

MINUTES
Morrow County Planning Commission
Monday, January 22, 2001
Morrow County School District Building
Lexington, Oregon

MEMBERS PRESENT

Marvin Padberg, Chairman
Joel Peterson, Vice-Chairman
Joe Miller
Henry Bass
Art Kegler

MEMBERS ABSENT

Ken Greib
Richard Kent
Leann Rea

STAFF PRESENT

Tamra Mabbott, Planning Director
Wendy Kirkpatrick, Associate Planner

Call to Order at 7:40 p.m.

Planning Commission reappointments will be discussed at next meeting.

- A. **Second of Three Public Hearings: 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 their positions on the Planning Commission for the duration of the hearing due to their acknowledged conflict of interest regarding CUP-S-155. Tamra Mabbott, Planning Director distributed copies of a letter that the Planning Department had sent to Miller and Padberg. Tamra Mabbott read a letter from Miller & Sons Welding regarding CUP-S-155. Ryan Miller submitted pictures of the proposed quarry site and these pictures were entered into the record. Art Kegler asked for a synopsis of the previous Planning Commission hearing.

Joe Miller spoke in favor of CUP-S-155 and clarified that no asphalt plant is planned (although the CUP application does include an asphalt plant.)

Keith Mortar had questions about the hours of operation for the quarry and asked to be notified when drilling and dynamiting would take place.

Ryan Miller stated that 7 a.m. - 6 p.m. would be the operating hours for the crusher and that they would notify neighboring property owners of any drilling or dynamiting.

Tamra Mabbott clarified the conditions of approval for the CUP, these new conditions include:
6) Hours of operation limited to 6 a.m. to 7 p.m. for the crusher
7) Provide notice to adjoining property owners prior to blasting / drilling within one mile of the quarry

Art Kegler motioned to approve, Henry Bass seconded, passed unanimously.

Planning Commission discussed cuts to the Zoning Enforcement program.

Adjourned at 9:30 p.m.

MINUTES

**MORROW COUNTY PLANNING COMMISSION
MONDAY,
February 26, 2001 - 7:30 P.M.
NORTH MORROW COUNTY ANNEX BUILDING
IRRIGON, OREGON**

MEMBERS PRESENT

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

MEMBERS OF STAFF

Tamra Mabbott
Wendy Kirkpatrick

1. Call to Order
2. Roll Call
3. Minutes of January 22, 2001 Commission Meeting
4. Public Hearings (COMMISSION ACTION REQUIRED)

Land Partition Request, LP-N-284, Bonnie and Stephen Simpson, applicant and owner. Property is described at tax lot 205 of Assessor's map 4N 25 22 and is located on the south side of Kunze Road and west of Miller Lane, approximately 2.5 miles south of the City of Boardman. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5.

Art Kegler declared a conflict of interest. Staff presented staff report. Tamra Mabbott, Planning Director discussed the application and stated that a 60' easement would be needed. Planning Commission asked that language be added to clarify Precedent Condition #5 in the staff report and that language be added about high nitrate levels in the area. Discussion about proposed easement. This easement should extend through parcel. Leann Rea motioned to approve, Joe Miller seconded, Art Kegler abstained.

Land Partition Request, LP-N-285, Bill, Rena, and Betty Marquardt and Majo Hughes. Property is described as tax lots 600 and 601 of 4N 25 17 and is located at the southeast intersection of Wilson Road and Paul Smith Road just south of the City of Boardman. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5.

Staff stated that the hearing for LP-N-285 will be continued at the March Planning Commission

hearing due to a mistake that was made when providing notice for the hearing. Testimony will be taken at the February hearing, property owners and agencies will be renotified of the continuation of the hearing in March. Art Kegler noted that he had a possible conflict of interest with the hearing. Judd Coppick asked about the status of the easement on the east side of the property. Bill Hanlon stated that the application has met the conditions for Planning Commission and the easement is not an issue for approval of the application. Planning Commission asked for language to be added to staff report and conditions of approval about high nitrate levels in the area. Hearing will be continued March 26, 2001 at 7:30 P.M. in Lexington.

5. Correspondence
6. Audience Participation/New Business
7. Adjournment at 9:07 P.M.

MINUTES
MORROW COUNTY PLANNING COMMISSION
Monday, March 26, 2001
North Morrow Annex
Irrigon, Oregon

MEMBERS PRESENT

Marvin Padberg, Chairman
Joel Peterson, Vice-Chairman
Joe Miller
Art Kegler
Leann Rea

MEMBERS ABSENT

Ken Greib
Vacant
Vacant

STAFF PRESENT

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

Call to order at 7:31 p.m.

- A. **Continuation of Land Partition Request, LP-N-285, Bill, Rena, and Betty Marquardt and Majo Hughes. Property is described as tax lots 600 and 601 of 4N 25 17 and is located at the southeast intersection of Wilson Road and Paul Smith Road just south of the City of Boardman. Criteria for approval includes Morrow County Subdivision Ordinance ARTICLE 5.**
Staff presented staff report. Tamra Mabbott asked applicant about easement to property. Bill Hanlon stated that an easement shouldn't be granted without guaranteed access. A condition was added that language about easement needs to be clarified. Judd Coppock asked if easement can be changed if old easement in dispute is found to be valid. Leann Rea stated that Planning Commission should recommend, not require, 60' easement on east side of property. Leann motioned to approve, Joe Miller seconded motion, passed unanimously.
- B. **Land Partition Application, LP-S-286 and Conditional Use Permit, CUP-S-160: Schmidt Family Enterprises. Property is described as tax lot 6300 of Assessor's Map 1S 25 and is 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 one ten acre parcel from the parent parcel creating one "non-farm dwelling" parcel and to site a dwelling on the new**

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.**

Joe Miller declared a conflict of interest. Staff presented staff report. Planning Commission had questions about easement to property. Mr Schmidt stated that easement will be 60'. Art Kegler motioned to approve, Leann Rea seconded, passed unanimously.

- C. **Conditional Use Permit, CUP-S-159, Jean and John Jepsen. Property is described as tax lot 2800 of Assessor's Map 1S 24 12 and is located at the southeast intersection of Highway 74 and Rhea Creek Road approximately three miles east of Ione. Proposal is to expand the existing pest control business (a commercial use in conjunction with farm use.) Criteria for approval include Morrow County Zoning ARTICLE 6.**

Staff presented staff report. Tamra Mabbott stated that applicant will need a Floodplain Development Permit. Art Kegler asked what the floodplain level is for where the building will be located. Joe Miller motioned to approve, Joel Peterson seconded, passed unanimously.

- D. **Conditional Use Permit, CUP-N-158, R.D. Offutt Company Northwest and TMF Biogas. Property is described as tax lot 104 of Assessor's Map 3N 23 26 and is located at the Columbia River and Willow Creek Dairies approximately nine miles southwest of Boardman. Proposal is to construct a 3.52 megawatt methane digester and cogeneration facility to digest dairy waste and produce electricity for use on-site and for sale to existing power grid. Criteria for approval include Morrow County Zoning Ordinance Sections 1.020(76), 3.010 (D), ARTICLE 6, Sections 6.020 and 6.030, and ORS 215.275.**

Marvin Padberg had questions about the private road that provides access to the digester. Planning Commission decided that they needed more information from the applicant before they could make a decision about the digester. Joel Miller motioned to postpone hearing until next Planning Commission hearing in April. Leann Rea seconded motion, Joe Miller abstained.

MINUTES
MORROW COUNTY PLANNING COMMISSION
MONDAY, APRIL 30, 2001
HEPPNER HIGH SCHOOL CAFETORIUM
HEPPNER, OREGON

MEMBERS PRESENT

Marvin Padberg, Chairman
Joel Peterson, Vice-Chairman
Art Kegler
Leann Rea
Ken Grieb
Don Eppenbach
Heather Sicard

MEMBER OF STAFF

Tamra Mabbott, Director
Wendy Kirkpatrick

MEMBERS ABSENT

Joe Miller
Keith Lewis

1. Call to Order at 7:35 p.m.
2. Roll Call
3. Public Hearings (COMMISSION ACTION REQUIRED)

A. (Continued from March Commission Meeting) Conditional Use Permit, CUP-N-158, R.D. Offutt Company Northwest and TMF Biogas, applicant, State of Oregon, landowner. Property is described as tax lot 104 of Assessor's Map 3N 23 and is located at the Columbia River and Willow Creek Dairies approximately nine miles southwest of Boardman. Proposal is to construct a 3.52 megawatt methane digester and cogeneration facility to digest dairy waste and produce electricity to run on-site and for sale to existing power grid in the EFU Zone. Criteria for approval include Morrow County Zoning Ordinance Section 3.010(D)(16), ARTICLE 6, Sections 6.020 and 6.030, and ORS 215.275. Application withdrawn by applicant.

B. Land Partition Application, LP-N-288: BAIC, Inc, applicant, State of Oregon, owner. Property to be partitioned includes tax lot 100 of Assessor's Map

2N 23, tax lot 100 of Assessor's Map 2N 24 and tax lots 100, 112 and 118 of Assessor's Map 3N 24, located west of the Naval Bombing Range, approximately 10 miles south of the Interstate 84 and Tower Road intersection. Proposal is to partition approximately 23,000 acres from the tract of lots. Zoning is EFU, Space Age Industrial and General Industrial. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020, 5.030 and 5.120 and the Comprehensive Plan.

Application withdrawn by applicant.

- C. Land Partition Application, LP-N-289: BAIC, Inc, applicant, State of Oregon, owner. Property is described as tax lot 105 of Assessor's Map 4N 24, located east of Tower Road, approximately three miles south of side of Interstate 84. Zoning is Space Age Industrial. Proposal is to partition a 643.8 acre parcel from the parent parcel of 6,512 acres. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Sections 5.020, 5.030 and 5.120 and the Comprehensive Plan.**

Application withdrawn by applicant.

- D. Conditional Use Permit Application, CUP-S-163: Ross Neely, applicant and owner. Property is described as tax lot 1300 of Assessor's Map 4S 28 02D, located in the Blake Ranch Subdivision, approximately 14 miles south of Heppner. Proposal is to site a cabin on an existing lot in the EFU Zone, as a "lot-of-record dwelling." Criteria for approval include Morrow County Zoning Ordinance Section 3.010(D)(2) and 6.030.**

Staff presented staff report. Leann Rea recommended that applicant be required to meet fire protection standards for the FU zone. Motion to approve made by Leann Rea, seconded by Joel Peterson, passed unanimously.

- E. Conditional Use Permit Application, CUP-N-161: Bob Duncan for Morrow Power, LLC, applicant, Port of Morrow, landowner. Property is described as tax lot 204 of Assessor's Map 4N 25 11, located on the northeast side of Rippee Road, just east of Columbia Avenue. Proposal is to construct a 24 megawatt power generation plant in a General Industrial Zone. Criteria for approval include Morrow County Zoning Ordinance Section 3.070(2)(Q) and Article 6, Sections 6.020-6.040.**

Staff presented staff report. Applicant requested to site two power plants on parcel. Tamra Mabbott explained that a second application would have to be made to site a second power plant. Leann Rea had a question about how noisy the power plant would be. Bob Duncan responded that the power plant would meet DEQ standards. Leann Rea had a question about what type of lighting would be used at the power plant. Applicant responded that standard lighting would be used. Planning Commission recommended that condition be added that applicant will comply with noise standards. Art Kegler motioned to approve, Leann Rea seconded, passed unanimously.

- F. Conditional Use Permit Application, CUP-N-162: Robert Kenney, applicant, George and Silvia Campbell, owner. Property is described as tax lot 102 of Assessor's Map**

5N 26 33, located on the west side of Patterson Ferry Road, north of State Highway 730. Proposal is to develop a 62 unit Recreation Vehicle Park in the Rural Service Center Zone. Criteria for approval include Morrow County Zoning Ordinance Sections 3.030(2)(D), Article 6, Sections 6.020-6.040 and 6.050(14).

Art Keger declared a conflict of interest. Staff present staff report. Burke O'Brien had questions about the possible impacts the RV park would have on the roadway. Planning Commission asked applicant to clarify how parking would be dealt with at the RV park. Applicant stated he would abide by all DEQ standards for the RV park's septic system. Burke O'Brien was concerned that applicant wouldn't be able to maintain a gravel road and asked that applicant be required to pave the road if the gravel isn't kept up. Burke O'Brien requested that the frontage to the office be paved. Leann Rea asked what length of stay would be allowed at the RV park. Applicant stated he would abide by our County standards. Motion to approve made by Don Eppenbach, seconded by Leann Rea.

MINUTES OF THE MORROW COUNTY PLANNING COMMISSION
MONDAY, May 21, 2001, 7:30 p.m.
STOKES LANDING SENIOR CENTER
IRRIGON, OREGON

MEMBERS PRESENT

Marvin Padberg, Chairman
Joel Peterson, Vice-Chairman
Joe Miller
Art Kegler
Leann Rea
Ken Grieb
Heather Sicard
Don Eppenbach

STAFF PRESENT

Tamra Mabbott, Director
Wendy Kirkpatrick

Called to Order at 7:43 p.m.

Minutes of March 30, 2001 and April 30, 2001 Planning Commission Meetings accepted by Planning Commission

Variance Request, Maria Ramirez, applicant and owner. Property is tax lot 1403 of Map 4N 25 16 and is located at 78671 Miller Road, approximately 1.5 miles east of Boardman. Proposal is to allow a second manufactured dwelling as a hardship to be occupied by a relative with medical conditions. Criteria for approval include Article 7, Morrow County Zoning Ordinance.

Staff presented the staff report. Planning Commission had questions about what the relationship was between the applicant and the person with the hardship. Art Kegler said that the area was known to have septic problems. Neighbors Charlene Anderson and Marcy Odello testified that the applicant was really siting the home for her daughter not for the person with the hardship and this was a scheme to get a second dwelling on the parcel. Bill Hanlon commented that the applicant seems to be creating their own hardship. Planning Commission was very concerned that the applicant's septic system would not be able to handle the addition of a second home. Leann Rea motioned to deny the hardship variance request. Heather Sicard seconded the motion. Motion was passed unanimously with Art Kegler abstaining

Land Partition Application, LP-N-290: Pat and Alice Flanagan, applicant and owner. Property is described as tax lot 600 of Assessor's Map 5N 26 25D, and is located on Hoop-N-Holler Lane, west of Division Street, approximately ½ miles south Irrigon. Zoning is

Rural Residential. Proposal is to partition a 6.18 acre parcel into two parcels. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Staff presented the staff report. Don Eppenbach had questions about the shared well agreement. Tamra Mabbott stated that applicant would have to grant an access easement for the second parcel; recognized legal access via Hoop-N-Holer Lane and agreement with WEID to allow continual use of Lane and use of lane for one additional parcel. Art Kegler recommended that the language from the applicant's agreement with the WEID be included in the staff report. Art Kegler motioned to approve, Don Eppenbach seconded motion, passed unanimously.

Conditional Use Permit Application, CUP-N-164: Maureen Webb, applicant and owner. Property is described as tax lot 1401 of Assessor's Map 4N 25 15, located at the northeast intersection of Kunze Lane and Miller Road, approximately 1.5 miles southeast of Boardman. Proposal is to operate a produce stand in an existing barn as a home occupation. Criteria for approval include Morrow County Zoning Ordinance Section 3.050(2)(H) and 6.030-6.050(7).

Staff presented the staff report. Don Eppenbach had questions about how parking would be dealt with at the fruit stand. Marvin Padberg suggested that a condition be added that prohibited parking on the County road. Leann Rea suggested that the language addressing operating hours be changed. Marvin Padberg had questions about the sign. Joe Miller suggested that the condition addressing the percentage of the produce stand sales that can be handicrafts use the phrase primary and secondary uses rather than a percentage. Joe Miller motioned to approve, with changes to conditions as discussed, Leann Rea seconded, passed unanimously.

Land Partition Application, LP-N-291: Port of Morrow, applicant and owner. Property is described as tax lot 100 of Assessor's map 4N 25 2, located at the southeast intersection of Columbia Avenue and the Union Pacific Railroad approximately one mile southeast of Boardman. Zoning is Port Industrial. Proposal is to partition a 25 acre parcel from the parent parcel of 364.49 acres. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Staff presented the staff report. Motion to approve made by Leann Rea, seconded by Joel Peterson, passed unanimously.

Conditional Use Permit Application, CUP-N-165: Bob Duncan for Morrow Power, LLC, applicant, Port of Morrow, landowner. Property is described as tax lot 204 of Assessor's Map 4N 25 11, located on the northeast side of Rippee Road, just east of Columbia Avenue. Proposal is to construct a 24 megawatt power generation plant in a General Industrial Zone. Criteria for approval include Morrow County Zoning Ordinance Section 3.070(2)(Q) and Article 6, Sections 6.020-6.040.

Application was withdrawn by applicant.

1. **Correspondence** - no correspondence

2. **Audience Participation/New Business**

Representatives from the R.D. Offutt Company came to speak with the Planning Commission about conditions that needed to be met before Tamra Mabbott, Morrow County's Planning

Director could sign the plat for their land partition, LP-N-277. Memo dated May 17, 2001 explaining the request was presented to Planning Commission. Marty Myers, manager of Three Mile Farms explained the request and presented information on a proposed road that will connect Ione to Boardman. The Planning Commission and representatives from R.D. Offutt discussed the alignment of this road. The Planning Commission agreed that the plat for the land partition could be signed contingent upon four conditions being met by the R.D. Offutt Company. These conditions are outlined in the May 17, 2001 memo.

3. Adjournment at 10:30 p.m.

Minutes of the Morrow County Planning Commission
Thursday, June 28, 2001 - 7:30 p.m.
Morrow County School District Building
Lexington, Oregon

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

Members Present: Marvin Padberg, Joe Miller, Art Kegler, Leann Rea, Don Eppenbach

Members Absent: Joel Peterson, Ken Grieb, Heather Sicard, John Kilkenney

Staff Present: Tamra Mabbott, Wendy Kirkpatrick, Carla McLane

Others Present: Gerald and Linda Wilson, Thomas Wolff, Jerry Healy, Wayne and Vera Rietman, Rick Tetzloff, Mike Livingston, Rob Nielsen, Dan Swanson, Gerry Friesen, Wayne Downey, Marty Myers, Steve Hultberg, Commissioner Dan Brosnan, Commissioner John Wenzholz, Public Works Director Burke O'Brien, Mr. and Mrs. Robert Kenney, John and Dorothy Edwards, Duane Neiffer, Jerry Rietmann, Dick Snider, George Griffith

Minutes of the May 21, 2001 Commission Meeting - The minutes of the May 21, 2001 meeting were not mailed to the commissioners. The minutes will be available for approval at the July 2001 meeting.

Public Hearing - Conditional Use Request, CUP-N-168: Finley Buttes Landfill. Property is described as tax lots 1513 and 307 of Assessor's Map 3N 25 and tax lot 400 of Assessor's Map 2N 25 and is located SW of Boardman and one mile east of Bombing Range Road. Proposal is to vertically expand the existing landfill by 256'. Criteria for approval include Morrow County Zoning Ordinance, Sections 3.010 and Article 6. Preliminary Findings of Fact were presented by staff. Applicant is requesting an amendment to their original Conditional Use Permit seeking a vertical expansion of the existing landfill by 265 feet, doubling the capacity for solid waste and increasing its life by an additional 100+ years. Rob Nielson and Gerry Friesen presented on behalf of the applicant. The proposed increase in capacity will heighten the elevation and create a 4 to 1 (25%) slope. Runoff will be contained using benches every 50 vertical feet. With the limited rainfall in the area, runoff is not anticipated to be a problem. An increase in life to the landfill will result in a net increase in fees to the county over the life of the operation. Public Hearing was closed. Identifying no negative impact, Commissioner Miller moved to approve the Conditional Use Permit with the conditions listed in the Findings of Fact. The motion was seconded by Commissioner Kegler and passed unanimously by the Commission.

Public Hearing - Amendment to the Morrow County Zoning Text Request: Robert Kenney, applicant. Proposal is to amend the Morrow County Zoning Ordinance to allow unrestricted length of stay in RV Parks. Criteria for approval include Morrow County Zoning Ordinance Section 6.050 (14) (D) and Article 8. Preliminary Findings of Fact were presented by staff. Applicant Robert Kenney presented his reasons for the request. Commission members discussed their concerns related to long-term stay R.V. park regulations. Primary concerns involved the creation of 'slum' districts and safety issues (access, fire, etc.) related to accumulation of tenant goods. Commissioner Rea asked if there were other RV parks in the county and the effect on them. Commissioner Padberg asked the Planning Staff to draft suggested guidelines. Items to be considered are school district busing, fire department access,

aged units (as in manufactured home parks), and limits on EFU zones. Continued to the next meeting, July 26, 2001.

Public Hearing - Conditional Use Request, CUP-N-166: PGE, applicant. Proposal is to site a power plant (combustion turbine generator producing fewer than 50 megawatts). Property is described as tax lot 203 of Assessor's Map 4N 25 11 and is located at the northeast intersection of Columbia Avenue and Rippee Road. Criteria for approval include Morrow County Zoning Ordinance Section 3.070 (2) (Q) and Article 6.

Commissioner Padberg stated a possible conflict as a Port Employee. Preliminary Findings of Fact were presented by staff. The proposed power plant will cover 15.6 acres. Current zoning is General Industrial and is within the Urban Growth Boundary of the City of Boardman. Rich Tetzloff and Mike Livingston presented applicant information. Applicant indicated that with current changes with the Federal Energy Regulatory Commission the project may be put on hold. They wish to continue with the application so that they will be ready to restart should the energy outlook improve. Commissioner Rea indicated a concern with the noise level to nearby residents. Considerable discussion involving the Consent to Participate and improvements to Rippee Road ended with a decision to leave recommendations as identified in the preliminary Findings of Fact. Public Hearing portion closed. Commissioner Kegler moved to approve the Conditional Use Permit with the conditions listed in the Findings of Fact with an additional recommendation to obtain necessary permits from the Oregon Office of Energy. Seconded by Commissioner Rae. Motion carried unanimously.

Public Hearing - Conditional Use Request, CUP-S-167: Columbia Basin Electric, applicant. Proposal is to site a natural gas pipeline from Heppner north to the Morrow/Gilliam County line; a fiber optic line from Heppner to lone and a water line from Heppner to Lexington, all within an existing utility easement located along the abandoned railroad right-of-way lands from Heppner to the Gilliam county line. Criteria for approval include Morrow County Zoning Ordinance Sections 3.010 (D) and (G), and Article 6.

Commissioner Rea excused herself from hearing this application. Preliminary Findings of Fact were presented by staff. Jerry Healy presented on behalf of the applicant. The gas line will be buried four feet deep with the other two lines buried either on top of or next to. The gas line will meet Federal Energy Regulatory Commission standards. The Oregon Public Utility Commission has jurisdiction over safety issues. Thomas Wolfe and Jerry Reitman testified on behalf of the project. Public Hearing was closed. Commissioner Kegler moved to approve the Conditional Use Request with current findings of fact. Commissioner Miller seconded the motion. Motion carried unanimously (with Commissioner Rea abstaining).

Public Hearing - Conditional Use Request, CUP-N-169: TMF Biogas/R.D. Offutt, applicant. Proposal is to site a methane digester and cogeneration facility to digest dairy waste and produce electricity. Property is described as tax lot 103 of Assessor's Map 3N 23 and is located at the Columbia River and Willow Creek Dairies approximately nine miles southwest of Boardman. Criteria for approval include Morrow County Zoning Ordinance Sections 3.010 (D) and (G), Article 6 and ORS 215.275.

Preliminary Findings of Fact were presented by staff. Access to the facility, zoned EFU, will be from Taggares Lane, an existing road. Taggares Lane connects to Tower Road which is committed to become a dedicated county road. This biogas energy project is part of the waste management for manure generated by the dairies and is allowed in the EFU zone as part of a farming operation. Marty Myers, Wayne Downy, and Steve Hultberg presented on behalf of the applicant. PGE will manage power generation business. Concern was identified again related to energy prices. This project has some protection as a 'green' energy source which PGE customers pay a premium for. Concerns related to safety and future decommissioning were identified by Commission members. Discussion as to whether decommissioning was required by ORS 215. Lengthy

discussion was related to road issues and access to south Morrow County across R.D. Offutt property. Public Hearing closed. Commissioner Miller moved to approve the Conditional Use Permit with conditions as identified in the preliminary Findings of Fact. Commissioner Rea seconded. Motion passed unanimously.

Public Hearing - Land Partition Request, LP-S-292 and Conditional Use Request, CUP-S-170: Richard Snider, applicant. Proposal is to partition two existing home sites as non-farm dwellings. Property is described as tax lots 1300 and 1301 of Assessor's Map 2S 24 and is located approximately 10 miles southeast of Lone. Criteria for approval include Morrow County Subdivision Ordinance Article 5 and Zoning Ordinance Section 3.010 (D) and (G) and Article 6. Commissioner Miller identified a conflict and dismissed himself from this hearing. Preliminary Findings of Fact were presented by staff. Final survey will need to verify 51% or greater of the parcels are "non-farmable." The subject parcel is zoned Exclusive Farm Use with a 160-acre minimum lot size. There are currently two existing home sites, one on each tax lot. A replacement dwelling is planned for parcel 2. Access is existing off of Rhea Creek Road. Approval for a new driveway to parcel 2 is pending approval by the Public Works Department. This application is for both a land partition and conditional use. The applicant, Richard Snider, presented on his behalf. Public Hearing was closed. Commissioner Rea moved to approve the Land Partition and Conditional Use Permit with conditions as identified in the preliminary Findings of Fact. Commissioner Kegler seconded. Motion passed unanimously.

Conditional Use Request, CUP-N-171: BAIC, Inc., applicant. Proposal is to site temporary power generators (10 portable diesel engines, each <2MW) as a back-up power source for the farm and for sale to a utility company. Property is described as tax lot 103 of Assessor's Map 3N 23 and is located approximately 13 miles south and west of Boardman. Criteria for approval include Morrow County Zoning Ordinance Sections 3.010 (D) and (G), Article 6 and ORS 215.275. Preliminary Findings of Fact were presented by staff. The proposed power generator facility will be located on tax lot 103, one of many parcels leased and managed by R.D. Offutt Company. The power generator facility, including 10 portable generators with a 16 MW generating capacity, will be located approximately in the northeast quarter of section 17, Township 3N Range 23, approximately two miles east of the Gilliam County Line and four miles west of Sixmile Dairy. The land is zoned EFU and access will be from existing farm roads. The project is temporary, intended primarily to be a backup or reserve source of power for the farm in case of a power outage, critical to keep irrigation pumps operating and crops irrigated during summer months. Wayne Downey and Marty Myers presented for the applicant. Applicant verified site location as being one mile from farm offices at pump station, a location without water rights, on a footprint less than one acre. Applicant will be responsible for appropriate permits for both air quality and noise levels. Clarification by staff that application included the transmission lines. Public Hearing was closed. Commissioner Kegler moved to approve the Conditional Use Permit with conditions as identified in the preliminary Findings of Fact. Commissioner Miller seconded. Motion passed unanimously.

Correspondence: There was no correspondence.

New Business: These was no new business.

Adjournment: Chairman Padberg adjourned the meeting at 11:07 p.m. The next Planning Commission meeting will be on July 26, 2001, at 7:30 p.m. at the North Morrow County Annex Building in Irrigon.

MINUTES
MORROW COUNTY PLANNING COMMISSION
THURSDAY, JULY 26, 2001, 7:30 p.m.
NORTH MORROW ANNEX BUILDING
IRRIGON, OREGON

MEMBERS OF COMMISSION PRESENT

Marvin Padberg, Chairman
Joel Peterson, Vice-Chairman
Joe Miller
Art Kegler
Ken Grieb
Heather Sicard
Don Eppenbach
John KilKenney

MEMBERS OF STAFF PRESENT

Tamra Mabbott, Director
Wendy Kirkpatrick, Assoc. Planner

1. Call to Order
2. Roll Call
3. Minutes of May 21 and June 28, 2001 Planning Commission Meeting were approved with corrections
4. PUBLIC HEARINGS
 - A. **Second of Three Public Hearings: Request for an Amendment to the Morrow County Zoning Text: Robert Kenney, applicant. Proposal is to amend the Morrow County Zoning Ordinance to allow unrestricted length of stay in RV Parks. Criteria for approval include Morrow County Zoning Ordinance Section 6.050 (14) (D) and Article 8.**

Staff presented staff report. John KilKenney asked if RV park owners could rent out RV's in an RV park as housing. Staff reported that it would be possible for RV park owners to purchase RV's and then rent these RV's out as housing. KilKenney expressed concern that this could lead to slum-like conditions in an RV park. Art Kegler said that allowing unlimited stays in RV parks could create major problems in the future. Joel Peterson suggested extending the maximum length of stay allowable in

short-term RV parks to 90 days. Ken Greib was concerned about unlimited length of stays and suggested making 90 days as the maximum length of stay allowable. Joe Miller was concerned that through unlimited length of stays a "man camp" could be created. Gary Frederickson, a community member, stated that the potential problems that could be caused by long-term stays in RV parks would be solved, not by creating rules, but by enforcement. He also added that unlimited stays in RV parks would benefit construction workers working in the area and that allowing these construction workers to stay in Morrow County would financially benefit our communities. Kathy Neal, a community member, testified that Morrow County needs to provide opportunities for construction workers to stay year-round in our area. Kathy Neal also added that many of these construction workers end up staying permanently in the area and are a benefit to our economy. Joel Peterson said that by setting up stringent criteria for the development of RV parks this will help to keep RV parks from developing problems later on. Marvin Padberg had questions about how much of the RV park would be paved, he also recommended that outdoor storage not be permitted in RV parks.

Planning Commission agreed to the following changes to Section 6.050 (14) (D) of the Morrow County Zoning Code:

- (1) No recreation vehicle shall remain in the park for more than 30 days in any 60 day period.
- (2) RV parks may allow stays of up to 365 days in a year provided:
 - (a) Winterizing and skirting shall include customary materials. Hay bales are prohibited.
 - (b) No outdoor storage will be allowed.
 - (c) Occupancy shall not exceed the number of persons for which the RV was designed and manufactured
 - (d) 1,000 square feet per space will be the minimum size for each RV space.
 - (e) RV park owner shall provide copy of RV park rules to Planning Department.

Joe Miller motioned to approve the amendment, Joel Peterson seconded and John KilKenney abstained citing concern over the possibility of RV parks becoming slums if RV park owners are allowed to rent out RV's as long-term housing. All other Planning Commission members voted in favor of the amendment.

- B. Land Partition Request, LP-N-293 Port of Morrow, applicant and owner. Property is described as tax lot 100 of Assessor's Map 4N 25 02 and is located at the southeast intersection of Columbia Avenue and the Union Pacific Railroad approximately one mile east of Boardman. Zone is Port Industrial. Proposal is to partition a 25 acre parcel from the parent parcel of 364. 49 acres. Criteria for approval include Morrow County Subdivision Ordinance Article 5.**

Staff presented staff report. Marvin Padberg declared a conflict of interest due to his role as a Port Commissioner but stated that he had no financial interest in the matter.

Joel Peterson stated that he had a problem with private citizens being forced to build a public road. Joel Peterson asked if the public, benefitting from the use of a public road share in the cost for improvements. Tamra Mabbott said that the public does pay part of the cost for road upgrades and that Consent to Participate Agreements are common throughout Oregon because most counties don't have the funding to upgrade roads to the standard they need to be.

Jerry Healy, a Port of Morrow Commissioner testified that through the Consent to Participate Agreement Oregon Hay was being signed up for a "down the road" liability that wasn't negotiated in the price for their land. Healy also said that while Consent to Participate Agreements may be used for subdivisions the Port is a different animal. Healy testified that the Port takes care of Port roads and roads inside Port boundaries and that businesses may be leery of locating here if they don't know what their potential liability for road improvements will be.

Gary Neal, Director of the Port of Morrow, testified that the Port has improved a number of roads in the Port area in the past and will continue to do so. Neal said that Columbia Ave. in front of Oregon Hay will be improved. The Port currently has a grant to repair the bridge that goes over the railroad and the road will be improved 3000' past the overpass by the railroad tracks. Neal said that the Port recognizes that it is important to improve the infrastructure for their clients and that the Port has always stepped up and taken care of necessary infrastructure requirements when it has been necessary. Neal said that an Agreement to Participate goes against the spirit of cooperation between the County and the Port; the Port already makes a lot of infrastructure improvements in the County and pays a large percentage of the taxes in Morrow County. Neal said that the Port already makes these improvements without Consent to Participate Agreements and that requiring these agreements eliminates the existing spirit of cooperation between the Port and the County.

Gary Frederickson, with Oregon Hay testified that he was uncertain if it was legal to require Consent to Participate Agreements and said that outside parties will be alarmed if they are required to sign these agreements.

Marvin Padberg asked what the downside would be to not requiring the Port to sign a Consent to Participate Agreement. Tamra Mabbott responded that there were consistency and equity issues to consider; other applicants are frequently asked to sign Consent to Participate Agreements.

Don Eppenbach asked if it would be possible to record a statement from the Port that when the partition is completed roads would be brought up to standard. Bill Hanlon

responded that the point of a Consent to Participate Agreement is to tie road improvements to the land - not to the property owner.

Art Kegler expressed concern that by not requiring the Port of Morrow to sign a Consent to Participate Agreement we could be opening the door for future developers to refuse to sign Consent to Participate Agreements by citing this application. He also added that since the Port has already begun to work on the 3,000 foot extension this is a slightly different scenario.

Tamra Mabbott asked if the 3,000 foot extension went across the entire frontage Of the Oregon Hay property. Gary Neal responded that yes it did.

Art moved to approve the application without the Consent to Participate Agreement , Joel seconded the motion, passed unanimously.

5. WORK SESSION - ORDINANCE CODIFICATION AND UPDATE PROJECT

A. Introduction of topic

B. Report by Planning Consultant Leslie Ann Hauer

Leslie Hauer reported that no significant changes have been made to the plan. She also said that the index will be completed when the document is final and that legislative updates still need to be made.

C. Discussion

6. Discussion - Interpretation of Hardship Variance

Planning Commission discussed what type of family relationship should be required of applicant for hardship dwellings and what type of documentation of medical hardship should be required of applicants. It was also discussed whether applicants for hardship dwellings should be allowed to site a second septic system. Commission members indicated the criteria among zones should be consistent and to allow flexibility with regard to definition of relative and option for shared or separate septic.

7. Correspondence - no correspondence

8. Audience participation/New Business

9. Hearing was adjourned at 10:00 p.m.



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Thursday, August 30, 2001, 7:30 p.m.
Morrow County School District Office
Lexington, Oregon**

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

Members Present: Marvin Padberg, Joel Peterson, Joe Miller, Heather Sicard, Don Eppenbach, John Kilkenney

Members Excused: Art Kegler, Leann Rea, Ken Grieb

Staff Present: Tamra Mabbott, Director and Carla McLane, Associate Planner

Others Present: Louis Carlson, Mike Creason, John Edwards, Dorothy Edwards, Burke O'Brien

Minutes of July 26, 2001 Planning Commission Meeting were approved as presented.

Public Hearing Opened:

Land Partition Request, LP-S-294. Proposal is to partition a 3,176.53 acre parcel into two parcels. Property is described as tax lot 1100 of Assessor's Map 5S 25 and is located approximately 1.5 miles south and west of Hardman. Criteria for approval include Morrow County Subdivision Ordinance Article 5.

Director Mabbott presented the staff report identifying conditions of approval. Louis Carlson, applicant, described property location. Access to parcel two appears to be from a county road. Legal status of this road will need to be confirmed. Access #1 to parcel one traverses property owned by Gerald Peterson (tax lot 1800 of Assessor's Map 5S 25) and an easement needs to be created if one does not currently exist. Access #2 travels the same county road as identified providing access to parcel two, then continues on the property line between parcel two and the Peterson property. Access #3 travels the same county road as identified providing access to parcel two, then continues across parcel two, finally reaching parcel one. Mr. Carlson stated there is a well on the property that has been historically used for stock. The Watermaster had indicated no record of a well on the property. Staff will need to confirm with the Watermaster water rights. Commissioner Miller moved to approve Land Partition PL-N-294 with conditions; Commissioner Sicard seconded. Motion passed unanimously.

Codification and update of Morrow County Zoning Ordinance and Morrow County Subdivision Ordinance. The Zoning and Subdivision Ordinances were originally adopted by Morrow County in 1980 and acknowledged by the Land Conservation & Development Commission on January 30, 1986. Since that time Morrow County has approved numerous amendments. Those previous amendments have been incorporated in to the actual text and are now part of each document, the Zoning

Ordinance and the Subdivision Ordinance. This land use action will also include minor changes to and a reformat of the text of each ordinance.

Staff and Ms. Leslie A. Hauer, Consultant, asked for questions on the codification and update of the Morrow County Zoning Ordinance and Morrow County Subdivision Ordinance. It was clarified that as a codification no substantive changes can be allowed as it was publicized as a codification. While it may be nice to remove or change certain sections, it can not be done at this time. Minor editing changes are included, along with a reformat of the document. However, with a more straight forward document, substantive changes will be more easily accomplished at some point in the future.

Correspondence/Discussion:

Staff provided Planning Commission members with a memo from the Department of Land Conservation and Development dated July 24, 2001, concerning 2001 Land Use Legislation. Several items were specifically discussed in respect to the potential impact to Morrow County.

Commissioner Padberg inquired about County Court action related to the dairies on R.D. Offutt leased land. Director Mabbott shared information gathered during a recent site visit which indicates there may be violation of the Farm Exemption Permit issued in relation to the buildings on the property.

Commissioner Padberg inquired about access on R.D. Offutt leased land by PGE employees. He asked for information as to how access for PGE employees would be resolved.

Staff provided Planning Commission members with a copy of the Approved 1999-2000 EFU and Forest Reports from the Department of Land Conservation and Development.

Chairman Padberg adjourned the meeting at 8:47 p.m. The next meeting of the Morrow County Planning Commission is scheduled for September 27, 2001, in Irrigon, Oregon at the North Morrow County Annex Building at 7:30 p.m.

Respectfully submitted,
Carla McLane



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Thursday, September 27, 2001, 7:30 p.m.
North Morrow County Annex Building
Irrigon, Oregon**

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

Members Present: Marvin Padberg, Joel Peterson, Art Kegler, Leann Rea, Ken Grieb, Heather Sicard, Don Eppenbach, John Kilkenney

Members Absent: Joe Miller

Staff Present: Tamra Mabbott, Director and Carla McLane, Associate Planner

Others Present: Orville Buchanan, Scott Coe, Wayne Rietmann, Vera Rietmann, Albert J. Phillips

Minutes of August 30, 2001 Planning Commission Meeting were approved as presented.

Public Hearing Opened:

Land Partition Application, LP-N-295: Orville & Kikue Buchanan, applicants and owners. Property is described as tax lot 11817 of Assessor's Map 5N 27 21. Property is west of Rand Road and north of Sunset Lane and the West Extension Irrigation District Canal, approximately one quarter mile west of the county line. Proposal is to partition a 32.02 acre parcel into three parcels, each larger than the two acre minimum lot size of the Rural Residential Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Director Mabbott presented the staff report identifying conditions of approval. There was considerable discussion concerning access to the parcels. The applicant proposed access off Sunset Lane, a public road, not a county road, with access to parcels 2 and 3 off of an easement across the southern boundary of the property. The Morrow County Transportation System Plan (TSP) shows a proposed road across the northern boundary of the property. After lengthy discussion Planning Commission agreed to the applicants proposal to utilize a southerly easement as long as it meets county road standards for the three lots and for future partitioning, and in addition required the northerly easement be dedicated for future roads as identified in the TSP. Commission recommended other changes to the Conditions of Approval. Commissioner Rea moved to approve Land Partition PL-N-295 with conditions; Commissioner Kegler seconded. Motion passed unanimously.

Land Partition Application, LP-N-296: Ronald & Catherine Prindle, applicants and owners. Property is described as tax lot 802 of Assessor's Map 4N 25 16. Property is located at the northwest intersection of Olsen Road and Kunze Lane, just west of the Boardman City Limits. Proposal is to partition the 9.40 acre parcel into three parcels, each larger than the two-acre minimum of the Farm Residential Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Director Mabbott presented the staff report identifying conditions of approval. The applicant was not available for comment. Minimal discussion concerning the application took place. An addition to the Conditions of Approval was a shared well agreement. Commissioner Grieb moved to approve Land Partition PL-N-296 with conditions; Commissioner Peterson seconded. Motion passed unanimously.

Conditional Use Permit Application, CUP-N-172: Wayne & Vera Reitmann, applicants and owners. Property is described as tax lot 4700 of Assessor's Map 1N 24. Property is located on Ella Road, approximately 1.5 miles north of the City of Lone. Application is for a second dwelling to be occupied by farm employee. Criteria for approval include Zoning Ordinance Sections 3.010(D)(3).

Director Mabbott presented the staff report identifying conditions of approval. Staff requested County Counsel advise as two adjacent property owners were not notified due to an oversight by staff. It was determined that a letter should be sent to the two property owners with the Final Findings of Fact requesting any comments that they may have be returned to the Planning Department within 21 days. Commissioner Rea moved to approve Conditional Use Request CUP-N-172 with conditions; Commissioner Sicard seconded. Motion passed unanimously.

Land Partition Application, LP-S-297: TKO LLC, owner, and Brian Thompson, applicant. Property is described as tax lot 1202 of Assessor's Map 2S 26. Property is located on State Highway 74, approximately 4.5 miles northeast of Heppner. Proposal is to partition the 495.30 acre parcel into two parcels, each larger than the 160 acre minimum of the Exclusive Farm Use Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Director Mabbott presented the staff report identifying conditions of approval. Commissioner Kegler moved to approve Land Partition PL-N-297 with conditions; Commissioner Eppenbach seconded. Motion passed unanimously.

Second of two hearings for the codification and update of the Morrow County Zoning Ordinance and Morrow County Subdivision Ordinance. The Zoning and Subdivision Ordinances were originally adopted by Morrow County in 1980 and acknowledged by the Land Conservation & Development Commission on January 30, 1986. Since that time Morrow county has approved numerous amendments. Those previous amendments have been incorporated into the actual text and are now part of each document, the Zoning Ordinance and the Subdivision Ordinance. This land use action will also include minor changes to and a reformat of the text of each ordinance.

Staff and Ms. Leslie A. Hauer, Consultant, asked for questions on the codification and update of the Morrow County Zoning Ordinance and Morrow County Subdivision Ordinance. Being none, Commissioner Eppenbach moved the Codification and Update of the Morrow County Zoning Ordinance and Morrow County Subdivision Ordinance be sent to County Court for final adoption; Commissioner Peterson seconded. Motion passed unanimously.

Correspondence/Discussion:

Commission members inquired as to the status of the Code Enforcement Officer and asked if he could attend Planning Commission meetings as needed. Also requested a monthly report addressing contacts, complaints, etc.

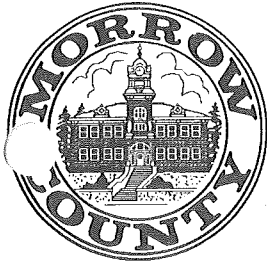
Commissioner Kegler complimented Leslie Ann Hauer in respect to her work on the Codification of the Morrow County Zoning and Subdivision Ordinances.

Planning Director Mabbott shared with the commissioners a LCDC public notice indicating that their hearings are now available on the web.

Commission members engaged in a lengthy discussion about the proposed speedway. It is anticipated that an application could be submitted sometime in November. The Planning Department is gearing up to be able to maintain regular office activities while at the same time consider the speedway application. Anticipated time frames were discussed and Planning Commission agreed to meet the last week in December, or other dates, to accommodate the application.

Chairman Padberg adjourned the meeting at 10:00 p.m. The next meeting of the Morrow County Planning Commission is scheduled for October 25, 2001, in Lexington, Oregon at the Morrow County School District Building at 7:30 p.m.

Respectfully submitted,
Carla McLane



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Thursday, October 25, 2001, 7:30 p.m.
Morrow County School District Building
Lexington, Oregon**

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

Members Present: Marvin Padberg, Joel Peterson, Leann Rea, Ken Grieb, Heather Sicard, Don Eppenbach

Members Absent: Joe Miller, Art Kegler, John Kilkenney

Staff Present: Tamra Mabbott, Director and Carla McLane, Associate Planner

Others Present: Judy B. Campbell, Bobbie Rankin, Sibyl Cunnington, Dick Cunnington, Tim Rankin, Kathy Rankin

Minutes of September 27, 2001, 2001 Planning Commission Meeting were approved as presented.

Public Hearing Opened:

Land Partition Application, LP-S-298: Pioneer Resources and Gerry Duvall, applicants and owners. Property is described as tax lots 200, 3300, 3200, 3100, 3103, 3400, 3900, 2500, 3508, 2703, 2700, 3503 of Assessor's Map 5S 26. Property is 25 miles south of Heppner, lying north of Hwy 207, Sunflower Road and Board Creek Road. Proposal is to consolidate tax lots and create a single parcel north of Hwy 207 and retain the same number of parcels south of the highway with the balance of acreage allocated to those tax lots south of the above mentioned roads remaining as discreet parcels. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Commissioner Rea disclosed that she owns adjoining property. Seeing no conflict of interest Commissioner Rea participated in the public hearing. Director Mabbott presented the staff report identifying conditions of approval. The applicant was not available for comment, however did phone the Planning Department prior to the meeting to provide corrections to the Preliminary Findings of Fact. There is a cabin on tax lot 3900 located on the north side of Sunflower Flat Road and will be part of the new larger, combined parcel. Several adjoining property owners were present at the hearing and stated that the property is about 25 miles from Heppner, not 12 as stated in the Preliminary Findings of Fact. Commissioner Grieb moved to approve Land Partition LP-S-298 with conditions; Commissioner Rea seconded. Motion passed unanimously.

Land Partition Application, LP-S-299: Richard Ruhl and Otto Ruhl, applicants and owners. Property is described as tax lot 4100 of Assessor's Map 1S 25. Property is located one mile east of Lexington on Blackhorse Canyon Road. Proposal is to partition the 414.7 acre parcel into two parcels, each larger than the 160 acre minimum of the Exclusive Farm Zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Director Mabbott presented the staff report identifying conditions of approval. The applicant was present for comment. Minimal discussion concerning the application took place. Commissioner Eppenbach moved to approve Land Partition LP-S-299 with conditions; Commissioner Sicard seconded. Motion passed unanimously.

Code Enforcement Report: Director Mabbott shared with the Commission members a memo prepared by Deputy Lambier, the Morrow County Code Enforcement Officer. Commission asked for a report on the status of a previous complaint at the corners of Wilson Lane and Eastregard Road.

Commissioner Padberg inquired about the outcome of the R.V. Park length of stay amendment. Staff shared that the final decision was for "51 out of 52 weeks."

Short discussion took place regarding upcoming applications and meeting times for December and January. It was agreed to meet on November 29 as regularly scheduled, December 20, and January 24. Director Mabbott indicated to Commission members that one of the items on the December 20 agenda would be a Site Development Review Ordinance, amending Section 4 of the Zoning Ordinance.

Correspondence: Staff provided Commission members with two handouts written by Ron Eber, DLCD staff member, about the history and use of the EFU zone.

Director Mabbott also shared with Commission Members a Notice of Intent that was received by the Planning Department for a power generating plant in Morrow County. The applicant, Morrow Generating Company, LLC, has applied directly to the Oregon Energy Facility Siting Council, bypassing the local planning process.

Audience Participation/New Business: Staff and commission members briefly discussed some of the legislation passed this last session and it's impact on Morrow County and the Planning Department. Also discussed was Umatilla County's implementation of a Wind Energy Overlay, something Director Mabbott will monitor to determine applicability and viability for Morrow County.

Chairman Padberg adjourned the meeting at 8:45 p.m. The next meeting of the Morrow County Planning Commission is scheduled for November 29, 2001, in Irrigon, Oregon at the North Morrow County Annex Building at 7:30 p.m.

Respectfully submitted,
Carla McLane



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**Minutes of the Morrow County Planning Commission
Thursday, November 29, 2001, 7:30 p.m.
North Morrow County Annex
Irrigon, Oregon**

Chairman Padberg called the meeting to order at 7:28 p.m.

Members Present: Marvin Padberg, Joel Peterson, Joe Miller, Art Kegler, Ken Grieb, Heather Sicard, Don Eppenbach, John Kilkenney

Members Excused: Leann Rea

Staff Present: Tamra Mabbott and Carla McLane

Minutes of October 25, 2001 Planning Commission meeting were approved as presented.

Public Hearing Opened:

Land Partition Application, LP-N-300: Randy and Rhonda Randall, applicants and owners. Property is described as tax lot 500 of Assessor's Map 5N 26 25B. Property is one mile west of Irrigon, on Idaho Road. Proposal is to partition the 4.77 acre parcel into two lots, each meeting the 2 acre minimum. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Planning Director Mabbott presented the staff report identifying conditions of approval. Prior to the hearing staff had forwarded a letter from the Watermaster to the applicant, requesting that the applicant share with the Planning Commission the location of the well and septic system. The home located on the property is currently the last connection to the city sewer system, connected when the property was within the Irrigon Urban Growth Boundary (an action in 1992 removed a significant portion of land, including this parcel, from the UGB). The applicant indicated that the sewer connection is in front of the home. The well is within the actual dwelling, sitting in the southwest corner is what appears to have been a porch at one time. The application indicates the current access is on the east side of the property in a location that would not allow a combined access. The second access is proposed to be placed on the east side of the new parcel. Due to development on the north side of Idaho Lane, proper spacing between accesses will not be achieved. The Public Works Director will complete a site visit prior to an access permit being granted. No other proponents or opponents commented.

Commissioner Kegler moved to approve Land Partition LP-S-300 with conditions;
Commissioner Eppenbach seconded. Motion passed unanimously.

Subdivision Replat Application, SD-N-215: Gary and Kathy Neal, applicants and owners. Property is described as tax lots 1916 and 1917 of Assessor's Map 4N 25 14. Property is located three and one half miles southeast of Boardman on Meadow Loop off Root Road. Proposal is to Re-Plat Sunrise Meadows, removing the lot line between tax lots 1916 and 1917. Criteria for approval include Morrow County Subdivision Ordinance.

Commissioner Kegler withdrew from this action and acted on behalf of the applicant. Director Mabbott presented the staff report identifying conditions of approval. The applicant, represented

by Art Kegler, confirmed that the request was to allow an individual to purchase both lots after combining utilizing Veteran's Administration financing. No other proponents or opponents commented. Commissioner Peterson moved to approve Subdivision SD-N-215 with conditions; Commissioner Miller seconded. Motion passed unanimously.

Conditional Use Application, CUP-S-173: Rolling Hills Hunting Preserve; Don Barber and Nevada First Corporation, Owners; Don Barber, Hank Howard and Tim Adams, Applicants. Property is described as tax lot 700 of Assessor's Map 3S 28, tax lot 3100 of Assessor's Map 2S 27, and tax lot 600 of Assessor's Map 3S 27. Property is located along Willow Creek Road and Hanna-Arbuckle Road west and southwest of Heppner 3 miles and 10 miles respectively. Proposal is for a hunting preserve for birds. Criteria for approval is the Morrow County Zoning Ordinance Section 3.010 (D)(13) and 6.030, OAR 660-33-120 (5) and OAR 660-33-130 (19).

Commissioner Miller disclosed that he has worked with one of the applicants but has no interest in this land use action. Seeing no conflict of interest Commissioner Miller participated in the public hearing. Director Mabbott presented the staff report identifying conditions of approval. Commissioner Peterson and the applicant questioned the wording of Condition 1; the Condition was changed to read:

The applicant design and integrate into the rural agricultural environment and insure the recreational vehicles are not parked along the roadway, shoulder of the roadway, or in any unsafe manner. Submit a more detailed site plan of the recreational vehicle parking areas.

No other proponents or opponents commented. Commissioner Kegler moved to approve Conditional Use Request CUP-S-173 with conditions; Commissioner Miller seconded. Motion passed unanimously.

Conditional Use Application: CUP-N-174: City of Irrigon, Wastewater Treatment Facility; City of Irrigon and Pat Reay, City Administrator, Applicant. Property is described at tax lot 700 and a portion of tax lot 100 of Assessor's Map 5N 27 20. Property is located just east of Irrigon, south of Hwy 730. Proposal is to construct a municipal wastewater treatment facility to meet the current and future needs of the City of Irrigon. Criteria for approval is the Morrow County Zoning Ordinance sections 3.010 (D)(17), 3.010 (G), and 6.030.

Commissioner Eppenbach disclosed that he is the Chair of the Cemetery Committee which is an adjoining property. Seeing no conflict of interest Commissioner Eppenbach participated in the public hearing. Director Mabbott presented the staff report identifying conditions of approval. The applicant discussed the type of wastewater treatment facility that was proposed, answering questions from the Commission. There was discussion concerning the trail ruts that will be adjacent to the actual property to be owned by the City of Irrigon. Commissioner Eppenbach requested that the text of the findings be amended to reflect that the trail ruts will be on the adjacent property. No other proponents or opponents commented. Commissioner Kegler moved to approve Conditional Use Request CUP-N-174 with conditions; Commissioner Eppenbach seconded. Motion passed unanimously.

Correspondence and New Business:

Director Mabbott provided Commission members with a recent mailing from the Department of Land Conservation and Development about changes to Statewide Planning Goal 7. Also handed out was a letter sent to Mr. & Mrs. Collier explaining the process necessary to reclaim farm deferral tax status on a property recently partitioned for a non-farm dwelling.

Discussed at some length was the speedway application. Ron McKinnis, Port of Morrow, provided each of the Commission members a copy of the initial application. Commission members requesting the application amendments will receive them at the December 20 meeting. The speedway application will be heard on January 24th as requested by the applicant. It was agreed to have a second meeting on January 31st to hear other land use applications and to hear the second hearing for the Site Development Review Ordinance. The December 20th and January 31st meetings will be held in Lexington; the January 24th meeting will be in Irrigon at Stokes Landing.

Code Enforcement Report:

Deputy Lambier provided Commission members with an update of current case numbers and discussed his approach with code violators. Also discussed the current status of the Grittman case as requested by Commission members at the last meeting. Presently Mr. Grittman is in violation of the court ruling. During the past year he stated that he has had a heart attack and other various health problems. Mr. Grittman indicated to Deputy Lambier that he would be living in the home by January 1. Deputy Lambier will continue to monitor Mr. Grittman's progress and will cite him if he does not comply with the court ruling by February 1.

Chairman Padberg adjourned the meeting at 9:20 p.m. The next meeting of the Morrow County Planning Commission is scheduled for December 20, 2001 at 7:30 p.m. at the Morrow County School District Building in Lexington, Oregon.

Respectfully submitted,
Carla McLane



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Thursday, December 20, 2001, 7:30 p.m.
Morrow County School District Building
Lexington, Oregon**

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

Members Present: Marvin Padberg, Art Kegler, Ken Grieb, Heather Sicard, Don Eppenbach, John Kilkenney

Members Excused: Joel Peterson, Joe Miller, Leann Rea

Staff Present: Tamra Mabbott, Carla McLane, and Kristina Gray

Minutes of November 29, 2001 Planning Commission meeting were approved as presented.

Public Hearing Opened:

Site Development Overlay Zone: The first of three hearings to consider the adoption of a Site Development Review Overlay Zone which will apply to all lands zoned General Industrial, Port Industrial, Air Industrial and Space Age Industrial. The purpose of the Site Development Review Overlay Zone is to encourage site planning in advance of development that is permitted under Morrow County's Comprehensive Plan & Zoning ordinance; assure that development is supported with appropriate types and levels of transportation improvements and public facilities and services; and implement the Morrow County Comprehensive Plan and land use regulations with respect to development standards and policies. Under the proposed new Overlay Zone, site development review would be required for all major developments in industrial zones. A definition of "major development" will be considered at the hearing so that the ordinance may apply to development utilizing 100 acres or more or to smaller projects, depending upon the recommendation of the Planning Commission. Criteria for consideration of the proposed Site Development Review Overlay Zone includes Sections 3.070, 3.071, 3.072, 3.073 of the Morrow County Zoning Ordinance and goals and policies of the Comprehensive Plan.

Planning Director Mabbott presented the staff report and shared the Morrow County Transportation System Plan Table 6-3.

Since this is the first of three hearings she asked the Planning Commission to consider a few items:

1. Should 100 acres be the right threshold or should there be a threshold at all?
2. Does the Planning Commission want to consider adoption of the Site Development Review Ordinance?
3. Should we encourage the Port to do Master Planning, as required in the planned ordinance?
4. Should we amend some of the zoning ordinances to move some outright uses to conditional uses?

5. Should it apply only to the Boardman Airport, since, as written, it would likely only apply to the Speedway project?

A letter from Threemile Canyon Farms, LLC and its affiliates, BAIC, Inc. and the R.D. Offutt Company-Northwest was read into the record (see exhibit #4). They stated that they support the County's efforts to develop a comprehensive design overlay zone, however, they recommend establishing clear and objective standards by which to measure whether site development review would be necessary, otherwise it would violate ORS 215.416(2). By doing this an applicant would then know at the beginning of the process that a site development review would be necessary and could apply for that review at the same time the applicant applies for the permits necessary for the remainder of the project. They also recommend the County consider adopting a threshold under which a traffic study would not be required since a traffic study makes sense for a large development generating significant traffic, but makes little sense for a light manufacturing facility generating a handful of trips, and lastly, the Constitution restricts the County's ability to impose conditions such as requiring developers to pay for "necessary transportation improvements" and "adequate rights-of-way and sidewalk improvements". They suggest we clarify the exactions (including road dedications and improvements) will be imposed if "roughly proportional" to and related both in nature and extent to the impact of the proposed development.

Tom Highland, Oregon Department of Aviation, called the Planning Department with comments (see exhibit #2). He indicated that industrial uses are allowed on Air Industrial zoned property provided the industrial use does not interfere with the operation of the airport. In addition, he inquired who had control of the land. If the federal government provided the land for the airport (regardless of who the owner is now), the FAA has "control" of the land.

Jon Jinings, Department of Land Conservation and Development, submitted comments that DLCD found it to be a sound document (see exhibit #3). Mr. Jinings and his staff looked at some other site design ordinances and found they don't really specify a threshold in the manner this one does and suggested looking at the model code as an example. He also noticed that there doesn't appear to be any standards that allow the county to influence the location or orientation of structures and facilities on the site outside of the rather straight forward standards. Jon Jinings commented that it may be in the county's interest to develop something that would enable local decision makers to exercise some discretion regarding location and orientation of structures and facilities.

There were two (2) additional letters received but not read into the record from Teresa Penninger with the Department of Transportation (see exhibit #1) and from Mr. Jenks of Heppner (see exhibit #5). The authors of those letters presented in person at the hearing.

Commissioner Padberg disclosed that he is a Port Commissioner but doesn't feel there is a conflict of interest.

The Planning Commission heard from the Proponents starting with Ron McKinnis, Engineer with the Port of Morrow. Ron explained that the Port is working on a project, the Oregon Motor Speedway and in dealing with ODOT, Federal Highway, and the FAA, they felt it was very important to allow them some type of control through the Land Use process even after the decision may or may not have been made for the siting of such a project.

Commissioner Kegler asked for clarification on if the Planning Commission would be in conflict

with ORS 215.416(2) and is it possible to go ahead with a Land Use decision and still have a Site Development Review afterwards or does it all have to go into one (1) application. Planning Director Mabbott responded that it may be a conflict given that the application for the Speedway has already been filed and the county cannot require an applicant to comply with laws that are adopted after an application is filed. The standards in the overlay zone could be made conditions of approval in the Speedway application.

Chairman Padberg asked Ron McKinnis if he would like to make any comments on the Port Master Plan or the Airport Master Plan. Ron McKinnis stated that the FAA required the Port to review the Airport Master Plan since they were seeking to utilize some property that is zoned Air Industrial. The FAA's goal is to make sure that any project that is sited within the Air Industrial areas, is compatible with the Airport Plan.

Martin Davis, Special Projects Coordinator for the Port of Morrow, was the next proponent to be heard. He commented that a number of state agencies are uncomfortable with using the conditions of approval process. There is an action happening with agencies and the State Attorney Generals office to implement the Site Development Review to be specific to the Speedway.

Teresa Penninger, Planning and Program Manager for the Oregon Department of Transportation, stated that while ODOT is supportive of the Site Development Review, they do have some concerns, which were submitted in writing (see exhibit #1). Teresa Penninger commented specifically on ensuring that the developers' proposals get carried forth, and that a Traffic Analysis and Traffic Management Plan are different and both are needed.

It was discussed between Teresa Penninger, Martin Davis, Ron McKinnis, and Director Mabbott that there were some timing issues. Since the Speedway application was received prior to the implementation of the Site Development Review Ordinance would it still apply. The thought was no, it wouldn't apply. Also the question was raised about why is the Site Development Review Ordinance better than the condition of approval process. The 30th hour rule was discussed and ODOT set two (2) events with over 100 thousand attendees per year as the current limit.

Opponent Larry Chastagner, property owner of a 29 acre parcel, stated that if the Site Development Review Ordinance is for the Port property, make it apply only to Port property.

The hearing will be continued on January 31, 2002.

Ken Grieb stated that he would be absent from the February 28th and the March 7th, 2002 meetings.

Chairman Padberg adjourned the meeting at 9:33 p.m. The next meeting of the Morrow County Planning Commission is scheduled for January 24, 2002 at 6:30 p.m. at the Stokes Landing Senior Center in Irrigon, Oregon.

Respectfully submitted,
Kristina Gray