hanlon, County Counsel, said that the County has a 60' requirement for roads in a subdivision and that to deviate from this would require a Variance. He feels this would be a very serious precedent. The Planning Commission and County Court adopted, after many public hearings, the TSP with this road standard and allowing anything else is a serious issue. Commissioner Lewis asked if the Fire District has seen this change in the road plan. Since the Planning Department has just gotten the change, the Fire District has not seen it yet. Commissioner Bass asked if they say the development has to use 19th Road, they still will have to develop part of Oregon for the four lots on it. Plan C would be used if 19th is used as the main access.

Those in opposition spoke. Pat McNamee said that the access issue has to be addressed and that if we have rules regarding the roads we should stick with them. As they do not have any legal access the developer should not be granted approval. He is opposed to the subdivision and what it will do to the area. Harry Ashcraft said that earlier when the parcel was divided into three lots, the 30' roadway was legal, but now it is 60' and we should require this and not make any exceptions. If 19th is used as the access for the subdivision, then the Commission can consider it. Dan Slead said that if they only have 30', the subdivision should not be allowed. Doug Strebin said that any developer that wants to come in and does not want to put up the money to develop the roads and other required services then they should not be allowed to develop. He also feels that the covenants are weak and will not protect the area. Dan Slead asked if DEQ will look at each individual lot or as an entire subdivision. They look at the subdivision, but also at each individual lot to make sure that each lot meets DEQ requirements.

Commissioner Rea said that she has a problem with DEQ's letter. The recent study that was completed addressed the groundwater problems, but DEQ does not show concern for the groundwater problems. The Planning Director said DEQ does not have enough information that is site specific.

Harry Ashcraft asked what happens to the roads in the subdivision when the developer sells the property, who will maintain them. Bill Hanlon said that the roads will be dedicated rights-of-way and either the developer can have a maintenance contract with the property owners or a Home Owners Association can be formed to take care of this and other issues in the subdivision. Dan Slead wanted to know how the EFU land fits in to the issue. The Planning Director stated that a right-to-farm disclaimer signed by the developer will be required when the subdivision plat is

recorded. This protects EFU land in the area. Tamra also said that when this area was zoned, the County did not do a good job of putting a buffer between EFU and residential zoned land.

Burke O'Brien, Assistant Roadmaster, said that the 30' right-of-way is a bad situation; it limits your possibilities for the future.

Doug Strebin was concerned with who would enforce the covenants. The County will not be the enforcer. It will be up to a Homeowners Association or the property owners. Bill Hanlon stated that if the violation is also against one of the County's Ordinances, then the Code Enforcement Officer can be called. The County cannot enforce the covenants. The Planning Director said the covenants will be recorded with the subdivision plat. Adjacent landowners do not figure into the covenants.

Art Kegler said he recognizes the concerns of the people and that it is the intent of the developer to put a manufactured home and garage on the parcels. The covenants were put in place for the neighbors to have some teeth against another neighbor who does not want to abide by them. The intent of the developer is to make it a better than average property with a manufactured home, garage and a view.

Mr. Suchy said that as an adjacent property owner he was not looking for a small community being built near his property. Art Kegler said that the property is zoned for one acre and anyone can come in and buy it and divide it. The subdivision is appropriate to the zoning. Harry Ashcraft said that people can divide their property without going through a subdivision and what they are taking about is a developer coming in and dividing it into nineteen lots. He says you cannot okay a subdivision without access.

Vice-Chairman Peterson said the Commission should address the 30' issue. Also, 19th Road is a viable option if access to Highway 730 can be obtained. Commissioner Bass asked if there are easements from the north side of property to Highway 730. The Planning Director said there is a platted right-of-way, but do not know if the State wants to grant the access onto Highway 730. Bill Hanlon said that with all the new information a new preliminary plat should be prepared. He also questioned whether we really have a valid application if Oregon Lane is not the access for the subdivision. He suggested a continuance until it can be determined if 19th is a feasible access. Art Kegler said that they are asking for a continuance and agreed to waive the 120 day period. The next meeting will be April 26, 1999 at 7:30 p.m. at the Public Works Building in Lexington. Commissioner Rea moved to continue the hearing until next month. Commissioner Lewis seconded the motion which passed unanimously.

**PUBLIC HEARING - Second of three public hearings on Conditional Use Permit Application, CUP-N-129 and an Amendment to the Comprehensive Plan: Max Hellberg, applicant and owner. Property is described as tax lot 203 of Assessor's Map 5N 26 26, located east of West Eighth Road and south of Idaho Lane, approximately three miles west of the City of Irrigon in an Exclusive Farm Use (EFU) Zone. Proposal is to include a 2.6 acre and a 9.2 acre area as an extension of an existing gravel pit and to operate an asphaltic batch plant, and to add the site to the Goal 5 aggregate inventory in the Comprehensive**

**Plan. Criteria for approval include Zoning Ordinance Section 6.050(9), ARTICLE 8 and ORS 215.298(2)** - This is the second hearing on this application. This is a two part request. One proposal is to add 11.88 acres to our Goal 5 inventory and then to allow them to mine that area. The Planning Director passed out a information sheet on the Goal 5 Process for Aggregate Resources which evaluates the ORS for putting it on a Goal 5 inventory. The site is not significant if we do not have a lab sampling for each site. Specific requirements became effective July 1, 1996. We do not have enough information to call the site significant so the criteria we use is the same as Conditional Use criteria. Weigh conflicting uses over the value of the resource. The Commission may address the impact it will have on the property owners within 1500 feet. Must consider what is currently there and the potential new uses. The Planning Director said that even though a batch plant was not included in the application, Mr. Hellberg wants to include a batch plant with the site. There has always been the question whether this location is the best site for a gravel operation. The Director said that one of the property owners did a lot of homework on this site and wanted some of his questions addressed. The questions from Scott Ross' letter were then read into the record. Some of the issues of concern were the dust, no reclamation plan, no notification in Spanish, effect on roads, and whether this is the best use of the land. He did not feel any of these issues were addressed. Columbia Lane is not able to handle the additional traffic. It was explained that most of the traffic is proposed to exit Gravel Pit Lane, but no permits have been obtained from ODOT or the County Court. Only if they cannot get permission from ODOT or the County , will they use West Sixth Road as their access. Burke O'Brien, Assistant Roadmaster, said that Gravel Pit Lane and West Eighth Road could handle the traffic, but Columbia Lane is a great concern to him. It was asked if Mr. Hellberg had a market for the product, he said he did not yet, but suspected the County would be buying from him. Max Hellberg stated that all this land was proposed as one acre, but the County could not get it by DLCD and it was thus made EFU. He would rather have it one acre property and then they would not have any of the problems they are now. Wade Aylett stated that he felt it was a good place to have a pit. Chris Broderson lives on West Sixth Road and he does not hear, feel or have any problems with the site.

Larry Suchy spoke in opposition. He said the pit was not there before the homes were sited. When the trucks are using Gravel Pit Lane, it leaves rocks and then rocks go flying all over the place. He said he does not like the idea of the batch plant running from 5:00 a.m. until midnight and there is a very unpleasant odor and it makes a lot of noise. Scott Ross said that when the trucks go in and out, the dust flies. The noise from the crushing is also a problem. He says the hours are not abided by as they start early in the morning and run until late at night. Carma Barren thought the land below them would never be used as a gravel pit. It is good farm land and a gravel operation does not seem to be the best use of the land. She also is concerned about the dust, noise and traffic. The hours of operation for each of the pits were given: Morrow County Pit 7:30 a.m. to 4:00 p.m.; Wes Wise Pit 7:00 a.m. to 5:00 p.m.; and ODOT Pit 7:00 a.m. to 6:00 p.m. Mining activities are limited by the hours of operation. Burke O'Brien said that available rock sources are not easily available especially in the north end. It would be hard to find another pit site. Scott Ross asked if the rock is going through a grading process with the State. It was reported that no tests have been run on the new pit. The rock from the Wise pit has been tested. If it is a significant site, the Planning Commission can impose more conditions on the pit.

Commissioner Kent said that the applicant has not done anything or shown any effort to get the access from ODOT or the County. As Gravel Pit Lane is a County road, it is the County's maintenance responsibility. The conditions of approval were then reviewed by the Planning Director. Commissioner Kegler moved to approve and refer to County Court with a recommendation to approve. Commissioner Bass seconded the motion which passed unanimously. The County Court hearing will be on April 7, 1999, at 10:00 a.m. at the Courthouse in Heppner.

Conditions of approval are:

1. Applicant shall obtain necessary permits from DOGAMI, DEQ and DSL.
2. Applicant shall obtain access permit from the Public Works Director and County Court and ODOT to access Gravel Pit Lane, which shall be the exclusive access.
3. The area will be maintained in a dust free manner, including access and haul road.
4. Applicant will provide a precise plot plan showing the location of the pit area, overburden or spoils storage, location of electrical power sources, water, sanitary facilities, crusher screens and other equipment, fencing, gates and roadways and dust control plans.
5. Setback to property line (except west boundary) shall comply with State standards and County Ordinance.
6. Hours of Operation: 7:00 a.m. to 5:00 p.m. (for crushing and batch plant).

**PUBLIC HEARING - Conditional Use Permit/Modification Request, CUP-N-67, Hellberg/Wise Gravel Pit. Property is described as tax lot 203 of Assessor's Map 5N 26 26, located east of West Eighth Road and north of Idaho Lane, approximately three miles west of the City of Irrigon. Request is for a modification of operating hours for crushing** - This request is to temporarily extend hours of operation for the pit. Wes Wise has gotten the contract with Houck for the Highway 730 project. The extension of operating hours will shorten the overall duration of the project and cut crushing time in half. With the longer hour days, there would be no crushing on Saturday's and Sunday's Will be finished by early May. The legal access for the Wise pit is West Sixth Road to Columbia and then westbound to Eighth Road and then out to Highway 730. They are planning on getting ODOT approval to cross their land and exit Gravel Pit Lane; therefore, not using West Sixth Road. Wes Wise said that he is working a big trade with Houck and he will not have to crush for about two years after this project. Rock will be stockpiled. Commissioner Kegler asked what hours Mr. Wise would like. Mr. Wise said the 5:00 a.m. to 9:00 p.m. five days a week schedule with no weekends. Commissioner Kent asked how long this schedule would be used. Mr. Wise said approximately five weeks. Commissioner Kent moved and Commissioner Kegler seconded motion to extend operating hours of the Wise pit from 5:00 a.m. to 9:00 p.m. for five weeks with no weekends. Motion passed unanimously.

**CORRESPONDENCE** - The Planning Director reported on the progress with the Legislature regarding the impact fees. A memorial resolution is before the State Legislature recommending the issues be addressed regarding impact.

The Planning Director would like to set up a joint meeting with the Morrow County Planning

Commission and the Umatilla County Planning Commission to hear two separate reports on water quantity and quality. One of the speakers, Mark Norton, has been looking at all rural residential areas to see what the recharge rate is. He will give projections on what problems might occur. Then on May 17 Curt Black, EPA, will give a presentation on water quality. Umatilla County is faced with the same problems we are having in Morrow County. The possible health threat is a real concern. If we add more septic systems, what is it doing to our water quality. Water quantity will also be discussed. Commissioner Kegler said it is important to know how much water is down there and what the recharge rate is. The dates for the meetings are April 15 at 7 p.m. with Mark Norton and May 17 with Curt Black. The Commissioners expressed a great interest in these meetings.

Commissioner Bass asked if the Planning Director had heard anything about the City's proposal to put the sewer plant in the County. The Planning Director said she had heard that it possibly might be put on the south side of Highway 730 just north of the Irrigon Cemetery. It is allowed with a Conditional Use Permit, but it cannot service anyone in the County.

**ADJOURNMENT** - Vice-Chairman Peterson adjourned the meeting at 11:00 p.m. The next Planning Commission meeting will be on Monday, April 26, 1999, at 7:30 p.m. at the Morrow County Public Works Building in Lexington, Oregon.

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION**  
**MONDAY, APRIL 26, 1999 - 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, Keith Lewis and Henry Bass

**MEMBERS ABSENT:** Art Kegler and Richard Kent

**OTHERS PRESENT:** Bill and Jean Brace; Mike Smith; Debi Watson, Umatilla Electric Cooperative; and Bill Hanlon, Morrow County Counsel

**MINUTES OF THE MARCH 29, 1999 COMMISSION MEETING** - The minutes of the March 29, 1999, meeting were unanimously approved on a motion by Commissioner Peterson and a second by Commissioner Bass.

**PUBLIC HEARING - (Continued from March Commission Meeting) Subdivision Application, SD-N-204: Curt Richards/Art Kegler, agents and applicant; Frank and Patti Burre, owners. Property is described as tax lots 2407 and 2408 of Assessor's Map 5N 27 20 and tax lot 1000 of Assessor's Map 5N 27 21C, located between Highway 730 and East Oregon Lane and on the east and west side of Nineteenth Road (a dedicated but not developed County road), approximately 1.5 miles east of the City of Irrigon in a Rural Residential One Acre (RR-1) Zone. Proposal is to subdivide the three parcels consisting of 24.65 acres into twenty parcels each meeting the one acre minimum lot size. Criteria for approval includes Subdivision Ordinance ARTICLE 3, Sections 3.020 and 3.100** - The Planning Director explained that this was the third hearing on this subdivision and that the applicant had agreed to waive the 120-day period for the Commission to render a decision. The location of the subdivision was shown on the map and it was explained that the main reason for a continuance was to determine if the subdivision had a legal 60' access. The parcel only has a 30' access from Oregon Lane and would need to use 19th Road, a platted right-of-way and obtain an entry permit onto Highway 730 from ODOT. The Planning Director talked with ODOT and they said there is no existing reservation of access onto Highway 730 for 19th Road, so she did submit a request to Salem. A decision from ODOT in Salem could take up to six months. At this time, therefore, there is no legal access to the property. The Planning Director explained that an adjacent property owner, Mike Smith, has some new testimony to present. Commissioner Rea asked if the Commission could reach a decision regarding the subdivision without an easement to the property.

Mike Smith spoke in opposition of the subdivision. He stated that during the years (from 1970 to present) his family has owned the property. There has always been standing water on the back part of the property. He says the groundwater there greatly exceeds the level for nitrates and he is afraid that breaking the land into 21 lots will only cause the problem to be greater. Another concern is safety if 19th Road is put through. It will create a safety concern with access onto Highway 730, which is a very busy highway. The approach onto Highway 730 is very steep at this point and if the subdivision is approved with this access, the road needs to be put in to good standards. Mr. Smith said that there is a lot of moisture in this area and the road will require some good engineering.

Chairman Padberg said that without access, the Commission is at a stand still. Tamra Mabbott, Planning Director, said that the Commission can either deny the subdivision request or approve it on a contingency that the road will be put in if ODOT approves the access request. Bill Hanlon, County Counsel, said that he does not like the second option. He also has not seen any new configuration of the subdivision to accommodate this access. Commissioner Rea moved to deny the subdivision application at this time and if the applicant wants to come in at another time with a new application with a new lot configuration and proof of access to the property they can. Commissioner Lewis seconded the motion which passed unanimously by the Commission.

Chairman Padberg asked that the Planning Department write a letter to the applicant listing some of the issues that would have to be addressed before a new application could be considered by the Commission. Some of the issues of concern are:

1. Quality of the roads - They must meet County Road Standards.
  - a. Access - Verify legal 60' access to the Subdivision.
  - b. Paved road to Highway 730 would likely be required.
  - c. Perpetual maintenance responsibility of the roads would likely be required.
2. Provide a map of wet areas and address excess surface water.
3. Covenants - include buyer beware information about Nitrates.
4. Research depths and locations of adjacent wells and describe how the proposed Subdivision would not negatively impact them.
5. Address DEQ Site Suitability requirements. Show how lots will meet minimum standards.
6. Other conditions stated in the Findings of Fact would likely be required.

**PUBLIC HEARING - Land Partition Application, LP-N-235: Bill and Jean Brace, applicants and owners. Property is described as tax lot 1500 of Assessor's Map 5N 26 23D, located on the south side of Washington Lane approximately one and one-half miles west of the City of Irrigon. Proposal is to partition a 5.15 acre parcel into three parcels larger than the one acre minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030-** The location of the proposed land partition was shown on the map and the Planning



Director reviewed the Findings of Fact. A Site Evaluation by DEQ will be required for Parcel #3. Conditions of Approval were then reviewed. West Extension Irrigation District submitted a letter stating their approval and that the system is already in. The applicant then explained that they want the existing manufactured home to remain on Parcel #1 with the existing home. The manufactured home was sited in 1972 and the home was built in 1979. Discussion followed on the reconfiguration of the parcels and the zone requirement which allows one dwelling per parcel only. Commissioner Grieb moved to approve the land partition request contingent on the Planning Director's approval of the reconfiguration of the parcel. The motion was seconded by Commissioner Rea. The motion passed with six Commissioner's approving and Commissioner Bass denying the motion. 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. West Extension Irrigation District approval must be obtained either by letter or sign-off on the final partition plat.
4. Comply with recommendations of the Irrigon Rural Fire District regarding access.
5. DEQ Site Suitability must be obtained for Parcel #3 before sign-off on the final partition plat.
6. Sign and record a Consent to Participate Agreement for future improvements to the roadway.
7. Improve easement to County Road Standard Rural Access II standard prior to development.
8. Road will be maintained by landowners.

**PUBLIC HEARING - Conditional Use Permit Application, CUP-S-131: Calvin Walter, applicant and owner. Property is described as tax lot 1802 of Assessor's Map 5S 28 23B, located adjacent to the Lake Penland Subdivision on Lake Drive, approximately 16 miles southeast of the City of Heppner. Proposal is to site a cabin on an existing lot in the Forest Use Zone. Criteria for approval include Morrow County Zoning Ordinance SECTION 3.020(B)(27), 3.020(D)(3), 3.020(E) and 3.020(F)** - The Planning Director gave the background of this request. The cabin was illegally sited on the adjacent property by the previous owner. After the present owner bought the property and cabin, the error was discovered. The applicant now wants to move the cabin onto his own property. They also want to make it a full fledged cabin. The conditions of approval were then reviewed. There were no comments received or from the audience. Commissioner Bass inquired if the well was also on the wrong lot. It was explained that the applicant will have to verify that everything is on his parcel. Commissioner Rea moved to approve the Conditional Use Permit with the conditions stated in the Findings of Fact. The motion was seconded by Commissioner Bass and approved unanimously by the Commission. The Conditions of Approval are:

1. The cabin shall meet Morrow County Zoning regulations.

2. The applicant shall comply with applicable State of Oregon Building Codes Division and Department of Environmental Quality requirements.
3. Applicant shall demonstrate compliance with all applicable Siting Standards listed in Morrow County Zoning Ordinance 3.020(E) and (F). Copy attached.

**PUBLIC HEARING - Land Partition Application, LP-N-236: Norman and Bonnie Clow, applicants and owners. Property is described as tax lot 800 of Assessor's Map 5N 26 24CA, located on the south side of Washington Lane, approximately one mile west of the City of Irrigon. Proposal is to partition a 2.10 acre parcel into two parcels with each parcel meeting the one acre minimum lot size of the Suburban Residential One Acre (SR-1A) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The Findings of Fact was reviewed and the location shown on the map. There is an existing dwelling on each parcel and they share an existing driveway. A condition should be added requiring the applicant to include an easement for the shared driveway. No comments were received or heard on this partition. Commissioner Peterson moved and Commissioner Miller seconded motion to approve the land partition request 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. Include reciprocal easement for use of driveway/access.

**PUBLIC HEARING - Land Partition Application, LP-N-237: Diana Garcilazo, applicant and owner. Property is described as tax lot 2000 of Assessor's Map 5N 26 25A, located on the southeast corner of Second Street West and California Avenue, approximately one-eighth mile west of the City of Irrigon. Proposal is to Partition a 4.40 acre parcel into three parcels with each parcel meeting the one acre minimum of the Suburban Residential One Acre (SR-1) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The Findings of Fact was reviewed. Commissioner Rea made a recommendation that the access for Parcel # 3 be on the northern boundary of Parcel #2. She suggested that the applicant consider reconfiguring the parcels to eliminate the access across the northern boundary of Parcel #2. The Planning Department received no comments on this partition. Commissioner Lewis moved and Commissioner Miller seconded motion to approve the land partition with the conditions stated in the Findings of Fact and below. Motion passed unanimously.

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

2. Applicant shall submit a **preliminary** and a final Partition plat in compliance with ORS Chapter 92. The plat shall include an easement across Parcel #2 to Parcel #3.
3. West Extension Irrigation District approval must be obtained either by letter or sign-off on the final partition plat.
4. Comply with recommendations of the Irrigon Rural Fire District regarding access.
5. Sign and record a Consent to Participate agreement for future improvements to California Avenue.
6. Obtain an access permit from the Public Works Director for any new access for Parcel #1.
7. DEQ Site Suitability must be obtained for Parcel #1 before sign-off on the final partition plat.
8. Comply with recommendations of the Public Works Director regarding improvements to California Avenue.
9. Obtain a letter of Zoning and Solid Waste Ordinance compliance from the Code Enforcement Officer.
10. Consider reconfiguration of parcels to place easement along a border of Parcel #2.

**PUBLIC HEARING - Land Partition Application, LP-N-238: Umatilla Electric Cooperative Association, applicant; Port of Morrow, owner. Property is described as tax lot 109 of Assessor's Map 4N 24, located on the south side of Interstate 84 about one mile west of Tower Road, approximately 2.5 miles west of the City of Boardman. Proposal is to partition one acre out of the 530.0 acre parcel. The parcel is located in the Air-Industrial (AI) Zone. Criteria for approval include Morrow County Subdivision Ordinance**

**ARTICLE 5, Sections 5.020 and 5.030** - The request is to create a one acre parcel for Umatilla Electric Cooperative Association to site a switch yard. The applicant proposes to access via the dirt road used by BPA to service their lines. A deeded access to the property will be required as a condition of approval. Debi Watson, UEC representative, said that this is an agreement with Columbia Basin Cooperative, BPA and UEC. Commissioner Rea inquired if UEC has an agreement with BPA to put it under their lines. Debi Watson said that they did. There were no other comments received or heard. Commissioner Rea moved and Commissioner Miller seconded motion to approve the land partition request with the added conditions. The motion passed unanimously with Chairman Padberg abstaining from the vote. Conditions of Approval are:

1. The Plat will be reviewed by the County Watermaster to verify status of groundwater rights.
2. Applicant will submit a **preliminary** and a final Partition plat in compliance with ORS Chapter 92.
3. Comply with recommendations of the Boardman Rural Fire District regarding access.
4. Submit a copy of the access easement from the Port of Morrow or from the BPA.
5. Submit copy of Cooperative agreement/easement from BPA demonstrating permission for Umatilla Electric Cooperative to build under power lines.

**PUBLIC HEARING - Conditional Use Permit Application, CUP-N-132: Jason Proudfoot, applicant, Proudfoot Ranches, Inc., owners. Property is described as tax lot 1301 of Assessor's Map 2N 25, located on the east side of the Ione/Boardman Road, approximately ten miles northeast of the City of Ione. Proposal is to site a second dwelling ("Farmer Jones" dwelling) for farm help (relative) on a 1500.98 acre parcel in the Exclusive Farm Use (EFU) Zone. Criteria for approval include Morrow County Zoning Ordinance Section 3.020(D)(3) and Oregon Administrative Rules 660.33-130(9)** - The application is for a "Farmer Jones Dwelling". There is currently one dwelling on the parcel and the applicant is proposing to place a second dwelling for his son who helps in the farm operation. At first this application appeared pretty straight forward until the Planning Department received correspondence from two partial interest holders in the property. The letters were read into the record. Both parties objected to the CUP on the basis the proposed dwelling violates their lease agreement with the applicant. County Counsel said that the major tenant can usually do what they want on the property, but if the lease restricts this use, it would not be good for the Planning Commission to approve this application. It is his recommendation to postpone the hearing until the legal issue can be clarified by the applicant. The Commission voted to continue the hearing until next month's meeting on May 24, 1999, at 7:30 p.m. at the North Annex Building in Irrigon.

**CORRESPONDENCE** - The report from Marc Norton, Water Resources Department, on Minimum Lot Size in Morrow and Umatilla County presented at the joint meeting for the Umatilla and Morrow County Planning Commissioners was discussed. There were three Commissioners attending from Morrow County. It was very informative with the outcome being that WRD recommended a seven acre minimum lot size.

A letter from FEMA about the flood insurance program was then circulated among the Commissioners. The Planning Director explained that requesting a review of our flood maps can be both good and bad. The memo was sent to County Court, Public Works and Planning. She feels that it may not be in the best interest of the County to change the floodplain.

The LCDC 1997 report was also passed among the Commissioners.

Tamra Mabbott then explained the SOLV clean-up program, "Down By The Riverside", which will be held in the Irrigon and Boardman area on May 22 from 9 a.m. to noon. Jim Hollingsworth and Tamra are the main organizers. Sign up sheets are being posted throughout the north part of the County, but anyone who is interested should feel free to sign up to help clean the area along the river.

The Ione/Boardman Road agreement has been signed by Boeing and will go to County Court on Wednesday. Chairman Padberg noted that ODF&W will be against the road if the Washington ground squirrel will be impacted. Chairman Padberg still feels that things will move forward, but it may be a battle.

The decision on the Tillamook Creamery will be announced in thirty days. Chairman Padberg is

hopeful that the Port will be successful in this endeavor.

Chairman Padberg also mentioned that Inland Land is leaving out 10,000 acres of land from production to mitigate the ground squirrel.

Commissioner Miller asked what is happening with the Kinzua site. Chairman Padberg said that it is a possible deal, but it is a dollar and cents issue.

**ADJOURNMENT** - Chairman Padberg adjourned the meeting at 9:35 p.m. The next Planning Commission meeting will be on Monday, May 24, 1999, at 7:30 p.m. at the North Morrow County Annex Building in Irrigon, Oregon.

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION**  
**MONDAY, MAY 24, 1999 - 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, Art Kegler, Leann Rea, Keith Lewis, Richard Kent and Henry Bass

**MEMBERS ABSENT:** Joe Miller and Ken Grieb

**MINUTES OF THE APRIL 26, 1999 COMMISSION MEETING** - The minutes of the April 26, 1999, meeting were unanimously approved on a motion by Commissioner Rea and a second by Commissioner Peterson.

**PUBLIC HEARING - (Continued from April Commission meeting) Conditional Use Permit Application, CUP-N-132: Jason Proudfoot, applicant, Proudfoot Ranches, Inc., owners. Property is described as tax lot 1301 of Assessor's Map 2N 25, located on the east side of the Ione/Boardman Road, approximately ten miles northeast of the City of Ione. Proposal is to site a second dwelling ("Farmer Jones" dwelling) for farm help (relative) on a 1500.98 acre parcel in the Exclusive Farm Use (EFU) Zone. Criteria for approval include Morrow County Zoning Ordinance Section 3.020(D)(3) and Oregon Administrative Rules 660.33-130(9)** - This continuation of the public hearing was for a "Farmer Jones" dwelling. A

letter was sent to the Proudfoot's asking for clarification of the lease agreement with the joint owners. The Planning Director and the Proudfoot's conferred over the phone with County Counsel Bill Hanlon and it was his opinion, after reading the lease agreement, that the use the Proudfoot's are proposing is not prohibited by the lease agreement. The letter from the Proudfoot's was then read into the record. In this letter, the Proudfoot's state that their attorney, Gary Schrag, feels that they have not violated their lease agreement. The Proudfoot's also contacted their insurance agent and he stated that the proposed mobile home would be personal property insured by Jason and would not affect the joint owners insurance bill. Taxes also would be paid by Jason as the mobile home would be classified as personal property. Bill Hanlon said that a co-tenant can put the property to whatever use they propose and that the lease agreement does not prohibit them from this type of activity. No comments were received and no one spoke in favor or against the CUP request. Commissioner Lewis moved to approve CUP-N-132 with the conditions stated in the Findings of Fact and below. Commissioner Rea seconded the motion and the motion was unanimously approved by the Commission.

1. Applicant shall obtain a zoning permit from the Planning Department and appropriate permits from the State Building Codes Agency and Department of Environmental Quality. (See attached permit checklist).
2. An access permit must be obtained from the Public Works Director if a new driveway is proposed.

**PUBLIC HEARING -Land Partition Application, LP-N-240: Michael & Karen Montegna, applicants and owners. Property is described as tax lot 1500 of Assessor's Map 5N 26 25A, located between Utah and California Avenue east of West Second Road, approximately one-eighth mile west of the City of Irrigon within the Urban Growth Boundary. Proposal is to partition a 3.58 acre parcel into two parcels larger than the one acre minimum lot size of the Suburban Residential One Acre (SR-1) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The location of the property was shown on the map and the Findings of Fact was reviewed. The letter from the Public Works Director stating he did not want Parcel #2 to access off California Street, but to share an access off Utah Street was read into the record. California is not an actual street just a dirt path people put through to access their property. If a right-of-way is used, it must be brought up to County standards. The applicant could provide an easement through Parcel #1 to get to Parcel #2. The applicant would be required to sign a Consent to Participate if Utah is ever improved. County Counsel, Bill Hanlon, said that it could be written into the deed that the easement will be abandoned after Utah is put in. The location of the WEID irrigation canal will only allow one access off of Utah. Commissioner Bass asked if there was sufficient land to get one acre from the northern part of the parcel. Commissioner Rea said there is a question if the land is buildable. It was suggested that WEID and the Public Works Director be asked to look at the property to determine where California is located and if this partition can work. Chairman Padberg told the applicant to get with the Public Works Director about the road issue and with WEID to see if their easement is going to be abandoned. Then they will need to adjust their partition map. Commissioner Rea moved and Commissioner Bass seconded the motion to postpone this hearing request until the June 28 meeting at 7:30 p.m. at the Public Works office in Lexington. Motion passed.

**PUBLIC HEARING - Land Partition Application, LP-N-241: Gary & Catherine Matthews, applicants and owners. Property is described as tax lot 1900 of Assessor's Map 5N 26 36BC, located on the west side of Wagon Wheel Loop, approximately two miles southwest of the City of Irrigon. Proposal is to partition a 5.02 acre parcel into three parcels larger than the one acre minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - This parcel is not part of the Wagon Wheel Subdivision. The location was shown on the map and the Findings of Fact was reviewed. Access to the parcel is from Wagon Wheel Loop. A large portion of Parcel #3 is under the BPA easement. Commissioner Bass inquired as to the distance a dwelling must be from the BPA high power lines. It was explained that no structure could be put in this easement. Commissioner Kegler said that the applicant would be wise to include a shared well agreement with the deed. The applicant explained that family members will be acquiring the two parcels. The Public Works Director will require an access permit for Parcel #1. Commissioner Rea moved to approve LP-N-241 with the conditions listed in the Findings of Fact. Commissioner Peterson seconded the motion which passed unanimously by the Commission. Conditions of approval are:

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

3. Sign and record a Right-to-Farm Disclaimer.
4. No other existing dwellings may be used as "rentals" on the farm.

**PUBLIC HEARING - Land Partition Application, LP-N-239: Robert & Silvia Campbell, applicants and owners. Property is described as tax lot 3206 of Assessor's Map 5N 26 33, located on the west side of Paterson Ferry Road, approximately four miles west of the City of Irrigon. Proposal is to partition a 7.20 acre parcel into three parcels larger than the one acre minimum lot size of the Rural Service Center (RSC) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030 -**

The application meets the size requirement of the RSC Zone. Parcels #2 and #3 currently have a shared drive. Parcel #1 will have access from Paterson Ferry. A Right-to-Farm Disclaimer Statement will be required as a condition of approval as the property is surrounded by EFU zoned land. The letter from the Public Works Director was read into the record. He recommends that only one access be allowed due to the heavy truck traffic along Paterson Ferry Road. The well is located within Parcel #2. The letter from Water Resources Department was read in to the record. They are concerned with the division of water rights. Commissioner Rea asked if there are two wells on the property. Commissioner Kegler said the one well is used for irrigation rights and the other is for domestic use. Commissioner Rea suggested that the applicant could file a point of diversion for the water from the irrigation well; thus allowing the other properties to share the groundwater rights. The well problem should be taken care of before the final plat is signed. The Campbell's explained that ingress/egress for Parcels #2 and #3 is a shared drive, but Parcel #1 would have to have a separate drive otherwise, it would have to go between their trees and grass area. The one drive would be at least 440' from the other drive. The Planning Director said she would like to defer to Guy VanArsdale, the Public Works Director, the drive issue. No comments were received against this land partition. Commissioner Rea wondered if we would be hurting ourselves by allowing this residential use in the Rural Service Center Zone as there is a big demand for areas where trucks can be located along with residences. Commissioner Kegler asked if you could have a home before a business. Bill Hanlon indicated that it is allowable in that zone. There were no comments from the audience. Commissioner Rea moved to approve the land partition with the conditions stated in the Findings of Fact and below. Commissioner Kegler seconded the motion which 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. Comply with recommendations of the Irrigon Rural Fire District regarding access.
4. DEQ Site Suitability must be obtained for Parcel #1 before sign-off on the final partition plat and DEQ Authorization Notice must be obtained before siting of a dwelling on Parcel #2.
5. Access permit for any new access onto Paterson Ferry Road must be obtained from the Public Works Director.
6. Applicant shall sign and record a Right-to-Farm Disclaimer Statement.
7. Include reciprocal easement for use of driveway/access.



**PUBLIC HEARING - Conditional Use Permit Application, CUP-N-133: Daniel Abercrombie, applicant and owner. Property is described as tax lot 2200 of Assessor's Map 5N 26 25A, located on the northeast corner of Wyoming and West Second Road, approximately one-eighth mile west of the City of Irrigon within the Urban Growth Boundary. Proposal is for a Home Occupation to operate an auto and truck repair shop and for the storage of potato trucks. Criteria for approval include Morrow County Zoning Ordinance SECTION 3.050(2)(H) Conditional Uses and ARTICLE 6 CONDITIONAL USES, Section 6.050(7) Home Occupations** - The location and the Staff Report were then reviewed for this request to operate an auto and truck repair business and to store two potato trucks. The Planning Director did not make any recommendations regarding this application. The conditions of approval for a previous home occupation for Floyd Wilson's Small Engine Repair Shop were given to the Commissioners as an example. The letter from the Public Works Director stating he had no problem with the business was read into the record. Dan Creamer said that a permit was done many years ago for the business, but that no record could be found in the Planning Department. He said there has been some type of business there for many years. The operation started out right, but then went downhill, but the applicant is really cleaning it up and it is looking nice. Mrs. Renoe has lived across the street from the business for years and they have never had a problem with the operation and she says she is a fussy woman. Mr. Abercrombie said that he came to the Planning Department and then went to Pendleton for his permits. Mr. Abercrombie said that he has papers for the shop and will bring them in to the Planning Department. There were no other comments from the audience. Commissioner Bass asked the applicant where he intended to park the potato trucks. Mr. Abercrombie said that he would park them behind the shop where they will be less visible from the road. He also said he only uses the trucks the last part of the year. The Planning Director suggested the applicant could possibly build a fence along the west property line to the north property line. Commissioner Lewis asked if this home occupation request met the definition of a home occupation. The Director indicated that it did. Commissioner Rea was concerned that the Commission might be setting a precedence. Commissioner Kegler felt that the hours of operation should be listed as a condition. He suggested 8 a.m. to 6 p.m. Commissioner Lewis moved and Commissioner Rea seconded the motion to approve the Conditional Use Request with the conditions stated by the Commission. Motion passed unanimously by the Commission. The conditions of approval are:

1. Obtain a letter of Zoning and Solid Waste Ordinance compliance from the Code Enforcement Officer. Any violations, existing or in the future, must be remedied within sixty (60) days or business must cease.
2. Hours of operation shall be 8 a.m. to 6 p.m., Monday through Saturday.
3. No off-street parking.
4. Annual review to insure compatibility with neighborhood and compliance with conditions and code.
5. No fence will be required at this time. If annual review indicates a need for a fence, applicant may be required to build one.
6. The parking of only two potato trucks will be allowed.
7. Driver of second potato truck must also be a relative.

2. Applicant shall submit a **preliminary** and a final Partition plat in compliance with ORS Chapter 92.
3. Comply with recommendations of the Irrigon Rural Fire District regarding access.
4. Obtain DEQ Site Suitability for Parcel #3 prior to approval of the final partition plat.
5. Sign and record a Right-to-Farm Disclaimer Statement
6. Obtain Public Works Director approval for access to Parcel #1, and/or include an easement across Parcel #2 or #3 to Parcel #1.
7. Submit a copy of the shared well agreement.

**CORRESPONDENCE** - Tamra Mabbott, the Planning Director, read a letter she had received from the Oregon Department of Fish and Wildlife regarding their host program at the Irrigon Fish Hatchery. In conjunction with this program, they had requested approval for a septic system for a travel trailer to be connected to. The Irrigon Hatchery has one motor home already parked there with people living in it. As this use is not allowed in the Zoning Ordinance, the Planning Department would not sign off on the Land Use Compatibility. The Planning Director consulted with County Counsel regarding this use as it is Federal land which the State leases for the fish hatcheries. County Counsel said that it was his opinion that ODF&W has to comply with the Zoning Ordinance as they are a lessee of the property and the County can regulate them. Commissioner Kegler stated that he agrees with the volunteer host project, but would not want to see the trailers being there on a permanent basis. Chairman Padberg told the Planning Director that this use would not be allowed as it is not in compliance with our zoning ordinance.

Kurt Black, EPA, has had to reschedule the bi-county meeting on water quality and quantity. The Commission was asked whether August 4th or 5th would be a good day for the meeting. The majority of the Commissioners decided that August 4th was the preferred day for the meeting. The Planning Director said by asking both Water Resources Department and the Environmental Protection Agency to help in determining the size of lots, it gives evidence and proof of the need to increase acreage size in the two counties.

Tamra then explained some of the problems Inland Land was experiencing in siting their potato and onions storage buildings at the Port of Morrow airport. The plans for the location of the buildings at the Airport need to be approved by both the State FAA (ODOT) and the Federal FAA and this process was slowing down the construction process. We have received word from the State FAA (ODOT) and they have given their okay and we are now waiting on the Federal FAA. The Planning Director did not foresee any problems with this. Inland Land will go through the Conditional Use Permit process for the onion handling facility they are also siting at the Airport.

**ADJOURNMENT** - Chairman Padberg adjourned the meeting at 10:00 p.m. The next Planning Commission meeting will be on Monday, June 28, 1999, at 7:30 p.m. at the Morrow County Public Works Building in Lexington, Oregon.

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION**  
**MONDAY, JUNE 28, 1999 - 7:30 P.M.**  
**MORROW COUNTY PUBLIC WORKS BUILDING**  
**LEXINGTON, OREGON**

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

**MEMBERS PRESENT:** Marvin Padberg, Joe Miller, Ken Grieb, Keith Lewis and Henry Bass

**MEMBERS ABSENT:** Joel Peterson, Art Kegler, Leann Rea and Richard Kent

**MINUTES OF THE MAY 24, 1999 COMMISSION MEETING** - The minutes of the May 24, 1999, meeting with corrections made by Commissioner Rea to the Planning Department were unanimously approved on a motion by Joe Miller and a second by Ken Grieb.

**PUBLIC HEARING - (Continued from May Commission Meeting) Land Partition Application, LP-N-240: Michael & Karen Montegna, applicants and owners. Property is described as tax lot 1500 of Assessor's Map 5N 26 25A, located between Utah and California Avenue east of West Second Road, approximately one-eighth mile west of the City of Irrigon within the Urban Growth Boundary. Proposal is to partition a 3.58 acre parcel into two parcels larger than the one acre minimum lot size of the Suburban Residential One Acre (SR-1) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - This is a continuation from last month's hearing. The Commission did not take final action on this land partition request because of the access problem and questions about whether the new parcel had sufficient building area. At the last meeting, Commissioner Rea brought the Planning Commission's attention to the access problem to the parcel because of the West Extension Irrigation District canal running through the property. Guy VanArsdale, Public Works Director, Bev Bridgewater, WEID Manager, and Tamra Mabbott, Planning Director went out to the site and discussed some of the problems. California is open on the east end with just a little gravel on it, and from where the canal crosses the right-of-way west there is no road. What people are driving on is not the County right-of-way. WEID is cutting water off near the Montegna's property and will pressurize the pipe, and at some time in the future will abandon the canal. The letter from WEID was then read into the record. WEID will require a 50' easement on either side of the lateral. The easement was not indicated on the map from the Assessor's office. WEID will allow access for Parcel #2 onto California, but will not allow access across its lateral. From the Montegna property west on California is WEID right-of-way and cannot be accessed. WEID will allow access off California where it is already used, but will require a cul-de-sac or dead-end at the eastern boundary of the Montegna's property in order to stop additional traffic into the area. Condition #5 will require applicant to sign and record a Consent to Participate in any future development of California. Access to the property from Utah is not a possibility because the

WEID will not allow them to cross the canal to access the property. Commissioner Bass questioned whether there is adequate space remaining on the south side of the canal for a one acre parcel. Guy VanArsdale, Public Works Director, said that last week County Court, Tamra, County Counsel and himself had a workshop on County roads. The County Court is developing a policy on roads which are plated, but not developed. Commissioner Brosnan stated that they have a problem with roads in the County and they are trying to determine how to address these problems. Whether a road is a County road or just a dedicated right-of-way needs to be determined as these roads create a workload as far as maintenance is concerned. There are some roads that people think the County is going to maintain but the budget does not allow the County to take over these roads. When a road is brought up to County standards by the developer it is not a definite that the County will take over the road. Commissioner Brosnan said that a policy is needed going into this so the people know what to expect. Tamra Mabbott, Planning Director, said that there is now a UGB agreement that would define the policy with the city in regard to the roads. This UGB agreement states that the city would take over the road if it was brought up to County standards. Chairman Padberg said that before a decision can be made by the Commission more information is needed. The Planning Department should request the applicant develop a more accurate plat map showing exact measurements of the proposed parcels, and to identify the exact location of the canal easement, buildings, well and septic system. It should also be pointed out to the applicant that the parcels are within the UGB of the City of Irrigon and could hook up to the Irrigon sewer system. The road issue should also be mentioned and WEID's confirmation of part of California being a Bureau of Reclamation easement. Commissioner Bass moved to postpone this hearing until the July 26, 1999, meeting in Irrigon. Commissioner Miller seconded the motion which passed unanimously by the Commission.

**PUBLIC HEARING - Land Partition Application, LP-N-242: Roland & Connie Farrens, applicants and owners. Property is described as tax lot 500 of Assessor's Map 4N 25 14, located on the northeast corner of Wilson Lane and Rippee Road, approximately four miles east of the City of Boardman. Proposal is to partition a 37.87 acre parcel into three parcels larger than the two acre minimum lot size of the Farm Residential Two Acre (FR-2) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The location of this Land Partition was shown on the map and the Findings of Fact was reviewed. Access to Parcel #1 is existing from Wilson Lane and Parcel #2 and #3 will be accessed from Rippee Road. The letters from WRD and WEID were read into the record. WEID will have to sign off on the final plat. The possibility of a shared access on Rippee Road was discussed. The applicant requested he not be required to obtain DEQ Site approval for Parcels #2 and #3 as they are large parcels which will be used as pasture. Commissioner Miller moved to approve the Land Partition request with the amended conditions. The motion was seconded by Commissioner Grieb and passed unanimously by the Commission. 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. West Extension Irrigation District approval will be noted on the final partition plat.
4. Include a 10' easement for Rippee Road on the Final Plat.
5. Obtain approval from the Public Works Director for a shared access to Rippee Road for Parcels #2 and #3. Access must meet construction standards specified in the County Access Permit.
6. Further partitioning of parcels will require Subdivision standard.
7. Applicant may choose to include an access easement across tax lot 500 to tax lot 701, which appears to be landlocked.

**PUBLIC HEARING - Conditional Use Permit Application, CUP-134: American Onion, Inc, applicant; Port of Morrow, owner. Property is described as tax lot 109 of Assessor's Map 4N 24, located south of I-84 on the west side of Tower Road in the Port of Morrow Airport, approximately five miles east of the City of Boardman. Proposal is to site an Onion Processing Plant as a "Commercial Use in Conjunction with Farm Use" in the Airport Industrial (A-I) Zone. Criteria for approval include Morrow County Zoning Ordinance SECTION 3.010(D)(8) and (G) Commercial activities that are in conjunction with farm use, Section 3.071(N) and 3.090** - Chairman Padberg explained that even though he is on the Port of Morrow Commission he has no monetary benefit in regard to this application and will be fair in his judgment. The Planning Director explained that the zoning is Air Industrial and that this zone allows farm use outright, but certain farm uses are allowed as a Conditional Use. The criteria that is addressed is what is found in the A-I Zone. The Planning Department recently issued two permits for two potato and two onion storage buildings. The controversy was whether the buildings needed FAA approval or not. Big Foot Industries, which is sited in the A-I Zone went through FAA approval. Guy VanArsdale showed the Commission an article in a aviation trade journal which stated that FAA has not reviewed buildings around airports enough. The Planning Director said that we have included as a condition of approval of the application FAA approval of the site. The height of the building is 27'. Tower Road is not owned by the County, but by PGE and is seen as a private road. The applicant should verify ownership of the road and obtain permits for ingress and egress from PGE before building. Commissioner Rea had requested information regarding the number of trucks entering the facility and the traffic impact. Fred Dormaier, American Onion agent, said that during harvest time, two to three weeks a year, there will be 100-130 trucks per day. Other times of the year, there will be about 5 to 10 trucks per day. The BPA lines were put in before the master plan for the airport was developed. The criteria for approval was then reviewed by the Planning Director. If FAA or ODOT wanted to address additional criteria, they would require us to address those issues. Marc Rogelstad, Boardman Fire Department, would like to review the plans for safety and fire standards. DEQ requires storm water discharge permits for construction disturbance of five acres or more. The letter from DEQ was read into the record. Mr. Dormaier explained that the packing facility will be a dry operation and they will not be discharging water into the State waters. They will have rest room facilities for employees. Commissioner Bass asked about the road issue. It was determined that PGE owns the road. Chris Rauch asked if the smell issue needs to be addressed. Fred Dormaier said that the smell is always a problem. This plant will not have a dump pit, but

there may be some smell for about one-half mile. Tom Highland, ODOT, will require as a condition of approval an overflight easement. County Counsel, Bill Hanlon, said that if it is a recommendation, he is in favor of it. He and Guy felt any conditions requested by FAA to protect obstruction of the airport area by buildings, trees and other objects should be left to the Feds. The Port of Morrow is supplying an 8" water line right to the property line. They will have ample water to the property for fire protection. They will be willing to asphalt the access road to the facility. The conditions of approval were reviewed. Commissioner Lewis moved and Commissioner Miller seconded to approve the Conditional Use Request with the conditions stated in the Findings of Fact and below. Motion carried unanimously.

1. Obtain approval from the FAA for the building.
2. Verify ownership of Tower Road and obtain permission for ingress/egress. The access shall meet minimum County standards.
3. Obtain appropriate permits from DEQ for septic (toilet) facilities and, if necessary, a NPDES #1200-C.
4. Submit plans to Boardman Fire Department prior to construction.
5. Obtain appropriate Building Codes Division permits for building construction.

**AUDIENCE PARTICIPATION/NEW BUSINESS** - Bill Hanlon gave an update on the Ione/Boardman Road. He thought everything was worked out and then PGE wrote it all up again. They brought up new stuff and also old stuff. Some of the issues were road maintenance, daily sheriff patrol and fencing. Commissioner Brosnan said that there is still the Washington ground squirrel issue. If they are in the area and make the ESA listing, there will not be any road. Common sense says the road will not hurt the ground squirrel. Chairman Padberg said that Inland Land attorney's included and excluded an area for the road. It was also suggested that County Counsel send a letter to Boeing stating if they do not meet the conditions of Inland's CUP, they cannot farm. Bill Hanlon said that when Louis Carlson sent the letter to Nickolas Scott of Boeing, things moved much faster. It was decided that Bill and Tamra will write a letter to Mr. Scott for County Court to sign.

Chairman Padberg said that the decision about the Tillamook Creamery will be made on July 7th. If they site here and we do not have them build their dairies in the south end of the County, we miss a big opportunity. Anything that can be done for the south end is greatly needed.

**ADJOURNMENT** - Chairman Padberg adjourned the meeting at 9:15 p.m. The next Planning Commission meeting will be on Monday, July 26, 1999, at 7:30 p.m. at the North Morrow Annex Building in Irrigon, Oregon.

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION**  
**MONDAY, JULY 26, 1999 - 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, Ken Grieb, Keith Lewis, Richard Kent and Henry Bass

**MEMBERS ABSENT:** Joel Peterson

**MINUTES OF THE JUNE 28, 1999 COMMISSION MEETING** - The minutes of the June 28, 1999 meeting were unanimously approved on a motion by Commissioner Miller and second by Commissioner Bass.

**PUBLIC HEARING - (Continued from June Commission Meeting) Land Partition Application, LP-N-240: Michael & Karen Montegna, applicants and owners. Property is described as tax lot 1500 of Assessor's Map 5N 26 25A, located between Utah and California Avenue east of West Second Road, approximately one-eighth mile west of the City of Irrigon within the Urban Growth Boundary. Proposal is to partition a 3.58 acre parcel into two parcels larger than the one acre minimum lot size of the Suburban Residential One Acre (SR-1) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The letter to the Montegna's from the Planning Director was reviewed as were the items of concern the Planning Commission had at last month's Commission meeting. Mrs. Montegna called last week and they have not done anything yet. Bev Bridgewater, WEID, met with the Planning Director, Tamra Mabbott, last Friday. She had a map from 1910 showing the easement existed on the property at that time. WEID has a 50' easement on each side of their canal. Bev Bridgewater indicated that the District did not want to encourage additional traffic over that lateral line and could not give permission for the applicant to go over the canal. Commissioner Miller asked if the applicant was still interested in going through with the partition. The Planning Director said she did not know. Commissioner Rea suggested that we give them another month and moved that this hearing be continued until the August 30, 1999, Commission meeting. Commissioner Miller seconded the motion which passed unanimously.

**PUBLIC HEARING - Land Partition Application, LPN-243: H4 Farms, Inc., applicant; Port of Morrow, owner. Property is described as tax lot 109 of Assessor's Map 4N 24, located south of I-84 on the west side of Tower Road in the Port of Morrow Airport, approximately five miles west of the City of Boardman. Proposal is to partition a 530.0 acre parcel into three parcels. The property is located in the Air/Industrial (AD) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5,**

**Sections 5.020 and 5.030** - The Assessor's office notified the Planning Department that at the time of the Umatilla Electric partition with the Port of Morrow, the remainder of tax lot 109 had been combined with tax lot 110. Therefore, the correct tax lot for this partition is tax lot 110. This property is part of the Boardman Airport in the A-I Zone. The partition of this parcel is part of the overall plan with the packing facility. There is no minimum size for a parcel in the A-I Zone. The property setback requirement is 30'. The applicant indicated that they will have individual wells. Access to the parcel is Tower Road which is a paved two-lane roadway owned by PGE. The land under the roadway is owned by the State of Oregon. Permits to use the road will need to be obtained from PGE. Bill Hanlon, Morrow County Counsel, indicated that the problem is we should not permit them to use or put up the packing facility or approve the partition until permits are obtained from PGE or the ownership of the road is verified. Commissioner Kegler asked if PGE owns the right-of-way. Bill Hanlon indicated that in their conversations with PGE they do own it and have never granted anyone permission to use it. The Planning Director said she is not sure how to address this problem. Bill Hanlon said that we need to be consistent as we are with other partitions, and that H4 Farms or the Port needs to obtain a deeded right-of-way from PGE. This easement is pertinent to the property and not to just one owner. The County is in negotiations with PGE to take over ownership of the road, but until an agreement is reached, the road's ownership is PGE. The County is close to reaching an agreement and if it were a County road the County would have the authority to put certain restrictions on the use of the road. The main objection of PGE regarding the road is on road maintenance and plowing. Commissioner Kegler asked if Boeing could put some pressure on PGE. Bill Hanlon stated that Boeing was pretty quiet on this issue. Commissioner Bass asked if PGE is worried about tearing up the road, could we require H4 Farms to make repairs to the road. Bill Hanlon reported that PGE is planning on repaving the road and bringing it up to 100%. Chairman Padberg said that the applicant should find clarification on if PGE owns the road to the I-84 interchange. The conditions of approval were then reviewed. Chairman Padberg said that as a Port Commissioner he had no financial interest in this matter and, therefore, did not feel there was any conflict of interest. Commissioner Rea asked if County Counsel was comfortable in requiring the applicant to submit a right-of-way for this partition plat. Bill Hanlon said he feels this will be alright. There were no comments from the audience. Commissioner Kegler moved to approve the land partition with the corrected conditions of approval. Commissioner Miller seconded the motion which passed unanimous. Commissioner Rea recommended Chairman Padberg ask the Port to address the access problem.

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. Comply with recommendations of the Boardman Rural Fire District regarding access.
4. Submit a copy of the right-of-way for use of Tower Road and the new access onto Tower Road.



**PUBLIC HEARING - Land Partition Application, LP-N-244: Bill B. & Rena Marquardt, Betty Marquardt, and Majo M. Hughes by Mary Kay Bellamy, trustee, applicants and owners. Property is described as tax lot 600 and 601 of Assessor's Map 4N 25 17, located on the southeast corner of Wilson Lane and Paul Smith Road, adjacent to the city limits of Boardman and within the Boardman Urban Growth Boundary. Proposal is to partition a 33.07 and a 4.66 acre parcel into three equal parcels with each parcel larger than the one acre minimum lot size of the Suburban Residential One Acre (SR-1) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The Findings of Fact were reviewed for this partition. The parcel is zoned Suburban Residential One Acre and is within the Boardman Urban Growth Boundary. There currently is a dwelling on Parcels #1 and #2 and are on City services. Both Parcels #1 and #2 access off Wilson Lane and Parcel #3 will access off Paul Smith Road. Letters from Morrow County Assessor's Department regarding tax liabilities on the property, and Garton & Associates Realtors regarding their objection to allow one acre lots instead of adding to the city and subdividing into 6,000 square foot lots were read into the record. A letter from DEQ was also read into the record. They will require Parcel #3 to connect to City services since Parcel #1 and #2 already access City services. Jim Hollandsworth lives just south of the property and he was concerned that if 10' is given to make Paul Smith Road wider it would wipe out his home. It was stated that the actual alignment of Paul Smith Road as well as Wilson may not be accurate, but the TSP states that 60' is the minimum standard for roads in the County. Commissioner Lewis moved to approve with the conditions stated in the Findings of Fact and below. Motion was seconded by Commissioner Rea and approved unanimously by the 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. West Extension Irrigation District must sign-off on the final partition plat.
4. Comply with recommendations of the Boardman Rural Fire District regarding access.
5. Sign and record a Consent to Participate agreement for future improvements to Wilson Lane and Paul Smith Road.
6. Obtain an access permit from the Public Works Director for any new access for Parcel #3.
7. Submit DEQ Site Suitability for Parcel #1 and #3, or submit a letter from City of Boardman indicating sewer and water may be provided.
8. Dedicate a 10' access easement along the west boundary of Parcel to Paul Smith Road and dedicate a 10' access easement along north boundary of Parcel to Wilson Lane, if the survey shows Wilson R-o-W is less than 60'.

**PUBLIC HEARING - Conditional Use Permit Application, CUP-S-135: U. S. Cellular Corporation, David Monselle, Land Acquisitions, Inc., agent; Kathryn Hoskins, owner. Property is described as tax lot 4300 of Assessor's Map 2S 26, located along the easterly**

**side of Dutton Canyon, approximately 0.5 miles southwest of the city of Heppner. Proposal is to erect a 350' cellular communications tower and build a 12'x20' equipment shelter in an Exclusive Farm Use (EFU) Zone. Criteria for approval includes Morrow County Zoning Ordinance SECTION 3.010(D)(17) and ARTICLE 6, Sections 6.020 and 6.030 -**

Commissioner Miller declared a conflict of interest as he will be working with U.S. Cellular on the construction of the tower. The Findings of Fact was reviewed. Commissioner Rea recommended adding a condition for a weed control program for the area which will be disturbed. The agent for U.S. Cellular said that they would be happy to work with the County Weed Control person on a weed control program. Chairman Padberg asked if there would be a light on the tower. The applicant's agent said that FAA will probably require it. He also said that it will be a tower with guy wires and orange balls. David Monselle, agent for U. S. Cellular, said that this size tower is a real plus as there is a chance of 7-8 carriers using it thus reducing the number of towers needed in the County. He thinks it is a good siting of this tower as it will increase coverage in the Heppner area. Commissioner Rea moved and Commissioner Lewis seconded motion to approve CUP-S-135 with the amended conditions in the Findings of Fact and below. Motion passed unanimously with Commissioner Miller abstaining.

1. Comply with recommendations of the Morrow County Public Works Director regarding changes and improvements to the new roadway that intersects with Fuller Canyon Road.
2. Obtain necessary permits from Building Codes Division.
3. Comply with terms of the plan for future retirement of the facility. Submit a copy of the agreement to the Planning Department.
4. Develop and implement a program to manage noxious weeds on newly disturbed ground.
5. Provide sufficient lighting on tower and comply with recommendations of FAA regarding lighting requirements and other construction safety standards.

**SIX MONTH REVIEW OF CONDITIONAL USE PERMIT, CUP-N-128, MICHAEL**

**SWOPE** - The Planning Commission had previously approved this Conditional Use Permit to site a manufactured home in conjunction with a business, but required a six month review. One of the precedent conditions was that the applicant comply with code enforcement requirements and submit a business plan with proof of sales connected with the business. The draft business plan was mailed in the Commissioner's packets. The CEO had signed off that all enforcement problems had been met. Mr. Swope then presented receipts from his business operation. Most of the sales were on consignment. Mr. Swope also said that he would like to get in with a good boat dealer to offer something good for people at a lower price. He also said that he cleans up Mr. Wilkie's place regularly. Commissioner Bass asked what Mr. Swope intends to do with the old, metal building that was red-tagged by Building Codes. Mr. Swope said that he might someday bring it up to code and use it again. Commissioner Rea stated that as before she still has a problem with this use and how can anyone tell it is a sales lot. She said that the business had to be started and running before the manufactured home was allowed. Mr. Swope said that there was a small sign on the old mobile home office. Chairman Padberg asked if this should be reviewed in

six months. The Commissioners felt that it should. Commissioner Rea asked if Mr. Swope has a business license. Mr. Swope stated that the State people he talked with told him he did not need one. Most of the Commissioners felt that he must have a license to sell cars. Commissioner Kegler felt that the Commission needs to establish a criteria or threshold. The Commissioners discussed some of the conditions to require before the next six month review. These conditions are:

1. Obtain DMV license to sell, resell or consign vehicles.
2. Erect a business sign in compliance with County and State Highway regulations (A copy of County sign regulations in the General Commercial Zone is enclosed).
3. List your business in white pages of the local telephone directory.
4. Maintain an inventory of merchandise (RV'S, boats, vehicles, etc.). A review of the minutes from previous Planning Commission hearings for your Conditional Use Permit did not reveal any specific limitation on the number of vehicles, boats or RV's; however, the merchandise must be contained in the "sales lot" area noted on your plot plan.

Commissioner Miller moved and Commissioner Bass seconded motion to review in six months for compliance with the conditions. Motion passed unanimously.

**AUGUST PLANNING COMMISSION MEETING** - The Planning Director announced that there will be a joint hearing with the Irrigon Planning Commission on August 30th to review the application by the Morrow County School District to expand the Irrigon Urban Growth Boundary to include a 17 acre parcel as the site for a new school. Oregon law requires this process when expanding UGB's.

**OTHER BUSINESS** - The annual Oregon Planning Institute is being held in September and if any of the Planning Commissioners are interested in attending, the Planning Department might be able to find some money to cover the cost of attending this conference. A brochure was distributed for the Commissioners to look over.

The joint meeting with the Umatilla County Planning Commission on groundwater quality is scheduled for August 4, 1999 at 7 p.m. at the Hermiston Community Center. Curt Black from EPA will be the featured speaker. It is hoped that all Commissioners can attend.

The progress on the Ione/Boardman was discussed. As mentioned earlier, Bill Hanlon said that an agreement with PGE on the final road issues is near. The major points of concern by PGE are the maintenance of the road, plowing of the road, liability if PGE plows road and daily sheriff patrols of the road. The Ione/Boardman road will take approximately four and one-half miles of new road to be built. Commissioner Lewis felt that if the road is going to take any tax money the County Court will probably take it to the voters.

**ADJOURNMENT** - Chairman Padberg adjourned the meeting at 10:05 p.m. The next Planning

Commission meeting will be a joint meeting with the Irrigon City Planning Commission on Monday, August 30, 1999, at 7:30 p.m. at **Stokes Landing Senior Center in Irrigon, Oregon.**

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION**  
**MONDAY, AUGUST 30, 1999 - 7:30 P.M.**  
**STOKES LANDING SENIOR CENTER**  
**IRRIGON, OREGON**

Chairman Marvin Padberg called the meeting to order at 7:35 p.m. He welcomed the members of the Irrigon Planning Commission and the audience. Introductions were made by the members of both Commissions.

**MEMBERS PRESENT:** Marvin Padberg, Joel Peterson, Art Kegler, Leann Rea, Keith Lewis and Henry Bass

**MEMBERS ABSENT:** Joe Miller, Ken Grieb and Richard Kent

**IRRIGON COMMISSIONERS PRESENT:** Patty Burres, Jerry Davis, Bill Morgan, Carol Ford and John Coleman (Judy Swanson was absent)

**OTHERS PRESENT:** Jane and Win Weston, Linda Fox, John Swanson, Pat and Alice Flanagan, Kathy Neal, John O Ciesiel, Vilas Ropp, Gene Majeske, Dee Davis, Lee Docken, Bev Bridgewater, Darrell Gale and Pat Reay

**PUBLIC HEARING - First of two hearings on an Amendment to the Comprehensive Plan Map and Zoning Map to expand the Irrigon Urban Growth Boundary to include tax lot 100 of Assessor's Map 5N 26 25D a 17.18 acre parcel adjacent to existing city limits to allow a new school to be built adjacent to existing Junior High School. Property is located on the southeast corner of Wyoming and First Street. Criteria for approval include ARTICLE 8 of the Morrow County Zoning Ordinance and OAR 660-04-010 through 660-14-040 and Goal 14** - This is a joint hearing with the City of Irrigon and Morrow County Planning Commission. Chairman Padberg then reviewed the procedures of the hearing process with both Commissions and the audience. Commissioner Kegler declared a conflict of interest and would abstain from voting on this hearing. The Planning Director explained this is a proposal to expand the UGB of the City of Irrigon to enable the School District to site a new school. The location of the property to be annexed was shown on the map. The Urban Growth Boundary Agreement between the City of Irrigon and Morrow County requires that when a UGB expansion is considered there first be a hearing jointly between the County and City Planning Commissions. The second hearing will be between the County Court and the City Council. The School District has requested this annexation so city water and sewer can be used by the proposed new school. The criteria for approval was then reviewed by the Planning Director. She explained that in August of 1997, a buildable land analysis was done and the consultant developed a table with the vacant parcels and those that can be developed. This study showed that at the time there was sufficient land available for residential building sites. The study did not identify sites large enough to accommodate a school. This request will not remove land from farm or other resource use. The one condition of approval recommended was for the development of First Street which can

be used as a means of insuring better circulation of traffic in the area. West Extension Irrigation's letter was read into the record. WEID asked for a 30' public easement on the bottom of the parcel to allow the property owner to the south an access to their property. Currently, they are using the canal road. Irrigon Planning Commissioner John Coleman wanted to make it clear that the school could not be built until the City sewer system is brought up to DEQ requirements. It was explained that the School District is not planning anything until the year 2005. City Manager, Pat Reay, said that the City is not required to provide services and at the present time the City is under DEQ restrictions. There were not comments heard for or against the proposal. Pat Reay asked that Condition #1 be changed to removed the City from the condition to develop First Street. Commissioner Rea moved to make a recommendation to the County Court to approve the zone change and UGB expansion of the Irrigon Urban Growth Boundary with the amended condition listed in the Finding of Fact and below. Commissioner Lewis seconded the motion which passed unanimously with Commissioner Kegler abstained. The Irrigon Planning Commission unanimously approved the UGB expansion.

1. The School District will improve First Street to a minimum of Collector I County Road Standard and, if possible, improve Nevada Street thru to First Street, thus creating a thru street network.

**PUBLIC HEARING - (Continued from July Commission Meeting) Land Partition Application, LP-N-240: Michael & Karen Montegna, applicants and owners. Property is described as tax lot 1500 of Assessor's Map 5N 26 25A, located between Utah and California Avenue east of West Second Road, approximately one-eighth mile west of the City of Irrigon within the Urban Growth Boundary. Proposal is to partition a 3.58 acre parcel into two parcels larger than the one acre minimum lot size of the Suburban Residential One Acre (SR-1) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - This public hearing was continued from the two previous Commission meetings as the applicant had not responded to letters asking for more information. The Commission directed the Planning Department to write a letter to the applicants advising them if they do not address the issues stated in the last two letters to them, next month will be their final hearing on this land partition request. If we do not hear from them, the partition request will be denied.

**PUBLIC HEARING - Land Partition Application, LP-S-245 and Amendment to Goal 5 Aggregate Inventory: Morrow County, applicant; Gene Majeske, owner and Vilas Ropp, Agent. Property is described as tax lot 1702 of Assessor's Map 2S 25, located on the east side of Fuller Canyon Road, approximately two miles south of the City of Lexington. Proposal is to partition approximately 40.0 acres non-farm parcel from the parent parcel of 160 acres in an Exclusive Farm Use (EFU) Zone, and to add the site to the Goal 5 Aggregate Inventory. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, and Zoning Ordinance ARTICLE 8 and applicable Oregon Administrative Rules** - This request is to partition approximately 40 acres of non-farmable land from the parent parcel for the County to continue to use as an aggregate site. The criteria for approval was then reviewed. The Planning Director explained this is the first time we have done a nonfarm land partition for an aggregate site and not a home site. Overall use of the land will not

change as the past history of the use remains the same. The site can be classified as a significant site as the material meets ODOT specs. The County could then continue to operate the quarry without a Conditional Use Permit. The Planning Department recommendation is to approve with three conditions. A letter from Water Resources indicating there are no groundwater rights was read into the record. Commissioner Lewis stated that he had a discussion with Vilas Ropp regarding the partition, but he did not feel there was a conflict of interest. There was no one who spoke for or against the proposal. The partition can be made final, but the amendment to the Comp Plan would still have two public hearings. Commissioner Kegler moved to approve the Land Partition with the conditions stated in the Findings of Fact and below. Commissioner Peterson seconded the motion which was unanimously approved by the Commission. It was announced that the second hearing on the Comp Plan amendment will be on September 27, 1999, at 7:30 p.m. in Lexington.

1. Submit a partition plat with the County Clerk to complete the land partition transaction. (ORS 92.025).
2. The partition plat shall include a statement of water rights.
3. Show existing access to each parcel and obtain access permit from the Morrow County Public Works Department if required.

**PUBLIC HEARING - Conditional Use Permit Application, CUP-S-136: John O. Ciesiel, applicant and owner. Property is described as tax lot 1100 of Assessor's Map 5S 28 22D, located in the Lake Penland Subdivision on Lake Drive, approximately 16 miles southeast of the City of Heppner. Proposal is to site a cabin on an existing lot in the Forest Use (FU) Zone. Criteria for approval include Morrow County Zoning Ordinance Section 3.020(B)(27), 3.020(D)(3), 3.020(E) and (F) - This Conditional Use Permit is to allow a dwelling in a Forest Use (FU) Zone. The Criteria for approval was reviewed. The general area is developed with cabins and meets the requirements of the template test. The conditions of approval were reviewed and there were no comments from the audience. Commissioner Rea moved and Commissioner Bass seconded motion to approve the Conditional Use Permit, CUP-S-136 with the conditions stated in the Findings of Fact and below. Motion passed unanimously.**

1. The cabin shall meet Morrow County Zoning regulations.
2. The applicant shall comply with applicable State of Oregon Building Codes Division and Department of Environmental Quality requirements.
3. Applicant shall demonstrate compliance with all applicable Siting Standards listed in Morrow County Zoning Ordinance 3.020(E) and (F). Copy attached.

**PUBLIC HEARING - Conditional Use Permit Application, CUP-N-137: Lee Docken, Mountain Valley Land Company, Applicant and Agent; Jack Correa, owner. Property is described as tax lot 900 of Assessor's Map 4N 24 13, located on the south side of Wilson Lane, approximately 2 miles west of the City of Boardman. Proposal is to site a single family dwelling on a 40.32 acre parcel, a legal lot of record, in the Exclusive Farm Use/Small Farm Forty Zone. Criteria for approval include Zoning Ordinance Sections 3.010(D)(2)(a-I), and (G) - Verification of ownership prior to 1985 was obtained from the Assessor's Office. The land is not high value farm land and is a Class IV. The conditions of**

approval were reviewed. Commissioner Rea asked if the well had been tested to see if it was fit for human consumption. Lee Docken said that it was being tested and he would get a copy of the laboratory results to the Planning Department. The Planning Director explained that the owner is allowed to transfer ownership and siting authorization one time. Commissioner Kegler recommended that a condition be added about the land transfer being a one time deal. Owners of vacant property are not always aware of not being able to built on their property. The Planning Director indicated that she will bring the information regarding how many forty acre lots are vacant in that area and that may not be buildable sites. There were not comments and the public hearing was closed. Commissioner Kegler moved to approve with conditions stated in the Findings of Fact and below Conditional Use Permit, CUP-N-137. Motion was seconded by Commissioner Rea and passed unanimously by the members of the Commission.

**PUBLIC HEARING - Conditional Use Permit Application, CUP-S-138: Rick Frederickson, Applicant and Agent for Oregon Department of Transportation; Pioneer Resources, LLC, owner. Property is described as tax lot 2901 of Assessor's Map 6S 25, located at Milepost 23.7 on the Heppner Spray Highway 207, approximately 30 miles south of the City of Heppner. Proposal is to mine, crush and operate an asphaltic batch plant in a Forest Use (FU) Zone. Criteria for approval include Zoning Ordinance Section 3.020(B)(16), 3.0209© and ARTICLE 6, Section 6.050(9) -** The Planning Director explained that a question had arisen regarding the exact location of the pit site. The tax lot listed may not be the correct one and the Planning Department will contact ODOT regarding a clarification of the site location. The parcel has been used by ODOT as an aggregate site since 1984. The conditions of approval were read and DOGAMI has asked the Planning Department to sign off on the permit application. Commissioner Lewis asked what is different from this site and the Majeske site. The Majeske site has been documented use since 1964 and the asphalt plant has been documented as well. Whereas, the ODOT site never documented the asphalt plant. Public hearing closed. Commissioner Lewis moved and Commissioner Peterson seconded motion to approve CUP-S-138 with the conditions stated in the Findings of Fact and below. Motion passed by the Commission unanimously.

1. Applicant shall obtain necessary permits from DOGAMI and DEQ.

**REPORT ON MEETING WITH CURT BLACK, EPA** - Several of the Commissioners joined Umatilla County Planning Commissioners for this meeting with Curt on August 4th. Mr. Black recommended a minimum lot size of 76 acres. This is due to the groundwater problems of the area. Commissioner Peterson felt that several major issues were not addressed by Mr Black. Commissioner Peterson felt that in order to have clean drinking water everyone would have to move out. Commissioner Rea also felt important issues were not addressed by Mr. Black. Tamra Mabbott stated that nitrate contamination is a very serious problem in the area. Certain assumptions in the formula Mr. Black used were questioned by Jeff McMorrان from the Oregon Extension Service Hermiston Experiment Station. Jeff McMorrان was planning to meet with Mr. Black to discuss how he developed the formula and some of the assumptions.

Commissioner Peterson stated he would like to look at a number of other options. We should leave it open to new technology. The Planning Commission felt that they should work with the



Lower Umatilla Basin Committee, but they are not willing to change our density to the recommendation in Mr. Black's report. They agree that there is a need to increase the size of the minimum lot in Morrow County, but not to the 76 acres recommended in Mr. Black's report. Commissioner Rea said that the Commission needs to address appropriate zoning of rural residential parcels and the effect of parcel size on water quality. Tamra Mabbott, Planning Director, said she has a problem moving forward with this issue without DEQ's help. She also says she needs some direction regarding this issue for Periodic Review. Chairman Padberg asked the Planning Director to bring the nitrate map to the next Commission meeting so the Commission could review the area that is high in nitrates.

**GENERAL DISCUSSION** - The Planning Director reported on the progress of the Ione/Boardman Road. The County and PGE are down to two issues -- the plowing of the road and sheriff patrols. An agreement is very close at hand and the issue will go before the County Court on Wednesday. Chairman Padberg again stated how important this road is for the livelihood of the south area -- Ione, Lexington and Heppner. He says there are more "For Sale" signs around Heppner than he has ever seen.

The Willow Creek Study is completed and Tamra stated she was a little disappointed the final outcome did not include more specific recommendations. Chairman Padberg said it makes some people think about the possibilities for the area, then it may help.

**ADJOURNMENT** - Chairman Padberg adjourned the meeting at 9:40 p.m. The next Planning Commission meeting will be on Monday, September 27, 1999, at 7:30 p.m. at the Morrow County Public Works Building in Lexington, Oregon.

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION**  
**MONDAY, SEPTEMBER 27, 1999 - 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, Leann Rea, Ken Grieb, Keith Lewis, Henry Bass, Richard Kent and Joe Miller (arrived at 7:55 p.m.)

**MEMBERS ABSENT:** Art Kegler

**OTHERS PRESENT:** Michael Snyder, Vilas Ropp, Gene Majeske and David Mabbott

**MINUTES OF THE AUGUST 30, 1999 COMMISSION MEETING** - The minutes of the August 30, 1999 meeting were unanimously approved on a motion by Commissioner Rea and a second by Commissioner Grieb.

**PUBLIC HEARING - (Continued from August Commission Meeting) Land Partition Application, LP-N-240: Michael & Karen Montegna, applicants and owners. Property is described as tax lot 1500 of Assessor's Map 5N 26 25A, located between Utah and California Avenue east of West Second Road, approximately one-eighth mile west of the City of Irrigon within the Urban Growth Boundary. Proposal is to partition a 3.58 acre parcel into two parcels larger than the one acre minimum lot size of the Suburban Residential One Acre (SR-1) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The letter from Mr. & Mrs. Montegna requesting their land partition application be withdrawn was read into the record. The Commission was advised that the applicant could reapply after six months.

**PUBLIC HEARING - Second of three hearings on an Amendment to Goal 5 Aggregate Inventory: Morrow County, applicant; Gene Majeske, owner and Vilas Ropp, Agent. Property is described as tax lot 1702 of Assessor's Map 2S 25, located on the east side of Fuller Canyon Road, approximately two miles south of the City of Lexington. Proposal is to add this significant site to the Goal 5 Aggregate Inventory of the Morrow County Comprehensive Plan. Criteria for approval include Morrow County ARTICLE 8, ORS 215.298(2) and OAR 660-23-180(3)(a)** - This is the second of three hearings on an Amendment to the Goal 5 Aggregate Inventory in the Comprehensive Plan. The Planning Director's recommendation is to list the site as a significant site so the County can continue as they have to quarry continuously at this location. There were no comments from the audience. Commissioner Rea moved and Commissioner Lewis seconded a motion to recommend to County Court to approve this Comprehensive Plan Amendment and to include the site as a "significant site" to the Goal 5 Aggregate Inventory. The motion passed unanimously by the members of the Commission.

**PUBLIC HEARING - Land Partition Application, LP-N-246: Michael & Darlene Snyder, applicants and owners. Property is described as tax lot 900 of Assessor's Map 5N 26 23D, located on the south side of Washington Lane, approximately one and one-half miles west of the City of Irrigon. Proposal is to partition a 2.57 acre parcel into two parcels larger than the one acre minimum lot size of the Rural Residential One Acre (RR-1) Zone.**

**Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The applicants felt the land partition request meets their need more than a hardship variance. The letter from the Watermaster was read into the record. They recommended if the applicant is proposing to share a well, that a shared easement to the well be required. Access currently is an existing access from Washington Lane and a new access would provide two accesses from Washington Lane. The Planning Director's recommendation is to combine the access instead of having two individual accesses. The TSP requires only a 20' roadway easement instead of the 30' proposed. The conditions of approval were reviewed. The Watermaster's comments are recommendations not requirements, but the Commission felt the applicant should be required to show a copy of a shared well agreement as a condition of approval. Commissioner Bass asked about the pipeline that runs across the bottom of the property. The applicant said it is a 20 foot easement for West Extension Irrigation District and Dennis Logan. The pipes are side by side. Commissioner Rea asked if Fifth Street is vacated, and the Planning Director responded that it is. Applicant said he has no problem consolidating the driveway access. Commissioner Lewis moved and Commissioner Rea seconded motion to approve Land Partition Request, LP-N-246, with the amended conditions of approval as stated in the Final Findings of Fact and below. Motion passed unanimously.

1. The Plat shall be reviewed by the County Watermaster to verify status of groundwater rights and proposal for a shared well. (Submit a copy of the shared well agreement.)
2. Applicant shall submit a **preliminary** and a final Partition plat in compliance with ORS Chapter 92.
3. West Extension Irrigation District must sign-off on the final partition plat.
4. Comply with recommendations of the Irrigon Rural Fire District regarding access.
5. DEQ Site Suitability must be obtained for Parcel #2 before sign-off on the final partition plat.
6. Obtain an access permit from the Public Works Director for any new access for Parcel #2 and comply with other recommendations of the Public Works Director.
7. Consolidate the access to Washington Lane and dedicate a minimum 20 foot access easement to Parcel #2.

**First of three hearings on a request for an Amendment to the Zoning and Comprehensive Plan Maps: David Gray, Century 21, applicant; Paul and Susan Hisler, owners. Request is to change the zone designation of a portion of tax lot 1300 of Assessor's Map 4S 29, located on Hisler Road approximately 15 miles southeast of the City of Heppner. The proposal is to change the zoning of 27.66 acres of the tax lot from Forest Use (FU) Zoning to Exclusive**

**Farm Use (EFU) Zoning. Criteria for approval includes ARTICLE 8 and Oregon Administrative Rules 660-033-0030 and 660-006-0010** - This is the first of three public hearings on an amendment to change the zoning and comprehensive maps of the Morrow County Zoning Ordinance. The Planning Director stated that the applicant is not at the hearing but he will be meeting with the State Forester out of John Day and herself on Wednesday to look over the property to see if the County has the appropriately classified the land as forest land. Some of the land has been harvested. The Planning Director tried to look for some loop holes to accommodate the applicant's request for a cabin on 27 acres, but it looks as if the County has the area appropriately zoned. The agent even stated that they had harvested off the property and probably could harvest once more and then not again for 50 years. The Planning Director had been dealing with the agent, but had made contact with Mr. Hisler and they will be meeting on Wednesday and she hoped there was something they might be able to do. The second hearing will be next month. The letter from DLCD was reviewed and they questioned whether the County wanted to do that type of spot zoning. The applicant could create an 80 acre parcel, but it takes 240 to site a dwelling. The road dissects the property, but the Planning Director said that the road does not constitute a division of the parcel. There were no comments from the audience. Chairman Padberg closed the hearing and announced that the second hearing will be on Monday, October 25, 1999, at 7:30 p.m. at the Irrigon Annex Building.

**CORRESPONDENCE** - At last month's Commission meeting there was a discussion about Curt Black's nitrate study. The Planning Commission voiced some concerns to the Planning Director. She in turn asked Jeff McMorran, Oregon State Extension Agent, to address the issues. He has also agreed to come to the October meeting and talk to the Commission about their concerns. The Planning Director said she will also share these concerns with Curt Black and ask him to respond. In defense of Curt, the Planning Director asked him to address certain areas (there were 8 or 9 select areas). Curt did not look at soils or irrigation and rainfall. Chairman Padberg said he does not want to get into the taking issue that the State and Federal Government are doing. Also, do we want to get in the way of DEQ. Commissioner Peterson feels that there may be a better way to address the issue instead of just land size. Commissioner Rea said that DEQ has taken a "blinders on" look to the problem. The Planning Director stated that the one acre zone needs to be looked at and she feels we have some obligation to address this issue. DLCD feels that five acres or under is urban and over five acres is rural. Due to the cleaning in the Planning Department office (a result of a fire/vandalism, the nitrate map was not available to bring to this month's meeting, but the Planning Director would have it for the October meeting.

**NEW BUSINESS/GENERAL DISCUSSION** - Chairman Padberg inquired about how many acres were going to be needed for the dairies coming into the area. The Planning Director explained that Friday was a meeting with the Port, Oregon Economic Development, Oregon Extension Service and others regarding the Tillamook Creamery. The group decided to develop a matrix of agencies and who to call for certain information. Chairman Padberg said that he visited with a man from Texas who was interested in some land, but could not get any answer. Therefore, Chairman Padberg feels we need to develop a packet to give out to some of the interested buyers. The man also expressed concern about the distance to travel to get repairs

done on machinery and equipment. The Planning Director announced that the next meeting for this group was going to be October 8, 1999, and she will keep the Commission informed of the outcome of this meeting. Discussion followed about the need for farmers to raise heifers. Chairman Padberg said the spin-off with other products and services is great and everyone should be trying to make this work.

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Boardman/Ione road agreement was signed last Wednesday and the Planning Director was then sending it on to Boeing and then PGE. Bill 44Nickelberry knows that it has been signed by the County and as soon as the others have signed he will help the County in getting the legal easement from the State. Inland Land says that the road easement is part of their agreement.

Chairman Padberg said that the Port and the County Road Committee took a tour of the County. There is a million dollar budget for 5 million dollars worth of roads to maintain. He feels that other people could get started on grants and other money to get the Ione/Boardman Road completed.

The Planning Director reported that the County is still working on getting impact fees from the Army. The County's entire case went into the Legislative records with the Subcommittee hearing that was held in our area. County officials have also met with the editors of several newspapers and all were very supportive. The County now is looking at what legal avenues to pursue. This is not what the County wants to do, but everyone feels that it may be the only way left to get the Army to pay. For example, one legal remedy may lie with the NEPA EIS which stated that the roads in the 70's were good enough to handle any type of growth, but with all the additional traffic and people this is not a true fact. Editorials on the Army Impact fees will be brought to the next Commission meeting for the Commissioners to review. The County is still working with the Governor's office trying to convince him to support and encourage the Federal Government to reimburse the County with impact funds.

**ADJOURNMENT** - Chairman Padberg adjourned the meeting at 9:00 p.m. The next Planning Commission meeting will be on Monday, October 25, 1999, at 7:30 p.m. at the North Morrow Annex Building in Irrigon.

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION**  
**MONDAY, OCTOBER 25, 1999 - 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, Leann Rea, Ken Grieb, Henry Bass, Richard Kent, Joe Miller and Art Kegler

**MEMBERS ABSENT:** Joel Peterson and Keith Lewis

**OTHERS PRESENT:** Morrow County Judge Terry Tallman, Morrow County Counsel Bill Hanlon, W. C. Hendrix, Ralph Harrison, Clint Carlson, Sim and Ramona TenEyck, Jeff McMorran, Don Horneck and Bev Bridgewater, West Extension Irrigation District

**MINUTES OF THE SEPTEMBER 27, 1999 COMMISSION MEETING** - The minutes of the September 27, 1999 meeting were unanimously approved with the corrections stated by the Planning Director, Tamra Mabbott.

**PUBLIC HEARING - Second of three hearings on a request for an Amendment to the Zoning and Comprehensive Plan Maps: David Gray, Century 21, applicant; Paul and Susan Hisler, owners. Request is to change the zone designation of a portion of tax lot 1300 of Assessor's Map 4S 29, located on Hisler Road approximately 15 miles southeast of the City of Heppner. The proposal is to change the zoning of 27.66 acres of the tax lot from Forest Use (FU) Zoning to Exclusive Farm Use (EFU) Zoning. Criteria for approval includes ARTICLE 8 and Oregon Administrative Rules 660-033-0030 and 660-006-0010** - This hearing is the second of two hearings filed by the Hisler. The Hisler's telephoned the Planning Department and withdrew their application. The Hisler's felt that after reviewing the State rules, they did not have an effective case for their request to change the zone. They hoped to file another application at a later date.

**PUBLIC HEARING - Conditional Use Permit Application, CUP-S-139: Donald L. Gay, applicant and owner. Property is described as tax lot 2300 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 (FU) Zone. Criteria for approval includes Zoning Ordinance 3.020(B)(27), 3.020(D)(3), 3.020(E) and (F)** - Commissioner Miller said that he has been doing some site prep and excavating work for Mr. Gay and felt that he should step down. It was agreed by the Chairman and Planning Director that it would be better for him to declare a conflict of interest and not vote

on this hearing. This application is to site a dwelling in a Forest Use Zone. This is not the type of dwelling that we can just issue a permit for over the counter as it is not in a residential zone. The Staff Report lists the soil class and index and criteria stated in our Ordinance for a dwelling in a Forest Use Zone. The test that is applied to this property is that it is capable of producing more than 50 cubic feet per acre year which means all or part of at least eleven other lots or parcels that existed on January 1, 1993, are within 160 acre square centered on the subject tract and at least three dwellings existed. A few years ago we did this test and the parcels within Blake Ranch met these requirements. The applicant meets these requirement and the Planning Director's recommendation is to approve with conditions that they obtain DEQ and Building Code Permits and that they also meet the Administrative Rules for fire siting standards. The way the Planning Department verifies compliance is that when the applicant comes in for their zoning permit after the CUP has been approved by the Planning Commission the applicant signs a statement that they have met these fire siting standards; a field inspection is not done. This keeps the County harmless if something were to happen. Chairman Padberg asked if someone built up there do they have to agree to the same fire siting standards. The Planning Director stated that it is not retroactive to those already built. Chairman Padberg then asked if this were a residential zone would the property owners then have to abide by the fire siting standards. The Planning Director said that if it were already established as a residential zone and an exception area had been done then they would not have to follow these standards. The Chairman opened the hearing up to the audience as the Commission did not have any questions. There were no comments from the audience so the Chairman closed the public hearing portion. Commissioner Rea moved and Commissioner Bass seconded motion to approve the Conditional Use Permit Request, CUP-S-139 with the conditions stated in the Findings of Fact 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-N-247: Kelly Nobles, applicant and owner. Property is described as tax lot 5500 of Assessor's Map 5N 27 21A, a 8.39 acre parcel located on the east side of Rand Road north of the West Extension Irrigation District canal, approximately two miles east of the City of Irrigon. Proposal is a replat of Parcel #1 of Partition Plat 1999-3. Applicant intends to partition the parcel into two parcels larger than the one acre minimum lot size of the Rural Residential One Acre (RR-1) Zone.**

**Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The Planning Director explained that Kelly Nobles at the first of the year applied to partition one parcel of his property and also did a property line adjustment with another part of the property. He now does not have to do a subdivision because he is creating a total of three parcels within a year's time. The Planning Director went out to look at the property as she had received a phone call about this partition request. On the southern part of the parcel, Parcel #2 is a flag lot parcel. There is an existing mobile home and barn on the southernly easement which may prevent this from being the access to Parcel #1 and #2. The Planning

Director then reviewed the criteria. This is technically a replat of Parcel #1 of Partition Plat 1999-3. A map was shown indicating what was split out last time and what the applicant wants to partition this time. The 45' northerly easement was pointed out, and it was explained that it is 45' wide strip from Rand Road across the neighbors parcel and it then turns in to a 60' easement across Parcel #1 and #2. There will not be a full 60' easement (from Rand Road to the subject property) as required by the County TSP; there is a small gap. The southerly access is not practically traversable because of where the existing mobile home and barn are located. The applicant will probably qualify for DEQ Site Suitability. In conclusion, the Planning Director stated that 60' should likely be required as the area in the future can be developed into several one acre lots. Therefore, the applicant will have to obtain a 15' easement either across the northerly or southerly portion of the parcels. The 45' easement across the northerly portion of the parcel is actually part of tax lot 6000 which Mr. Harrison owns.

Mr. Harrison has some concerns about this strip of land. Based on information the Planning Director received from the Assessor's Office, it appears that the 45' strip of land is a non-exclusive easement (anyone can use it). The Planning Director asked the County Counsel if this non-exclusive easement was legal for the applicant to use in partitioning his property. Commissioner Rea said that dashed lines on the map indicate where an old original irrigation ditch used to be before it was a Bureau of Reclamation project, and the easement was put in for the irrigation ditch. Commissioner Lewis asked about the statement on the Partition Plat that states that the 45' strip is an access easement M-45071. He wondered if this did not mean that this was legally an easement to the property. Counsel Bill Hanlon said that non-exclusive easement means that the person that owns the property grants to someone else the right to use it and that the person granting the easement can also use it. It does not necessarily connote any right of publically expanding the use of the easement. He said that you have to look at the terms of the easement. A lot of times a person will grant an easement across his property to someone building a house to provide a means to access that house. It does not mean that the party then builds an apartment and expects the easement to be the access for everyone in the apartment. It splits the scope of the anticipated easement. A lot of times an easement does not state what the scope is and a person must go back to when the easement was granted to find out what the intent of the easement was when it was recorded. The Planning Director then provided County Counsel with a copy of the land sale contract once or twice removed from Mr. Harrison where it states that the buyers and their assigns shall have a non-exclusive easement to go over and across the 45' right-of-way on the south side of his land in order to have access to Twenty-third Street. Then the Planning Director read another deed issued when Mr. Harrison purchased the property that said excepting therefrom any roads and right-of-ways. Another letter read into the record was dated December 11, 1990 to Kelly Nobles from Deane Seeger, former Planning Director. Mr. Seeger stated in the letter that he had researched the easement and advised Mr. Nobles that the County had no jurisdiction in the matter and that in the future, should Mr. Nobles wish to subdivide and use this easement for access to new lots, he must adhere to the Subdivision Ordinance and build a road to County standard. The referenced easement is the dogleg section of Mr. Harrison's property.



The letter from WEID was then read into the record. Certain requirements will be required of the applicant prior to WEID sign-off on the final partition plat.

Access appears to be the problem in this partition. There is some question that we may have erred earlier this year when we allowed him to use either access on the south boundary or the north boundary and if we rely on the north boundary there is question whether this access is legal or not. It might be a good idea to have Mr. Nobles check with legal Counsel sometime during the next month to see if the north boundary access is legal. Bill Hanlon, County Counsel, said that it would appear to be a dispute between the two parties on the scope of the easement. The Planning Director asked if there was some question as to the scope of that easement, could the Planning Commission rely on the easement as the access to the two proposed parcels. County Counsel responded not necessarily; it would depend what the judge would decide if it came to that. Commissioner Kegler asked if the easement dispute is between the two parties and there is an existing 45' easement, can the County request a 60' easement for a private road. Commissioner Kegler also asked if the Commission has the authority to approve or not approve the partition on the basis of the 60' easement. He knows it has been the general policy, but does the Commission have the authority. Bill Hanlon said that the County can require that there be a 60' access for the partition.

The public hearing portion of the hearing was opened for comments. No one spoke in favor of the partition. Mr. Harrison spoke in opposition. He does not wish to stop Mr. Nobles from developing his property but his concern is that he does not want him to use the 45' northerly easement. They pay taxes on it and also pay for the irrigation rights to it. They use it to ride their horses and grow hay on it. Mr. Harrison said the easement was one of the main reasons why they purchased the property. It is really enchanting with trees on both sides and has wildlife. Originally when they purchased the property, they were told they could put a gate on one end for the cattle and put a lock on it and give a key to Mr. Nobles. They did this and it worked good.

Bev Bridgewater, Manager, West Extension Irrigation District, said that she is not necessarily opposed to the partition, but Mr. Nobles created a problem for the District when he did the property line adjustment. Now they have a piece of property that does not have a way of getting water. They just want to keep an eye on the development Mr. Nobles is proposing. Bev will also take a look at the access easement along their canal road.

The Planning Director, Tamra Mabbott, asked County Counsel what the Commission would need from Kelly Nobles to say that these are easements he can use — either the southern or northern easement. The plat from the earlier partition shows the 45' southerly easement as an access and utility easement. If the applicant could obtain an additional 15' from the adjacent property owners on the northerly parcels he would then have the required 60' access. Chairman Padberg recommended that the Planning Commission consider postponing this hearing until next month and ask the applicant for further clarification on the easements. It would also give the applicant time to talk with the adjacent landowners to try to get the additional 15'. Commissioner Bass said that he agreed that we should postpone and give the applicant time to secure the 60' easement and

also to make sure that the buildings within the 45' southerly easement can be moved. The Planning Director reviewed the applicant's options. He has two options for the northerly easement. First, he needs to clarify if he has the legal right to use that easement for additional dwellings other than for the original 12 acre parcel. In addition to that he would need to expand it so it is 60' continuous from 23<sup>rd</sup> or Rand Road across the northern portion of the property. His other option is to dedicate 60' just on his own property and not part of Mr. Harrison's property. He would then have to obtain 60' from Mr. Martin's parcel as well. Commissioner Rea moved to postpone the hearing until the applicant can clarify legal access to the property. The motion to postpone the hearing was seconded by Commissioner Bass and passed unanimously by the members of the Commission. The hearing was postponed until November 29, 1999, at 7:30 p.m. at the Public Works Building in Lexington.

The Planning Director was asked if she would advise Mr. Nobles of the Commission's concerns and the options he had regarding the access.

**PUBLIC HEARING - Land Partition Application, LP-N-248: W. C. Hendrix, applicant and owner. Property is described as tax lot 700 of Assessor's Map 4N 25 17, a 8.95 acre parcel located on the southwest corner of Wilson Lane and Paul Smith Road, adjacent to the City of Boardman, but outside the Urban Growth Boundary. Proposal is to partition the parcel into two parcels larger than the two acre minimum of the Farm Residential Two Acre (FR-2) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The applicant proposes to split the parent parcel into two parcels. Parcel #1 has an existing dwelling with septic and well and Parcel #2 is intended for future residential development. DEQ Site Suitability for Parcel #2 will be recommended as a condition of approval. Access for Parcel #1 is Wilson Lane and Parcel #2 will also access from Wilson Lane. Paul Smith is a 40' right-of-way, but should be a 60' right-of-way so the applicant will be asked to dedicate 10' to make up the difference and the property owner on the other side will be asked to dedicate 10' when the property is developed so that if Paul Smith is ever improved there will be a 60' right-of-way. It also appears that Wilson Lane along this section is a 50' right-of-way so the applicant will be asked to dedicate an additional 5' along the northerly section of Wilson Lane. The Public Works Director will be asked to review these recommendations. The Planning Director's recommendation is to approve the Land Partition with the conditions as noted. WEID's letter stating parcel is within the Irrigation District boundaries was read into the record. The District will require a change from flood to sprinkler irrigation with provisions of providing water to both parcels. Commissioner Rea said that not too far away is EFU zoned land and she would recommend adding the right-to-farm disclaimer statement as a condition of approval. Her other concern was in regard to the 10' roadway easement for Paul Smith Road. WEID has a pipeline along the road and she does not see much sense in requiring a 10' road dedication along this section as the ditch runs along there. The Irrigation District says that Paul Smith is actually a Federal easement for the ditch and somewhere along the line the County agreed to maintain the road along the ditch. Some question was raised as to whether this section of Paul Smith was County or City. When some of the area along Paul Smith was annexed Paul Smith Road was annexed along with the property. Commissioner Kegler said that the purpose of making Paul Smith a city street was to run sewer along it. Judge Tallman

remembers that it is an open ditch in this area. Tamra Mabbott explained that the County's agreement with the City on lands and roads within the Urban Growth Boundary is that the County will require any new development to meet the minimum County road standard which is 60'. That means at the time of annexation, the City would accept the roads rather than the County and City discussing them on a piece by piece basis. The easement would be in place so that sometime in the future if that road were developed to a 60' standard it would be feasible that the ditch would be relocated to the outer 60' of the road or keep the ditch exactly where it is. Judge Tallman said that you would not be able to get 5' from the west side of Paul Smith Road as the pipe is right there. Bev Bridgewater stated she would like to have the Bureau of Reclamation Real Estate Specialist represent the District rather than herself as she does not feel comfortable with this issue. Commissioner Rea stated that at one time Paul Smith was County/ Bureau of Reclamation, but the County made an agreement with the Bureau of Reclamation to maintain and claimed ownership. Then the road was transferred to the City when the adjoining property was annexed. Mr. Hendrix then asked if he could change his partition request from one lot to three lots. Mr. Hendrix proposes creating one 2-1/4 acre parcel for himself and 3.35 acres for each of the other two parcels. He then passed out a map to the Planning Commissioners. The access would be off Paul Smith for one and off Wilson Lane for the other two. He will be replacing the existing mobile home with another manufactured home. Bev Bridgewater stated that Mr. Hendrix had been in to discuss the amended partition with her and he is willing to work with the District on the distribution of the irrigation water to all the parcels. Commissioner Rea asked if the Commission could approve it without the added 10' easement. Bill Hanlon, County Counsel, said that 60' is the County's required right-of-way and he felt it could be approved with it stated that 10' will be dedicated for future expansion of Paul Smith Road. He said that it is not uncommon to have overlying easements in a right-of-way. The public hearing portion was then closed. The conditions of approval were then reviewed and amended as well as the number of parcels being created increasing to three. Commissioner Kegler moved and Commissioner Miller seconded motion to approve LP-N-248 creating three parcels instead of two parcels and with the amended conditions as listed below. Motion passed unanimously by the members of the Commission.

1. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
2. Applicant shall submit a **preliminary** and a final partition plat in compliance with ORS Chapter 92.
3. West Extension Irrigation District approval will be noted on the final partition plat.
4. Dedicate a 10' roadway easement for Paul Smith Road on the east boundary of Parcel, and dedicate a 10' roadway easement along north boundary of Parcel to Wilson Lane, if survey shows Wilson R-O-W is less than 60'.
5. Sign and record a Consent to Participate agreement for future improvements to Wilson Lane and Paul Smith Road.
6. Obtain an access permit from the Public Works Director for any new access.
7. Further partitioning of parcels may require Subdivision standard.
8. Applicant must obtain a DEQ Site Evaluation for Parcel #2 and #3 before Planning Department approval on the final partition plat.

9. Comply with recommendations of the Boardman Rural Fire District regarding access.
10. Sign and record a Right-to-Farm Disclaimer.

**PUBLIC HEARING - Conditional Use Permit Application, CUP-N-140: Wayne Downey, applicant, R. D. Offutt, lessee from State of Oregon, Boeing Agri-Industrial. Property is described as tax lot 106 of Assessor's Map 4N 23 36, a 1,896 acre parcel located east of Three Mile Canyon Road in the Simplot Feedlot area, approximately ten miles west of the City of Boardman. Proposal is to site three manufactured dwellings for farm help (accessory farm dwellings) on parcel in an Exclusive Farm Use (EFU) Zone. Criteria for approval include Morrow County Zoning ordinance Section 3.020(D)(3) and Oregon**

**Administrative Rule 660-33-130(9)** - This is an approximate 2,000 acre parcel and the applicant wants to site three additional farm help dwellings. There currently are ten manufactured dwellings on the parcel occupied by employees of R. D. Offutt involved in the daily operation of the farm. The criteria in our Code and State Statute states there is no limit as to the number of farm help dwellings that are permissible for a farm operation provided that each of the parties is involved in the day to day operation of the farm. The letter from R. D. Offutt verifies this fact. Chairman Padberg asked if the other ten were approved. The Planning Director stated that the Legislative rules have changed over the years, but the County has recognized them for sometime. No comments were received and the public hearing portion was closed. On a motion by Commissioner Rea and a second by Commissioner Grieb, CUP-S-140 to site three manufactured dwellings was unanimously approved with the conditions stated in the Findings of Fact and below:

1. Applicant shall obtain a zoning permit from the Planning Department and appropriate permits from the State Building Codes Agency and Department of Environmental Quality. (See attached permit checklist).
2. An access permit must be obtained from the Public Works Director if a new driveway is proposed.
3. Sign and record a Right-to-Farm Disclaimer.
4. No other existing dwellings may be used as "rentals" on the farm. All dwellings shall be occupied by persons principally engaged in the farm operation.

**PUBLIC HEARING - Land Partition Application, LP-S-249 and Conditional Use Permit Application, CUP-S-141: Clint and Sarah Carlson, applicants; 4C Ranches, owners.**

**Property is described as tax lot 1401 and 1402 of Assessor's Map 3S 24 8 and 17, a 583.65 acre and 160 acre parcel respectively located approximately 20 miles southwest of the City of Heppner. Proposal is to partition an approximate 10 acre parcel of land out of the two parent parcels, creating a "non-farm dwelling" parcel and to site a dwelling on this parcel in an Exclusive Farm Use (EFU) Zone. Criteria for approval include Morrow County Subdivision Ordinance Sections 5.020 and 5.030 and Morrow County Zoning Ordinance 3.010(F) and (G) and Oregon Administrative Rules** - The applicants are proposing to create a 10 acre parcel and site a "non-farm dwelling" on this parcel. Some of the acreage will be taken out of tax lot 1401 and a portion out of tax lot 1402. It will result in a parcel which is

predominantly 51% or greater non-farm soils. This is a two part application — one is to do the “non-farm” parcel and the other is to site the “non-farm” dwelling. The criteria was then reviewed by the Planning Director. The intent of the ruling is that by allowing one parcel in this area it would not cause a snowball effect allowing others to be created. This is not the case due to the large tract ownership. DEQ Site Suitability will be required before the final plat can be signed and approval from the Public Works Director will be required before any new access on to the public road. The conditions of approval were reviewed. The only inquiry was from Cleo Childers who wanted to know the location of the property. When he heard that it was not near his property, he had no problem with the Land Partition and Conditional Use Request. Commissioner Rea asked if the only portion on which back taxes would have to be paid is the ten acre parcel. The Planning Director responded that was correct. There were no other questions. There were no comments from the audience. The public portion of the hearing was then closed. On a motion by Commissioner Kegler and second by Commissioner Rea, the Commission unanimously approved LP-S-249 and CUP-S-141 with the conditions stated in the Findings of Fact and below.

1. The applicant shall sign a right to farm disclaimer statement.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall submit a **preliminary** and final partition plat in compliance with ORS Chapter 92.
4. Per ORS 215.236, County Assessor shall disqualify the "non-farm dwelling" parcel from farm deferral and all taxes shall be paid prior to recording the final partition plat.
5. Any new access to County road will require road entry permit from the County Public Works Director.

Before starting the next discussion Chairman Padberg had one question of Judge Tallman about the 60' easement mentioned earlier. He asked if the County Court is going some other direction on taking over these roads that people are building up to County standards. Judge Tallman said that currently the County is making an inventory of all roads, right-of-ways, easements, what is a County road, what is public access and see what the uses actually are and how much use will actually be. One of the things the County is running into is that the County cannot maintain every road in the County that is public access and they cannot have the expectation from the people that they are going to maintain every road in the County that has public access. The County does not have the funds to do this. Therefore, the County is trying to determine what the policy is going to be in the broadest scope possible. They realize there may be exceptions to the policy, but the County Court is trying to make it across the board as fair as they can in figuring out what they can live with and afford. This year the Public Works Director will spend his budget to zero and the County is getting to the point they really have to watch their dollars. The County's actual growth rate is 1.3%. Because of the different measures, the County did not end up with their usual 3% growth. Chairman Padberg was concerned about how it would affect customers coming in to the Commission when the Commission tells them to build a 60' road up to County standards. Will

they just throw a little dirt on it knowing that they will probably be maintaining it anyway. The people are giving away a lot of land with the 60' right-of-way. Judge Tallman says that he expects to hear from people about the County not taking over their road after it has been built to County standards, but the same thing is happening throughout the State. Judge Tallman says that standards have to be in place regarding roads. Otherwise, you have dirt trails that the property owners get angry about later. When the County Court looks at the policy, they want to see what is on the other side of a person's property. If he is going to use the road to access other County property, then the County might be interested in taking it over as a County road. But if the road only access his property then the County is not sure what to do. The County Court feels if a road will serve other County properties, the County might be interested in accepting it as a County road. This policy is still being studied by the County Court.

**DISCUSSION ABOUT NITRATES IN GROUNDWATER AND THE AUGUST 1999 EPA STUDY**

- Tamra Mabbott then introduced Jeff McMorrin, OSU Extension Agent, and Don Horneck, Agri-Check. These men have come at the Commission's invitation to talk with them about nitrates in groundwater. Both have different specialties they will tell the Commission about. At the last couple of meetings, the Commission has discussed the study prepared by Curt Black, EPA. After Jeff received the letter from Tamra on behalf of the Commission asking his help on the study, he gave a copy of the study to Don who is a soil scientist and a member of the Lower Umatilla Groundwater Basin Advisory Committee. Basically, he thinks it is an interesting study but not one that the Commission can use. It is not appropriate to base minimum lot size on this study. The model is textbook, not grounded. He brought a couple of other studies, one on blue babies. As he stated in his letter, most of the studies they have are rather questionable. There is no doubt that nitrate levels can cause blue babies, but whether blue babies are being caused by nitrates in our water is not altogether clear. He was rather annoyed that Curt made the statement that they certainly are occurring. He also handed out a study done in our area by telephone. Their conclusion was that it was not an issue because the people drinking the nitrate water were not nursing babies. He has also had his secretary phone around on the whole blue baby issue. He questions whether we really have an issue here; he does not mean to minimize it but we do not seem to have a major problem. We have people with wells above the 10 ppm nitrate level and we should have blue babies here if that is the case and we do not. There is no evidence of this at the local hospital. His basic feeling on Curt's study is that he was punching a model and making some average statements. He says if you take an average number, you probably have 27 acres per home in Morrow County. He is not saying this should be the minimum lot size. He also negates to account for any infiltration from irrigation water, which is significant. WEID has a leakage of 50% (Commissioner Rea stated that Fred Ziarrie said the leakage was about 30%) of the water in the canal leaking out. This helps dilute the groundwater. Judge Tallman was concerned that Curt's model might become the gospel similar to models regarding fish in the rivers which have become models to be followed. Jeff was concerned that this might become the case. This is why Jeff feels it is important for Don and him to make some public statement about this EPA study. Don said that he is pretty sure that Curt's model is based on septic effluent and not based off different soil conditions. When you start taking soil conditions and other factors into account it is a very complex world, and there is nothing in the very near future that will be

accepted as the model. One simple model is not appropriate. There is a need to study specific areas and determine the carrying capacity of that area. It was asked if Jeff and Don were putting out an information paper that will counteract the Black study. The letter is all Jeff plans to do as it outlines his concerns regarding the study. The plan the Lower Umatilla Basin put together pretty well addresses the concerns. The 76 acres per dwelling may be necessary in Mr. Black's point of view but his point of view may not be everyone's. Judge Tallman just wants to be sure that we address whatever the problems are along a rational path. Don says that there is no doubt that we have high nitrates. DEQ does testing of wells annually and they keep records on the changing nitrate level of these wells. The other thing is every time a house is sold, you have to have a nitrate test. He said that you see seasonal fluctuations of residential wells and because of this annual fluctuation is very difficult to track. All of the above exists. He comes back to that one simple model. If life were only that simple and he may come back to manage that simple model as that is all that exists. The way to possibly manage the groundwater is to say if a person has a well that is above 7 ppm he has to take these type of precautions and if he is above 10 ppm he will have to take other precautions. The nitrates is in the alluvial and if you go to the basalt layer you do not have a problem. It would make sense that if you are in one of the high nitrate level areas you would not be allowed to have an alluvial well. Chairman Padberg spoke for Joel Peterson by adding that there are other ways to treat the nitrate problem — adding filter systems. There are other ways to treat the nitrate problem than by limiting a persons right to sell their property. Don Horneck said that it is very expensive to treat your water for nitrates. Reverse osmosis or distillation is the main method of removing nitrates from your water supply. Don and Jeff feel they are crazy to set lot size based on nitrates. You would be better off using existing technology. Commissioner Kegler said that he agrees that limiting lot size is not the way to handle the nitrate issue, but to use other technology would be best. The reason for this study was because of the Lower Umatilla Basin Groundwater Committee wanting to prevent further prevention of nitrates within the County. The Planning Director expressed her concern for the study and asked Curt Black in a letter to conduct site-specific analysis for a few test areas in Morrow County. Then the Commission could compare the site-specific results to the basin average. Besides the LUBA group, the other driving force for the nitrate problem is that the County is currently in Periodic Review. She does not feel it is something that we can just walk away from. She would like to find more information. She likes what she has heard tonight that it is not a good idea to make land use policy based on water quality. The Planning Director also said that we will be forced in the next year or so to make a decision about appropriate density in the rural area. The question DLCD is determining is whether one acre is rural or urban density. The Commission really appreciate Jeff and Don discussing this nitrate issue with them.

**PERIODIC REVIEW CHANGES** - The letter from Dick Benner, Director, DLCD, stated that SB 543 exempts counties of less than 15,000 from participating in Periodic Review. Periodic Review is the issue that drove Tamra's participation in the groundwater quality issue. Morrow County has completed two of the tasks, but still have the water task to complete. Morrow County has the option to not complete this task and to not go through Periodic Review. If you make some amendments to your code as part of Periodic Review you would appeal to LCDC as opposed to going through LUBA and the Court of Appeals route which is not a big issue for

Morrow County. It is ultimately the County Court's call, but the Planning Director wanted to bring it to the attention of the Commission and get their recommendation and pass it on to County Court. The Commission felt they needed more information to make a decision.

**EFU-40 ZONING PRESENTATION AND DISCUSSION** - Cannot report on this discussion as the tape ran out. Discussion will be postponed pending more information.

**ADJOURNMENT** - The tape ran out, and the meeting was adjourned. The next Planning Commission meeting will be on Monday, November 29, 1999, at 7:30 p.m. at the Morrow County Public Works Building on State 74 in Lexington.



**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION  
MONDAY, NOVEMBER 29, 1999 - 7:30 P.M.  
MORROW COUNTY PUBLIC WORKS BUILDING  
LEXINGTON, OREGON**

Chairman Marvin Padberg called the meeting to order at 7:34 p.m.

**MEMBERS PRESENT:** Marvin Padberg, Joel Peterson, Joe Miller, Leann Rea, Keith Lewis and Henry Bass

**MEMBERS ABSENT:** Art Kegler, Richard Kent and Ken Grieb

**OTHERS PRESENT:** Paul and Susan Hisler, George Horrace, Al Hensley, Thilo and Colleen Neubert, Tina Harns, John Martin and Son, Mr. Petty, Commissioner Dan Brosnan and Karen Zeiler, Code Enforcement Officer

**MINUTES OF THE OCTOBER 25, 1999 MEETING** - The minutes of the October 25, 1999 meeting were not mailed before the meeting. Therefore, the Commission postponed approval until the December meeting.

**PUBLIC HEARING - (Continuation of Public Hearing from November Commission Meeting) Land Partition Application, LP-N-247: Kelly Nobles, applicant and owner. Property is described as tax lot 5500 of Assessor's Map 5N 27 21A, a 8.39 acre parcel located on the east side of Rand Road north of the West Extension Irrigation District canal, approximately two miles east of the City of Irrigon. Proposal is a replat of Parcel #1 of Partition Plat 1999-3. Applicant intends to partition the parcel into two parcels larger than the one acre minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - This hearing was a continuance from the October and November Commission meetings. The main point of contention was the access to the parcels. The Planning Director then read into the record a letter written to Kelly Nobles at the direction of the Planning Commission addressing the issues the Commission needed clarification on. The Planning Department did not receive anything in writing from Mr. Nobles, but Mr. Nobles had been in and said that the mobile home which is located within the southern easement is being removed and a new manufactured home is being sited north of the easement. The shop still remains within the 45 foot southerly easement. He wondered if the Commission would accept a deed restriction stating the parcels would not be split below the four acres. This would insure no additional usage of the easement. It was suggested that Mr. Nobles and Mr. Harrison should write up some type of an agreement regarding the access. Mr. Harrison was in and said he had to work and asked that the meeting be postponed if the Commission intended to make a decision on this land partition. The Planning

Director read a letter from Mr. Seeger to Mr. Nobles written in 1990 notifying Mr. Nobles of the road situation. The Commission could follow County Counsel's advise to not approve the land partition until an agreement has been reached with both parties. John Martin, an adjacent property owner, said he would not like to see additional traffic using the northerly easement, which is now being used only for farm equipment. He does not think the easement is legal for access to two new homes. The Commission did not feel they were provided with the needed information by the applicant; therefore, they could not make a decision. Commissioner Rea moved to postpone to the December 27, 1999, meeting in Irrigon this land partition hearing. Motion was seconded by Commissioner Miller and passed unanimously by the Commission.

**PUBLIC HEARING - Land Partition Application, LP-N-250: Al and Joyce Hensley, applicants and owners. Property is described as tax lot 400 of Assessor's Map 5N 26 24DC, a 2.30 acre parcel located on the east side of West Second Street, approximately one-eighth mile west of the City of Irrigon. Proposal is to partition the parcel into two parcels larger than the one acre minimum lot size of the Suburban Residential One Acre (SR-1A) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The request is to partition a 2.30 acre parcel into two parcels. There currently is a home on Parcel #1 and Parcel #2 is intended for development by applicant's daughter and son-in-law. Request meets the minimum lot size and applicant will need to obtain DEQ Site Suitability. Conditions of approval were reviewed including WEID sign-off on the final partition plat and the inclusion of the easement on the plat. The public portion of the hearing was then opened to the public. George Horrace, adjoining property owner, said that the applicant's daughter and husband have started a commercial business by raising dogs on this property. He said the dogs bark at night and have been loose and not in their yard. A letter from another neighbor, Michael Swope, stating his objection to the dogs on the property was presented by Mr. Horrace. Mr. Horrace said that the dog operation is a commercial venture and should not be allowed in this area. He also stated that the area could be cleaned up in the back and there are rats and skunks because of the mess in the back area of the parcel. Mr. Neubert then spoke about his dogs. He said that they are in kennels and they do not get out except to work with them or when the kennel is being cleaned and he is there to watch the dogs. The dogs do not bark, but make a noise similar to a squeal when one dog is let out to be worked and the others stay in the kennel. He said they do not have a commercial business. They have six dogs and two of these are bitches. Al Hensley stated that the dogs are German Shepherds that his daughter raised in Germany while she was in the service. The only times the dogs bark is when someone is around. Mr. Hensley stated that if Mr. Horrace can see any trash on the back of his property, he must be trespassing because of the high wall built around the back property. The trash has been cleaned up on the property and Mr. Hensley disputes the accusations of Mr. Horrace. Karen Zeiler, Code Enforcement Officer for Morrow County, said she had been contacted by Mr. Horrace regarding the trash problem on the Hensley property. Upon contact with Mr. Hensley, he proceeded to clean up the property and the County Road Department cut down the trees, which were on the County right-of-way. A visual inspection of the property did not find anything unsatisfactory and Deputy Zeiler closed the case. Regarding the commercial business operation she could find no business listing for the dog operation and no records of selling dogs could be found. She also

found. She also stated that Mr. Neubert works full-time at Wal-Mart and says the dogs are their hobby, not a business. Deputy Zeiler has never heard the dogs bark when she has been on the property and has never seen them out of the kennels. They have sold one dog by word of mouth only as they do not advertise. As Code Enforcement Officer she does not have a problem with the Hensley's. The public portion of the hearing was then closed. Commissioner Rea asked if there was any chance the new parcel can hook into City sewer. Planning Director said the area is outside the Urban Growth Boundary and it is prohibited. No comments were received from the Irrigon Fire District. Commissioner Lewis moved and Commissioner Peterson seconded motion to approve LP-N-250 with the conditions stated in the Findings of Fact and below. Motion passed unanimously by the 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. The plat shall include an easement across Parcel #1 to Parcel #2. (Easement shall meet 20' minimum access standard.)
3. West Extension Irrigation District approval must be obtained on the final partition plat.
4. Comply with recommendations of the Irrigon Rural Fire District regarding access.
5. Obtain an access permit from the Public Works Director for any new access to County Road for Parcel #2.
6. DEQ Site Suitability must be obtained for Parcel #2 before sign-off on the final partition plat.

**PUBLIC HEARING - Land Partition Application, LP-S-251 and Conditional Use Permit, CUP-S-142: Paul and Susan Hisler, applicants and owners. Property is described as tax lot 1300 of Assessor's Map 4S 29, a 482.90 acre parcel located on Hisler Road, approximately 15 miles southeast of the City of Heppner. Proposal is to partition the parcel and create an 80 acre parcel and to site a private seasonal hunting and fishing cabin in a Forest Use (FU) Zone. Criteria for approval include Morrow County Zoning Ordinance Section 3.020(B)(17) and (E), (F) and Morrow County Subdivision Ordinance ARTICLE 5, Section 5.020 and 5.030** - At last month's Planning Commission meeting, the Commission accepted the withdrawal by the Hisler's of their request to rezone their property from Forest Use to Exclusive Farm Use. The Planning Director's solution to the Hisler request was to allow them to do a land partition and then to site a private, seasonal hunting and fishing facility. The Hisler's plan to sell the 80 acres to someone who will build a cabin on the property. David Hadley, attorney, helped draft the letter from the Hisler's. The Conditional Use Permit limitations were reviewed as were the conditions of approval. There was no correspondence or comments received. Commissioner Peterson asked if this request is for both the Partition and Conditional Use Permit for the cabin. The Planning Director said it was and explained that Hisler's had a small piece of ground on the south side of the highway that they wanted to split off from the main parcel since they do not use it. The main proposal is for a fee hunting cabin or operation. The public portion of the hearing was then closed. On a motion by Commissioner Lewis and a second by Commissioner Rea, the Planning Commission unanimously approved LP-S-251 and CUP-S-142

with the conditions stated in the Findings of Fact and below:

**Precedent Conditions** (must be complied with prior to signing the final partition plat):

1. Submit a **preliminary** and final partition plat in accordance with ORS Chapter 92.

**Subsequent Conditions** (apply prior to issuance of Zoning and Building Permits)

2. Submit a description of the fee hunting operation to demonstrate compliance with Section 3.020(B)(17) as described above.
3. Sign and record a statement with the deed recognizing the right of adjacent property owners to conduct forest operations on their lands.
4. Comply with all permit requirements of the Oregon Building Codes Division and Oregon Department of Environmental Quality.

**PUBLIC HEARING - Land Partition Application, LP-N-252: Velma Harns, applicant and owner. Property is described as tax lot 2300 of Assessor's Map 5N 26 24CC, a 2.0 acre parcel located on the south side of Columbia Lane, approximately one-half mile west of the City of Irrigon. Proposal is to partition the parcel into two parcels with each parcel meeting the one acre minimum lot size of the Suburban Residential One Acre (SR-1A) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The Planning Director reviewed the Staff Report and the conditions of approval. There is an existing dwelling on Parcel #1 and Parcel #2 will be developed by the applicant's granddaughter. Access to Parcel #2 will be from Idaho Lane and an access permit from the Public Works Department will be required. A letter from Byron Grow, Irrigon Mobile Park, was read into the record. He questioned allowing development in an area where growth should be limited. Commissioner Peterson said that basically we are not increasing density and the new parcel will not be allowed to hook up to City services as it is outside the UGB. Commissioner Miller moved and Commissioner Lewis seconded motion to approve LP-N-252 with the conditions stated in the Findings of Fact and below.

**Precedent Conditions** (must be complied with prior to signing the final partition plat):

1. The applicant shall comply with the requirements of the West Extension Irrigation District. District approval shall be noted on the final partition plat.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
3. Applicant shall submit a **preliminary** and final partition plat in compliance with ORS Chapter 92.
4. Submit DEQ Site Suitability for Parcel #2.

**Subsequent Conditions** (apply prior to issuance of Zoning and Building Permits):

5. Applicant shall obtain a road access permit from the County Public Works Department prior to constructing any new access. County approval shall be required prior to issuance of zoning or building permits for Parcel #2.

**ENFORCEMENT** - The Commission thanked the Code Enforcement Officer, Karen Zeiler, for attending the meeting and giving her report on the Hensley/Horrace enforcement issue. The Enforcement Officer then gave a brief summary of her enforcement work. She said some complaints are solved quickly and others take a longer amount of time. Most people are complying with the CEO when contacted. Chairman Padberg asked how much time is being spent on Code Enforcement. Deputy Zeiler said she is spending at least 20 hours per week on enforcement. It all depends on what cases she is working on. She has started submitting a monthly report to the Planning Department so they are aware of the status of the cases she is working on. Therefore, if the Planning Department is asked about a particular case, they know what is being done on it.

**DISCUSSION OF SENATE BILL 543 AND PERIODIC REVIEW** - A letter regarding this Senate Bill was included in the Commissioner's packets. The Planning Director explained that since we are a County with less than 15,000 population, we do not have to go through Periodic Review. At the AOC conference, Dick Benner, DLCD Director, talked about Periodic Review. The length of time counties are in Periodic Review has been quite lengthy. Morrow County's work program listing their work elements for Periodic Review was then given to the Commissioners. The water element still needs to be completed, but it will take quite a lot of time to complete. The Planning Director wanted the Commission's advise as to whether to drop out of the Periodic Review process. She did state that if we dropped out, there are still technical assistance grants available to the County. Commissioner Miller stated that it should be the Planning Director's discretion as to whether to pursue Periodic Review or be exempt. General concurrence was expressed by the Commission. The Director said that she had sent a letter to Curt Black asking him to review his findings given in the water quality report. Commissioner Peterson said that we should be trying to clean the water at its source not cleaning up all the groundwater. One goal is to protect people and another is to clean up the groundwater. The state is proposing setting acreage limits and all subdivisions already approved will be grandfathered in but any new partitions or subdivisions will have to abide by the new rules. The Commission questioned at what point are you rural and what point urban. This is a social and aesthetic issue. Commissioner Peterson said how do we know how people want to live. Commissioner Peterson also felt that there should be some type of public notice or hearing to interested property owners to see how they feel about the issue. Possibly people owning one or two acre parcels could be notified. The Planning Director said she would like to see DEQ, DLCD, WRD and other agencies get together to discuss these issues.

**CORRESPONDENCE** - The Planning Director explained that a letter from Water Resources said they have hired another watermaster based in Condon to serve the Willow Creek area.

A letter from Dick Benner regarding distressed communities was distributed to the Commissioners and the Planning Director said that the Willow Creek Valley might be a good project area and that she would talk with the communities in this area.

A brochure regarding a land use seminar being held in 2000 was distributed to the

Commissioners. If any Commissioner is interested in attending, the Planning Department might have some money available to help with registration and gasoline, and that they should let the Planning Department know.

**NEW BUSINESS** - Commissioner Dan Brosnan reported on the progress on the Ione-Boardman Road. He said we are waiting for the State to make some headway with the Navy. Bill Nickelberry with the State Property Division has contacted ODF&W on the ground squirrel issue and are trying to work on it. Commissioner Brosnan said that he thinks we can get through the ground squirrel problem. He feels there is still some concern over the Navy's navigation easement. Inland Land is negotiating an agreement to farm east of the reservoir instead of west. The easements will have to be a collaborative effort with all parties. Commissioner Miller asked about the public hearing on the road issue. Commissioner Brosnan said that the project needs to get further down the road before it is taken to the people. He said we need to get the easement secured and then decide what to do next. Chairman Padberg said that the town of Ione is going to have a town hall meeting with the five families and others who seem to have some objections to the road. He feels this might be a way to sort out and address their concerns. Commissioner Brosnan said that the road cannot be bonded so financing will have to be arranged.

The letter from the Governor to Secretary of Defense Cohen regarding impact funds for the County was shown to the Commission. Commissioner Brosnan said that the Governor's letter was a definite plus. At the present time, no one has heard back from Secretary Cohen regarding this letter. The Governor seemed to be very supportive when the Commissioners from Morrow and Umatilla County met with him and this will help the County's stance on impact funds.

Chairman Padberg also said that if the Port of Morrow lands the urea plant, the County will be inundated with a 400-500 workforce for approximately three years. The County will have to address all these growth problems.

**ADJOURNMENT** - Chairman Padberg adjourned the meeting at 9:55 p.m. The next Planning Commission meeting will be on Monday, December 27, 1999, at 7:30 p.m. at the North Morrow Annex Building in Irrigon.

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION  
MONDAY, DECEMBER 27, 1999 - 7:30 P.M.  
NORTH MORROW COUNTY 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, Keith Lewis, Richard Kent (arrived at 7:40 p.m.) And Henry Bass

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Art Kelley, John Martin, J. R. Dunn, Douglas Renoe, Wanda Renoe, Eugene Dexter, Oliver Devin, Bill Hanlon and Judge Terry Tallman

**MINUTES OF THE OCTOBER 25, 1999 AND NOVEMBER 29, 1999 MEETING** - Several corrections to the minutes of both meetings were made by Commissioner Rea. On a motion by Leann Rea and a second by Joe Miller the minutes of both meetings, with corrections noted, was passed unanimously by the Commission.

**PUBLIC HEARING - (Continuation of Public Hearing from November Commission Meeting) Land Partition Application, LP-N-247: Kelly Nobles, applicant and owner. Property is described as tax lot 5500 of Assessor's Map 5N 27 21A, a 8.39 acre parcel located on the east side of Rand Road north of the West Extension Irrigation District canal, approximately two miles east of the City of Irrigon. Proposal is a replat of Parcel #1 of Partition Plat 1999-3. Applicant intends to partition the parcel into two parcels larger than the one acre minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The Planning Director explained that Mr. Nobles had been in to the Planning Department and said that he was thinking of withdrawing his application and then sell part of the property to contiguous property owners. Mr. Nobles also indicated that he might submit an application for a Property Line Adjustment. At that time, he did not want to submit anything in writing, but he would decide what to do before the Commission meeting. The Planning Director advised Mr. Nobles that the Property Line Adjustment could be denied or approved subject to the access and the easement and that it would have to be brought before the County Counsel. Commissioner Lewis moved to deny Land Partition, LP-N-247, due to the applicant's failure to provide proof of legal access to the property. The motion was seconded by Commissioner Rea and passed unanimously by the members of the Commission.

**PUBLIC HEARING - Land Partition Application, LP-S-253; Leo and Peggy DeZoete, applicants and owners. Property is described as tax lot 1700 of Assessor's Map 2S 24, a 863.33 acre parcel located on the east and west side of Rhea Creek Road, approximately 11 miles southeast of the City of Ione. Proposal is to partition the parcel into two parcels larger than the 160 acre minimum lot size of the Exclusive Farm Use (EFU) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and Section 5.030 and Morrow County Zoning Ordinance Section 3.010(H) - The Findings of Fact was reviewed by the Planning Director. Parcel #1 has an existing dwelling and some buildings on it and Parcel #2 is vacant. Both parcels are in agricultural use. Parcel #1 has access to Rhea Creek Road and permission for any new access must be obtained from the Public Works Director. The Planning Director recommended deleting Condition #5 as the parcel is large enough so as not to question the approval of a Site Evaluation by DEQ. There was no correspondence or comments from the audience. Commissioner Rea moved and Commissioner Peterson seconded motion to approve with conditions stated in Findings of Fact and below. Motion passed unanimously 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. Applicant shall obtain a road access permit from the County Public Works Department prior to constructing any new access. County approval shall be required prior to issuance of zoning or building permits for Parcel #2.

**PUBLIC HEARING - Land Partition Application, LP-N-254; Allan Bean and Shiao-Chin Wu, applicants and owners. Property is described as tax lot 500 of Assessor's Map 5N 26 24CB, a 4.64 acre parcel located on the northwest corner of West Oregon Lane and Third Street West, approximately one-eighth mile west of the City of Irrigon. Proposal is to partition the parcel into two parcels larger than the one acre minimum lot size of the Suburban Residential One Acre (SR-1A) Zone outside the Irrigon Urban Growth Boundary. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030 - The applicant is proposing to split the property into two parcels. Parcel #2 has one dwelling and garage and Parcel #1 has a barn and existing infrastructure for a manufactured dwelling which was removed from the property. Both parcels are larger than the one acre minimum in the SR-1A Zone. Because the area is outside the Irrigon Urban Growth Boundary it cannot be served by city sewer. Access for Parcel #1 is proposed from West Oregon Lane and Parcel #2 has existing access from an undeveloped Third Street Right-of-Way from West Oregon Lane. The conditions of approval were reviewed by the Planning Director. A letter from West Extension Irrigation District was read into the record. This letter stated that the applicant has been working with the District on water distribution and WEID would sign off on the partition plat. The letter from the Watermaster's office was also**



read into the record. They expressed a concern for a shared well and recommended a shared well agreement be signed. Another issue was that of groundwater rights from a well either on their property or adjacent to it. It was determined that the well was on the Burn's property, but the applicant had water rights from this groundwater source. Water Resources made several recommendations regarding the wells on this property. It was suggested to add the Watermaster's concerns to the conditions. Judge Tallman stated that the County Court is looking into the road issue and will be making a policy decision within the next six months. The County does not have the funds to maintain the existing roads let alone take on additional roads into the County road system. There were not other comments from the audience or any other correspondence. The Planning Director stated she would clarify the access issue in the Findings of Fact and include a condition that the applicant comply with improvements recommended by Public Works and also include a condition for the Consent to Participate Agreement. Commissioner Grieb moved and Commissioner Kent seconded motion to approve Land Partition, LP-N-254 with the conditions, as corrected, in the Findings of Fact and below. The motion passed unanimously by the members of the Commission.

**Precedent Conditions** (must be completed prior to signing the final partition plat):

1. The applicant shall comply with the requirements of the West Extension Irrigation District. District approval shall be noted on the final partition plat.
2. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights. Address specifically the concerns raised in the December 23, 1999, letter from Watermaster and submit documentation to show a shared well agreement and easements for domestic well and irrigation.
3. Applicant shall submit a **preliminary** and final partition plat in compliance with ORS Chapter 92.
4. Applicant shall obtain a road access permit from the County Public Works Department prior to constructing any new access and comply with improvements as recommended by Public Works Director. The access permit and road improvements shall be required prior to issuance of zoning or buildings permits for Parcel #1. The proposed access shall be reviewed and approved by the Public Works Director.
5. Sign and record a Consent to Participate Agreement for future improvements to Third Avenue.

**Subsequent Conditions** (apply prior to issuance of Zoning and Building Permits):

1. Obtain DEQ Authorization Notice for Parcel #1.

**PUBLIC NOTICE - Conditional Use Permit Application, CUP-N-143: Jerry Johnson, Evergreen Outdoor Advertising, Inc. , applicant and owner. Property is described as tax lot 200 of Assessor's Map 4N 24 14, a 10.72 acre parcel located on the north side of Interstate 84 east of the Tower Road exit, approximately 5 miles west of the City of**

**Boardman. Proposal is to erect a billboard adjacent to I-84 in a General Industrial (MG) Zone. Criteria for approval include Morrow County Zoning Ordinance 3.070(2)(O),**

**ARTICLE 6, Section 6.020 and 6.030** - The request is to erect a billboard on the north side of I-84 east of Tower Road. ODOT is reviewing the notice. Evergreen Outdoor Advertising has applied to ODOT to transfer a billboard from Highway 11 to I-84. The conditions of approval were reviewed by the Planning Director. The Planning Department received one call from Joy Pritchard who called and wrote to say she was opposed to the billboard because she feels there are too many signs in the area and the lights from there are too bright. Commissioner Rea asked if the sign would be a problem for the airplanes landing at the Port of Morrow Airport. A condition of approval to notify Oregon Aeronautics was added to the list of conditions. Mr. J. R. Dunn said that he feels there are too many signs in the County. The Planning Director stated that the County has only granted two of the signs along I-84, one on Port property west of Tower Road and the other on Mr. Chastagner's property near I-84 and State Highway 730. County Counsel, Bill Hanlon, said that he would recommend postponement of the hearing until Oregon Aeronautics could be notified of the request and given a chance to comment. Commissioner Grieb asked about the access issue. It was explained that one of the conditions of approval was to submit proof of an access agreement with the property owner. Commissioner Kegler said that he disagrees with the illumination factor and does not think this will be an issue. Commissioner Rea moved to postpone this CUP hearing until the January 31, 2000 meeting in Lexington and asked the Planning Department to send a notice to Oregon Aeronautics about the lighted sign, notify the applicant about legal access and ask the applicant to attend the January Commission meeting. The motion was seconded by Commissioner Bass and unanimously approved by the Commission. The next meeting will be on January 31, 2000, at 7:30 p.m. at the Morrow County Public Works Building.

**AUDIENCE PARTICIPATION** - Mr. & Mrs. Renoe and Eugene Dexter asked if they could speak to the Commission regarding a travel trailer they had on their property. Mr. Dexter explained that several years ago he had moved on his sister and brother-in-laws property to help them since they have medical problems. He said it is necessary for him to be close to his relatives in order to help them. He said Deputy Zeiler contacted the Renoe's regarding his living in the travel trailer. She advised them to contact the Planning Department. The Planning Department said he is in violation of the Zoning Ordinance by living in the trailer. He is also illegally hooked into the Renoe's septic system and power. He cannot apply for a Hardship Variance as the RV trailer does not meet the size and type (for Manufactured Home) regulation of the Zoning Ordinance. Deputy Zeiler gave Mr. Dexter an extension until May to move the travel trailer from the property. The Planning Director explained that if we allow one person to live in a RV unit then we open the door to everyone else. There is no provision in our Ordinance that allows living in an RV unit. Chairman Padberg said that the Commission sympathizes with the Renoe's and Mr. Dexter, but with the large inflow of people in the County if we do not have control on this issue, it will become a large problem for the Code Enforcement Officer. Commissioner Rea asked what size the travel trailer is. Mr. Dexter said it is 35'. It is too small to be considered a mobile home and, therefore, does not meet the code. Bill Hanlon said the County must have some standards regarding living in RV's. Mr. Dexter asked if the travel trailer could remain on the

property if he moved in the house with the Renoe's. He was advised that he would have to disconnect it from the septic tank, but it could remain on the property. The Chairman thanked the Renoe's and Mr. Dexter for coming in and said they were sorry living in the travel trailer could not be allowed.

**CORRESPONDENCE - Memo to County Court (12/10/99) - Public Rights-of-way and New**

**Subdivision Roads** - The Planning Director explained that she had contacted four other counties to see what they were doing regarding acceptance of roads and public rights-of-way. The counties contacted are not accepting any new subdivision road. They are asking for a bond or perpetual agreement or a Homeowners agreement to insure future maintenance on the roads. The County cannot deny use of public rights-of-way. The Director explained that there are several things going on in the County. The County Road Committee is touring all the roads in the County and the GIS Department is developing maps showing all the roads, indicating whether they are County roads, paved or not; public rights-of-way, or private easements. The County will then try to attach a dollar amount to the cost of maintaining, building or taking over any road. This is a work in progress and the Planning Director said she would keep the Commission informed. Judge Tallman said that it is a genuine nightmare. He said no one will come out a winner and some people will not be happy with the outcome, but the County does not have an unending supply of money for roads. May have to have a local improvement district to help people improve the roads.

**Goal 14** - The Planning Director reported that DLCD has postponed their decision on the Goal 14 minimum lot size until February or March. Many of the counties felt they did not have sufficient time to respond and notified DLCD of the short notification period. DLCD is going to have a workshop in January and then try to address the rule in February or March. Most counties have opposed portions of the rule as proposed. For example, they would like to see the existing legal lots of record be grandfathered in. The Planning Director asked if the Planning Commission would agree to the Planning Director writing a letter to DLCD stating that they support the legal lot of record rule to be grandfathered in. Commissioner Miller felt the letter should be written (with very strong language). The Director explained the letter had to be mailed by Thursday. The Commission felt this was an important issue and would affect many people in the County and wondered if notice could be sent out. The Planning Director said that there was not sufficient time for notification and that Measure 56 requires notification after the fact. Commissioner Brosnan and Tamra will go the January meeting. Commissioner Rea said the write the letter as strong as possible.

**AUDIENCE PARTICIPATION** - Oliver Devin suggested the Commission look into ODOT's restrictions on direct lighting on roadways. He said the billboard lights usually shine directly on the signs and should not be a problem.

Judge Terry Tallman said the Census is being done in 2000 and it is extremely important to Morrow County. The County's current count is low and we need an accurate count as funding is based on population. The Planning Director said that when the TSP was done, the population

was moved to 9895 people and this amount was accepted by DLCD. Judge Tallman said that by counting Post Office Boxes we can come up with between 12-13,000 people in the County. He said he is having some in-county workshops to get people within the County to be enumerators. It is better for the County if the enumerators know about the County thus ensuring a more accurate count. The Census must be completed by June.

According to Judge Tallman, Morrow County is working on a partnership with Baker County. The interests and concerns of both Counties are very similar and Judge Tallman thinks it will be a good union. Judge Tallman says that we are looking at some exciting times for the County. We all want livability and a good quality of living in our lives.

The Ione/Boardman Road was then discussed. The Court has received a copy of a letter from Bill Nickleberry, State Lands Division, from Oregon Department of Fish and Wildlife regarding the Washington Ground Squirrel. Chairman Padberg asked where the public input is on this issue. The Planning Director said that the matter goes to the ODF&W Commission on January 21, 2000 and then to the public. Chairman Padberg suggested writing a letter to ODF&W letting them know that it has been the County's position for years to place a road in that area. The Planning Director said that she has heard from other sources that the Ground Squirrel is going to be placed on the endangered list. She also said that if placed on the endangered list, a mitigation plan could be done for the road. A new easement would not have to be approved by the Administration, Bill Nickleberry says DAS would sign off right away, but since a new easement must be obtained they cannot sign off without other agency concurrence. If Inland gets to make a trade of land because of the Ground Squirrel, they will farm the west end of the Boeing land, and the road is on the west side so the County may be okay. Commissioner Rea said that what we are really trying to do is reclaim a road that was at one time in that area. Commissioner Brosnan will be going to the ODF&W meeting and will represent the County. ODF&W would like to protect the area. The Planning Director explained that one of the fundings for the road would not happen. Judge Tallman indicated that Jill Mills, OEDD, told him there is no possibility for funding the road (via Immediate Opportunity Funds) as we are in the wrong category of use. Commissioner Lewis felt the County Court should take the Ione/Boardman Road issue to the people of the County and let them decide. Judge Tallman stated the County Court wanted to make a good decision on the road issue.

Karen Zeiler, Code Enforcement Officer, handed out a report to the Commission which she prepared showing where her time is spent on Code Enforcement. She has 50-60 current cases and there are certain areas she wants to target. She has opened up two new cases on Gun Club Lane. One of the problems she is dealing with is that in the present Ordinance a site-obscuring fence can be erected to hide abandoned vehicles. She has checked with other counties and they limit the number of vehicles you can have on your property before you become a wrecking yard. This has been a real problem for her and she wondered whether the Commission would consider amending the Ordinance to take care of this abandoned vehicles/wrecking yard problem. The Planning Director and the Code Enforcement Officer will get together and try to work on a definition for a wrecking yard.

**ADJOURNMENT** - Chairman Padberg adjourned the meeting at 10:10 p.m. The next Planning Commission meeting will be on Monday, January 31, 2000 at 7:30 p.m. at the Morrow County Public Works Building in Lexington.