

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION  
MONDAY, JANUARY 31, 2000 - 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, Joel Peterson, Joe Miller, Art Kegler, Leann Rea, Ken Grieb, Richard Kent and Henry Bass

**MEMBERS ABSENT:** Keith Lewis

**OTHERS PRESENT:** Jerry Johnson, Dan Brosnan, John Wenzholz, Diana Garcilazo, Wes Wise, Ryan Miller, Richard and Pam Schmidt, William Nichols, Harold Huber, Terry Tallman and A. J. Doherty

**MINUTES OF DECEMBER 27, 1999 MEETING** - The minutes of the December 27, 1999 meeting were unanimously approved as mailed.

**REAPPOINTMENT OF PLANNING COMMISSIONERS** - The Morrow County Court reappointed Joe Miller, Joel Peterson and Ken Grieb to serve another term on the Planning Commission.

**ELECTION OF OFFICERS FOR 2000** - Commissioner Grieb moved to reelect the existing officers for the year 2000. The motion was seconded by Commissioner Rea and passed unanimously by the members of the Commission.

**PUBLIC HEARING - (Continuation of Public Hearing from December Commission Meeting) 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** - At the December meeting the Planning Commission concluded that they needed more information regarding this application for a billboard. They asked the Planning Department to contact the applicant to provide the following information:

1. Provide access and submit a copy of access agreement.
2. Contact ODOT, Aviation Department for approval of the sign location
3. Show sign design

4. Appear at January meeting in Lexington to answer any questions Commission might have.

The letter from ODOT, Aviation Department was read into the record. This letter will serve as an approval from ODOT, FAA. The letter from Boeing was then read into the record. This letter gave the applicant permission to access the billboard location via Boeing land. The access will be from Tower Road and then east across Boeing land. Jerry Johnson, applicant, presented to the Commission a picture of an existing billboard structure which is like the one to be sited on tax lot 200. The billboard will be lighted from the inside and will shine directly on the billboard and will face both directions. The maximum height of the sign will be 27' above ground level. The conditions of approval were then reviewed. Commissioner Kegler moved and Commissioner Grieb seconded motion to approve CUP-N-143 for the billboard siting with the conditions of approval stated in the Findings of Fact and below. Motion passed unanimously by the Commission.

1. The applicant shall obtain applicable permits from the State Highway Division and the State Building Codes Division.
2. Following final approval of the Planning Commission, applicant shall submit a final plot plan and obtain a County Zoning Permit.
3. Obtain approval from Oregon Aeronautics for the proposed sign.

**PUBLIC HEARING - Land Partition Application, LP-S-255, and Conditional Use Permit, CUP-S-143: Schmidt Family Enterprises, applicants and owners. Property is described as tax lot 6300 of Assessor's Map 1S 25, a 250 acre parcel bordered by Highway 74 on the south, Piper Canyon Road on the west and Blackhorse Canyon Road on the north, approximately two miles south of the City of Lexington. Proposal is to partition three fifteen acre parcels from the parent parcel creating three "non-farm dwelling" parcels and to site a dwelling on each parcel. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030 and Morrow County Zoning Ordinance Section 3.020(F) and Oregon Administrative Rules** - Commissioner Miller declared a conflict of interest with this hearing and will abstain from voting. The Planning Director, Tamra Mabbott, explained that this hearing is to create three nonfarm dwelling parcels and to site a dwelling on each parcel. The Director explained that technically this is a subdivision not a straight land partition. The parcel is 250 acres in size and has not been surveyed yet. The exact location of the access for the three parcels will be determined when the survey is done because of some deep canyons in the area that may cause problems with the access road location. The Planning Director showed the Commissioners a map showing 2000 acre parameter surrounding the property. It was explained that you can create nonfarm parcels as long as the creation of these parcels does not have a cumulative negative effect on the surrounding property. The potential maximum is 25 dwellings and that is considering the existing acreage only, not on the soils. Each application would need to be reviewed on their individual basis. The three nonfarm parcels will not have a detrimental effect on farming in the area. The access issue must be coordinated with the Public Works Director. Public Works Director Guy VanArsdale, said

where the proposed access road approaches on Piper Canyon can present a problem with the access on to the State Highway. His concerns are about the location of the access and where the road can go. He said he will need to consult with Jim King, ODOT, but that the State may require a little pavement on to the State Highway. Guy wanted to stress that the County will not build any culverts or anything like that; it will be the responsibility of the applicant. Jon Jinings, DLCD, called the Planning Director asking if this was a subdivision and not a land partition. She also had a telephone call from Sean Eng wanting to know how close to the creek the property was and if it was in a floodplain. Tony Doherty also wanted to know how they could do this land partition in an EFU Zone. Jerry Breazeale, Heppner City Manager, asked for a copy of the Findings of Fact and was going to write a letter on behalf of Heppner Development Corporation in favor of the land partition. Mr. Breazeale felt that this area of the County needs more small farmette-type development. Commissioner Rea asked about the fact that some of this property has been used as a dump site for mill bark waste. The applicant explained that the three parcels to be partitioned are not where the mill waste was dumped and that they are cleaning up the waste on the rest of the parcel. The mill waste is being burned and the ash will be tilled into the soil. Mrs. Schmidt feels that the mill waste may enhance the property's soil value in years to come. Mrs. Schmidt said that this land partition will pay for the cost of cleaning up the soil where the mill waste has been dumped. The final plat must show that each of the parcels is predominantly not high value soil.

Tony Doherty described some concerns about the land partition. He stated one of his concerns is that it is Class VII land that is real fragile for building and putting animals on it. He fears the danger of development of this land. Another concern is access. He feels there is not any good access to the property. It is steep and gets very washboardy. His final question was whether you can consider a high class of land as a buildable site. He feels there is not enough soil for building in the mill waste. His recommendation would be to put it up on top where there is a better soil. This is in a scenic by-way and it could possibly be considered an eye sore. As a property owner, he is in favor of people being able to develop their own land, but he is concerned about this particular piece of property. The Planning Director inquired as to whether the three homesites will be visible to the highway. Pam Schmidt said they will probably not be visible from the highway.

Pam Schmidt stated that 51% of the ground had to be non-productive, and that is why they picked this particular section of ground on the property. Commissioner Miller said that there was a lot of rock hauled in with the mill waste and it would not be farmable. It would just be a hobby farm. Tony Doherty said that it has not even been good farm ground.

Doc Huber said as previous owner he feels that ground will grow something on it. The Public Works Director, Guy VanArsdale, said it is pretty steep from the highway and he thinks anything you do up on that hillside will be visible from the highway. A road beside Piper Canyon will be steep and hard to maintain.

Commissioner Kegler asked that since animals may cause problems on the steep hillside, can you

place a restriction on number of animals in an EFU Zone. If not, could a deed restriction be done on the number of animals? Chairman Padberg said that cattle have been on this rock pile for years. He felt that access to the County road and State Highway may be difficult to get. The Planning Director asked if the Schmidt's wanted to change the location of the parcels if it could be a staff decision and not have to be brought before the Commission again. The Commission agreed that a change of parcel location could be approved by the Department staff. Commissioner Rea moved to approve the Conditional Use Permit and Land Partition and give staff permission to amend location of parcels if a change is needed. The motion was seconded by Commissioner Peterson and passed with Commissioner Miller Abstaining and Commissioner Bass voting nay. The conditions of approval were:

**PRECEDENT CONDITIONS:**

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" parcels from farm deferral and all taxes shall be paid prior to recording the final partition plat.
5. Applicant shall dedicate a minimum 40-foot easement to the new parcels. The location of the new roadway must be reviewed and approved by the Public Works Director before it is included on the preliminary plat.
6. Comply with recommendations of the Public Works Director as to improvements to the new easement/roadway and to Piper Canyon Road.
7. The new access to Piper Canyon Road will require a road entry permit from the County Public Works Director prior to construction.

**PUBLIC HEARING - Reconfiguration of Land Partition Application, LP-N-237 (heard at the April 26, 1999 Commission Meeting): 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 new configuration was required because DEQ would not approve septic for the parcel with the dwelling. They felt it needed to be larger. The Public Works Director said that he is happy with the new configuration. Parcel #1 will share an existing drive with Parcel #2. The spacing might be a little close, but he did not have any objection. Commissioner Kegler moved and Commissioner Miller seconded the motion to approve the reconfiguration of this parcel. Motion passed unanimously by the Commission.

**PUBLIC HEARING - Land Partition Application, LP-S-256: George and Mary Dammeyer, by Scott and Jodi Dammeyer, POA, applicants and owners. Property is described as tax lot 200 of Assessor's Map 1S 25 27DA, a 26.29 acre parcel bordered on the south by Blackhorse Canyon Road and the west by Nichols Road. Part of the property is located in the city limits of Lexington and in the County's Suburban Residential Zone within the UGB of the City of Lexington. Proposal is to partition the parcel into three parcels and to do a Property Line Adjustment between two of the parcels. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - The Staff Report was reviewed. The Planning Director explained that part of the property is in the UGB and part in the City of Lexington. The access to this parcel is a County right-of-way that is not developed. The County portion of the parcel is 8.13 acres. Mr. Nichols, an adjacent property owner, said the road is not Nichols Road as indicated on the map, nor is it Airport Road. It is an unnamed road. Access is a major issue. The Public Works Director must give approval and it is up to the developer to improve this road. Mr. Nichols wanted to know if they are going to open the road clear through or is it going to be just an access road to the Dammeyer property. Guy VanArsdale said that he is concerned about fire department access if the developers just built out to the south property line. He wants to see it built so trucks can access the property. He could require developer to bring the road up to County standards, but the County still would not have to maintain this road. The Planning Director said that they would comply with whatever improvements the Public Works Director requires, but that does not obligate the County to maintain the road.

John Renfro, Lexington Mayor, said the City has no objection to property being developed, but would like to see it developed properly. He does not think the City will require a paved road, but does expect the developers to put in a gravel road which will be well-maintained. He will have to consult with the City Council before making a definite commitment. He also commented about #6 on page 4. He said that a minor partition in the City does not require a paved road. He also stated that Parcel #1 is not in the Lexington Fire Department. The Fire Department only includes the City of Lexington, although, they will respond to areas right outside of Lexington.

Mr. Nichols other concern is regarding fire protection. He does not want to burn up out there. Several corrections to the Conditions were noted. Commissioner Kegler moved to approve this land partition with the corrected conditions, listed below. The motion was seconded by Leann Rea and passed unanimously by the Commission.

**CONDITIONS OF APPROVAL:**

**Precedent Conditions** (applicant must demonstrate compliance with all precedent conditions before planning staff may sign the final partition plat):

1. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
2. Applicant shall re-submit a **preliminary** and final partition plat in compliance with ORS Chapter 92. (The plat shall include no more than three parcels.)

3. Submit DEQ Site Suitability for Parcel #2 and #3, if required by the City of Lexington.
4. Sign a Right-to-Farm Disclaimer Statement.
5. Sign a Consent to Participate Agreement for future development of the unnamed County right-of-way.
6. The unnamed County right-of-way shall be classified as a Rural Access III roadway and the applicant/landowner shall make improvements to the roadway as recommended by the Public Works Director. At a minimum, a gravel surface shall be required up to the southern boundary of Parcel #1 (the urban growth boundary/city limit line) and include a cul-de-sac turn around for emergency vehicles on Parcel #1.
7. Applicant shall obtain a road access permit from the County Public Works Department and City of Lexington prior to constructing any new access/driveway to unnamed road right-of-way. County access permits shall be required prior to issuance of zoning or building permits for Parcel #1, and City approval of new access/driveway shall be required prior to issuance of zoning or building permits for Parcels #2 and #3.
8. Obtain approval of the City of Lexington for the subject land partition.

**PUBLIC HEARING - First of three hearings to amend the Morrow County Subdivision Ordinance to include requirement to submit a partition plat for parcels under eighty acres.**

The County Surveyor recommended we amend our Ordinance to include the regulation to require partition plats for parcels being partitioned which are under 80 acres. This is the first of two hearings before the Planning Commission and one before the County Court. The second hearing for this amendment will be at the February 28, 2000, Commission meeting at 7:30 p.m. in Irrigon.

**PROPOSED GOAL 14 RULE AND ITS EFFECT ON RURAL RESIDENTIAL AREAS -**

Morrow County objected to this rule change over a year ago. The State is proposing down zoning to five acre minimum. There was a work session on Thursday and Friday, but the Planning Director said that she did not feel it would be worthwhile to go. Commissioner Kegler reported on a meeting in Umatilla County regarding the down zoning. He said that meeting was filled with many angry people. The Umatilla County Planning Department is proposing a four acre size and would like to adopt that before the new state rule is passed. The Planning Director said she would be willing to have a work session on the minimum size topic and asked if the Commission would be willing to have a special meeting on this topic. When the rule goes into effect it will mean a lot of work for the Planning Department.

**REVIEW OF PLANNING COMMISSION BY-LAWS** - The County Court requested the Planning Commission amend their by-laws regarding term limit as the length of terms is not being followed. The Commissioners decided to amend ARTICLE I - Membership, Section 3 of the By-laws to read "Planning Commission membership shall consist of a four year term of office and may be reappointed at the discretion of the County Court without term limitation. ARTICLE II - Officers and Duties, Section 1 was also amended to read "The Commission at its regular January meeting shall elect a chairman and vice-chairman from its membership." These corrections to the By-laws will be made and presented to the Planning Commission at the February meeting and then referred to County Court.

**CODE ENFORCEMENT REPORT** - Karen Zeiler, Code Enforcement Officer then gave an update on her enforcement activities. She has been given an office in Boardman and has been working on getting it ready to work out of. She finally has a computer that works so she will be entering her data. She has contacted several agencies about abandoned vehicles. Most counties only allow a certain number of vehicles on a piece of property. Our ordinance states that abandoned vehicles must be kept behind a fenced area. The problem with this is what people define as a fence. It can be anything from wood to metal to old washers lined up. We need to define wrecking yard. The definition might be that a wrecking yard consists of five or more older vehicles. She will continue working on a new definition for the Ordinance.

**SIX MONTH REVIEW OF CONDITIONAL USE PERMIT, CUP-N-128, MICHAEL SWOPE** - The Planning Commission had asked that this CUP be reviewed in six months. There were several items the Planning Commission wanted completed by Mr. Swope within this six month period. Mr. Swope addressed these issues. He says he has a sign, is listed in the white pages, and has gotten his dealers license. He presented to the Commission his record book. John Wenholz asked if he has a dealer's license why does Mr. Swope have to allow the Planning Commission to check his inventory; he thinks it is inappropriate to look at his inventory. County Counsel, Bill Hanlon, explained why the Planning Commission asked for this proof. It was to prove that Mr. Swope was actually conducting a business in this Commercial Zone. The manufactured home was only allowed as long as a business was being conducted on the property. Commissioner Kegler said that the book contained his sales made from the property not his inventory. The Planning Commission was just establishing that there were some sales made from the property. Mr. Swope had to demonstrate that he actually has a working business operation on the property. Commissioner Rea asked Mr. Swope to provide a copy of the renewal of his business license when the current one expires. The Planning Commission agreed that unless they were complaints about the property, another six month review would not be required.

**CORRESPONDENCE** - The letter from Mr. Nobles requesting the vacation of the 45' easement on the southerly portion of his property was read into the record. It was explained that Mr. Nobles would still have the northerly 45' easement to access his one parcel. Commissioner Kegler stated he would abstain from voting due to a conflict of interest. The Planning Commission voted to recommend vacating the southerly 45' easement and make their recommendation to County Court.

**ADJOURNMENT** - Chairman Padberg adjourned the meeting at 10:30 p.m. The next Planning Commission meeting will be on Monday, February 28, 2000, at 7:30 p.m. at the North Morrow Annex Building in Irrigon.

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION  
MONDAY, FEBRUARY 28, 2000 - 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, Art Kegler, Leann Rea, Ken Grieb, and Henry Bass

**MEMBERS ABSENT:** Joe Miller, Keith Lewis and Richard Kent

**OTHERS PRESENT:** Bill Hanlon, Morrow County Counsel, Jeff Penick, Hood River Cellular, Gregorio Lopez, Eva Lopez, Eloy Lopez and Mike Swope

**MINUTES OF JANUARY 31, 2000 COMMISSION MEETING** - The minutes of the January 31, 2000 meeting were unanimously approved, with corrections noted, on a motion by Commissioner Grieb and a second by Commissioner Rea.

**PUBLIC HEARING - Second of three hearings to amend the Morrow County Subdivision Ordinance to include requirement to submit a partition plat for parcels under eighty acres** - This amendment to require a partition plat for parcels under eighty acres was requested by the County Surveyor as he said it is allowed by law (ORS) but not stated in our Subdivision Ordinance. These plats are required to be completed within one year of approval and must be prepared by a licensed surveyor. The Planning Department did not receive any comments or questions regarding this amendment. Commissioner Rea moved to recommend to County Court the adoption of this Ordinance Amendment. The motion was seconded Commissioner Peterson and passed unanimously by the Commission.

**PUBLIC HEARING - Conditional Use Permit, CUP-N-144: Hood River Cellular Telephone Co., Inc., dba AT&T Wireless Services, applicant; Port of Morrow, owner. Property is described as tax lot 4700 of Assessor's Map 4N 26, a 76.33 acre parcel located on the southeast corner of Bombing Range Road and Interstate 84, approximately four miles east of the City of Boardman. Proposal is to construct a 150' monopole with associated antennas and placement of a prefabricated 12'x28' electronic equipment shelter. Criteria for approval includes Morrow County Zoning Ordinance Section 3.070(2)(O) and ARTICLE 6, Section 6.020 and 6.030** - The applicant, Hood River Cellular Telephone Company proposes to lease ground from the Port of Morrow. The maps indicate the proposed tower will be out of the wetland area. Mr. Penick then presented pictures to the Commission showing the location. The pictures show that the site is on the dry end and out of the wetland area. Access to the facility will be a Frontage Road from Bombing Range. It is in a General Industrial Zone where this is a conditional use. It is outside the UGB and does not look like it



will interfere with other natural resources in the area. The conditions of approval were then reviewed. Two comments were received. One comment was from Gordo Chastagner who called stating he had no objections to the tower. The other comment received was a letter from ODOT. This letter was distributed to the Commissioners and was entered into the file as Exhibit 1. The cell tower is a free standing monopole which is 3' in diameter at the base and tapers at the top. ODOT is cautious because they have had some problems in other areas with these tower. Even though ODOT cannot impose the recommendations suggested in their letter, they presented them to the Commission for their consideration. County Counsel Bill Hanlon said the Commission is limited to the criteria in our Ordinance. We cannot address their criteria as it is not in our Ordinance and if the tower is outside the ODOT right-of-way ODOT cannot impose these criteria. Mr. Penick explained that this tower is designed for one other user and possibly two others. He was not sure the landowner will allow for another one to be using the same area. The Planning Director said that when we have a subsequent application, we can offer the applicant the same location or tower. The lease with the Port of Morrow is for a five year term, with additional five year options. Bill Hanlon is concerned with the proliferation of towers. The Commission could not make subsequent applicants build a bigger tower, but if there is space available they could request that they co-locate. This could be added as a condition of approval. Chairman Padberg said he could have a conflict of interest as he is a Port Commissioner and the applicant is leasing the property from the Port. He does not feel he has a conflict as he does not get any monetary benefit as a Port Commissioner. No other comments were received. Commissioner Rea moved and Commissioner Kegler seconded the motion to approve this Conditional Use Permit with the added conditions. Those conditions are:

1. Obtain Zoning Approval and necessary permits from Building Codes Division.
2. Provide Planning Department a copy of finalized land lease agreement with the Port of Morrow.
3. The monopole will be designed to accommodate at least one other cellular user.

**PUBLIC HEARING - Subdivision Application, SDN-205: Gregorio Lopez, etal, applicant and owner. Property is described as tax lot 235 of Assessor's Map 5N 26 36 a 6.85 acre parcel located on the northwest corner of Depot Lane and Daisy Road, approximately two miles southwest of the City of Irrigon. Proposal is to replat Parcel #3 of Partition Plat 1998-6. Applicant proposes to subdivide the parcel into three parcels larger than the one acre minimum lot size of the Rural Residential One Acre (RR-1) Zone. Criteria for approval includes Morrow County Subdivision Ordinance 3.020 and 3.100 - This is being processed as a subdivision even though Mr. Lopez is only partitioning three parcels this time around because in the previous partition it was stated that any further partitioning of the parcel would require subdivision standards. This basically is a replat of Parcel #3 of Partition Plat 1998-6. The Subdivision Review Committee met on February 10<sup>th</sup>. DEQ and the Planning Director asked Mr. Lopez to submit a map showing where septic, wells and homes will be located. This information was asked of the applicant so there would not be a conflict and to prevent undevelopable lot. Burrell Cooley, Irrigon Fire District Board member, was in and he wanted to make sure there is a 100' turn-around at the end of the roadway. As two of the parcels will be**

sharing a well, it was recommended that the applicant sign a shared well agreement. WEID wrote a letter saying they are working with Mr. Lopez on the delivery system. Another concern was the access from each parcel onto Daisy Road. Spacing standards in the TSP are more restrictive than the zoning ordinance and based on the minimum standards of the TSP, the road would be classified as a Rural Access I and be a paved roadway. The potential build out of the area is eight on one side of the road and nine on the other. The Planning Director and Public Works Director both recommend that the road be paved before the parcels are built. The conditions of approval were then reviewed. Condition #8 regarding applicant obtained Sanitary Disposal service is being required because of the garbage being dumped on the property by the renters.

Mike Swope is helping Mr. Lopez with the development of his property. He asked why the Planning Department is requesting Mr. Lopez to pave the road. The Planning Director explained that it was because of the potential development and the road will need to be developed before the development. Mr. Swope said that garbage service has been arranged for and that there is a turn-around at the end of Daisy Road. The Public Works Director did not think the turn-around was sufficient for the Fire District needs. Drive access points must be shared. Bill Hanlon said that the Commission can require that accesses be adjacent to each other. Commissioner Rea asked why Mr. Lopez did not partition out more lots at this time. Mr. Swope said that the DEQ costs prohibited Mr. Lopez from developing more lots at this time. Commissioner Kegler moved and Commissioner Grieb seconded motion to approve the Subdivision request with the conditions state in the Findings of Fact and below:

**Precedent Conditions** (must be completed prior to approval of the final plat):

1. Submit a preliminary and a final subdivision plat in accordance with ORS Chapter 92 provisions. Include the road name on the plat.
2. The final plat shall be approved by the West Extension Irrigation District prior to final approval by the Planning Department.
3. The access road shall remain the existing 60' public easement and shall be classified as a Rural Access I Road. Roadway shall include a 100' radius turn around for emergency vehicles.
4. Obtain Site Suitability from DEQ for Parcels #2 and #3 prior to submission of the final plat.
5. Submit a letter of approval from the County Watermaster regarding groundwater rights and plan for domestic wells.
6. Obtain DEQ stormwater discharge permit, if required.
7. Sign and record a shared well agreement.
8. Submit proof of contractual agreement with Sanitary Disposal for garbage collection.
9. Sign and record Road Maintenance Agreement for future maintenance to Daisy Road.
10. Submit a letter from the Code Enforcement Officer to verify that garbage on property has been cleaned up.
11. Design access points to locate adjacently.
12. Obtain approval from Public Works Director for new access.

**Subsequent Conditions:** (apply after the final plat has been recorded.)

1. Develop the roadway to meet the Rural Access I standard prior to issuance of zoning permits. The road will be inspected and approved by the Public Works Director.
2. Developer will distribute to buyers information about groundwater quality, nitrate contamination, septic system maintenance, landscaping and other methods for residential homeowners to reduce nitrate contamination. Information will be provided by the Planning Department.

**PUBLIC HEARING - Subdivision Application, SDN-206: Cecil W. and Ora DeElva Rock, applicants and owners. Property is described as tax lots 200, 300 and 400 of Assessor's Map 5N 26 25B, a total of 20.70 acres. The parcels are located between Idaho Lane and State Highway 730 on the north and south and Second and Third Streets on the east and west, approximately one-eighth mile west of the City of Irrigon. Proposal is to subdivide the 20.70 acres into fourteen parcels larger than the one acre minimum lot size of the Suburban Residential One Acre (SR-1A) Zone. Criteria for approval includes Morrow**

**County Subdivision Ordinance 3.020 and 3.100** - The applicant is proposed to subdivide a 20.7 acre parcel into 14 parcels. The Subdivision Review Committee met on February 10, 2000. Mr. Rock proposes to have shared wells and covenants requiring either stick-built homes or new manufactured homes. The covenants need to be attached to the subdivision plat. The original plot plan showed an access for each lot. The Planning Director and Public Works Director proposed a new road accessing the majority of the lots within the subdivision. The Irrigon Fire District liked the thru-street idea. If you build a nice road within the subdivision, a developer will get more money for the lots. There will be two shared accesses on the Third Street parcels. The road will be classified as a Rural Access I which will be a paved road. The letter from ODOT was read into the record. They concur with the Planning Department on the inner road requirement and that there be no access onto State Highway 730. The only comments received by the Planning Department were from Mr. & Mrs. Brant. They wanted to make sure that only new manufactured homes were going to be sited in the development. On a motion by Commissioner Kessler and a second by Commissioner Rea, the motion to approve the subdivision with the added conditions was unanimously approved by the Commission.

**Precedent Conditions (must be completed prior to approval of the final plat):**

1. File a preliminary and a final subdivision plat in accordance with ORS Chapter 92 provisions. The lots shall be reconfigured to show the 60 foot interior roadway, (the through street recommended by staff) dedicated as a public easement. Include a name for the roadway on the plat. The roadway shall be classified as a Rural Access I.
2. The final plat shall be approved by the West Extension Irrigation District prior to final approval by the Planning Department.
3. Obtain Site Suitability from DEQ for the lots within the subdivision before submission of the final plat.
4. Submit a letter of approval from the County Watermaster regarding groundwater rights and plan for domestic wells.
5. Obtain DEQ stormwater discharge permit, if required.

6. Sign and record a shared well agreement.
7. Sign and record a Road Maintenance Agreement for future maintenance of the new road.
8. Proposed subdivision covenants shall be included and recorded with the final plat.
9. Obtain approval of Public Works Director for new roadway access onto the County road.
10. Obtain approval of Public Works Director for new access for Lot #12 onto Idaho; Lot #1 and #2 shared onto Third; Lot #3 and #4 shared onto Third; Lot #5 onto Third; and Lots #9, #10, #11, #13, #14, #6 and #7 onto the new road.

**Subsequent Conditions:** (These conditions apply after the final plat is approved.)

1. The interior road shall be a 60' public easement and shall be improved to County standard for a Rural Access I, prior to issuance of zoning permits. The road will be inspected and approved by the Public Works Director.
2. Developer will distribute to buyers information about groundwater quality, nitrate contamination, septic system maintenance, landscaping and other methods for residential homeowners to reduce nitrate contamination. Information will be provided by the Planning Department.

**PUBLIC HEARING - Land Partition Application, LP-S-257: Jerry & Terri Gentry, applicants and owners. Property is described as tax lot 600 of Assessor's Map 2S 26 34, a 19.43 acre parcel located on the west side of Spray/Heppner State Highway 207, approximately 1000' from the Heppner City limits. Proposal is to partition the 19.43 acres into two parcels larger than the one acre minimum lot size of the Suburban Residential One Acre (SR-1) Zone. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5, Section 5.020 and 5.030** - The property is located partly in the Urban Growth Boundary and partly outside the UGB. The location of the parcel was shown on the map. The City has been notified and it will be a co-authorization between the County and City. Heppner City Manager, Jerry Breazeale, does like the idea that we require a 60' right-of-way to access Parcel #2. On the County portion, the applicant will be required to reserve a 60' road easement. ODOT responded to the notification and their letter was passed out to the Commissioners. They agree with the Findings of Fact regarding access onto Highway 207 and the easement requirement. The conditions of approval were reviewed. Commissioner Rea moved and Commissioner Grieb seconded the motion to approve the land partition with the conditions stated in the Findings of Fact and below. The motion was unanimously approved by the members of the Commission.

**Precedent Conditions** (applicant must demonstrate compliance with all precedent conditions before planning staff may sign the final partition plat):

1. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
2. Applicant shall submit a **preliminary** and final partition plat in compliance with ORS Chapter 92.
3. Sign a Right-to-Farm Disclaimer Statement.
4. Comply with recommendations of the County Public Works Director for improvements to the existing access easement and the new 60 foot easement. Improvements may

- include a cul-de-sac to provide turn-around area for emergency vehicles on Parcel #2.
5. Dedicate an 60 foot public access easement across the northern boundary of parcel #1

**REPORT FROM CODE ENFORCEMENT OFFICER** - The Planning Director explained that the Code Enforcement Officer could not be here tonight as she was on vacation, but she prepared a report for the Commission. The report listing the violation statistics was distributed to the Commissioners. Commissioner Bass asked about the automobile situation; how many can be on a piece of property. The Planning Director said the CEO was checking into other county ordinances and would report back at the next meeting. The issue regarding fencing material is also being researched and proposed Ordinance amendments will be presented to the Commission at next month's meeting.

**DISCUSSION ON CONSENT TO PARTICIPATE AGREEMENT** - The Planning Director explained that the County Court upheld the Planning Commission's decision requiring Alan Bean to sign the Consent to Participate Agreement for Third Street West as a Condition of Approval for his land partition. It was also said that when the Planning Department sends out a letter to the applicant, they will send out a section from the Oregon Statute telling them the process on Consents to Participate. The Planning Director is considering drafting a memo on what a Consent to Participate Agreement means. Commissioner Bass suggested simplifying the language of the Agreement so it is clearer to people and easier for them to understand. The Planning Director said she will draft up something on the Agreements and let the Planning Commission review it.

**APPROVAL OF REVISED PLANNING COMMISSION BY-LAWS** - There was some discussion regarding Section 5, but the final decision of the Commission was to leave it the way it was written. Commissioner Grieb moved and Commissioner Rea seconded motion to have the Chairman sign the revised By-laws and submit them to County Court for their signature. Motion carried unanimously.

**CORRESPONDENCE** - The Planning Director told the Commission about a session at BMCC for the Lower Umatilla Basin Groundwater Committee on March 2, 2000 from 6-9 p.m. where Tamra Mabbott will be presenting information about land use planning. All of the subcommittees of the Lower Umatilla Basin Groundwater Committee are making efforts to improve the quality of the groundwater. Commissioner Kegler and Planning Director, Tamra Mabbott, attended the meeting.

**AUDIENCE PARTICIPATION/NEW BUSINESS** - The Planning Director reported to the Commission that DLCD is working on the Goal 14 rewrite and the provision regarding the lot of record has been removed. There were six Planning Directors that went down and presented testimony as to why certain sections in the goal rewrite do not make sense.

Commissioner Kegler was down at the DLCD session with the Oregon Realtors. One group wanted to move the two mile zone limiting the size of acreage to ten acres. The intent of this rewrite is to keep urban sprawl from happening. The Administrative Rules usually come down

without any good public input. The lot size limitation would affect a lot of areas.

The Planning Director said some of the dairies were in to obtain their zoning approval. The matrix for siting a dairy was developed by the Extension Service and it helps prospective dairy farmers know what will be required when siting a dairy in the area and what services are available to assist them in this process.

Chairman Padberg reported that the Washington Ground Squirrel was listed on the State lands endangered species list and now is being requested to be listed on the Federal listing . With this listing development on as much as 15,000 acres of irrigated land in Morrow County will be stopped.

Commissioner Rea said that she has heard that the Moore Ranch Subdivision has been purchased by a developer and will be annexed into the City of Boardman. The lots will be broken down into city-sized parcels.

Chairman Padberg reported on a tour he went on for the Port of Morrow to Oklahoma to observe the operation of an urea plant. He said it was very interesting and that this industry would be very beneficial to Morrow County.

**ADJOURNMENT** - Chairman Padberg adjourned the meeting at 9:55 p.m. The next Planning Commission meeting will be on Monday, March 27, 2000, at 7:30 p.m. at the Morrow County Public Works Building in Lexington.

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION  
MONDAY, MARCH 27, 2000 - 7:30 P.M.  
MORROW COUNTY PUBLIC WORKS BUILDING  
LEXINGTON, OREGON**

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

**MEMBERS PRESENT:** Marvin Padberg, Joel Peterson, Joe Miller (arrived at 7:40 p.m.), Leann Rea, Ken Grieb, Keith Lewis, Richard Kent and Henry Bass

**MEMBERS ABSENT:** Art Kegler

**OTHERS PRESENT:** Catherine Matthews, Greg Matthews, Ryan Miller, Jessie Bowles, Martin Eakman, Don Jorgensen, John Zeiller and Karen Zeiller

**MINUTES OF FEBRUARY 28, 2000 COMMISSION MEETING** - The minutes of the February 28, 2000, with the corrections noted by the Planning Director were unanimously approved.

**PUBLIC HEARING - Land Partition Application, LP-N-258; Jessie L. Bowles and Martin G. Eakman, applicants (purchasing property); Orlin Kloepper, owner. Property is described as tax lot 701 of Assessor's Map 5N 26 25B, a 4.60 acre parcel located on the southeast corner of Fourth Street West and Idaho Lane, approximately one-half mile west of the City of Irrigon. Proposal is to partition the parcel into three parcels larger than the one acre minimum lot size of the Suburban Residential One Acre (SR-1A) Zone. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - This parcel is located outside the Urban Growth Boundary of the City of Irrigon in a Suburban Residential One Acre Zone. The parcel currently has two dwellings; one on Parcel #2 and the other on Parcel #3. Parcel #1 currently is vacant, but intended for residential development and would be required to have DEQ Site Suitability. The Public Works Director will probably require access for Parcel #1 to be off Idaho. Water Resource Department and West Extension Irrigation letters were read into the record. Commissioner Rea asked if there was an existing well on Parcel #1. There was no existing well on Parcel #1 and Parcel #1 must be at least one acre in size. No other comments were received. Public Hearing was then closed. Commissioner Rea moved and Commissioner Lewis seconded motion to approve LP-N-258 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 #1.
5. Submit a copy of a shared well agreement for the well shared by Parcels #2 and #3.

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

1. 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 #1.

**PUBLIC HEARING - Application for a Hardship Variance; Gary and Catherine Matthews, applicants; Greg and Katerina, owners. Property is described as tax lot 1900 of Assessor's Map 5N 26 36BC, a 5.02 acre parcel in a Rural Residential One Acre (RR-1) Zone located on the west side of Wagon Wheel Loop in the Wagon Wheel Subdivision approximately three miles southwest of the City of Irrigon. Proposal is to site a manufactured home for parents as father is in need of assistance due to medical reasons.**

**Criteria for approval includes Morrow County Zoning Ordinance ARTICLE 7, Section 7.020(B)(1)(2)** - This request is to allow a third dwelling on a 5.02 acre parcel. Last year, the Planning Commission approved a land partition for the division of this property into three parcels, but due to some medical and monetary problems, the applicants cannot go through with the partition at this time. The applicants will be required to sign a statement that at the time the Hardship Variance is no longer needed, the land will be divided or the manufactured dwelling will be removed. It was recommended that the manufactured home be outside the setback requirements if the property will later be divided. The applicant presented a letter from the doctor stating the need of the father to be near family. Commissioner Miller moved and Commissioner Grieb seconded motion to approve the hardship variance with the conditions stated in the Findings of Fact and below:

1. The applicant will provide a written, notarized statement that at such time that the Variance is no longer in effect, they will remove a dwelling unit. (Copy of form attached) In lieu of this requirements, applicant may submit a final partition plat and complete Land Partition Request (LP-N-241).
2. Applicant shall provide verification from DEQ that the third dwelling qualifies for a separate septic system, or that it can be hooked up to one of the existing septic systems.
3. Applicant shall respond to annual review of permit to demonstrate manufactured home is still needed for use by parents due to health reasons.
4. All applicable Zoning and Building Codes Agency permits be obtained.

**PUBLIC HEARING - Application for a Conditional Use Permit, CUP-S-145; Ryan Miller, applicant; Miller and Sons Welding, Inc., owners. Property is described as tax lot 3103 of Assessor's Map 2S 26, a 5.23 acre parcel in an Exclusive Farm Use (EFU) Zone located on the northeast corner of State Highway 74 and Dee Cox Road, approximately two miles northeast of the City of Heppner. Proposal is to set-up a concrete ready-mix plant for the**



**production and resale of ready-mix concrete. Criteria for approval includes Morrow County Zoning Ordinance ARTICLE 3, Section 3.010(D)(11) and (G)(a)(b) and ARTICLE 6, Section 6.050(9)** - Commissioner Miller declared a conflict of interest and would not vote on this application. A couple of years ago, a permit was granted to mine a portion of this parcel for a shop. This application is for a concrete batch plant. They intend to bring gravel down from their pit site further up Dee Cox Road and use this material for the concrete batch plant. Traveling from Heppner to Ione the plant can be seen from the State Highway, but it cannot be seen when traveling from Lexington to Heppner. No one from ODOT or the Scenic Byway made contact with the Planning Department. Commissioner Rea asked what the hours of operation might be. The applicant responded that the hours will probably be from 5 a.m. to 4 p.m., and the plant should not be very noisy. Any dust created will be from the trucks bringing in the gravel and dumping it at the site. Commissioner Grieb asked how many trucks will be used in the operation. Ryan Miller said other than the trucks bringing in the gravel, he will have one truck for a year and if it goes good, will possibly add two more trucks. He is trying to keep the operation small. No other comments were heard and the hearing closed. Commissioner Rea moved to approve with the corrected conditions listed in the Findings of Fact. The motion was seconded by Commissioner Peterson and passed unanimously with Commissioner Miller abstaining from voting.

1. Applicant shall obtain necessary permits from DOGAMI and DEQ.
2. Poplar trees and screening along Dee Cox Road to buffer the plant from State Highway 74 shall be in place prior to operation of the batch plant.

**PUBLIC HEARING - First of three hearings to amend the Morrow County Zoning Ordinance Section 1.030 Definitions (6)Automobile Wrecking Yard; and Sections 3.040(8), 3.050(9), 3.0501(8) and 3.060(10) describing fences within the Rural Residential, Suburban Residential, Suburban Residential SR-1:(NW-1) and General Commercial Zones. Amend the Zoning Ordinance in the Exclusive Farm Use and Forest Use Zones to incorporate the Administrative Rules adopted pursuant to the 1999 Oregon Legislative Session** - The Code Enforcement Officer and the Planning Director worked to develop these definitions to remedy some of the junk car violations in the County. Discussion followed about classic cars, what other County ordinances stated and whether the proposal was too prohibitive. The section describing fences in the Residential and Commercial Zones was formulated to stop the use of all types of material for fences, such as automobile tires, appliances, ammo boxes and other junk material. Next month's meeting on April 24, 2000, at 7:30 p.m. in Irrigon will be the second hearing on these amendments to the Zoning Ordinance. The Planning Director explained that the Commission could make changes to these definitions and they could think about these amendments over the next month.

**REPORT FROM CODE ENFORCEMENT OFFICER** - Commissioner Rea asked about the Shook property. Karen Zeiller, Code Enforcement Officer said that she has an open file on the property and is working with other Deputies to try to get it cleaned up. A monthly report was distributed to the Commissioners for their review. Deputy Zeiller explained that since the

Sheriff's Department was shorthanded she was having to handle more criminal issues than usual.

**CORRESPONDENCE** - The Planning Director explained that two years ago Bonnie Simpson had applied for a land partition on property southeast of the City of Boardman. Originally, the Simpson's had applied for a subdivision, but then changed their mind to partition it into two lots and now they want to partition it into three parcels. The Commission felt that if the partition were reconfigured into three parcels, it should be an entire new application. The Planning Director does not want to encourage people to file a land partition at a whim. Reconfiguring the partition could have future transportation impacts. The Planning Director said she would check with County Counsel, Bill Hanlon, to see if we can informally approve the new lot configuration. The concern of the Planning Director was if we do not have the Simpson's refile, we cannot impose any other conditions. Commissioner Peterson recommended that the Simpson's be required to refile their partition application because of the easement concern. The Commission informed the Planning Director to advise the Simpson's that they should refile their partition application.

**AUDIENCE PARTICIPATION/NEW BUSINESS** - Don Jorgensen asked the Planning Commission to allow him to store/park three of his trailer units on his property outside of Irrigon. He has one flatbed, one van and one potato trailer. He does not want to sell the units and have to pay capital gain on them and he has nowhere to store them where he is moving to in Walla Walla. He intends to rent his Irrigon property which is located in a Rural Residential One Acre Zone. The Planning Director explained that there is no provision in the Ordinance to allow the storage of trailers on property in a Residential Zone. Chairman Padberg said that the Commission sympathizes with Mr. Jorgensen, but they are compelled to follow the Ordinance and if they were to allow him to do it they would have to allow others to store the units as well.

The Ione, north/south road, is on hold because of the Washington Ground Squirrel. The Ground Squirrel is listed on the State's Endangered List and the Federal Government is now looking at getting it on the national listing. Inland Land property is in the middle of this Ground Squirrel area. Chairman Padberg said that 1500 acres is on hold and one dairy is now going to be built in Umatilla County. Chairman Padberg said that the Offutt dairies are now also having a problem and may take 14 months to get their permit. He said the County and Port are going together to challenge the listing.

The head of Tillamook, Columbia River Processing, went to the Governor's office after the listing to discuss the problem with him. Chairman Padberg does not know what happened at the meeting. Commissioner Rea said she had seen two public notices for the CAFO hearing for the two large dairies on Offutt property.

**ADJOURNMENT** - Chairman Padberg adjourned the meeting at 9:20 p.m. The next Planning Commission meeting will be on Monday, April 24, 2000, at 7:30 p.m. at the North Morrow Annex Building in Irrigon.

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION  
MONDAY, APRIL 24, 2000 - 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, Richard Kent and Henry Bass

**MEMBERS ABSENT:** Keith Lewis

**OTHERS PRESENT:** Deanna and Sam Hamilton, Morrow County Counsel Bill Hanlon, Assistant Roadmaster Burke O'Brien, Adam Argo, Don Larson, Ada Patton, Kikue Buchanan, Bob Ployhar, Allan Bean, Caroline Bean, Deputy Karen Zeiler, Cindy Turner, Barry Turner, Dianne Krause, Gary Neal and Richard Lutz

**MINUTES OF MARCH 27, 2000 COMMISSION MEETING** - The minutes of the March 27, 2000 meeting were unanimously approved as presented.

**PUBLIC HEARING - Second of three hearings to amend the Morrow County Zoning Ordinance Section 1.030 Definitions (6)Automobile Wrecking Yard; and Sections 3.040(8), 3.050(9), 3.0501(8) and 3.060(10) describing fences within the Rural Residential, Suburban Residential, Suburban Residential SR-1:(NW-1) and General Commercial Zones. Amend the Zoning Ordinance in the Exclusive Farm Use and Forest Use Zones to incorporate the Administrative Rules adopted pursuant to the 1999 Oregon Legislative Session** - The first hearing on these amendments was held at last month's Commission meeting. The intent of these amendments to the definitions for wrecking yards and fences is to enable the Code Enforcement Officer to have some teeth in enforcing the Ordinance. The amendments to the EFU and FU Rules are those adopted by the legislature which need to be incorporated into our Ordinance. Tamra Mabbott, Planning Director, explained that one of the new rules adopted by the Legislature would allow temporary residence in a travel trailer in EFU Zones. The amendment regarding the number of old vehicles allowed was then discussed. This amendment would apply to all zones. Commissioner Kent asked if someone could apply for a Variance to have more than the allowed number of old vehicles on a piece of property. Generally, in an EFU Zone, the junk vehicles are not visible from the outside boundaries of the property. In a residential zone, the junk vehicles should be kept inside a building completely out of site. The Planning Commission was divided on what to do with the definition for a wrecking yard, but felt the fencing definition was okay. The Planning Director and Code Enforcement Officer will get together and rework the wrecking yard definition and bring back to the Commission at the May 22 meeting at 7:30 p.m. in Lexington. These amendments will not go before the County Court until July or later when the County can be

reimbursed by the State for mailing to property owners in all the impacted zones.

**REPORT FROM CODE ENFORCEMENT OFFICER** - Karen Zeiler, Code Enforcement Officer, presented her report at this time so she did not have to stay for the entire meeting. The CEO passed out the monthly report and reported that she has cleared up several cases. She is working with Community Corrections from Umatilla County to develop a program where community service could be worked out by assisting older people in getting their property cleaned up and clearing some of the violations. Just issuing citations to people who are unable and incapable of cleaning up their property will not solve the problem. She is hoping this program would aid both parties.

Gary Neal asked what was going on with the Gritman's. It was explained that they are appealing the Planning Director's decision (to deny the temporary occupancy of a travel trailer) and she could not enforce the violation until it has gone through the appeal process. County Counsel, Bill Hanlon, told Deputy Zeiler that she could site them into court. Under the previous citation, the Court found them guilty of living in a travel trailer in violation of the Zoning Ordinance. They cannot reside in a travel trailer on the property. The Planning Director said that even with budget cuts, there will be a Code Enforcement Officer. Bill Hanlon said that the problem he sees with having Community Corrections people help clean up code violations is finding the cut off of who qualifies for this service and who does not. He said the property owner could come before the Planning Commission or before the Planning Director or Code Enforcement Officer and they could determine if the party qualified for this assistance. Certain guidelines could be determined.

**PUBLIC HEARING - Conditional Use Permit Application, CUP-S-146: Bob Ployhar, applicant and owner. Property is described as tax lot 1801 of Assessor's Map 5S 28 23B, located on the east side of Lake Drive in the Penland Lake area, approximately 16 miles southeast of the City of Heppner. The proposal is to site a cabin on a 1.0 acre parcel in a Forest Use (FU) Zone. Criteria for approval includes Zoning Ordinance 3.020(B)(27), 3.020(D)(3) and 3.020(E) and (F)** - The location of the property in the Penland Lake area was shown on the map. The property is just outside the Lake Penland Subdivision. The Findings of Fact was reviewed and the recommendation is to approve and require as conditions that they meet the DEQ, BCD and County requirements for building. There were no comments against the application. Commissioner Grieb motioned to approve CUP-S-146 with the conditions stated in the Findings of Fact and below. The motion was seconded by Commissioner Kent and unanimously approved by the Commission.

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-147: Lamond and Diane Collier, applicants and owners. Property is described as tax lot 100 of Assessor's Map 4N 2423, located on the southwest corner of Kunze Lane and Toms Camp Road approximately three miles southwest of the City of Boardman. The proposal is to site a non-farm dwelling on a 38.80 acre parcel in a Small Farm Forty (SF-40) Zone. Criteria for approval includes Zoning Ordinance 3.010(D)(1)(F) -** This application is for a non-farm dwelling parcel in a Small Farm Forty/Exclusive Farm Use Zone. The parcel is just under the forty acres, but the pre-existing substandard sized parcel is treated the same as 160 acre EFU Zone. Soil is a Class IV and there was previously a mobile home on the site, but has been removed for a number of years. This application is a little different from previous hearings as this is for just a dwelling and not a partition. Other applications were always a combination land partition and non-farm dwelling Conditional Use Permit. The Planning Director explained that if a property owner can show that a portion of the property is not farmable, a dwelling can be sited on that portion. The applicant provided pictures of the site. West Extension Irrigation District submitted a letter and said that the parcel has 37 acres of water rights and the applicants will need to reconfigure the water rights to show that the home portion does not have water rights. In this particular study area, there are 49 lots approximately 40 acres in size. Currently 25 have dwellings and one was recently permitted for a dwelling under the lot of record criteria. This leaves a potential for 23 more new dwellings if each parcel met other non-farm dwelling criteria. The pattern of the land use in the area is to have a hobby farm. The conditions of approval were then reviewed. Commissioner Rea asked where the applicant proposed to site the dwelling. The Planning Director said the applicant had not specified where it would be sited. Bill Hanlon said as long as they abide by the setback requirements, they can site on any portion of land that is not farmable. Two additional conditions were added; one stating WEID's requirement regarding water rights and the other stating that the dwelling shall be located on the portion of the parcel not farmable. No other comments were received. Public hearing was then closed. Commissioner Miller moved and Commissioner Kegler seconded motion to approve with the added conditions and the conditions stated in the Findings of Fact. Motion unanimously approved by the Commission. Conditions of Approval are:

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

1. The applicant shall sign a right to farm disclaimer statement.
2. 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.
3. Any new access to County road will require road entry permit from the County Public Works Director.

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

4. Applicant will obtain Zoning Approval, DEQ and Building Codes permits as required.
5. Dwelling shall be located on the portion of the parcel that is not farmable.
6. Applicant will abide by West Extension Irrigation condition that any water rights not being put to beneficial use shall be transferred off the property by WEID and all applicable fees paid by the owner.

**PUBLIC HEARING - Conditional Use Permit Application, CUP-N-148: Adam Argo, W&H Pacific, applicant on behalf of American Tower Corporation; Potlatch Corporation, owner. Property is described as tax lot 3400 of Assessor's Map 4N 26 22 & 27, located approximately 1.5 miles south of Interstate 84, Exit 171, and three miles east of Bombing Range Road, approximately five miles southeast of the City of Boardman. The proposal is to site a 250' lattice telecommunications tower on a 100' x 100' piece of Exclusive Farm Use (EFU) property leased from Potlatch Corporation. Criteria for approval includes Zoning Ordinance 3.010(D)(17), (G) and 6.050(15)(D)** - The location of the proposed cellular tower was shown on the map. The Planning Director said that it meets the definition of a utility facility and because of its height, the applicant needed to obtain a Conditional Use Permit and will need to contact FAA. The applicant stated that because of the height, FAA will require a light on the tower. Commissioner Bass asked if this company could use the site approved last month by the Commission for U. S. Cellular. The applicant explained that this facility was designed to fill the gap between I-84 and I-82 and Hermiston Butte. This one can service seven or eight major carriers. Don Larson for American Tower said they build towers so individual carriers do not have to build their own. Part of getting their license is that they have to build their towers to accommodate multiple towers. He said you will see at least eight national carriers compete for space along I-84. By going 250' tall, they will not have to build as many other towers. Gary Neal asked the Commission if someone else comes in a month from now for a CUP for another tower will the Commission approve it. Mr. Larson explained that some counties are requiring proof that they cannot use an existing tower. Commissioner Bass asked what was going to happen when satellites are put in. Don Larson said that is a long time away. American Tower is making a 30-50 year commitment to handle all the phone calls. When towers are no longer in use, the company takes them down and the only thing left will be concrete pads. The conditions of approval were reviewed and a few additions were made. Commissioner Rea moved and Commissioner Egler seconded motion to approve CUP-N-148 with the conditions stated in the Findings of Fact and below:

1. Obtain Zoning Approval and necessary permits from Building Codes Division.
2. The tower shall be decommissioned and removed from the premises once the facility is no longer used for its intended purpose, and the land shall be returned to its original condition as nearly as possible.
3. Notify Boardman Naval Station of the proposed development.

**PUBLIC HEARING - Land Partition Request, LP-N-259: Kikue Buchanan, applicant and owner. Property is described as tax lot 800 of Assessor's Map 5N 26 23B, located on the northwest corner of Montana and Sixth Street West, approximately three miles northwest of the City of Irrigon. Proposal is to partition a 15.0 acre parcel into three parcels larger than the one acre minimum 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 Findings of Fact was reviewed. The applicant proposes a separate access from Seventh Street West to Montana. The Planning Director made a visual inspection and said that

Montana is not very wide probably only room for one vehicle. Improving Montana would have to be done. The Public Works Director has a lot of concern about Montana. The road actually is not where the right-of-way for the road is. The letter from the Public Works Director was read into the record. He also wants to make sure that landowners know that road maintenance will be the obligation of the landowners, not the County. Burrell Cooley, Irrigon Fire District, would like to see Sixth Street West improved. The Planning Director explained that the applicant could not be required to put in Sixth Street. The Public Works recommendation is to make Montana a Rural Access I paved roadway. The letter from West Extension Irrigation District was read into the record. WEID has a 8" pressurized line that runs on the north side of the right-of-way. Mrs. Buchanan asked who will make the road improvement--only her. Mrs. Buchanan wanted to know why the other houses on Montana were not required to improve the road. The Planning Director explained that she cannot speak for past practices of the Planning Department, but the County does not have the money now to improve the road. Anyone can legally use the access, but if they come in for a partition then they would have to improve the road. The Public Works Director's recommendation is to build a new road. Bill Hanlon suggested that the property owners could form a local improvement district or a homeowners association to improve the road. Mrs. Buchanan then proposed to put in a road diagonally through her property with a turn-around on Montana. Chairman Padberg said that if the applicant is proposing changing the partition plat it might be wise to postpone the hearing until a new partition plat can be submitted. Mr. Hamilton said he does not have a problem with partitioning the property, but does with the road. Mr. Lutz does not want a turn-around for three other homes on his property. Bill Hanlon explained to Mrs. Buchanan that the proposed new road would still have to be dedicated to the public. Property owner, Cindy Turner, asked if Montana is a public road. It was explained that Montana is a platted public road currently not maintained by the County. If the road will serve more than four parcels, it must be developed because of the potential for future development. Mrs. Hamilton said the fence lines have been there for ten years or more so isn't that the property line now. Bill Hanlon said that you cannot take adverse possession from a public dedication. Commissioner Rea moved and Commissioner Bass seconded motion to postpone this Land Partition hearing until the May 22, 2000 Commission meeting in Lexington. Motion passed unanimously. The applicant will submit a new plat map to mailed in the Commissioners May packets.

**PUBLIC HEARING - Land Partition Request, LP-N-260: Port of Morrow, applicant and owner. Property is described as tax lot 103 of Assessor's Map 4N 25 02, located north of the Union Pacific Railroad mainline and west of Columbia Boulevard in the North Port Industrial Park, approximately one mile northeast of the City of Boardman. Proposal is to partition 89.99 acres from the parent parcel in the Port Industrial (PI) Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030** - Chairman Padberg stated that he is on the Port Commission, but does not feel there is a conflict of interest as he gains no monetary benefit from the decision. The property is owned by the Port of Morrow and is in the Port Industrial (PI) Zone with no minimum lot size. Access will be from Columbia Boulevard. The 89.99 acre parcel will be partitioned from four existing tax lots comprising a total of 414.46 acres. The proposal is to combine the remaining acreage into a single lot. Water will be delivered with a new well on-site or with a new well combined with

improvements to the existing Port water delivery system. Sewer for the plant will either be a new on-site system or a new extension of the City of Boardman sewer system. The Transportation System Plan (TSP) will require a transportation impact analysis if traffic generated from the parcel will be 400 ADT or more. The conditions of approval were reviewed. Linda Smith called asking for a copy of the Findings of Fact; she just wanted to know what was happening. Commissioner Rea stated that her husband works for the Port, but she does not feel that is a conflict of interest. The location is right next to Cargill and is for the urea plant operation. Ron McKinnis said that he will prepare a formal plat as the property will change hands. Gary Neal stated that the sewer will be tied into the City of Boardman system. The Port will have to construct a mainline. The Planning Director explained that a Goal 11 exception may be required and that all land use goals apply to the Port. She stated that she does not want to stall anything; therefore, she has recommended making the conditions prior to obtaining zoning approval rather than before the signing of the partition plat. Mr. McKinnis said that the County Surveyor is already doing a review of the plat. Water rights do not need to be required on the partition plat. Conditions of approval were reviewed and #6 on combining remaining parcels was added and #1 and #2 were corrected and made precedent conditions and #3-#6 as subsequent conditions. Commissioner Miller moved and Commissioner Rea seconded motion to approve LP-N-260 with the conditions stated in the Findings of fact and below. Motion passed unanimously by the Commission.

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

1. The plat shall be reviewed by the County Watermaster to verify status of groundwater rights.
2. A **preliminary** and final plat shall be submitted to the County Surveyor and the Planning Department for review and approval.

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

3. Provide a description or plan for water service to the site.
4. Prior to issuance of Zoning Approval, provide a plan describing sewer service to the site, including a statement from the City of Boardman that sewer will be provided or, a Site Suitability from DEQ for an on-site system. A Goal 11 Exception shall be required if city sewer is proposed.
4. Submit a Traffic Impact Analysis, consistent with County TSP requirements, if the development will exceed 400 trips per day, or, submit verification that the development will not exceed 400 trips per day. In either case, road improvements shall be approved by the Public Works Director and road improvements shall be implemented prior to issuance of a Zoning Permit.
5. Combine remaining portions of subject parcels.

**PUBLIC HEARING - Land Partition Request, LP-N-261: Allan Bean and Shiao-Chin Wu, applicants and owners. Property is described as tax lot 500 of Assessor's Map 5N 26 24CB, located on the northwest corner of West Oregon Land and Third Street West, approximately one-eighth mile west of the City of Irrigon. Proposal is to partition the parcel (4.64 acres) into three 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 applicants are proposing to split their property into three parcels whereas the previous application was to split their property into two parcels. The partition meets the minimum lot size of the Suburban Residential One Acre Zone. A Consent to Participate for any future development of Third Street West will be required. The Public Works Director has agreed that one access will be allowed off of Oregon Lane, with the existing and one new access off of Third Street West. The letter from West Extension Irrigation District was read into the record. Burrell Cooley was in and said he did not have anything different to add from the earlier request. Mr. Bean said there is a well adjacent to existing residence on Parcel #2 for drinking water and there is another well on the adjacent property which he has water rights to for irrigation. He intends to reserve these water rights for Parcel #2 only. Bill Hanlon said this will be a property right as well as a water right. Mr. Bean was told to contact Water Resources to see what could be worked out. Commissioner Rea moved and Commissioner Grieb seconded the motion to approve LP-N-261 with the conditions in the Findings of Fact and below and to advise Mr. Bean to seek legal advise on the water rights issue. The Commission unanimously approved the motion.

**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.
3. Applicant shall submit a **preliminary** and final partition plat in compliance with ORS Chapter 92.
4. Sign and record a Consent to Participate Agreement for future improvements to Third Avenue.
5. Obtain DEQ Site Suitability for Parcel #3.

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

1. Obtain DEQ Authorization Notice for Parcel #1.
2. 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 and #3. The proposed access shall be reviewed and approved by the Public Works Director.

**AUDIENCE PARTICIPATION** - Mrs. Ada Patton came before the Commission to ask if it might be possible to obtain a Variance from the required 20' easement. She explained she has three acres and it has become too much for her and she would like to partition it. If she partitions the property she would need to provide an easement to access the north portion of the property. There is a power pole that would interfere with allowing a 20' easement. The Planning Director explained that she had already told Mrs. Patton that she could go ahead and make application for a partition and to include the Variance request. Mrs. Patton wanted some assurance that the

easement Variance would be approved by the Commission before she submitted a land partition request. The Planning Director explained that if the easement will serve only one parcel, the easement does not have to be 20'; it could be less. Bill Hanlon said that the Commission cannot make a commitment until the application is turned in.

**CORRESPONDENCE** - At the monthly Planning Director's meeting, Tamra reported that a group of Planners on the Rural Residential Advisory Committee reported that the minimum lot size had been dropped from five to two acres. This proposal LCDC is reviewing again next week. Existing lots will be grandfathered in and will be buildable. LCDC will probably vote on this recommendation at their June meeting and the rule will become effective in 90 days. Measure 56 requires the County to send out notices before the final hearing at the County's expense. If it is a state mandate, we provide notice after the fact at the State's expense. The Commission felt people should be notified before the ruling takes effect, but recognized the State does not reimburse such notices.

**OTHER BUSINESS** - Chairman Padberg reported that the Port and the County are in the middle of an appeal on the ground squirrel. The Planning Director said that she has seen a letter from Russ Morgan, ODF&W, that says the restriction may not apply to Port property at Tower Road.

**ADJOURNMENT** - Chairman Padberg adjourned the meeting at 10:35 p.m. The next Planning Commission meeting will be on Monday, May 22, 2000, at 7:30 p.m. at the Morrow County School District Office in Lexington.

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION  
MONDAY, MAY 22, 2000 - 7:30 P.M.  
MORROW COUNTY SCHOOL DISTRICT BUILDING  
LEXINGTON, OREGON**

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

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

**MEMBERS ABSENT:** Keith Lewis

**OTHERS PRESENT:** Commission Dan Brosnan, Kikue Buchanan, Karen Pettigrew, Holly McTighe, Sharon and Ron Mailloux, Marvin and Barbara Hemnes, Thad and Lila Killingbeck, Wade Aylett, David Franke, County Counsel Bill Hanlon, Deane Seeger, Hartley Seeger, Barbara Gilbert, Joanne Barbee, Public Works Director Guy VanArsdale, Oramel Carpenter, Peggy Grittmann, C. D. Grittmann, Janet Stauffer, Carma Barron, Wes Wise, Linda Wise, Jeff Wise, Commissioner John Wenholz, R. J. Sandford, Ron and Delma Heiple, Gary and Kathy Neil, Deanna & Sam Hamilton, Ed and Nina Baker and Clint and Kim Finley

**MINUTES OF APRIL 24, 2000 COMMISSION MEETING** - The minutes of the April 24, 2000 meeting were unanimously approved with the corrections noted by the Planning Director.

**PUBLIC HEARING - Land Partition Request, LP-N-259: Kikue Buchanan, applicant and owner. Property is described as tax lot 800 of Assessor's Map 5N 26 23B, located on the northwest corner of Montana and Sixth Street West, approximately three miles northwest of the City of Irrigon. Proposal is to partition a 15.0 acre parcel into three parcels larger than the one acre minimum 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 is a continuation from the April Commission meeting. The main issue of concern was the proposed roadway. The use of Montana was questioned and Mrs. Buchanan then decided she wanted to put in a roadway through her property. The plat she submitted to the Commission showed the roadway running at an angle through the property and then across Parcel #2 to Parcel #1. Sixth Street is undeveloped and Montana is only partially developed with the right-of-way being in the wrong location. The Planning Director, Tamra Mabbott, spent time with the Public Works Director and Assistant Public Works Director and they do not think this is a good layout for the road and the development. The staff preference is to have the applicant improve Montana to Rural Access I standards. Public Works Director, Guy VanArsdale, said that the County has struggled with these public access roads for some time. He spoke with

County Court regarding this land partition and they have agreed to let the Road Department take the trees out and have the applicant build Montana to County standards and have the access to the parcels be from Montana. Mrs. Buchanan said that she is against putting in Montana as the property owners along Montana are against taking the trees out. The Planning Director explained that the Fire District would like to see Montana improved and a cul-de-sac put in at the east end for emergency vehicles. Commissioner Kegler asked whether all of Montana was not in the right-of-way. The Public Works Director explained that most of Montana is on the southern portion of the right-of-way except the east part of Montana is outside the right-of-way. Commissioner Rea said that the only way the applicant could get away with not improving Montana would be to put a roadway along the government taking line. Commissioner Peterson felt that improving Montana seems to be the only logical way to go. The Public Works Director said that to put in Montana it would cost approximately 25-30,000 dollars. West Extension Irrigation District pump is at the edge of the easement. Mr. and Mrs. Hamilton, who live at the east end of Montana, appreciate Mrs. Buchanan's effort to put in another easement and not use Montana. It was felt that eventually Sixth Street West would be developed. Commissioner Brosnan recommends putting in a decent road. Chairman Padberg said that he did not feel the private easement proposed by the applicant would handle all the traffic; Montana would be used as well. Mrs. Hamilton stated that one reason they like living on Montana is because of the trees and wildlife. The public hearing portion was then closed.

Commissioner Miller said that on this partition he would have to go against the property owners wishes and he feels there is a need to open up Montana. Commissioner Grieb concurs with the staff, Public Works Director, County Court and Commissioner Miller. Commissioner Kegler said that by requiring the applicant to improve Montana, the Commission is not economically punishing the applicant. Commissioner Kegler moved to approve the partition with the conditions in the Findings of Fact which include improving Montana. Commissioner Kegler then withdrew the motion. The question of maintaining the roadway was then discussed. Public Works Director, Guy VanArsdale, suggests that the applicant and property owners approach County Court with the request to maintain the road after it has been put in by the developer. County Counsel, Bill Hanlon, said that what we have here is clearly a County road and also a public access. The County has authority over these right-of-ways. The County does not maintain any road that is not a County road. Commissioner Grieb moved to approve the land partition with the conditions stated in the Findings of Fact and also that Montana be improved to Rural Access I standards (a paved roadway). The public hearing portion was then closed. Commissioner Rea seconded motion which passed unanimously by the Commission.

The Planning Director then explained to Mrs. Buchanan that she has a right to appeal the decision of the Planning Commission and Commissioner Wenholz will talk to the County Court about the trees and the right-of-way. Mrs. Hamilton also wanted to explain that she holds no grudge against Mrs. Buchanan and that they do not hold Mrs. Buchanan responsible.

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

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 Parcels #1, #2 and #3 before sign-off on the final partition plat.
6. Obtain an access permit from the Public Works Director for any new access for Parcels #1, #2 and #3 and comply with other recommendations of the Public Works Director.
7. Improve Montana Lane according to the recommendations of the Public Works Director (Rural Access I Standard), including gravel cul-de-sac at end of right-of-way (Sixth Street).
8. Maintenance of roadway shall be the responsibility of the County until such time as the County agrees to accept Montana as a County maintained road.
9. Future partitioning of Parcel #3 will require subdivision standards.

**PUBLIC HEARING - Conditional Use Permit Application, CUP-S-149: Ed and Nina Baker, applicants and owners. Property is described as tax lot 206 of Assessor's Map 4S 28 27, located off a private easement from Park Lane in the Cutsforth Park area, approximately 14 miles southeast of the City of Heppner. The proposal is to site a recreational dwelling on a 4.19 acre parcel in a Forest Use (FU) Zone. Criterial for approval includes Morrow County Zoning Ordinance Section 3.020(B)(27), 3.020(D)(3) and 3.030(E) and (F) - The Findings of Fact were reviewed by the Planning Director.**

Commissioner Miller said that he had a conflict of interest and would abstain from voting on this CUP application. Commissioner Peterson asked about Condition #3 on the fire standards. The Planning Director explained that when the applicant obtains his zoning approval, he signs that he agrees to meet the conditions stated in the Ordinance about fire standards when building in a Forest Use Zone. The applicant explained that he intends to build the cabin as a get-away. Gwen Barbee, neighboring property owner, wanted to make sure it is a private cabin and not a cabin for church groups. Mr. Baker said it was for residential not a church camp. Commissioner Rea moved to approve the CUP with the conditions listed in the Findings of Fact and below. The public hearing was then closed. The motion was seconded by Commissioner Bass and passed unanimously by the Commission with Commissioner Miller abstaining.

1. The dwelling 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 Request, LP-N-262: Ron and Delma Heiple, applicants and owners. Property is described as tax lot 201 of Assessor's Map 4N 24 14, in an Exclusive Farm Use/Small Farm Forty Zone (EFU/SF-40) located on the north side of**

**Kunze Lane, approximately five miles southwest of the City of Boardman. Proposal is to partition an approximate 4.5 acre parcel as a "nonfarm" dwelling parcel and combine remaining 72 acres with adjoining property (tax lot 205). Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Section 5.020 and 5.030 and Section 3.010(F) and (G) and Oregon Administrative Rules** - This is a non-farm parcel and a request to combine the remaining 72 acres with tax lot 205. The tax lots have to be combined because the parent parcel must be 80 acres in size. Tax lot 206 is not a part of the combining. This land partition does not change the stability or productivity of the land. There is existing access off of Kunze Lane. The conditions of approval were then reviewed. The public hearing was closed. Commissioner Rea moved and Commissioner Kegler seconded the motion to approve the land partition with the conditions stated in the Findings of Fact and below. Motion passed unanimously by the Commission.

**PRECEDENT CONDITIONS:**

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 of the non-farm parcel in compliance with ORS Chapter 92. In addition, the remainder of the lots comprising the tract of land owned by the applicant shall be consolidated and combined with adjacent tax lot 205.
4. Per ORS 215.236, County Assessor shall disqualify the "non-farm dwelling" parcels from farm deferral and all taxes shall be paid prior to recording the final partition plat.
5. West Extension Irrigation District approval will be required on the final partition plat.

**PUBLIC HEARING - Appeal of Morrow County Planning Director's decision not to allow the temporary use of a travel trailer as a residence during the construction of a permanent residence: C. D. Grittmann, appellant, represented by Janet L. Stauffer, Attorney At Law. Subject property is described as tax lot 1400 of Assessor's Map 4N 25 14C, located on the southwest corner of Wilson Lane and Eastregaard Vey Road in the Eastregaard Subdivision approximately three miles southeast of the City of Boardman. Criteria for denial of the permit includes Morrow County Zoning Ordinance Section 4.150** - Some time back the Planning Commission approved an amendment to the Zoning Ordinance to allow travel trailers on property while dwelling construction is going on. This property has had quite a history. The decision not to allow the temporary use of a travel trailer as a residence during the construction of a permanent residence was taken under advisement of the County Counsel. A citation was issued to the Grittmann's for living in a travel trailer before the amendment to the Zoning Ordinance was adopted. County Counsel, Bill Hanlon, said the amendment was done to fine tune our Ordinance to allow people to live in a travel trailer during dwelling construction. The Ordinance has time restrictions and a permit must be obtained. Commissioner Kegler declared a conflict of interest and will abstain from voting. A letter from Dean Kegler in opposition to the Grittmann's living in a travel trailer was read into the record. Mr. Grittmann's attorney, Janet Stauffer, said that an Order of Dismissal was issued after the first citation finding

in favor of the Grittmans. The Grittmans do not live in the travel trailer at this time according to the attorney. Ron Maillouex lives in Eastregaard Estates and he claims they are living in the travel trailer and how many more months will be County give them to live there illegally. Holly McTighe, a neighbor, showed pictures of the progress of the barn and lack of progress on the house. Kathy Neal said that she is happy to finally see progress on the house, but she believes the Planning Director's decision is lawful. She also believes people are living in the travel trailer. Barb Hemnes, a neighbor, has no objection to him building a home, but does object to him living in a travel trailer. Karen Pettigrew agrees with what Kathy Neal said and commented that early in the morning until late at night they are living there. She believes someone else is now living there as well. All the neighbors feel that the Grittmans have passed up the time allowed for living on the property. A copy of the Ordinance was then given to each Commissioner. Bill Hanlon explained that the Grittmans did not win the case, but the fine was suspended because they moved they have moved off the property when the case went to trial. Commissioner Bass asked when in October the permit extension was granted. It was signed on October 4<sup>th</sup>. Commissioner Rea asked why the appellant could not take his travel trailer to a RV park until his home is completed. Ms. Stauffer explained that Mr. Grittmann has worked on his house and she wanted to know if there is any discretion allowed in the Zoning Ordinance. She also stated that Mr. Grittmann is not living on the property. Chairman Padberg said if the Code Enforcement Officer inspects the site and says Grittmann is living there and files a citation, she must have proof. Commissioner Kegler asked Mr. Grittmann where he is living now. Mr. Grittmann said he has several other homes in other areas and is not living on the Boardman property. Thad Killingbeck explained that he is a new neighbor and he feels the Grittmans are playing a game with the County. The public hearing was then closed. Commissioner Rea moved and Commissioner Miller seconded the motion to deny the appeal. Commissioner Peterson said that the Grittmans are applying for a permit that the County has already had problems with and it is, therefore, grounds for denial. The motion passed unanimously with Commissioner Kegler abstaining from voting.

The Planning Director explained that the appellant could appeal the Planning Commission's decision to the County Court.

**PUBLIC HEARING - First of three hearings to amend the Morrow County Zoning Ordinance: Deane Seeger for Concerned Citizens of Irrigon, applicant. Proposal is to delete Section 3.040(2)(G) regarding aggregate operations in the Rural Residential One Acre Zone: The proposal would affect all Rural Residential Zoned property in Morrow County. Criteria for approval includes ARTICLE 8 of the Morrow County Zoning Ordinance**

- It was explained that this hearing is not about the gravel pit proposed outside of Irrigon, but about amending the section of the Zoning Ordinance allowing an aggregate operation in a Rural Residential Zone. The Planning Department was surprised to find this in a RR-1 Zone. The letter from Larry and Lucy Burns was read into the record. They recently purchased land near the proposed route of the conveyor belt and support the removal of this section from the RR-1 Zone. Deane Seeger, former Planning Director, was also surprised to find this section in a RR-1 Zone. He said it is inappropriate to have this in this Zone. He represents a number of people in

this amendment request. How it got into the Ordinance he does not know, but the consultant that wrote the Ordinance let it slip by. Hartley Seeger said he would like to see the residential areas buffered against the industrial and commercial use areas. Land use structure needs to be maintained in order to maintain way of live in a residential zone. Carma Barren said he property borders area proposed for mining operation and they are upset with the project being so close to residential development. She feels there are other areas where this could be put where there are no houses and the impact would not be so great. Scott Ross, adjacent property owner, said that this section of the Ordinance should be deleted as a Rural Residential Zone is not the place for a aggregate operation. David Franke said he has lived in the area for 22 years and feels that all of Irrigon is in jeopardy as it is downwind of the proposed operation. He feels it is not the right area for the aggregate operation. Mr. Sandford said that aggregate operations can be a mess. It was explained that this is the first of three hearings. The Planning Director said that Measure 56 requires the County to notify all people in this Zone of the proposed amendment to the Zoning Ordinance. The requirement is to notify them before the final hearing, which will be before the County Court on June 28<sup>th</sup>. Deane Seeger explained that this request does not have anything to do with the rock operation. It is about what is allowed in the RR-1 Zone. He is just trying to protect his way of live. Hartley Seeger says that land use laws and policy and how our County is to develop now and in the future are defined in the Comp Plan and Zoning Ordinance. This use should not be allowed in a RR-1 area. Commissioner Peterson said there are other places for aggregate operations and other sources. Commissioner Bass pointed out that Farm Residential does not have the same section. The Planning Director explained that Goal 5 applies to all lands and that it applies to the site and not to the haul routes. The public hearing was then closed. The second hearing on this Zoning Amendment will be on Monday, June 26, 2000, at 7:30 p.m. in Irrigon.

**PUBLIC HEARING - First of three hearings to amend the Morrow County Zoning Ordinance: Richard and Sylvia Sandford, III, applicants and owners. Request is to change the zone designation of an approximate 2 to 4 acre portion of tax lot 901 of Assessor's Map 1N 24 04, a 20 acre parcel located on the north side of State Highway 74 within the Urban Growth Boundary of the City of Ione. Proposal is to change this portion of tax lot 901 from R-3 to C-1 Zoning in order for the applicant to site storage units. Criteria for approval includes ARTICLE 8 of the Morrow County Zoning Ordinance and the Urban Growth Management Agreement with the City of Ione** - The Planning Director explained that a portion of this parcel (approximately 1.38 acres) is in the Ione UGB. The City called and said they have no problem with this zone change. The Childers called and their concern was access and they do not want to see Cemetery Road used. The applicant explained that access will be off of State Highway 74. It needs to be 600' from Johnson Grade. The letter from George Ruby, ODOT, was read into the record. Access does not appear to be able to meet ODOT's access requirements and a deviation access request will be required. The 1999 ODOT spacing standards would apply. It was explained that the Planning Commission must consider any use that is allowed in a Commercial Zone. The applicant explained that the building size will be 20'x120'. The second hearing on this zone change will be on June 26<sup>th</sup> at 7:30 p.m. in Irrigon.



**PUBLIC HEARING - Second of three hearings to amend the Morrow County Zoning Ordinance Section 1.030 Definitions (6)Automobile Wrecking Yard; and Sections 3.040(8), 3.050(9), 3.0501(8) and 3.060(10) describing fences within the Rural Residential, Suburban Residential, Suburban Residential SR-1:(NW-1) and General Commercial Zones. Amend the Zoning Ordinance in the Exclusive Farm Use and Forest Use Zones to incorporate the Administrative Rules adopted pursuant to the 1999 Oregon Legislative Session** - The

Planning Commission at last month's meeting generally supported the definition regarding fences, but asked the Planning Director to revise the definition of wrecking yard. The Planning Director read the new definition for wrecking yard. After some discussion the commission felt that this definition would work. It will not be taken to County Court for the final hearing until later in the summer as under Measure 56, notices must be mailed. The Planning Director said that we could do this one the same time we have to mail out other notices. The Commission agreed.

**CORRESPONDENCE** - The letter regarding GOAL 14 and Rural Residential density was then discussed. It is on the agenda for County Court on Wednesday. The proposal is for a two acre minimum and an existing legally created lot of record on which you can build. The new proposal would be effective in September if the Commission approves it at their June meeting. The County will have to do a Measure 56 mailing. Commissioner Rea asked if the UGB area would be the same as a RR-1 area. The Planning Director said that the UGB area would not apply.

**OTHER BUSINESS** - The appeal of the Washington Ground Squirrel listing by the County and the Port of Morrow may be helping and some headway is being made. This will help the Ione/Boardman Road proposal.

**ADJOURNMENT** - Chairman Padberg adjourned the meeting at 10:25 p.m. The next Planning Commission meeting will be on Monday, June 26, 2000, at 7:30 p.m. at the Stokes Landing Senior Center in Irrigon.

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION  
MONDAY, JUNE 26, 2000 - 7:30 P.M.  
STOKES LANDING SENIOR CENTER  
IRRIGON, OREGON**

Chairman Marvin Padberg called the meeting to order at 7:40 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:** Hartley Seeger, Rose Marie Seeger, Deane Seeger, Darrell Dooney, Bill Reaves, Debra Aylett, Mardean Patton, Karen Talaski, John Brandt, Judy Brant, Bill Morgan, Sue Morgan, Kyle Morgan, Doug Armstrong, Wade Aylett, Jay Wardinski, Kikue Buchanan, Wes Wise, Jason Wise, Adolph Dowdy, Ken Sandblast, Tom Scott, Linda Davis, Gerald Davis, Billie Bacon, Micka Bacon, Vanne Flerchinger, R.C. Flournoy, Bryan Timms, John Wenholtz, Steven Riley, Evelyn Miller, Carma Barron, Ron Hight, Belle Hays, Harry Kobe, Mike Swope, Debi Stratton, Cindy Grisby, Christopher Walsh, Darlene Snyder, Michael Snyder, Kelly Sanders, Bart Prouty, Darrell Gale, Nelson Moore, Samie Griffin, John Taylor, Monica Taylor, Lois Richards, Karli Cook, Linda Cole, Richard Cole, Frank Leinweber, Sharon Leinweber, Gary Kroske, Kami Kroske, Rachael Moore, Sue Oliver, Von Studer and Posey Studer.

**MINUTES OF MAY 22, 2000 COMMISSION MEETING** - The minutes of the May 22, 2000, were approved as presented.

**PUBLIC HEARING - Second of three hearings to amend the Morrow County Zoning Ordinance: Deane Seeger for Concerned Citizens of Irrigon, applicant. Proposal is to delete Section 3.040(2)(G) regarding aggregate operations in the Rural Residential One Acre Zone: The proposal would affect all Rural Residential Zoned property in Morrow County. Criteria for approval includes ARTICLE 8 of the Morrow County Zoning Ordinance** - The Planning Director, Tamra Mabbott, said she drafted the Findings of Fact in favor of the amendment due to the impact an aggregate operation would have in a residential zone. It would affect the livability of the area and could affect the natural resources. The Planning Director explained that this section of the Zoning Ordinance was put in the Ordinance about 25 years ago when Irrigon was much smaller. Morrow County has approximately 95% of its land zoned EFU and mining is allowed on all of this land. Letters were then read into the

record; Huwe, Grigsby, Stratton, Barron, Brace and McCall. A petition was presented to the Commission with 52 signatures against the proposal and another petition was presented with over 400 signatures supporting the amendment change. Comments were then heard from the audience both for and against the Ordinance amendment (the tape of the meeting is on file in the Planning Department). Commissioner Grieb moved to approve the amendment deletion and recommend to the County Court the deletion of Section 3.040(2)(G) from the Morrow County Zoning Ordinance. Commissioner Kent seconded the motion which passed with all Commissioners approving, except for Commissioner Miller voting "nay".

**PUBLIC HEARING - Second of three hearings to amend the Morrow County Zoning Ordinance: Richard and Sylvia Sandford, III, applicants and owners. Request is to change the zone designation of an approximate 2 to 4 acre portion of tax lot 901 of Assessor's Map 1N 24 04, a 20 acre parcel located on the north side of State Highway 74 within the Urban Growth Boundary of the City of Ione. Proposal is to change this portion of tax lot 901 from R-3 to C-1 Zoning in order for the applicant to site storage units. Criteria for approval includes ARTICLE 8 of the Morrow County Zoning Ordinance and the Urban Growth Management Agreement with the City of Ione** - The Planning Director recommended the approval of this zone change request. The City of Ione submitted a letter in favor of this zone change. A letter from ODOT was also read into the record listing their concern regarding access and stating that the applicant will need to comply with their access requirements. No one spoke in favor or opposition to this zone change request. Chairman Padberg explained that the letter from ODOT does not mean they will not give them access, but the applicant will need to get a special permit for access. Commissioner Kegler moved and Commissioner Rea seconded the motion to refer to the County Court this zone change request with the recommendation to approve. The motion passed unanimously.

**REVIEW OF SWOPE CONDITIONAL USE PERMIT, CUP-N-128** - The Planning Director explained that the reason the Commission is reviewing this CUP is one of the conditions of approval was that if the business was not in operation, the home would have to be removed. The Planning Department had received some additional complaints on this property. The complaints were primarily regarding garbage and it blowing around the neighborhood. The Code Enforcement Officer, Karen Zeiler, said that she talked with Mr. Swope and he got another garbage can and put it within his fenced area. The complaint regarding the travel trailer with someone living it on his property was true. It was a relative, but it was for only a short time and he no longer lives in it. Mr. Swope understands that you cannot have people live on a permanent basis in a travel trailer. The complaint that Mr. Swope was running a car repair business out of his shop was mentioned. The Code Enforcement Officer said Mr. Swope offered to give her keys to the building to check it at any time. The only repairing of cars that is being done is on his cars. The Code Enforcement Officer stated that she did not find anything that brings Mr. Swope out of compliance. She does not want to sit on the property everyday to see if something goes wrong. Mr. Swope has worked with the Code Enforcement Officer and she has no issue with the property. She feels Mr. Swope has gone out of his way to pickup the garbage. Mr. Wilkie said that he has made the several complaints and it has taken the Commission a long time to do

Commission a long time to do something about it. He says it is the Planning Commission's job to keep the property in compliance and clean.

**REPORT FROM CODE ENFORCEMENT OFFICER** - Karen Zeiler, CEO, passed around her monthly report to the Commissioners. A lot of citations were issued during the past month. The CEO spoke to Mr. Sullivan regarding the animal allowance on his property and at this time Mr. Sullivan is within his animal allowance, with six buffalo and seven horses. Six times a year at two week intervals, Mr. Sullivan brings in cattle to work with the horses and then has 23 animals. The Planning Director asked the County Counsel to clarify whether the animal density was grandfathered in as well as the use. The Planning Director wanted that confirmation from the County Counsel. Morrow County Court Commissioner, John Wenholz, said he has known Mr. Sullivan since 1970 and Mr. Sullivan has been here since 1966 training horses. He was told he was grandfathered in and in 1976 when his operation began there were no animal density limitations in effect. Commissioner Wenholz explained that he is a neighbor and has no problem with the operation. The situation needs to be looked at on an individual case by case.

The Code Enforcement Officer informed the Commission that she may be vacating the position, but will be around to help out the new CEO. Commissioner Kegler commended her on a job well done and the way she handled the people and job.

Commissioner Rea asked what is going on with her neighbors. The CEO said they know they have to get some of the vehicles off. Mr. Shook, owner of the property, said the renters told him the property was cleaned up. He indicated he will be in the area this weekend and will take care of the problem.

**REPORT ON LCDC'S DECISION ON RURAL RESIDENTIAL LANDS/GOAL 14 RULE AMENDMENT** - LCDC adopted a two acre minimum instead of a five acre minimum. A memo from Mitch Rohse, LCDC, was passed out to the Commissioners explaining the change. Besides amending the rule the goal must be amended as well. The Planning Director said that she would like to notify property owners as soon as possible. The notification may trigger the receipt of many land partition applications.

**NEW BUSINESS** - The Planning Director explained that Sharon will be leaving the Planning Department at the end of the month. She opted to take the early retirement the County offered in order to help with the budget shortfall. The Commissioners expressed their appreciation to Sharon for the years of service.

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

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION  
MONDAY, JULY 31, 2000 - 7:30 P.M.  
MORROW COUNTY SCHOOL DISTRICT BUILDING  
LEXINGTON, OREGON**

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

**MEMBERS PRESENT:**

Marvin Padberg, Chairman  
Joel Peterson, Vice-Chairman  
Joe Miller  
Art Kegler  
Leann Rea  
Ken Grieb  
Keith Lewis  
Henry Bass

**MEMBERS ABSENT:**

Richard Kent

**STAFF PRESENT:**

Tamra Mabbott, Planning Director  
Burke O'Brien, Public Works Director  
Bill Hanlon, County Counsel

Minutes of June 26, 2000 Planning Commission Meeting were not mailed to the Commission and therefore no action was taken.

Minutes of the May 29, 2000 Planning Commission Meeting were approved. Motion made by Leann Rea and seconded by Joe Miller, with corrections as made by Leann Rea. Passed unanimously.

**Conditional Use Permit Application, CUP-S-150: Lamplighter Homes for Willard and Judith Horton, applicants; Don Averill, owner. Property is described as tax lot 202 of Assessor's Map 4S 28 27, located adjacent to Cutsforth Park on Willow Creek Road, approximately 20 miles southeast of the City of Heppner. The proposal is to site a dwelling on an existing 3.50 acre**

**parcel in a Forest Use (FU) Zone. Criteria for approval includes Morrow County Zoning Ordinance Section 3.020(B)(27), 3.020(D)(3) and 3.030(E) and (F).**

Staff presented the staff report. Applicant was present to answer any questions. Motion to approve made by Joe Miller, seconded by Leann Rea, passed unanimously.

**Conditional Use Permit Application, CUP-N-151 Port of Morrow for McGinn Brothers Trucking, applicants and owners. Property is described as tax lot 110 of Assessor's Map 4N 24, located on the west side of Tower Road in the Port of Morrow Airport, approximately five miles west of the City of Boardman. The proposal is to build and operate a maintenance shop to service trucks that support and haul cattle and feed to local cattle operations. Criteria for approval includes Morrow County Zoning Ordinance Sections 3.010(D)(8), 3.071(N), 6.020 and OAR 660-013-0080.**

Application withdrawn at the verbal request of Ron McKinnis, Port of Morrow.

**Land Partition Request, LP-N-263: Sidney and Randy Britt, applicants and owners. Property is described as tax lots 1400 and 1600 of Assessor's Map 1N 27, located on Big Butter Creek Road, approximately 18 miles east of the City of Lexington. The proposal is to partition a parcel of land comprised of two tax lots (approximately 1,153 acres) into three parcels in an Exclusive Farm Use (EFU) Zone. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030.**

Staff presented preliminary findings. Discussion about additional farm dwellings and compatibility of dwellings on farm ground. John Luciani, adjacent property owner, raised concern about compatibility of a new dwelling on Britt's property. Mr. Britt indicated the new home will be "down the hill" not up on top - farther away from Luciani's pasture. Commission discussed requirements for farm dwellings. 160 acres is only part of the requirement. Occupant must also be "principally engaged" in the farm operation, and other requirements. Motion to approve application made by Keith Lewis, seconded by Joe Miller. Passed unanimously.

**Land Partition Request, LP-N-264 and PLA-N-86-00: Julie and Jaime Aguilera, applicants; Timothy M. Hellberg, owner. Property is described as tax lots 1700 and 1800 of Assessor's Map 5N 26 25D, located on the south side of Nevada Lane, east of Second Street West, approximately one-eighth mile south of the city limits of Irrigon. The proposal is to partition a 1.67 acre parcel and adjust a property line to create two one-acre parcels in a Rural Residential One Acre (RR-1) Zone. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030.**

Preliminary findings and report made by staff. Corrections to findings were made. The property line adjustment will include three parcels. Three new conditions were added. Motion to approve made by Leann Rea, Seconded by Joe Miller. Passed unanimously.

**Land Partition Request, LP-N-265: Philip and Dixie Morford, applicants and owners. Property is described as tax lot 400 of Assessor's Map 5N 26 23C, located on the north side of Washington Lane between Sixth and Seventh Streets, approximately two miles northwest of the City of Irrigon. The proposal is to partition a 3.88 acre parcel into three parcels each larger than the one acre minimum of the Rural Residential One Acre (RR-1) Zone. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030.**

Staff report and findings presented by staff. No one present to speak in favor of the application. Mr. Mathis raised concern about the application. He is the legal owner of the property and objects to the

partition unless he is paid off. Paula Byars-King, an adjacent landowner, presented a map and plot plan of her property. She had concerns about the use of the easement which is on her property. Ms. Byars-King indicated the easement was over her well and water line to her house. Bill Hanlon, County Counsel, cautioned the commission about interpreting and expanding the scope of the easement which appears to serve only one parcel, not numerous parcels. The courts tend to favor serviant tenement (owner of property under which the easement runs). Hanlon stated there is not an assurance of access. The commission voted to postpone action on the application and request clarification/verification on the easement. Motion to postpone to the August 28, 2000 meeting in Irrigon was made by Leann Rea and seconded by Joe Miller. Commission asked staff to notify applicant of this issue and also to request clarification on the irrigation pipe that crosses the north part of the subject property. Motion passed unanimously.

**Land Partition Request, LP-N-266: Ivar and Lina Christensen, applicants and owners. Property is described as tax lot 300 of Assessor's Map 2N 27, located on the north side of State Highway 207 (Lexington-Echo Highway), approximately 17 miles southwest of the City of Echo. The proposal is to partition approximately 900 acres from a 2,000 acre parcel in an Exclusive Farm Use (EFU) Zone. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030.**

Staff report and findings presented by staff. Curt Perkins was in attendance to speak in favor of the partition. Question was raised about the well serving the irrigated farm circles that will be partitioned. The well (point of diversion) will be purchased along with the parcel. That well serves only the six circles. Motion to approve made by Joe Miller, seconded by Leann Rea. Passed unanimously.

County Counsel Bill Hanlon gave the Commission an update on the Grittmann appeal. A compromise was made to offer Grittmann a 6 month permit without the opportunity to extend.

#### **Report from Code Enforcement Officer**

Deputy Zeillor introduced the new Code Enforcement Officer Brian Snyder. Deputy Zeillor also presented a monthly report. The Commission expressed their appreciation for Deputy Zeillor's work and welcomed Deputy Snyder.

Tamra Mabbott, Planning Director mentioned the forthcoming Measure 56 notice to be sent out pursuant to the Goal 14 Administrative Rule changes. This will change the RR-1 and SR-1A minimum lot size to two acres.

Marv Padberg reported that the County and Port are appealing the Washington Ground Squirrel listing. He then described the speedway proposal at the Boardman Airport which will require a zone change.

Meeting adjourned 10:15 p.m.

**MINUTES OF THE MORROW COUNTY PLANNING COMMISSION**  
**MONDAY, SEPTEMBER 25, 2000, 7:30 P.M.**  
**MORROW COUNTY SCHOOL DISTRICT BUILDING**  
**LEXINGTON, OREGON**

Members Present:

Marvin Padberg, Chairman  
Joel Peterson, Vice-Chairman  
Joe Miller  
Art Kegler  
Leann Rea  
Ken Grieb  
Keith Lewis  
Henry Bass

Staff Present:

Tamra Mabbott, Planning Director  
Wendy Kirkpatrick, Planner  
Bill Hanlon, County Counsel

Minutes of the August 28, 2000 Planning Commission Meeting were approved, with corrections made by Leann Rea.

- A. **Continuation of Land Partition Request, LP-N-265, Philip and Dixie Morford, applicants and owners. Property is described as tax lot 400 of Assessor's Map 5N 26 23C located on the north side of Washington Lane between Sixth and Seventh Streets, approximately two miles northwest of the City of Irrigon. The proposal is to partition a 3.88 acre parcel into three parcels each larger than the one acre minimum of the rural Residential Zone (RR-1). Criteria for approval includes Morrow County Subdivision Ordinance Article 5, Sections 5.020 and 5.030.**  
Staff presented the staff report. Letter written by Paula Byers-King was read that denied access to the parcel. Leann Rea motioned to deny, seconded, denied unanimously. Art Kegler abstained.
- B. **Conditional Use Request, CUP-S-152: Fritz Cutsforth, applicant and owner. Property is described as tax lot 100 of Assessor's Map 1S 26, located 67191 Sandhollow Road, approximately 4 miles northeast of the City of Lexington. Proposal is to site a manufactured home as an accessory dwelling in the EFU Zone. Criteria for approval include Zoning Ordinance Section 3.010(D)(3).**  
Staff presented staff report. Leann Rea noted correction to be made in report - name of Public Works Director's name was mistakenly used in the report. Joe Miller motioned to approve, seconded by Leann, passed unanimously.



- C. **Subdivision Request, SUB-N-208: Tim Hellberg, applicant and owner. Property is described as tax lot 600 of Assessor's Map 5N 26 25, located on the south side of Nevada Avenue between Third Street and just west of Second Street, approximately one mile south of the City of Irrigon. The proposal is to subdivide a 16.84 acre parcel into twelve parcels in the Rural Residential One Acre (RR-1) Zone. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 3, Sections 3.020, 3.030, 3.060 and 3.100.**  
Staff presented report. Henry Bass questioned how many homes were going to be served by each well. Applicant explained plan for new wells. PC asked who was responsible for maintaining roads and whether developer has the responsibility to inform buyers of who is to maintain roads. PC asked if there were easements for the well, and had discussion about water rights and water quality. Leann Rea motioned to approve, Joel Peterson seconded, passed unanimously.
- D. **Land Partition Request, LP-N-273: Jerry & Kathy Holz, applicant and owner. Property is described as tax lot 202 of Assessor's Map 5N 27 31, located at the southeast corner of Division and Depot Roads, approximately one mile south of the city limits of Irrigon. The proposal is to partition a 4.11 acre parcel in the Rural Residential One Acre (RR-1) Zone into two parcels. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030.**  
Staff presented report. PC asked whether applicant proposed to build a commercial retirement home or just a residence for a retired couple. PC requested clarification in the findings, the zoning allows a single-family residence. PC also asked if a Right to Farm disclaimer would be signed. Motion made by Joe Miller to approve, seconded by Joel Peterson, approved unanimously.
- E. **Conditional Use Request, CUP-S-153: Michael Jackson, applicant and owner. Property is described as tax lot 1705 of Assessor's Map 5S 28 22D, located in the Lake Penland Subdivision, approximately 16 miles south of the City of Lexington. Proposal is to construct a cabin on an existing lot in the FU Zone. Criteria for approval include Zoning Ordinance Section 3.020(B)(27), 3.020(D)(3).**  
Staff presented report. Art Kegler motioned to approve, Joe Miller seconded, approved unanimously
- F. **Conditional Use Request, CUP-N-154: R.D. Offutt Company applicant, State of Oregon, owner. Property is tax lot 103 of Assessor's Map 3N 23, located approximately 15 miles southwest of the City of Boardman. Proposal is to install 12 manufactured dwellings for dairy employees in the EFU Zone. Criteria for approval include Zoning Ordinance Section 3.010(D)(3).**  
Staff presented report. Tamra Mabbott, Planning Director informed applicant they would need to work with Morrow County's Building Inspector concerning

subdivision requirements. Leann Rea had questions about road widths and whether mobile park standards would be addressed by the applicant. Motion to approve was made by Joe Miller, seconded by Leann Rea, passed unanimously.

- G. **Variance Request, Henry and Lorene Popiel, applicant and owner. Property is described as tax lot 1300 of Assessor's Map 4S 28 11AB, located on Cougar Lane in Blake Ranch Subdivision, approximately 15 miles south of Heppner. Request is for a variance to the side yard setback requirement for a new shop building. Criteria for approval include Zoning Ordinance Section 7.020(B)(1)(2).**

Staff presented report. Joe Miller motioned to approve, Leann Rea seconded, passed unanimously.

Meeting adjourned at 9:30.

**Minutes of Morrow County Planning Commission  
Monday, October 30, 2000, 7:30 p.m.  
North Morrow Annex  
Irrigon, Oregon**

MEMBERS OF COMMISSION

Marvin Padberg, Chairman  
Joel Peterson, Vice-Chairman  
Joe Miller  
Art Kegler  
Leann Rea  
Richard Kent  
Henry Bass

MEMBERS OF STAFF

Tamra Mabbott, Director  
Wendy Kirkpatrick

Call to Order

Roll Call

Minutes of September 25, 2000 Planning Commission Meeting were approved with corrections.

**A. Land Partition Request, LP-N 272, Cal and Margaret Price, applicant and owner. Property is described as tax lot 702 of Assessor's map 5N 26 25 and is located at the Northeast intersection of California Avenue and Fourth Street West, approximately one mile west of Irrigon. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030. Staff presented the staff report.**

PC noted that the property is bordered by EFU land and that a "Right to Farm" disclaimer needs to be included as a condition of approval. The WEID noted that a lateral intersects the property and a 15'-20' easement may be needed. Joe Miller motioned to approve with changed conditions, Joel Peterson seconded, approved unanimously.

**B. Subdivision Request, Max Hellberg, applicant and owner. Property is described as tax lot 600 of Assessor's map 5N 26 26 BC and is located at the east end of Kangaroo Court Lane, south of Gravel Pit Lane, approximately 3/4 of a mile west of Irrigon. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 3, Sections 3.020, 3.030, 3.060 and 3.100.**

Staff presented the staff report. PC noted that a "Right to Farm" disclaimer needs to be

added as a condition of approval. Motion was made to approve with conditions as amended to allow option for access if north-south easement is not a legal easement, motion seconded by Leann Rea and approved unanimously by Planning Commission.

**C. Subdivision Request, John and Shirley Matthews, applicant and owner.**

**Property is described as tax lot 600 of Assessor's Map 5N 26 25B and is located near the intersection of Fourth Street West and Idaho Avenue approximately one mile west of Irrigon. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 3, Sections 3.020, 3.030, 3.060 and 3.100.**

Staff presented the staff report. PC noted that the following need to be included as conditions of approval: 1) "Right to Farm" disclaimer 2) 50' public easement on parcel 3) Cul de sac needs to be created at end of access road. Leann Rea motioned to approve with conditions, motioned seconded and approved unanimously by Planning Commission.

**D. Land Partition Request, LP-N 274, Vernon Suchy, applicant and owner.**

**Property is described as tax lot 900 of Assessor's Map 5N 27 21C located on the north side of the West Extension Irrigation District Canal, south of State Highway 730, west of Rand Road, approximately two miles east of Irrigon. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030.**

Staff presented the staff report. PC noted that a cul de sac or turn around needs to be included as a condition of approval. Leann Rea motioned to approve, seconded by Joe Miller, passed unanimously.

**E. Land Partition Request, LP-N 275, Darrell Dooney, applicant and owner.**

**Property is described as tax lot 600 of Assessor's Map 5N 26 23A and is located on Steagall Road, north of Washington Lane approximately 2.5 miles west of Irrigon. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030.**

Staff presented the staff report. PC noted that a shared well agreement needs to be included as a condition of approval. Joe Miller made motion to approve with changes to conditions, Leann Rea seconded, passed unanimously.

**F. Land Partition Request, LP-N 276: Monte and Sandy Robbins, applicant and owner. Property is described as tax lot 208 of Assessor's map 5N 26 35C, located on the north side of Cain Lane east of Eighth Street West, approximately one mile west of Irrigon. Proposal is to partition a 2.77 acre parcel into two parcels in the Rural Residential One Acre Zone (RR-1). Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020 and 5.030.**

Staff presented the staff report. PC noted that a "Right to Farm" disclaimer and a 20' minimum width for the easement need to be included as conditions of approval. An adjoining property owner expressed concerns about there being too many mobile homes and too many dogs in the area, and a large volume of traffic. Leann Rea motioned to approve, Art Kegler seconded, passed unanimously.

**G. Subdivision Request, Robert and Rolinda Meakins, applicant and owner. Property is described as tax lots 3400 and 3500 of Assessor's Map 5N 26 23B and is located at the intersection of Eighth Street West and Montana Avenue approximately 1.5 miles west of Irrigon. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 3, Sections 3.020, 3.030, 3.060 and 3.100. Staff presented the staff report. Joe Miller motioned to approve, Leann Rea seconded, passed unanimously.**

**H. Land Partition Request, LP-N-277, R.D. Offutt Company NW, applicant and owner. Property is described as tax lot 103 of Assessor's Map 3N 23 and is located south of Interstate 84, west of the City of Boardman approximately 15 miles. Staff presented the staff report. PC discussed the number of semis and personal vehicles that will travel the access road per day. Discussion about requirement for public easement which is required in the TSP. Motion to approve made by Joe Miller, seconded by Leann Rea, passed unanimously.**

**I. Variance Request, Kathleen Davison, applicant and owner. Property is described as tax lot 325 of Assessor's Map 5N 26 26 located at 81315 W Eighth Road located approximately one mile east of Irrigon. Proposal is for a hardship variance to place a second mobile home on the property for an aging and ailing parent. Criteria for approval includes Zoning Ordinance, Article 7, Section 7.020 (B). Staff presented the report. Joe Miller motioned to approve, Leann Rea seconded, passed unanimously.**

New Business was discussed:

- Meeting Schedule and Location for November - February
- New County Road Policy
- LCDC Goal 7 Amendments - update and discussion
- LCDC Goal 14 Amendments - update and discussion

Meeting Adjourned at 10:05 p.m.

**MINUTES**  
**Morrow County Planning Commission**  
**Monday, November 27, 2000**  
**North Morrow Annex**  
**Irrigon, Oregon**

**MEMBERS PRESENT**

Marvin Padberg, Chairman  
Joel Peterson, Vice-Chairman  
Joe Miller  
Ken Grieb  
Keith Lewis  
Richard Kent  
Henry Bass

**MEMBERS ABSENT**

Art Kegler  
Leann Rea

**STAFF PRESENT**

Tamra Mabbott, Planning Director  
Wendy Kirkpatrick, Associate Planner

Call to Order at 7:31 p.m.

Minutes of October 30, 2000 Meeting were approved. Motion made to approve by Joe Miller and seconded by Joel Peterson.

**Land Partition Request, LP-N 278, Ada Evelyn Patton, applicant and owner. Property is described as tax lot 300 of Assessor's map 5N 26 24CA and is located on the north side of Washington Avenue, between Second and Third Street West, just north of Irrigon. Request is to partition a 3.61 acre parcel into two parcels in the Rural Residential Zone. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5.**

Staff presented the staff report. Ada Patton noted that neighbor may donate 4' for easement. Ken Grieb motioned to approve, Joe Miller seconded, passed unanimously.

**Subdivision Request, SD-N-212, Max and Marilyn Hellberg, applicant and owner. Property is described as tax lot 1900 of Assessor's map 5N 26 2D and is located south of Columbia Lane, between Sixth and Fourth Roads, approximately one mile west of the City of Irrigon. Request is to partition the 18.51 acre parcel into 16 parcels in the Rural Residential Zone. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 3.**

Staff presented the staff report. Correspondence from WEID was read. Keith Lewis motioned to approve, Joe Miller seconded, passed unanimously.

**Subdivision Request, SD-N-213, Max and Marilyn Hellberg, applicant and owner. Property is described as tax lot 3100 of Assessor's Map 5N 26 23C and is located south of Columbia Lane, between West Sixth Road and the east boundary of the Irrigon Wildlife Area, approximately one mile west of the City of Irrigon. Request is to partition the 7.66 acre parcel into seven parcels in the Rural Residential Zone. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 3.**

Staff presented the staff report. Correspondence from WEID was read. John Weinholz had questions about easement on property. Joel Peterson motioned to approve, Joe Miller seconded, approved unanimously.

**Subdivision Request, SD-N-214, Kikue Buchanan, applicant, Emma Harrell, owner. Property is described as tax lot 200 of Assessor's Map 5N 26 23B and is located approximately two miles west of the City of Irrigon. The subject parcel is bound on the west by West Eighth Road and on the South by Usage Lane. Request is to partition the 7.91 acre parcel into seven parcels in the Rural Residential Zone. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 3.**

Staff presented staff report. Ken Grieb asked if turn-around made lots smaller than one acre in size. Tamra Mabbott said that lots would not be smaller than one acre in size with turn around. Joe Miller motioned to approve, Keith Lewis seconded, passed unanimously.

**Conditional Use Request, CUP-S-157, Oregon Department of Transportation, applicant and owner. Request is to crush and process aggregate in an asphaltic batch plant at an existing quarry. Property is described as tax lots 500 and 600 and is located on the east side of State Highway 74, approximately one half mile south of Lexington. Criteria for Approval include Zoning Ordinance Section 6.050(9).**

Staff presented staff report. Henry Bass inquired what hours of operation would be. Planning Commission asked how long permit would be for. Tamra Mabbott responded that permit would be for the length of the project. Motion to approve made by Keith Lewis, seconded by Joe Miller, passed unanimously.

**Land Partition Request, LP-N 280, George L. and Somsri Hicks, applicant and owner. Property is described as tax lot 400 of Assessor's Map 5N 26 25C and is located south of West Wyoming Road, approximately one mile southwest of the City of Irrigon. Request is to partition the 3.09 acre parcel into two parcels in the Rural Residential Zone. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5.**

Staff presented the staff report. Planning commission had questions about easement and the "grandfathering" of the second home. Second home can be grandfathered. Motion to approve made by Ken Grieb, seconded by Joe Miller, passed unanimously..

**Land Partition Request, LP-N 281, Wayne and Barbara Huwe applicant and owner. Property is described as tax lot 400 of Assessor's Map 5N 26 26BC and is located on the south side of Gravel Pit Lane, to the west of the county gravel pit, approximately three miles from the City of Irrigon. Request is to partition the 2.55 acre parcel into two parcels in the Rural Residential Zone. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5.**

Staff presented staff report. Henry Bass asked how close farming was to development. Joe Miller had questions about protecting nearby gravel pit from possible complaints by residents. Joe Miller motioned to approve, Ken Grieb seconded, passed unanimously.

**Land Partition Request, LP-N-282: Wayne and Barbara Huwe, applicant and owner. Property is described as tax lot 3000 of Assessor's map 5N 26 23D and is located between Columbia Lane and Idaho Avenue, just east of Fourth Street West, approximately one half mile west of the City of Irrigon. Request is to partition a 2.66 acre parcel into two parcels in the Rural Residential One Acre Zone (RR-1). Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5**

Staff presented staff report. Letter from Water Resources Department was read; parcel has no water rights. Joe Miller asked which parcel is responsible for paying for road improvements. Parcel #2 is responsible it was determined. Motion to approve made by Joe Miller, Ken Grieb seconded.

**Conditional Use Request CUP-S-155 and Comprehensive Plan Amendment, Miller & Sons Excavating, applicant, Marvin Padberg, owner. Property is described as tax lot 3501 of Assessor's Map 1S 24 and is located four miles south of Ione and approximately two miles west of the junction of Rhea Creek Road and Morter Lane. Request is to allow the operation of a rock crusher and stockpiling of crushed rock operation of a portable concrete plant and portable asphaltic batch plant and to amend the Aggregate Resources Inventory of the Comprehensive Plan. Criteria for approval include Zoning Ordinance Section 6.050(9), Oregon Administrative Rule 660-23-180.**

Marvin Padberg and Joe Miller both stepped down from the hearing due to an acknowledged conflict of interest. Staff presented the staff report and stated that this is to be the first of two hearings. Joe Miller and Marvin Padberg both spoke in favor of the quarry citing the benefits to the area of having a quarry. Bill Kuhn, an attorney representing the Tullis family stated that the application did not adequately address Goal 5 requirements and subsequently is inadequate for processing. Mark Tullis spoke in opposition to the project and stated that he wanted to make sure the applicant followed all of the required procedures for their application. Tamra Mabbot, Planning Director, addressed the points raised by Bill Kuhn and agreed that supplemental information would need to be added to the application and staff report. Tamra Mabbott stated that the second hearing for CUP-S-155/ Miller-Padberg Plan Amendment. would be January 22, 2001 at 7:30 in Lexington.

**Land Partition LP-N-283 and Conditional Use Request CUP-N-156, Gerald and Judith Ripka, applicant and owner. Property is described as tax lot 6901 of Assessor's Map 1N 23 and is located on the west side of State Highway 74, approximately 4.5 miles north of the City of Ione. Request is to create an approximately 25-acre "non-farm dwelling" parcel in the EFU Zone. Criteria for approval include Zoning Ordinance Section 3.010(D-G) and Subdivision Ordinance Section 5.030.**

Staff Presented staff report. Keith Lewis declared a conflict of interest and stepped down from Planning Commission for the discussion. George Griffith testified that he does not want to see non-farm dwellings in the EFU zone. He stated that non-farm dwellings contribute to stray dog and fire problems in the area. He also stated that he wanted to have the road easement finalized. Mr. Ripka stated that Mr. Griffith has no legal access to the road through the easement. Motion to approve made by Joel Peterson, seconded by Ken Grieb, passed unanimously.

New Business - Discussion of Measure 7.

Adjourned at 10:20 p.m.