



PLANNING DEPARTMENT

P. O. Box 40 • Irrigon, Oregon 97844
(541) 922-4624 or (541) 676-5650
FAX: (541) 922-3472

**Minutes of the Morrow County Planning Commission
Thursday, January 24, 2002, 6:30 p.m.
Stokes Landing Senior Center
Irrigon, Oregon**

Vice-Chairman Peterson called the meeting to order at 6:34 p.m.

Members Present: Joel Peterson, Art Kegler, Leann Rea, Heather Sicard, Don Eppenbach

Members Excused: Joe Miller, Ken Grieb, John Kilkenney, Ann Morter

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

Minutes of the December 20, 2001 Planning Commission meeting will be reviewed at the January 31, 2002 meeting.

Public Hearing Opened:

The first of three public hearings to consider an application by the Port of Morrow for comprehensive plan and zoning amendments to authorize a speedway and speedway associated uses on approximately 1300-1400 acres at the Boardman airport. Property is described as tax lot 110 of Assessor's Map 4N 24. The airport is located approximately five miles west of the City of Boardman, just south of I-84 and west of Tower Road. The application also seeks approval of transportation improvements necessary to accommodate the traffic associated with speedway events, including improvements to I-84, Tower Road and Kunze Road.

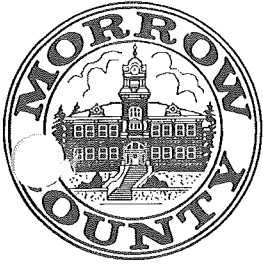
Ron McKinnis, Port of Morrow, appeared to personally request a continuance to March 7, 2002, as a follow up to a letter dated January 10, 2002.

It was moved by Commissioner Rea to accept the Port of Morrow's request for a continuance until March 7. Commissioner Kegler seconds the motion.

The hearing will be continued on March 7, 2002, 6:30 PM, Stokes Landing, Irrigon, Oregon.

Vice-Chairman Peterson adjourned the meeting at 6:40 p.m. The next meeting of the Morrow County Planning Commission is scheduled for January 31, 2002 at 7:30 p.m. at the Morrow County School District Building in Lexington, Oregon.

Respectfully submitted,
Kristina Gray



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**Minutes of the Morrow County Planning Commission
Thursday, January 31, 2002, 7:30 p.m.
Morrow County School District Building
Lexington, Oregon**

Vice-Chairman Peterson called the meeting to order at 7:38 p.m.

Members Present: Joel Peterson, Art Kegler, Leann Rea, Ken Grieb, Don Eppenbach, Anne Morter

Members Excused: Joe Miller, John Kilkenney, Heather Sicard

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

Minutes of the December 20, 2001 Planning Commission meeting were approved as presented.

Public Hearing Opened:

Site Development Review Overlay Zone: This was the second hearing to consider the SDR which may apply to all lands zoned General Industrial, Port Industrial, Air Industrial, and Space Age Industrial. The purpose of the Overlay Zone is to encourage site planning in advance of development, 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.

Planning Director Mabbott presented the staff report starting with a review of the January 18th memo written by Director Mabbott. This memo was read into the record along with numerous other letters including

- January 18, 2002 Final Revised Draft Site Development Review Ordinance
- January 15, 2002 memo from Larry Epstein, PC-Review of Ordinance
- January 18, 2002 email from Mark Greenfield-Clarification as to changes
- January 11, 2002 letter from Mark Greenfield-Comments on SDR Ord
- January 2, 2002 letter from Mark Greenfield-Clarification on Nature of Application and Applicability of Site Development Review
- December 26, 2001 and December 27, 2001 email correspondence from Tamra Mabbott re: applicability of Ordinance to Speedway
- January 29, 2002 letter from Mark Greenfield-new version of ordinance
- January 29, 2002 revised version of the Site Development Review Ordinance
- January 24, 2002 letter from Tom Highland, Oregon Dept. of Aviation
- January 31, 2002 letter from Teresa Penninger, ODOT

Commissioner Rea moved to approve the reading of the above letters into the record. Commissioner Kegler seconds the motion. All are in favor.

Planning Director Mabbott read thru the Site Development Review, January 29, 2002 version and went over the changes that were made.

- Section III, Paragraph A, it was clarified for the Planning Commission that the Site Development Review Overlay Zone would apply to all Industrial Zones.
- Section III, Paragraph C, the reference to parking lots and parking areas was deleted but was included in Section III, Paragraph D.
- Section IV deleted some language but is included in Section IV, Paragraph J.
- Section IV, Paragraph I, Section 1, the language states "400 or more vehicle trips on a single day". This should read 400 or more vehicle trips or equivalent trips as described in the TSP.
- Section IV, Paragraph J, should read within 14 working days.
- Section IV, Paragraph J, the language should read, the Planning Director may waive the submission of information for specific provisions of this Section 4.
- Section V, Paragraph 2, the added language is consistent with the submittal requirements.
- Section V, Paragraph 5, took out the word streets, it should now read, County transportation facilities shall be located.
- Section V, Paragraph 17, language was added to say, Uses and improvements, including all land uses and improvements, including but not limited to Traffic Management Plans proposed on exception.
- Section VI, Paragraph B, Section 1, the language was changed to read DLCD or ODOT (when a state transportation facility is affected).

Ron McKinnis, Port of Morrow Engineer, was present to ask the commission to approve the Site Development Review with the minor provisions.

Close Public Hearing

Commissioner Eppenbach moved to adopt the changes made to the January 29, 2002 version and recommends the Site Development Review to the County Court. Commissioner Rea seconds the motion. All in favor.

County Judge Terry Tallman, requested time to recognize outgoing Planning Commission Chairman Marvin Padberg, who was not present. Judge Tallman presented a plaque that Joel Peterson accepted on behalf of Marvin Padberg. The County Court and Judge Tallman thanked Marvin Padberg for his years of service.

Open for election of officers

Open nominations for Chairman. There was a nomination for Commissioner Peterson to act as Chairman. All in favor.

Open nominations for Vice-Chairman. There was a nomination for Commissioner Rea to act as Vice-Chairman. All in favor.

Land Partition Application, LP-N-301: Bonnie and Stephen Simpson

This application has been withdrawn.

Land Partition Application, LP-N-302: Joel Murillo Arellano and Donald Ashe. Property is described as tax lot 1600 of Assessor's Map 4N 25 20B and is zoned Farm Residential(FR-2). Proposal is to partition the 31.75 acre parcel into two lots, one being 2.51 acres and the other 29.25 acres.

Assistant Planner McLane gave the staff report. There was discussion on taking out the current access and be sure to relocate the access so that all future occupants of the 2nd parcel will be able to use it and make sure it is consistent with the Transportation System Plan.

There was one (1) added condition of approval between condition 7 & 8. The commission asked for a 60 foot easement, 30 feet on each parcel for a possible future road to access the rest of the parcel should it ever become a subdivision or be divided up into other parcels. There

was also a change in condition #5 to get DEQ approval for the septic system. Commissioner Kegler moved to approve the partition with the changes made to the conditions of approval. Commissioner Eppenbach seconds the motion. All in favor.

Land Partition Application LP-N-303: Harry and Carolyn Ashcraft. Property is described as tax lot 2406 of Assessor's Map 5N 27 20 and is zoned Rural Residential (RR). Proposal is to partition the 6.09 acre parcel into two lots, one being 2 acres and the other 4 acres.

Commissioner Kegler withdrew himself from this hearing.

Assistant Planner McLane gave the staff report. There are currently two (2) homes on the property as well as two(2) septic systems and a shared well. There was an added language in the Conditions of Approval. If there were to be a new or moved access this would have to be approved by the Public Works Director.

Commissioner Rea moved to approve the partition with the additional conditions of approval. Commissioner Grieb seconds the motion. All in favor.

Land Partition Application LP-N-304: Arnie & Shiela McClure and Lee Docken.

A letter was received to request a continuance on this partition until the next hearing on February 28, 2002.

Commissioner Kegler moved to approve the request for a continuance until the February 28th meeting. Commissioner Grieb seconds the motion. All in favor.

Land Partition Application LP-S-305; Conditional use Request CUP-S 175; and Transportation System Plan Variance Request: City of Lone and Emert Ranches. Property is described as tax lot 400 of Assessor's Map 1S 24. Proposal is to partition a one acre parcel for the City's new water reservoir.

Assistant Planner McClane gave the staff report. The parcel to be partitioned is 4957 acres and surrounds most of the city of Lone.

A letter from the Confederated Tribes of the Umatilla Indian Reservation was received to inform the county that a cultural resource survey was required if the city of Lone was receiving any federal funding or permitting for their proposed reservoir and if a survey had been done the Confederated Tribes requested a copy.

The commission heard from proponent Brad Baird with Anderson Perry and Associates. Mr. Baird explained that the sole purpose of the reservoir was to provide fire protection to the upper houses in Emert Addition.

The commission added a subsequent condition of approval being that there be a restoration of the roadway after construction to prevent erosion and to maintain throughout the year as needed.

Commissioner Rea moved to approve the partition with the added subsequent condition.

Commissioner Eppenbach seconds the motion. All in favor.

Correspondence

Commissioner Peterson read a public notice on a proposed conservation agreement that was requesting correspondence from other agencies that have dealt with similar issues.

Commissioner Peterson thought we could send our letters of support of the Lone to Boardman road and to submit a letter about the issues we have gone and are going through.

Chairman Peterson adjourned the meeting at 9:50 p.m. The next meeting of the Morrow County Planning Commission is scheduled for February 28, 2002 at 7:30 p.m. at the Morrow County School District Building in Lexington, Oregon

Respectfully submitted,
Kristina Gray



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**Minutes of the Morrow County Planning Commission
Thursday, February 28, 2002, 7:30 p.m.
Morrow County School District Building
Lexington, Oregon**

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

Members Present: Joel Peterson, Leann Rea, Art Kegler, Don Eppenbach, John Kilkenney, Anne Morter

Members Excused: Joe Miller, Ken Grieb

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

Minutes of the January 31, 2002 Planning Commission meeting were approved as presented.

Commissioner Peterson shared with those present the Hearing Procedure that would be followed for each of the Public Hearings to be held.

Land Partition Application, LP-N-306: John M. & Kay F. Dawson, applicants and owners. Property is described as tax lot 1802 of Assessor's Map 4N 25 14 and is zoned Farm Residential (FR-2). Property is three miles east of Boardman, on Wilson Lane. Proposal is to partition the 5.66 acre parcel into two lots, each meeting the 2 acre minimum. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Public Hearing was opened. Planner McLane presented the staff report including Conditions of Approval. Commissioner Kegler excused himself from this decision since he was late to the hearing and was not present to hear the staff report.

The Commission asked for testimony from the applicant. Considerable discussion was had related to the location of the property's access. The applicant requested a second access, which also created a flag lot. The Planning Commission members concurred that there is a need to limit the number of access points and agreed that a single shared access would be appropriate. Commissioner Eppenbach asked about the appropriate use of a flag lot. A quick review at the meeting of the Zoning Ordinance did not produce a definitive answer to Commissioner Eppenbach's question. (After the Planning Commission meeting, further investigation lead to answers within the Subdivision Ordinance Article 5.)

Commissioner Rea moved to approve the application, providing the Dawson's move the current access to the west side of the property to be shared by both parcels requiring an easement rather than a flag lot. Commissioner Morter seconded the motion. Motion passed unanimously.

Conditional Use Request CUP-S 176: Wesley Wise, applicant and owner. Property is described as tax lot 800 of Assessor's Map 5N 26 25B and is zoned General Commercial. Property is west of Irrigon on Highway 730 at the NW intersection of 3rd Road. Request is to operate a portable Concrete Batch Plant. Criteria for approval include Morrow County Zoning Ordinance ARTICLE 3 Section 3.060 and ARTICLE 6.

Public Hearing was opened. Planner McLane, prior to presenting the staff report, shared with the Planning Commission that the proposed portable Concrete Batch Plant would be an outright use

in an Industrial Zone. This request is for a portable Concrete Batch Plant in a Commercial Zone, therefore Planning Commission will need to determine the appropriateness of this application. Carla McLane then shared three letters received in opposition for the Planning Commission to read.

Proponents were asked to testify. John Wenzholz testified that he felt growth should be done along the highway and that it would be an appropriate place for this kind of business. Ryan Miller with Miller and Sons testified that he felt that by putting in a batch plant in Irrigon it would fill the void between Hermiston and Boardman.

Opponents were asked to testify. John Brandt had concerns that a Batch Plant should be put into an Industrial Zone, not in a Commercially Zoned area. Bryan Cook also felt it should not be in a Commercial area and that the dust and noise from the plant are a few concerns he has. He would like to see it, just not in this spot. Mr. Price's daughter, Janelle, was there to represent her fathers property and felt the value of the surrounding properties would go down if a batch plant was to be put up near their neighborhood.

Proponents rebuttal included Ryan Miller stating that the dust could be controlled by water and it was a perfect spot because it could be accessed directly off the highway and there wouldn't be any trucks going through residential areas.

Commissioner Rea inquired as to the type of well serving this property. The concern was possible use of a domestic well for a commercial, or potential industrial, business.

Commissioner Rea moved to deny this Conditional Use Request based on potential conflicts related to type of uses approved for the well and the concerns brought forth by the residents in the area related to dust, noise and traffic congestion. Commissioner Morter seconded the motion. Motion to deny carried.

Land Partition Application, LP-N-307: Betty L. Rietmann and Victor R. Rietmann Trust, owner and applicant. Property is described as tax lot 400 of Assessor's Map 1N 24 and is zoned Exclusive Farm Use (EFU). Property is five miles north of lone on Ella Road. Proposal is to partition the 1802.05 acre parcel into three lots, each meeting the 160 acre minimum. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5. Public Hearing was opened. Planner McLane presented the staff report indicating the Conditions of Approval.

Jerry Rietmann, representing Betty Rietmann and the Victor Rietmann Trust, stated that he lives on the proposed parcel #3 and that the partition is strictly for estate planning purposes. He requested consideration for Conditions of Approval numbers four and five, sharing that property owners in the area had participated in the improvements to Ella Road a number of years ago. No opponents presented testimony. The public hearing was closed.

Commissioner Eppenbach moved to approve the application and to dismiss Conditions of Approval number four and five from the staff report. Commissioner Kegler seconded the motion. Motion carries unanimously.

Land Partition Application, LP-N-304: Arnie & Shiela McClure, owners and Lee Docken, agent/applicant. Property is described as tax lot 100 of Assessor's Map 4N 24 13 and is zoned Farm Residential (FR-2). Property is one and one half mile west of Boardman, at the intersection of Wilson Road and Peters Road. Proposal is to partition the 19.15 acre parcel into two lots, each meeting the 2 acre minimum. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Planner McLane shared that a letter has been received from the applicant to request another continuance. Commissioner Rea moved to accept the applicants request for continuance. Commissioner Morter seconded the motion. Motion carried.

Land Partition Application, LP-N-308: BAIC, Inc., applicant and State of Oregon, owner. Property is described as tax lots 100 and 101 of Assessor's Map 2N 23, tax lots 100 and 104 of Assessor's Map 2N 24, tax lots 100, 103, 107, and 109 of Assessor's Map 3N 23, tax lots 100, 103, 106, 112 and 118 of Assessor's Map 3N 24, tax lots 100, 101, 102, 103, 106, 107, 108, and 109 of Assessor's Map 4N 23 and tax lots 104, 105, and 111 of Assessor's Map 4N 24. The property is zoned Exclusive Farm Use, General Industrial and Space Age Industrial. Property is located west of the Naval Bombing Range, approximately 10 miles south of the Interstate 84 and Tower Road intersection. Proposal is to partition the 93,000 acre tract of lots, creating three parcels. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Public Hearing was opened. Director Mabbott presented the staff report and referenced the map that was in the Planning Commission packets to see how the tracts of land will be divided. Steve Hultberg and Wayne Downey spoke on behalf of BAIC, Inc. Mr. Hultberg provided a packet of information to each Planning Commission member. They addressed the Planning Commission stating they are only asking for a realignment of property lines with no additional buildings and no additional access. Instead of there being 11 - 12 lots they are asking to consolidate it to 3 lots. They believe that Conditions of Approval numbered 1, 5, 6, and 9 are appropriate; the rest are not. On the issue of the proposed Boardman/Lone Road, Mr. Hultberg said the east/west road was a compromise agreed to by the County.

No opposition came forth to testify.

Commissioner Rea recommended continuing this application for the Planning Commission and staff to further research what may be available for Conditions of Approval.

The public hearing was closed and will be continued to March 28, 2002 at 7:30 p.m. at the Morrow County School District Building in Lexington, Oregon.

Subdivision Application, SD-N-216: BAIC, Inc. and Port of Morrow, applicants and State of Oregon, owner. Property is described as tax lots 100, 103, 106, 107 and 108 of Assessor's Map 4N 24 and is zoned General Industrial (MG). Property is five miles west of Boardman, north of Interstate 84 and west of Tower Road. Proposal is to partition the 2273.20 acre tract into eight lots. Criteria for approval include Morrow County Subdivision Ordinance.

Public Hearing was opened. Director Mabbott presented the staff report. A letter from Teresa Penninger, Oregon Department of Transportation, was read into the record.

The applicant agreed that a number of issues need to be resolved (appropriate survey map, railroad access, Tower Road interchange with Interstate 84) and supported continuing this hearing. Planning Commission agreed to continue this request.

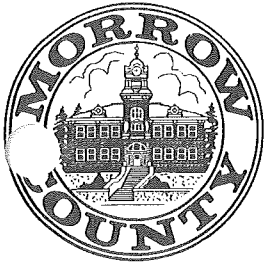
The public hearing was closed and will be continued to March 28, 2002 at 7:30 p.m. at the Morrow County School District Building in Lexington, Oregon.

Correspondence

Director Mabbott notified the Planning Commission that Heather Sicard has resigned giving verbal notice. An advertisement for a new Planning Commission member was placed in the newspaper with a closing date of March 11, 2002. The County Court will appoint a new member on March 13, 2002.

Chairman Peterson adjourned the meeting at 10:10 p.m. The next meeting of the Morrow County Planning Commission is scheduled for March 7, 2002 at 6:30 p.m. at Stokes Landing in Irrigon, Oregon for the Speedway and Speedway Related Uses public hearing. Regular business will be heard on March 28, 2002 at 7:30 p.m. at the Morrow County School District Building in Lexington, Oregon.

Respectfully submitted,
Kristina Gray



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**Minutes of the Morrow County Planning Commission
Thursday, March 7, 2002, 6:30 p.m.
Stokes Landing Senior Center
Irrigon, Oregon**

Chairman Peterson called the meeting to order at 6:35 p.m.

Members Present: Joel Peterson, Leann Rea, Art Kegler, Don Eppenbach, John Kilkenney, Anne Morter

Members Excused: Joe Miller, Ken Grieb

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

Minutes of the January 24, 2002 Planning Commission meeting were approved as presented.

Commissioner Peterson shared with those present the Public Hearing - Order of Proceedings for the Oregon Motor Speedway Hearing #1, including the nature and purpose of the hearing, the hearing procedure, and the guidelines for testimony and evidence.

A public hearing to consider an application by the Port of Morrow for comprehensive plan and zoning amendments to authorize a speedway and speedway associated uses on approximately 1300-1400 acres at the Boardman airport. Property is described as tax lot 110 of Assessor's Map 4N 24. The airport is located approximately five miles west of the City of Boardman, just south of I-84 and west of Tower Road. The application also seeks approval of transportation improvements necessary to accommodate the traffic associated with speedway events, including improvements to I-84, Tower Road and Kunze Road.

Director Mabbott presented the staff report including the contents of the Planning Commission packets and the attachments that were passed out to Planning Commission members and agencies. She also informed the Planning Commission that if they approve this request, the applicants will have an unlimited amount of time to submit the detailed information to the Planning Commission through the Site Development Review process. Director Mabbott also discussed how this is both a Quasi-Judicial and a Legislative hearing. The applicant is asking for Comprehensive Plan and Zone Amendment changes but because it applies only to a specific piece of property it needs to be processed as a Quasi-Judicial hearing. Director Mabbott clarified what was in the record, including the packet and the color copies in it, agency comments and letters of support and opposition, and additional comments submitted that will be read into the record later in the hearing.

Public hearing was opened. The applicant presented their case. Ron McKinnis, Port of Morrow Engineer, introduced Mark Greenfield as the author of the main application. Mark Greenfield provided an overview of the presentation. He would be discussing compliance with legal standards; Ron McKinnis, Port of Morrow, will discuss public facilities; Steve Ferrarini, Hobson Ferrarini and Associates, will discuss market feasibility; Kerrie Standlee, Daly-Standlee and

Associates, will discuss the noise study; and Mike Labadie, Tetra Tech MPS, will discuss traffic issues. Stelian Onefri, Racing Unlimited, who will be developing the Speedway was also available to answer any questions.

Mark will finish with closing comments.

Mark Greenfield submitting the following items into the record:

- The resumes' of the consultants used in this project
- Soil information for the property
- A document written by Kogen, Owens, Kogen on the Land needs and supply
- A list of distressed communities written by Jon Jinings, Department of Land Conservation and Development
- August 4, 2000 memo from Racing Unlimited to the Port of Morrow discussing airport traffic that will be generated by the speedway
- November 30, 2001 memo from Tamra Mabbott to Mark Greenfield about the County Noise Ordinance
- September 9, 2001 article from the Vancouver Columbian Newspaper about the Threemile Canyon Farms and the Tillamook Dairy activities which relates to the economic analysis that was done in the application.

Mark Greenfield stated that they wish to waive the 150 day rule. He then started with the proposal. They are proposing to locate a major speedway on about 1350 acres at the Boardman Airport. The airport is designated Airport Industrial. The surrounding lands are zoned general industrial and space age industrial. The speedway would be located on the northern portion of the airport. Boardman City Center is about 5 miles from the proposed site and the Urban Growth Boundary is about 3 miles from the proposed site. The nearest dwelling is about .4 miles from Tower Road and about 2.4 miles from where the speedway would be. The Oregon Motor Speedway will be sized and developed to accommodate NASCAR series races, Indy races, Semi and light truck races, motocross races, drag races, just about any kind of race. The Port is requesting County approval on Comprehensive Plan amendments that will allow the speedway to happen, approve new plan policies, and exceptions to Goals 11 and 14 to authorize the speedway and it's associated uses. They are also asking for Transportation System Plan amendments which include new Transportation System Plan policies, new improvements, and Goal exceptions to 11 and 14 to allow a new speedway interchange and a 4 lane roadway through the airport. They are also asking for zoning map amendments to apply the Limited Use Overlay Zone to the speedway consistent with the Goal exceptions. Mark went into detail on the specific uses they are proposing -

- Tower and Pits
- Grandstand with the capacity of 145,000
- Hospitality Tents
- Medical and first aid facility with up to 10 beds
- Infield structure with drivers lounge, team meeting rooms, press room
- Office space with up to 1500 square feet of space which would include space for administrative staff, banking facilities, and a virtual reality speedway to follow the races on the Internet
- Maintenance and equipment buildings
- Restaurant facilities-5000 square feet to serve the speedway and the people working at the speedway
- Gift shop up to 6000 square feet to sell souvenirs and speedway paraphernalia and materials.
- They are no longer asking for hotels and motels but they are asking for speedway lodging to accommodate team members, media, corporate sponsors, etc.
- Industrial Park with 208,000 square feet
- RV campground with a convenience store and tent camping areas

- Multi-purpose recreation area for car shows and rodeos
- Gas station for low intensity recreational uses
- Parking

Mark Greenfield explained why Boardman would be the perfect place for a Speedway. Boardman provides a central location to the major markets such as Portland, Seattle, Boise, Spokane and the Tri-Cities. There is excellent road access to the Speedway from these locations by I-84, I-90, and I-82 that serve all of these metropolitan areas. There is flat topography in this area and this land is Industrially Zoned and is not resource land. There is no agricultural land being lost in order to do this project. This location is served by a multi-modal transportation network. It has air, road, rail, and water. Boardman has a dry and mild climate throughout most of the year that allows for an extended season. This is a large tract of land and only one ownership. Mark then introduced Steve Ferrarini.

Steve Ferrarini, Hobson Ferrarini and Associates, was hired by the Port of Morrow to conduct a Market Feasibility study and land use study for the proposed speedway. He started by going over the statistics of the Speedway Industry, and then explaining how they conducted the market study and the land use study.

Mark Greenfield spoke about the history of ownership of the proposed property. He then introduced Ron McKinnis, who will be followed by Kerrie Standlee, and then Mike Labadie.

Ron McKinnis, Port of Morrow Engineer, discussed public facilities in relation to the speedway including water supply, fire protection, police and security, and emergency services, including onsite medical by air and ambulance. He also provided an overview on the airport master plan and the runway improvements included in the 50 year plan consisting of an 8000 feet extended runway and expanded taxiways and airport access.

Kerrie Standlee, Principle Engineer, with Daly-Standlee and Associates, was hired by the Port of Morrow to investigate the noise that would be associated with the proposed motor speedway and what measures may be needed to insure it is in compliance with noise regulations. Oregon Department of Environmental Quality has two regulations that apply: OAR 340-35-040 which is the noise control regulations for motor sports, vehicles, and facilities and OAR 340-35-035 which is the noise control regulations for industrial and commercial noise.

(The Planning Commission took a 15 minute break)

Mike Labadie gave an overview of his experiences in traffic management and his history of being involved with racing events. He talked about Oregon Department of Transportation requirements including significant coordination efforts and the Oregon Transportation Planning rule (30th highest hour) and the Oregon Highway Plan.

Mark Greenfield made some closing comments and stated they will be making some changes to the application before it goes to County Court.

The Planning Commission then heard from the public starting with proponent Shannon Stringer from Kennewick, Washington. She shared how she just returned from the Las Vegas 400 race and explained that race fans do not mind traffic and crowds and how much money the fans will bring to the area.

The opponents were then heard starting with Kelly Doherty from Boardman Oregon. Her concerns as a rancher are that if they're hauling cattle and the trucks are stuck in race fan traffic what will happen to their livestock?

Pat Sutter from Boardman was the next opponent to speak. He expressed his concern with moving a huge operation like a speedway into this area and the impact it will have on the county such as the noise, garbage, and traffic issues.

Leslie Ann Hauer, opponent, was there representing Ramona Anderson of Umatilla and Kelly Doherty of Boardman. She handed out packets to the Planning Commission and gave her presentation. Her concerns focused on the type of process being used (legislative versus quasi-judicial) and the magnitude of the proposal in comparison to the rural area it is being proposed in.

Karen Pettigrew, Boardman, was present as a neutral party to this matter. She addressed the issue of RV parking. Is this going to be a weekly stay or monthly stay type of park? She suggested that this be addressed.

Debbi Watson, Umatilla Electric Cooperative, was present to assure the Planning Commission that they have adequate resources and are prepared, ready, and willing to provide service to the Speedway. She did have some points to consider such as relocation of facilities and creating new easements for the facilities. The Planning Commission was asked to require a Site Team and Utility Review for this project in order to be prepared and informed. She also asked that as a Condition of Approval the developer be required to pay for any relocation of facilities.

Director Mabbott distributed agency comments received after the packets had gone out and entered them into the record (see exhibit list). The exhibits were acknowledged by the Planning Commission. Commissioner Kegler moved to accept the exhibits into the record. Commissioner Rea seconds the motion. Motion passed unanimously.

Agencies were then asked for their testimony. Jon Jinings, Department of Land and Conservation Development, discussed the types of uses that are appropriate for the proposed site. They hope to discourage stand alone uses and sites that would attract people off the highway that wouldn't normally stop there.

Casey Beard, Morrow County Emergency Management Director, explained to the Commission that with this project it will require detailed planning but it can be done.

Mary Martini, Oregon Department of Transportation, referred to the letter that was submitted earlier and would be using that as a guideline to enter into the record comments that were not included in the letter. She explained that .7 is compared to traffic in all four lanes in Portland but traffic is moving, just to give the audience a better understanding of what a .7 would look like. She gave an overview on what the Oregon Department of Transportation would be asking of the developer for modifications to the existing roadway before there were to be an event at the proposed speedway.

The Planning Commission gave the applicants a chance for rebuttal. Mark Greenfield felt they should be given a chance to talk about the issues among themselves before presenting a rebuttal.

Planning Commission Chair Peterson closed the Public Hearing. The record will remain open and written testimony may be submitted prior to and during the public hearing on April 4, 2002 at 6:30 p.m. at the Stokes Landing Senior Center in Irrigon, Oregon.

The Planning Commission moved to continue this hearing until April 4, 2002 at 6:30 p.m. at the Stokes Landing Senior Center in Irrigon Oregon.

Chairman Peterson adjourned the meeting at 11:50 p.m. The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for March 28, 2002 at 7:30 p.m. at Morrow County School District Building in Lexington, Oregon.

Respectfully submitted,
Kristina Gray



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**Minutes of the Morrow County Planning Commission
Thursday, March 28, 2002, 7:30 p.m.
Morrow County School District Building
Lexington, Oregon**

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

Members Present: Joel Peterson, Leann Rea, Art Kegler, Don Eppenbach, John Kilkenney, Anne Morter, Joe Miller, Ken Grieb, Jeff Wenholz

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

The Planning Commission welcomed Jeff Wenholz as the newest member of the Morrow County Planning Commission.

Minutes of the February 28, 2002 Planning Commission meeting were approved as presented.

Chairman Peterson read the disclaimer for testimony.

Land Partition Application, LP-N-309: Hunter Farms, LLC, owner and Mike Linn, applicant. Property is described as tax lot 300 of Assessor's Map 4N 25 15 and is zoned Farm Residential (FR-2). Property is two miles east of Boardman, on Wilson Lane with additional frontage on Laurel Road. Proposal is to partition the 29.16 acre parcel into three lots, each meeting the 2 acre minimum. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Associate Planner McLane gave the staff report. There was no one present to testify as a proponent or opponent. Oregon DEQ requested that a Condition of Approval be placed upon this application for to-scale plans indicating existing septic systems and the replacement areas in relation to the proposed lot lines. The septic systems shall maintain a setback agreed upon by DEQ to the proposed lot line. Commissioner Rea moved to approve with the additional findings from DEQ. Commissioner Eppenbach second the motion. The motion passed unanimously.

Continued from February 28, 2002 **Land Partition Application, LP-N-304: Arnie & Shiela McClure, owners and Lee Docken, agent/applicant. Property is described as tax lot 100 of Assessor's Map 4N 24 13 and is zoned Farm Residential (FR-2). Property is one and one half mile west of Boardman, at the intersection of Wilson Road and Peters Road. Proposal is to partition the 19.15 acre parcel into two lots, each meeting the 2 acre minimum. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.**

Associate Planner McLane gave the staff report. There was a correction to the staff report. The first paragraph should read "The property is bordered to the west with FR-2 zoned land; to the south and east with SF-40". The applicant and agent voiced their concerns. They would like to change conditions of approval number 4, so it applies only to the 4 acre parcel, parcel

two. On Condition #9 the applicant requested permission for separate accesses. The Commission discussed the access, and will only require a new access and improvements for parcel two, if a new home is placed where the old homestead is currently located. The public hearing was closed. Commissioner Kegler moved to approve the Land Partition with the changes made to Conditions of Approval #4 and #9. Commissioner Rea second the motion. Commissioner Miller moved to amend the motion made by Commissioner Kegler and to delete Conditions of Approval #7 and #8. Commissioner Grieb second the motion. The motion as amended passed unanimously.

Continued from February 28, 2002 **Land Partition Application, LP-N-308: BAIC, Inc., applicant and State of Oregon, owner. Property is described as tax lots 100 and 101 of Assessor's Map 2N 23, tax lots 100 and 104 of Assessor's Map 2N 24, tax lots 100, 103, 107, and 109 of Assessor's Map 3N 23, tax lots 100, 103, 106, 112, and 118 of Assessor's Map 3N 24, tax lots 100, 101, 102, 103, 106, 107, 108, and 109 of Assessor's Map 4N 23 and tax lots 104, 105, and 111 of Assessor's Map 4N 24. The property is zoned Exclusive Farm Use, General Industrial, and Space Age Industrial. Property is located west of the Naval Bombing Range, approximately 10 miles south of the Interstate 84 and Tower Road intersection. Proposal is to partition the 93,000 acre tract of lots, creating three parcels. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.**

Planning Director Mabbott gave the staff report. She summarized where she made changes to the findings. She discussed the extension road saying that "the extension road was dedicated, we in effect, said that this was in lieu of the lone-Boardman road. I don't know that the Planning Commission ever made that decision and also what I included in those findings was a statement to the effect that even though the Morrow County Court nullified the 1999 agreement, the lone-Boardman agreement, what they did not do was to amend the Transportation System Plan and the lone-Boardman road is still in our Transportation System Plan but the extension road was a way to mitigate and approve LPN-277 last year but doesn't amend our TSP. The applicant would need to come forward and amend the TSP and have that removed if we were to say for certain that it is no longer a matter of concern for the County. The County could initiate that action as well." She then went into more analysis about the impact of Parcel 3 and what should be required as minimum access requirements for Parcel 3. "I think at a very minimum, we need to make sure that the extension road is dedicated, it was important for the Dairy parcels, we have evidence in the record that it was required for emergency vehicles and my read of the findings and my recollection of the discussion is in large part we required that southerly access in lieu of the lone-Boardman road but also to provide a southerly access to Parcel 3 so that the only escape route for Parcel 3, the large parcel, so that we are not only relying on Threemile and Tower road that if there is an accident out there and emergency vehicles need to come out or for example if they are not capable of handling a major accident out here be it the Waste Digester, Dairy, Farming accident, Army Depot, or explosion at the digester but that these folks have someplace to escape other than Interstate 84. It is not unheard of to block Interstate 84, it happens, it's shut down, if there is an incident at the Depot these folks need an opportunity to get out. Once you partition this parcel, there is no legal access out of here (parcel 3) except through the extension road, so, even though we required it through LPN-277, I think we are justified in requiring it here as well and I also think that we need to have some minimum improvement requirements as I have recommended in there." She provided copies of the letter received from Casey Beard and read it into the record. Director Mabbott expressed to the Planning Commission that she still hasn't heard anything from the Land owner, anything, no formal response to the first set of findings, Mr. Epstein's memo, nor to the second set of findings. She doesn't know where the State of Oregon stands on this matter. Informally outside of the land use process, the State of Oregon said they want to build a road, we want to see if that road happens. That has never happened. So we are offering, at least in this proposal, to see if they can

come half way and build somewhat of a road. She expressed her concern to the Planning Commission how Mr. Hultberg suggested that the two of them could work this out and based on their phone conversations they were not able to work this out and she made the attempt and also offered to allow him to talk to Mr. Epstein directly and unfortunately all of their conversations weren't related to Mr. Epstein directly and there have been some other covert attempts to undermine what she has done and challenge the integrity of her report. Everything she has was there before the Planning Commission and if they had any questions about her commitment to this project, it is to see through the process and the intent of their visions and the Transportation Plan, their visions and the Comp Plan, the policies there forth and the enabling ordinances. There is no way she tried to stoop at a level of trying to involve lobbyist to effect anybody's decision. Mr. Hultberg has sent his client, their lobbyist, and copied our commissioners on a letter concerned about the integrity of Director Mabbott's work and that concerns her. She also provided copies of the handout received from the applicant in response to the revised findings. Steve Hultberg spoke on behalf of the applicant. He stated that he and the applicant feel that the Conditions of Approval are unconstitutional and that the applicant will be upheld in any court and LUBA. They are asking for approval of the Land Partition and that conditions 4, 5 and 6 be removed due to the fact that they are unconstitutional and will not be upheld. He also stated that the appeal can be brought up in Circuit Court. State and Federal laws say that to make an applicant dedicate property or make improvements those dedications and improvements must be roughly proportional to the impacts of what you are doing right now with this request. Mr. Hultberg stated that there is no violation nor will there be a violation to ORS chapter 92.

Marvin Padberg then addressed the Commission. He feels that the wildfire issue is one of the highest priorities. He says that native grasses do not come back after a catastrophic burn and a catastrophic burn is going to happen because they are not going to pasture that ground anymore, after the 5 year deal. They have built 16 miles of fence down there in this last year and that's not to fence cattle in.

The Planning Commission took time to read over the comments from Steve Hultberg's March 28, 2002 letter on the staff report.

The Planning Commission agreed that Conditions of Approval 1, 2, 3 are okay. The Planning Commission discussed the need to clarify or limit conditions. Condition #4, recommendation should be limited to the March 28, 2002 letter from Casey Beard. No change to condition #6. The Commission discussed and recommended to change condition #6 to require a Rural Access II, a gravel road only, to meet minimum public safety requirements.

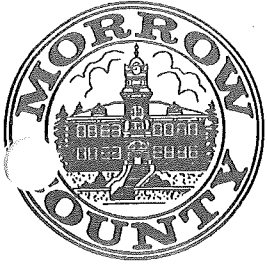
Commissioner Miller moved to approve with the conditions of approval. Commissioner Rea second the motion. Roll call was in favor, Commissioner Miller, Grieb, Rea, Peterson, Wenholz, Kegler, and Morter. Opposed were Commissioner Eppenbach and Kilkenney. The motion passed.

Continued from February 28, 2002 Subdivision Application, SD-N-216: BAIC, Inc., and Port of Morrow, applicants and State of Oregon, owner. Property is described as tax lots 100, 103, 106, 107 and 108 of Assessor's Map 4N 24 and is zoned General Industrial (MG). Property is five miles west of Boardman, north of Interstate 84 and west of Tower Road. Proposal is to partition the 2273.20 acre tract into eight lots. Criteria for approval include Morrow County Subdivision Ordinance.

Planning Director Mabbott shared some information with the Planning Commission and passed out a map to show that tax lot #108 belongs to the Corps of Engineers and not BAIC, Inc. Mr. Hultberg waived the 150 day rule and asked for a continuance due to the new information presented.

Chairman Peterson adjourned the meeting at 11:10 p.m. The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for April 25, 2002 at 7:30 p.m. at Morrow County School District Building in Lexington, Oregon.

Respectfully submitted,
Kristina Gray



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**Minutes of the Morrow County Planning Commission
Thursday, April 4, 2002, 6:30 p.m.
Stokes Landing Senior Center
Irrigon, Oregon**

Members Present: Joel Peterson, Leann Rea, Don Eppenbach, Joe Miller, Ken Grieb, Anne Morter, Jeff Wenholz, Art Kegler, John Kilkenney

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

Chairman Peterson called the meeting to order at 6:34 p.m.

Minutes of the March 7, 2002 Planning Commission meeting were approved as presented.

Director Mabbott asked the Planning Commission to approve the final findings for LP-N-308 that was approved at the March 28, 2002 meeting. Commissioner Rea moved to approve the final findings. The motion second. The motion passed unanimously.

A public hearing to consider an application by the Port of Morrow for comprehensive plan and zoning amendments to authorize a speedway and speedway associated uses on approximately 1300-1400 acres at the Boardman airport. Property is described as tax lot 110 of Assessor's Map 4N 24. The airport is located approximately five miles west of the City of Boardman, just south of I-84 and west of Tower Road. The application also seeks approval of transportation improvements necessary to accommodate the traffic associated with speedway events, including improvements to I-84, Tower Road and Kunze Road.

Chairman Peterson shared with those present the Public Hearing - Order of Proceedings for the Oregon Motor Speedway Hearing #2, including the nature and purpose of the hearing, the hearing procedure, and the guidelines for testimony and evidence.

Director Mabbott presented the staff report. She provided exhibit lists to the Planning Commission to review exhibits 13-20 (submitted at the March 7, 2002 hearing) and 21-25 (submitted after March 7, 2002). Commissioner Kegler moved to accept items 13-25 into the record. Commissioner Morter second the motion. The motion to accept items 13-25 into the record passed unanimously. Exhibits 26-32 (submitted after packets were presented to the Planning Commission on March 28, 2002) were submitted at the hearing. Director Mabbott passed out items 26-32 to the Planning Commission members. Commissioner Morter moved to approve exhibits 26-32 as part of the record. Commissioner Rea second the motion. All in favor. On May 9, 2002, Director Mabbott and the Public Works director will be going to Portland to meet with Kittelson and Associates and others to discuss the transportation impact to County and State facilities.

A particular LUBA case was brought to the attention of the Planning department that has similar issues. Director Mabbott made some amendments to the matrix. There were no comments on

the first page. On the second page, first section, on the Tri-Oval Super Speedway, under the Applicable Criteria, first issue, the "reasons" exception, they do not need to take exceptions for sub 04 and 12. Twelve is the Transportation Planning Rule and four is the Farm Zone. Item number two (2), Consistency with Airport Layout Plan, also was dismissed with the caveat that as a condition they are asked to show that the amended airport layout plan has been appropriately amended and final approval of the 50 year plan from the FAA. Item number five (5) will be changed to read, compliance with policies of the Transportation System Plan and strike the reference to Chapter 6, Development Requirements. Add item number six (6) state wide planning goals. The last use on page 2, clarification on the use of the grandstands was put on an information as needed. On page 3, the fourth bullet down has been changed to read Speedway Lodging Accommodations and Director Mabbott asked for clarification about the distinction between Hotel/Motel and Speedway Lodging. On page 5, first item was changed to read, Expand the RV park by 5,000 spaces, and 5,000 undeveloped tent sites, rather than 2,500. On page 5, Proposed Transportation System Plan Improvements, first item under criteria, need to add Compliance with the Oregon Administrative Rule 660 Division 12. In the same section on the third item under information needed, need to add the Refinement Plan. On page 6, two new categories have been added. One category to extend ramps and taper lanes on I-84 west bound between I-82 and apoint approximately 1 quarter mile west of the Army Depot interchange. The second category would be for merge/diverge lanes east bound on I-84 between the Army Depot Interchange and I-82. Need to change the 3rd lane on Interstate 84 to HWY 730 and it was from Interstate 82 to HWY 730. Also need to change the bridge widening section on page 6 of the matrix.

Larry Epstein has reviewed the information and Director Mabbott gave a few highlights from Mr. Epstein's letter. Much of the need described in the application is to fill a demand for a racetrack. Need and demand are two different things. The exception standard in the Administrative Rule is to demonstrate need and you as a Planning Commission will have to come to some conclusion that there is a need for a motor sports speedway. Mr. Epstein also talks about alternative sites. There is not a lot of discussion on alternative sites and he cautions that you might want to ask for more analysis in terms of alternative sites, particularly when it is in a rural area.

Proponent testimony: Mark Greenfield, responded to testimony that was presented to the Planning Commission at the March 7th meeting. He addressed traffic impacts and ODOT's concerns. Ron McKinnis and Mike Labadie will also be providing testimony.

He submitted the following items into the record

- April 4, 2000 letter to Ron McKinnis from Mike Labadie with Tetra-Tech in response to comments from the March 7, 2002 hearing (Applicant)
- March 19, 2002 memo to Ron McKinnis from Hobson Ferrarini and Associates R.E. Auto racing attendance and events (Applicant).
- Ron McKinnis resume (Applicant)
- A copy of total exemptions from DOGAMI (Agency)
- April 1, 2002 letter to Ron McKinnis from Don Larson with the Federal Aviation Administration (Agency)
- March 21, 2002 letter to Ron McKinnis from Mitchell Walgamott with DEQ, R.E. Watershed protection (Agency)
- Water permit issued to the Port of Morrow (Applicant)
- March 22, 2002 letter to Ron McKinnis from Peter Brewer with DEQ, R.E. speedway is not regulated under the Air Quality regulations (Agency)
- March 29, 2002 email from Jim Steams to Ron McKinnis R.E. Emergency Resources (Agency)
- April 3, 2002 letter to Ron McKinnis from the Umatilla County Board of County Commissioners (Agency)

- March 29, 2002 email to Ron McKinnis from Russ Morgan, Assistant District Wildlife Biologist R.E. Racetrack/Wildlife species (Agency)
- April 2, 2002 letter from the City of Heppner to Martin Davis (Agency)
- March 19, 2002 letter to Ron McKinnis from Marc Rogelstad, Boardman Rural Fire Protection District Fire Chief (Agency)
- March 20, 2002 letter from Oregon State Police Lieutenant Darin Helmen to Ron McKinnis (Agency)
- March 21, 2002 letter from City of Boardman Police Chief, Mark Calbick to Ron McKinnis (Agency)
- March 26, 2002 letter from Verlin Denton, Morrow County Sheriff to Ron McKinnis (Agency)
- March 21, 2002 letter from Edward Brookshier, City Manager of the City of Hermiston to Ron McKinnis (Agency)
- March 21, 2002 letter to Ron McKinnis from Eileen Hendricks, Port of Morrow Controller R.E. available RV and Motel spaces within the area (Applicant)
- Traffic counts on Tower Road (Applicant)
- Map of alternative routes (Applicant)
- January 28, 2002 letter to Mike Labadie from City of Homestead Florida R.E. traffic control for Winston Cup race. (Applicant)
- Menu of traffic management techniques (Applicant)
- Letter to the Planning Commission from Racing Unlimited, Inc., R.E. request for 250 room hotel at the speedway (Applicant)
- March 20, 2002 memo from Martin Davis to Mark Greenfield R.E. Affected Community Consultations and Regional Police and Emergency Services Providers (Applicant)

The Planning Department will be provided with another letter Friday from Martin Davis to Mark Greenfield concerning economic impacts.

Mark Greenfield clarified some of the issues to the Planning Commission. He expressed the need to have a decision made by the end of May if at all possible. He asked that the record be kept open for at least 14 days and will get revised copies of the application to the Planning Commission at least a week before the next hearing, which is scheduled for May 2, 2002.

Mark Greenfield discussed the letter written by Jon Jinings and the conditions that DLCDC is wanting to enforce. ODOT's March 7th letter was addressed. He addressed Leslie Hauer's concerns and clarified some of those issues. New testimony submitted from Hobson Ferrarini was presented.

Ron McKinnis then addressed previous testimony both oral and in writing and clarified some of the issues that were incorrectly submitted. Ron addressed the dairy issues stating they had made contact with the dairies about the items of concern. Went over the letter from racing unlimited on the lodging issue. Discussed traffic issues including Tower Road and Kunze Lane. The Planning Commission asked Mr. McKinnis questions.

Director Mabbott suggested making it a condition of approval that the speedway pays for traffic management people and additional law enforcement and emergency staff needed for these events.

Mike Labadie then presented via speaker phone. A slide presentation accompanied Mr. Labadie's presentation. He discussed inbound and outbound traffic and additional issues such as on ramps, off ramps, traffic control management, and what kind of traffic will be generated by different levels of service. He addressed some of the concerns in the most recent letter submitted by Kittelson and Associates including:

- relocation of Kunze Road
- improvements to Tower Road
- road improvements and event size

- staged construction analysis
- four lane cross section discussion and v/c ration of 0.70
- Kunze Lane will not be used for race traffic
- parking management plan
- lessons learned/would like information on this from others w/previous experience
- 60,000 vs. 145,000 design vs. manage
- North Carolina speedway data/offered as an example- nothing more.
- Boardman traffic/traffic will not go thru town to get to speedway. People will be prevented from using local streets to get to the speedway.

He then received questions from the planning commission.

The Planning Commission took a 5 minute recess.

The Planning Commission asked for testimony from proponents:

Kathy Neal, Boardman resident, spoke of experience with the Portland raceway and thinks it would work here.

Gary Neal, Port of Morrow General Manager spoke in favor. "It would be great for Morrow County."

Randy Nicholson, Gresham, a writer for Victory Lane, a racing publication, stated, "it would be great to have one in this area."

Darren Padberg, lone resident, spoke in favor. "The Speedway would be the biggest tax payer in the county. The money going to the Port will then benefit the county as well."

Marvin Padberg, lone, speaking on behalf of the Port of Morrow, read the Port's mission statement to the Planning Commission. Gave an overview of the benefits that will come to the County and Boardman as a result of the speedway.

Chairperson Peterson read a letter from the Tatone family in favor of the speedway to be entered in to the record

Opponents:

Larea Poe, Boardman. She expressed her concern that the impact of the speedway would have on Boardman. She gave examples of small town living which she enjoys.

George Griffith, lone. He had questions that he has never heard answers to.

Kathy Martin, Boardman. She addressed the RV space shortage in this area so the RV spots for the raceway are not only for the fans. Addressed several issues from noise to traffic.

Sheila Corpus, Boardman. Enjoys the way things are now. Doesn't want to be a tourist attraction.

Leslie Ann Hauer, representing area residents. She provided a copy of her testimony to the Planning Commission responding to Mark Greenfield's letter. She asked that the Planning Commission take time to look over the exhibits as there were 26 presented just tonight. She addressed a LUBA case as an example.

Neutral-Agencies:

Debi Watson, Umatilla Electric Coop, expressed concerns and requested that it be made a condition of approval that the developer pays for expenses to relocate or to get utilities out to that area.

Rex Mather, City Manager, City of Boardman. Speaking as the manager of the city most affected by this speedway he addressed some issues, specifically asking if there is a time line for this project.

Jon Jinings, DLCD. Will submit comments in writing. He says they would need more information before they can make a decision. He summarized what is involved with a Division 4 and a Goal 14 exception process.

Teresa Penninger, ODOT presented a letter that responds to the matrix and comments made earlier. ODOT added a few items they would like to see in the matrix including, under the

Proposed Transportation System Plan Improvements they need to be compliant with the Oregon Highway Plan as well as with the Oregon Administrative Rule Chapter 734 Division 51. It also needs to include a refinement plan. She commented on the rebuttal given by the applicants including Mark Greenfield and Mike Labadie. ODOT requests that it be a condition of approval that the applicant pay for additional law enforcement, emergency response people and security. Adequate pedestrian facilities required also.

Adopted as exhibits into the record: #26-61 Commissioner Morter moved to approve all exhibits received tonight. Commissioner Rea second the motion. All in favor. (Note: Exhibit 58, Transcript of Mike Labadie's presentation from the March 7, 2002 hearing (applicant) was not received by the Planning Department by the deadline of April 18, 2002 for inclusion.)

Rebuttal by proponent Ron McKinnis and Mike Labadie addressed transportation issues. Addressed the issues by UEC and the moving of utilities. They would hope they don't have to move any utilities but will address it as it comes up. Ron states that the Port does not own all the property that is being proposed for the speedway and does not have anything in writing but will be getting documentation that they approve this project and will be cooperative. Mark Greenfield provided rebuttal to the comments made earlier in the evening, responding to Leslie Ann Hauer's and Teresa Penninger's comments. He emphasized that he disagrees with the ODOT request for three lanes on I-84 between I-82 and the speedway.

Staff recommended keeping the record open for comment for 2 weeks for additional information to be submitted. Commissioner Kegler moved to accept more documentation for 2 weeks and allow testimony for 5 minutes only at the next meeting and open the public hearing at the next meeting. Commissioner Rea second the motion. All in favor.

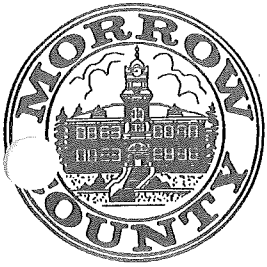
The next meeting will be on May 2, 2002 at the North Morrow County Annex at 6:30pm in Irrigon, Oregon.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for April 25, 2002 at 7:30 p.m. at Morrow County School District Building in Lexington, Oregon.

Closed the public hearing.

Adjourn the meeting at 12:25 a.m. Friday, April 5, 2002

Respectfully submitted,
Kristina Gray



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Minutes of the Morrow County Planning Commission
Thursday, April 25, 2002, 7:30 p.m.
Morrow County School District Building
Lexington, Oregon

Members Present: Joel Peterson, Leann Rea, Ken Grieb, Don Eppenbach, Anne Morter, Jeff Wenholz

Members Excused: Art Kegler, Joe Miller, John Kilkenney

Staff Present: Carla McLane and Kristina Gray

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

Minutes from the March 28, 2002 Planning Commission meeting were approved as presented.

Chairman Peterson read the Order of Proceedings

Public Hearings (COMMISSION ACTION REQUIRED)

Land Partition Application LP-N-310 and Conditional Use Request CUP-N-177: City of Boardman, owner and Umatilla Electric Cooperative, applicant. Property is described as tax lot 119 of Assessor's Map 4N 24 15 and is zoned Space Age Industrial (SAI). Property is five miles west of Boardman, east of Tower Road, north of the Kunze Lane intersection, and south of Interstate 84. Proposal is to partition the 462.55 acre parcel into two lots with parcel one being 2.07 acres and parcel two being approximately 460.48 acres. Proposal also includes a Conditional Use Request to site an electric distribution substation on parcel one. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5; the Morrow County Zoning Ordinance Article 3 Section 3.072, Article 6 Section 6.020, and Article 6 Section 6.050(O).

Associate Planner McLane presented the staff report. During the time between sending staff reports and this meeting, staff investigated the current status of the Kunze Lane right-of-way through the subject property. It was determined that there is no current dedicated right-of-way for Kunze Lane through this parcel. The City of Boardman purchased the property from the State of Oregon Department of Administrative Services for a potential waste water facility. The deed that was recorded for that land transaction does not include any language for a road dedication or easement. Two letters were presented into the record. The first was from Eucon Corporation in support of the project; the second was from Tony Justus, Watermaster, Oregon Water Resource Department, indicating that there are no water rights on this property. Bill Hanlon, County Counsel, questioned the northerly jog of Kunze Lane. Burke O'Brien, Morrow County Public Works Director, further clarified the lack of a dedicated right-of-way for Kunze Lane and indicated that conversation has been taking place with the City of Boardman for a dedication for Kunze Lane that would straighten Kunze Lane to create a direct east/west connection to the existing Tower Road. Bill Hanlon recommended using this land use action for

the dedication of the Kunze Lane right-of-way. This will also create the need for a longer easement from either Tower Road or Kunze Lane to serve proposed parcel one. It was suggested to add two new Conditions of Approval. Condition 3 will dedicate a 60 foot right of way for Kunze Lane to create a direct east/west connection to Tower Road. Condition 4 will require the applicant to dedicate, at minimum, a 40 foot private easement from the newly dedicated Kunze Lane to proposed parcel one. There was no one present to speak on behalf of the applicant or the land owner. The public hearing was closed. Commissioner Rea moved to approve with additional Conditions of Approval numbers 3 and 4. Commissioner Grieb seconded. All in favor.

Conditional Use Request CUP-S-178: John VandenBrink, applicant and owner. Property is described as tax lot 3501 of Assessor's Map 1S 24 and is zoned Exclusive Farm Use (EFU). Property is located approximately four miles south of lone on Morter Lane. Request is for a second dwelling to be occupied by a person principally engaged in the operation of the dairy. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.010(D)(3) and Article 6 Section 6.030.

Associate Planner McLane presented the staff report. This application is for a second "Farmer Jones" dwelling. The first dwelling and dairy were permitted as an outright use. Based on discussion with the Public Works Director, staff recommend that an additional condition be added indicating that the applicant will need to obtain an Access Permit from the Public Works Department. Currently only a single identified access is permitted, although a number of access points are being used. John VandenBrink was present. He stated that this request for a second dwelling is to allow both of his sons a place to live; both work on the dairy full time. Marvin Padberg, a neighbor to the east, had no objections to this. A new Condition of Approval 3 was proposed using standard Access Permit language. Commissioner Grieb moved to approve with the new Condition of Approval 3. Commissioner Morter seconded. All in favor.

Subdivision Application SD-N-217: Stephen and Bonnie Simpson, applicant and owner. Property is described as tax lot 205 of Assessor's Map 4N 25 22 and is zoned Farm Residential (FR-2). Property is located approximately 2.5 miles southeast of Boardman on Kunze Lane. Proposal is to subdivide the 26.12 acre parcel into thirteen lots, each meeting the 2 acre minimum. Criteria for approval include Morrow County Subdivision Ordinance.

Associate Planner McLane presented the staff report which included a summary of the Subdivision Review Committee meeting held April 3rd. Additional letters received after the packets had been sent out were provided to Planning Commission members: 1) April 3rd letter from WEID, requesting the applicant follow recently amended policies; 2) April 19th letter from WEID indicating that the district doesn't currently provide water for fire protection, requesting that the 100 foot Federal Reserve right-of-way be excluded from the total acreage, and for an additional Condition of Approval be added stating that the applicant must obtain approval from WEID; and 3) Oregon Water Resource Department stated there are no valid ground water rights on the subject property. Additionally, three letters of opposition were received: 1) An April 15th letter from Emily Langley with a concern that the ground water which drains her way will contaminate her well; 2) Kenneth Broadbent sent the same letter; and 3) Kerry Garber, located on the east end, is concerned that their well water quality and quantity will fail.

Stephen Simpson provided the following information to the Planning Commission: ground water was located at 6 feet, case well water at 50 to 60 feet, and higher nitrate water at 175 feet. Mr. Simpson explained how they have tested the ground water in this area. The property is no longer flood irrigated, being beneficial to the neighbors.

NOTE: (Mr. Simpson had stated that there was case well water at 50 to 60 feet, and higher nitrate water at 175 feet, the Planning Commission questioned this and thought he may have meant the opposite. After reviewing the tape this is ver betum what Mr. Simpson had said)

Commissioner Rea expressed concerns with parcel 12. It is 242 feet wide with a 100 foot easement for the canal and a 30 foot easement for proposed Tyler Road which leaves 112 feet that is buildable. The applicant explained that each parcel has a little over an acre to build on after taking the easements into consideration.

The Planning Commission reviewed the proposed Conditions of Approval. It was the decision of Planning Commission to include the request from West Extension Irrigation District to "comply with the recommendations of the District". Commissioner Rea requested that the standard Right-to-Farm disclaimer be included. Burke O'Brien requested that the Condition of Approval for the road approval include additional language that "the road will be certified by the Construction Engineer and will be inspected and approved by the Public Works Director".

Commissioner Rea moved to approve, Commissioner Eppenbach seconded the motion with the additional conditions. All in favor.

The Planning Commission took a short recess.

Subdivision Application SD-N-218: Frank Flock, applicant and owner. Property is described as tax lot 3600 of Assessor's Map 4N 25 20A. The property is zoned Suburban Residential (SR-1A) and is located within the Boardman Urban Growth Boundary. Property is located approximately one mile southeast of Boardman on Kunze Lane. Proposal is to divide the 6.13 acre parcel into 6 one acre lots, each meeting the 1 acre minimum. Criteria for approval include Morrow County Subdivision Ordinance.

Associate Planner McLane presented the staff report which included a summary of the Subdivision Review Committee meeting held April 3rd. Written information was received from both Bev Bridgewater, West Extension Irrigation District and Tony Justus, Water Resources Department, prior to the Subdivision Review Committee meeting. Both indicated that there are no water rights, irrigation or ground water, for this property. The subject property is located inside the Urban Growth Boundary of the City of Boardman. Information provided by the City of Boardman indicated that at the time the Prancing Horse Subdivision is completed, water and sewer connections will be directly across Kunze Lane from the proposed Flock subdivision. Mark Rogelstad, Boardman Fire Protection District, requested that the proposed road be continued and connected to the West Glenn Subdivision, becoming a continuation of West View Drive.

Two letters were received just prior to the hearing. William Goss, Department of Human Resources, Health Division, Drinking Water Section, provided comment that a shared well would be creating a new public water system which would be subject to review as specified in OAR 333-61-0060. Additional comment encouraged connection to the City of Boardman water system. The City of Boardman provided additional comments by letter. The City requested that the Planning Commission consider requiring shadow platting to provide an easier transition to city level services if this area should ever be annexed. Barry Beyeler also encouraged the applicant to meet with the City to discuss future annexation and the requirements involved in that process.

No covenants were presented with the application. The proposed subdivision name is "Frank F. Estates". Projected Average Daily Trips (ADT) based on 6 lots would be 60 trips per day. This would require a Rural Access II Road Standard. However, if the road connects to West Glenn, and to meet future city requirements, staff suggest requiring a minimum Rural Access I Road Standard.

The Planning Commission heard from the applicant. After lengthy discussion concerning road and other requirements, Mr. Flock requested a continuance to the next hearing. The Planning Commission suggested that he talk with Planning Department staff and the City of Boardman for a better understanding of the process and possible Conditions of Approval. Hearing continued to the next regular Planning Commission meeting to be held on June 27, 2002 at the Morrow County School District Building, Lexington, Oregon, at 7:30 p.m.

Land Partition Application LP-N-311 and Conditional Use Request CUP-N-179: George E Miller Trust, owner and Justin and Stacie Miller, applicants. Property is described as tax lot 100 of Assessor's Map 1N 23 and is zoned Exclusive Farm Use (EFU). Property is fourteen miles northwest of Lone, or two miles east of Cecil, on Baker Lane. Proposal is to partition the 625.97 acre parcel into two lots with parcel one being approximately five acres and parcel two being approximately 620 acres and to site a "non-farm dwelling" on parcel one. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5; the Morrow County Zoning Ordinance Article 3 Section 3.010(F) and Article 6 Section 6.020.

Associate Planner McLane presented the staff report. The request is for a Land Partition to create a five acre parcel and for a Conditional Use Request to site a "non-farm dwelling" on the new five acre parcel (parcel one). The only correspondence was a letter received from Tony Justus, Watermaster, indicating that there are no valid water rights on the subject parcel. Staff will need to correct an error; on Conditions of Approval two and seven parcel one should be referenced, not parcel two. Justin Miller, applicant, spoke in favor of the request. Associate Planner McLane indicated that the Planning Department has not heard from DLCDC on this request. Commissioner Rea moved to approve with corrections. Commissioner Eppenbach seconded the motion. Motion passed unanimously.

Continued from February 28, 2002 Subdivision Application, SD-N-216: BAIC, Inc. and Port of Morrow, applicants and State of Oregon, owner. *Applicant has requested a continuance.*

Planning Commission granted a continuance to the June 27, 2002 meeting at the Morrow County School District Building in Lexington, Oregon, 7:30 p.m.

Lexington Airport Layout Plan: The first of three hearings to consider the adoption of the Lexington Airport Layout Plan and Map, the purpose being to identify the existing configuration of the airport and to establish current and long-term airport needs. This new Airport Layout Plan (ALP) will replace and supercede the 1983 ALP Report and Environmental Assessment. The new ALP drawings reflect current conditions and facilities. The primary objective of the ALP is to identify current and future facility needs and improvements necessary to maintain a safe, efficient, economical and environmentally acceptable air transportation facility. The ALP study also includes a new land-use plan map for the airport and its surrounding area. The surrounding areas are subject to the existing Airport Approach Zone and Airport Hazard Zone. The affected surrounding areas have not changed from the 1983 study; however, the new ALP

accurately identifies those lands that are subject to the Airport Approach and Airport Hazard Zones. Adoption of the ALP will also include a zone change of the airport, whereby aviation-related uses will be permitted outright. Criteria for consideration of the proposed Lexington Airport Layout Plan and Map includes Sections 3.010, 3.090 and 3.091 of the Morrow County Zoning Ordinance, goals and policies of the Transportation Element of the Comprehensive Plan, and the County Transportation System Plan.

Associate Planner McLane presented the staff report. Adoption of the Lexington Airport Layout Plan (ALP) requires that the Planning Commission take action on six different items:

1. Amend the Comprehensive Plan and the Transportation System Plan to include the 2001 Lexington Airport Layout Plan and Maps as appendixes.
2. Apply the Air Industrial (AI) Zone as an overlay zone which will allow the uses recommended in the Airport Layout Plan and Report.
3. Amend the text of the AI Zone by adding language to Section 3.071 that would read, "Location of all development at the Lexington Airport will be directed by the Lexington Airport Layout Plan." This is the same language that is located in Section 3.071 for the Boardman Airport.
4. Amend the Airport Approach (AA) Zone Section 3.090 to reference the ALP maps.
5. Amend the Airport Hazard (AH) Zone Section 3.091 to reference the ALP maps.
6. Amend the Zoning Map and the Comprehensive Plan Map to show the property boundaries of the airport property, the AI Overlay Zone, and the AA and the AH Zones.

This is the first of at least two hearings for the Planning Commission with at least one County Court hearing. Burke O'Brien, Morrow County Public Works Director, applicant, spoke in favor of the application. Prior to the County requesting federal grants for implementation of the Lexington ALP, the Planning Commission and County Court must adopt the ALP and Report, a 20-year planning document. This action is just one step in a multi-phase project. Glen Anderson, Lexington City Council member and Assistant Fire Chief, discussed the need to incorporate into the plan a water supply available to protect the airport facility in case of fire. John Edwards, Lexington resident, questioned where the current well is located. Planning Commission Chair Joel Peterson continued this hearing to June 27, 7:30 p.m., Morrow County School District Building, Lexington, Oregon.

Correspondence:

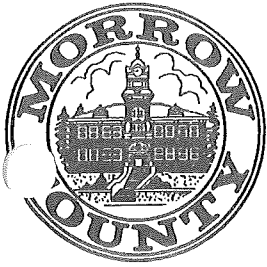
The BAIC Land Partition LP-N-308 appeal hearing with County Court is scheduled for May 1, 2002, at 10:00 a.m. in Heppner at the County Courthouse. Associate Planner McLane presented copies of the letters, including recommendations and suggestions, from Larry Epstein.

Associate Planner McLane explained that the County Court hearing for the Speedway has already been scheduled even though there has not been a recommendation from the Planning Commission. The reason being that the amount of time needed to do public and adjoining property owner notice creates a time line for the hearings that overlap. The following items were provided to the Planning Commission members present: the revised application for the speedway, Mark Greenfield's Proposed Findings, an updated list of exhibits, and the minutes from the April 4, 2002 Planning Commission meeting.

Chairman Peterson adjourned the meeting at 10:25 p.m. The next meeting for regular business of the Morrow County Planning Commission is scheduled for June 27, 2002 at 7:30 p.m. at the Morrow County School District Building in Lexington, Oregon. There will not be a regular meeting in May.

Respectfully Submitted
Kristina Gray
June 3, 2002

Note: The location for the June 27, 2002, meeting has changed due to the lack of availability of the Morrow County School District Building. The meeting will be held in Irrigon at the North Morrow County Annex Building.



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Thursday, May 2, 2002, 6:30 p.m.
North Morrow County Annex Building
Irrigon, Oregon**

Members Present: Joel Peterson, Leann Rea, Don Eppenbach, Art Kegler, Joe Miller, John Kilkenney, Anne Morter, Jeff Wenholz

Members Excused: Ken Grieb

Staff Present: Tamra Mabbott, Carla McLane, Kristina Gray

Chairman Peterson called the meeting to order at 6:35 p.m.

Minutes from the April 4, 2002 Planning Commission meeting were approved with corrections.

Chairman Peterson read the Order of Proceedings

Public Hearing (COMMISSION ACTION REQUIRED)

A public hearing to consider an application by the Port of Morrow for comprehensive plan and zoning amendments to authorize a speedway and speedway associated uses on approximately 1400 acres at the Boardman airport. Property is described as tax lot 110 of Assessor's Map 4N 24. The airport is located approximately five miles west of the City of Boardman, just south of I-84 and west of Tower Road. The application also seeks approval of transportation improvements necessary to accommodate the traffic associated with speedway events, including improvements to I-84, Tower Road and Kunze Road. For a complete list of applicable criteria, please see the previous Public Notice published on January 9, 2002, or contact the Morrow County Planning Department.

Director Mabbott gave the staff presentation. Exhibits 63-88 were received by the deadline of 5:00 p.m. April 18, 2002. Commissioner Kegler moved to accept items 63-88 into the record. Commissioner Rea second the motion. The motion passed unanimously. At the April 4, 2002 meeting the Planning Commission did not reach a preliminary decision but did close the public hearing portion of the meeting and decided to leave the public record open until April 18, 2002 and open oral testimony at the May 2, 2002 meeting, limiting testimony to 5 minutes per person. Director Mabbott presented to the Planning Commission the revised copies of the matrix (blue copies). She reviewed the matrix with the Commission and went over it's contents. The matrix should be used as a reference guide. The question "is this application subject to the 150 day rule" was asked for clarification. The answer was, "no, as it is a legislative amendment". The applicant urged that the County reach a decision by June 1, 2002. Two County Court hearings have been scheduled for May 16, and May 29th so that a decision can be made by June 1st. Mr. Greenfield submitted draft findings after the April 18th deadline and this was acceptable since it did not contain new data.

Director Mabbott started on Page 1 of the draft findings. Under General Findings, A2 second finding, the sentence should read, "an application for site development review to construct a racetrack and speedway uses". Next sentence, strike out "applications to", so the sentence should read, "The Commission further finds that any development of a speedway".

Page 2 Finding 4, strike the word "approximately" and add the words (up to) 208,000 square feet.

Page 3 Item 5, end of first paragraph would like to add the sentence, "each addition would be subject for Site Development Review". Item 6 lists different proposed improvements to the interstate, where it says, "extended ramps and taper lanes westbound on I-84 from I-82 to a location west of the I-84/Army Depot Interchange", in ODOT's April 18, 2002 letter, proposed an actual third lane as apposed to a taper lane. Director Mabbott suggested coming back to this issue.

Item 7 should read, "The applicant proposed adoption of several new comprehensive plan policies aimed at ensuring the development and use of a major speedway at the subject site will be supported with adequate transportation facilities and public services". Strike "among other things" and add "The proposed amendments would require". Director Mabbott suggests adding the original language, since the language on the original application and the revised application are a little bit different, so the three documents are consistent. As staff, she suggests not adopting these plan amendments as they are also addressed as conditions of approval. The reasons for not adopting these plan amendments are, It is not necessary as this will be going through Site Development Review, these are adequately handled through Conditions of Approval, and it also commits the County and other public agencies to actions and or positions at a particular Land Use at a particular site that we may not be able to follow through with. The plan amendment would be redundant. For these reasons those plan amendments are not necessary but are covered under the Limited Use Overlay Zone and as conditions of approval.

Page 4 first paragraph should read, "four (4) potato/onion sheds within the 1400 acre site which would require relocation". Those potato and onion sheds are located on a seperate parcel but they did submit for the record approval from that land owner to make these parcels a part of the application.

Finding 9 second paragraph, should read, "Lands immediately abutting the property to the south are zoned Space Age Industrial". At the bottom it should read, "Property to the west and south west is zoned EFU and is farm production and see attached map of zoning.

Finding 13, just before the sentence Uses allowed in the AI zone include, add the sentence "Section 3.071 The AI zone states "location of all developments at the Boardman Airport will be directed by the Boardman Airport Master Plan/Airport Layout Plan," To insure compliance with this standard the Commission hereby recommends a condition of approval requiring the ALP be amended prior to SDR submittal".

Item 14, Mr. Greenfield proposed to add some language interpreting what the Planning Commission, at that time, intended to adopt. Director Mabbott was uncomfortable with following through on this request, therefore, she requested to keep the first two sentences and strike the rest starting with "Still, while the exception". Mark Greenfield spoke on his decision stating that the designated area for development serves a city with a population of 12,000. As

a matter of law, if you are having an Industrial area to serve a 12,000 person population that makes it Urban. Right now you can only use it for airport related and airport dependent issues. Jon Jinings with DLCD gave their interpretation of this goal 14 and he was consistent with what Tamra said.

Item 15 strike the word "although" so the sentence starts with "The airport" and strike out "urban scale" and add "Air Industrial". Also strike the word "non the less". Item 17, strike the words, "Port's application/exception statement" and insert "the matrix developed by staff" as modified, on May 2, 2002. Last part of that paragraph, not sure we need all of that language there.

Item 18 3/4 of the way down. Strike the language "as comprehensive plan amendments".

Page 8, finding 20 asks the Planning Commission to make some character evaluations about their expert witnesses. The Planning Commission would be uncomfortable to credit and evaluate the people that were presented by the applicant. They have never done that before. Take out some of the language that we are giving them credibility. Decided to strike starting with the sentence, "And although the Commission" and strike to the end of item 20.

Page 10, just above Item 5, the second to the last sentence which starts with "This application responds", put a period after distressed and strike out, "and it provides this use on land that in essence has already been identified for urban development".

Page 11, bottom just before number 7, references oral testimony from Jon Jinings. He offered his thoughts on item 7 which references a LUBA case that Mr. Jinings was involved in. Went on to say he was that he was uncertain on the legal significance of the way LUBA had chosen their language. Director Mabbott suggested striking the last sentence of that paragraph. Mr. Jinings indicated that there were LUBA cases that were referenced.

Item 8, bottom of paragraph, describes why Boardman is an excellent site with regards to the dust blowing, strike the word near and insert the word on.

Page 12, The lands located north of Boardman, change to north east of Boardman.

Item 17 page 14, The Commission finds that there are no DEQ air quality regulations, delete "speedway" and add "racing facility".

Continuing on item 17, where it reads, "The Port also testified that it monitors the static level", at the end of that sentence insert "Water Resources Department submitted letter clarifying the water rights and the requirements to exercising use of that right for speedway. The other 1500 spaces are in the infield.

Also on 17, there was nothing to back up the water issues. Come back to that at the end. Item 19 first sentence reads "The Commission finds that nothing at the airport site limits the proposed speedway usage at the subject site below what is proposed". Director Mabbott asked for clarification on what that means. Mark Greenfield responded by saying that there are no features of that area, that the speedway site has a carrying capacity. The Commission decided to keep the first part of that sentence, "The Commission finds that" and strike the rest of that sentence including "It finds" at the beginning of the second sentence. The lagoon is not in the 1400 acres. You have to separate the lagoon from the airport due to bird issues. Need to see on the plot plan. South east corner of the land is where the lagoon will be located. The Port

used Building Codes guidelines for the estimated RV spots and that those spots will be packed.

Item 20, the traffic study didn't include anyone getting off at the Boardman exit. People will not be getting off at the Boardman exit to get to the raceway but can get off to buy gas. The last part of that sentence, Boardman is centrally located between Washington, Oregon, and Idaho. The Planning commission chose to strike the language about the gas stations, there has not been testimony on the gas situations in this area. Strike starting with "and that gasoline stations in Boardman" to the end of that sentence. Change the last sentence by placing a semi-colon after Idaho, strike "which supports" and add "This central location provides".

Item 23, The sentence, "The site contains a municipal well with adequate capacity to meet water needs generated by a speedway", this is contrary to exhibit 87 by the Water Master. The Planning Commission rarely describes what will have to be done by DEQ. Will talk about this at the end. Same paragraph, put a period after "the speedway developer and DEQ", and strike the rest of that sentence. Will come back to this at the end.

Item 24, Change the first sentence to read, "The Commission finds that other jurisdictions were notified of the speedway development at the airport." and strike the rest of that sentence.

Further in Item 24, concerns raised by the City of Umatilla, the Commission doesn't want to say that Mike Labadie's plan coincides with the City of Umatilla's plan. Put a period after "to which the applicant's traffic consultant provided response", and strike the rest of that sentence.

Item 25, No one has submitted comments or given testimony to this matter. Strike the sentence that begins with "Because this land is not needed for airport purposes".

Item 26. The second sentence should read "Most other speedways have office space for employees.

Item 26, the last sentence should read, "5,000 additional square feet if the number of full time speedway and race related business tenant employees exceeds 40."

Section C, Item 1, in the last sentence, strike the words "are intended to" and add will". Item 2, Division 13, this is the airport planning rule. Page 19, Item 6, for racing related issues.

Page 20, 1st paragraph, the commission further finds, ODOT's letter says 3 persons, this is inconsistent. Come back to this .

Item 8, RV parking spaces, at the end of that paragraph at the language to say, "The Commission finds that additional parking spaces may be required pursuant to review of detailed site plans during the Site Development Review process.

Page 21, item 11, the nearest station from the west is in Arlington. No change

Page 23, item 4, Mark Greenfield against ODOT and Kittelson. Leave that issue there to talk to ODOT. Come back to this.

Item 5 change the first sentence to read, "The Commission finds that Conditions of Approval rather than the proposed TSP policy amendments".

Mark Greenfield explained that in section 3 C there are proposed amendments to the Comprehensive Plan.

Section 4 D there are proposed amendments of the Transportation System Plan. Teresa Penninger with ODOT gave their thoughts on the Transportation System Plan. When you make changes to this you also make changes to the comprehensive plan. What value is there to changing the TSP rather than making them conditions of approval. Come back to this. ODOT believes they should be included in the Transportation System Plan. They agree. Change the matrix.

Page 26, first paragraph item 13, talks about reports. Traffic volumes will not exceed its capacity's. Will exceed level of service but not capacity.

Item 14, volume to capacity standard, the speedway 30 highest hour is for 60, 000 event. 3750 vehicles either inbound or outbound. Strike the rest of this paragraph. Not the data to support that. Mark Greenfield asks that this stays in. If it can be justified, it should stay.

Item 15, not new information. It was provided by Hobson Ferrarini in November of 2001.

Item 17, page 27, different kind of a finding. Not a finding, a subjective statement. New type of project, learning experience for everyone involved. Constant back and forth. Leave this in there.

Page 29, use the reference of Greg Gallian and Mike Labadie . Wait to hear what ODOT says about the people per RV/camper.

Item 21, There was discussion on if they should delete item 21 in its entirety? The applicant put this in there because other states do not have a TSP and with traffic management things run very smoothly. Needs to be left in that the first race is going to be hectic but there after things will smooth themselves out along with traffic management.

Strike the first sentence of paragraph 21.

There are some conflicts with Item 18. First change from 5000 to 3750 vehicles per hour. 3750 has been constant throughout this whole process. 3750 is the peak at the 30th highest hour. Come back to this. Page 30, closer to an agreement between ODOT and the applicant. Come back to this. Page 35 talks about the Dolan case and how the County will be imposing conditions. ODOT requested that the County make decision in regards to the Dolan case. Mr. Greenfield chose to strike the sentence "The Commission finds that the burden to justify the exaction rests on the government imposing the exaction, not on the applicant. If the Commission is to require such an improvement, then ODOT must provide it with an analysis adequate to support the exaction. Also further down in that paragraph where it says, "in each direction of I-84 from about 1200 feet west", delete the word about and change feet to meters. Still on item 34 in the second paragraph strike the sentence that says, "The Commission also has Dolan concerns", and in the next sentence that starts with "With respect to improvements to Tower Road, it finds that four to five", strike the word it and insert The Commission, and delete the words four to.

On page 36 the first paragraph strike it in it's entirety.

Director Mabbott went through list, page 37 item 40, decided to ask ODOT,

Item 41, this is a finding that allows staging of certain components. Should defer this to the Site Development Review. This is what they need before the County will allow the staging of some of these events.

Item 44, talks about County facility, Kittelson had suggested deleting the words, "at LOS A" and insert acceptably.

The last sentence in item 44 should read, "The Commission recommends a five lane road on Tower Road to accommodate speedway traffic and to reduce local traffic volumes on Kunze Road.

Under item E, Director Mabbott clarified that item 3 is a Post Acknowledgment Plan Amendment.

Page 40, Commissioner Morter was concerned that there was no testimony about workforce. Mark Greenfield clarified that there are available people not only in Morrow County, but also in the surrounding region.

Page 43 item 18, detour routes will not be needed? Detour trucks up through Pilot Rock. You cant take a semi truck down HWY_74. Mark Greenfield explained that if operating at 0.70 you don't need a detour route. Strike the sentence that says, "In other words, detour routes will not be needed".

Page 44 item 19 refers to the Gorge amphitheater.

Item 21, discusses bringing positive events. In the last sentence add the language after the word stationed "in neighboring cities as well as in Morrow County.

Item 22, assumes that the hotel/motel and RV spots are all vacant and ready for speedway goers. Can't assume that every motel within 90 miles are waiting for speedway crowds. They are asking for more RV sites as Boardman is a remote area. The Commission does not disagree with this but offers a response, including the additions to the racetrack, the RV park and the tent sites then there would be adequate lodging Commissioner Kegler suggested to strike the sentence, "The Commission disagrees with the testimony for several reasons. First". Director Mabbott decided to hold off on the transportation issues and wait until testimony from ODOT to address these issues.

Page 48 under section H item 4 , at the end of that paragraph add the sentence, "The phase I, 5,000 square feet and the phase II shall be included in the Site Development Review application and a plot plan for that".

Item 5, at the end of that paragraph add the sentence, "The phase II, 5,000 square feet shall be included on the original plot plan being submitted with the application for Site Development Review.

Item 8 , at the end of that paragraph add the sentence, "The additional 100,000 square feet shall be included on the original plot plan along with the 208,000 square feet for the Site Development Review Application. Add the same language for item 9 with regard to the

additional RV and camper spaces.

Item 14 page 50, 14 pertains to Emergency Management not services, add Morrow County Public Works Department. Strike the word "premier" but add "all events". Further down strike the word "premier" add "all". You have to run mock exercises prior to review.

Clarification on 14, change to "only racing events". Additional personnel is needed, and equipment, is subject to land use approval. At the end of the paragraph add "The Emergency Service Plan shall subject to approval by the Morrow County Emergency Management Director who may appoint a committee to assist him in reviewing the plans.

Item 15, At the end of the paragraph add the sentence, "The Security Plan shall be subject to the approval of the Morrow County Sheriff who may appoint a committee to assist in reviewing and making a final decision during all racing events".

Item 17, strike the sentence, "A condition shall be imposed during site development review requiring", begin the sentence with "The speedway owner or operator", strike the word "to" and add the word "shall". Further down where the sentence says, "not limited to DEQ water quality permits, insert "and other appropriate permits for waste water, storm water, or other air containment permits, if required.

Item 18, Strike the first sentence that says, "During site development review". Strike the words "during premier" and add the words, "for the development". Strike the rest of that paragraph.

Item 20 strike "A condition shall be imposed during Site development review requiring" and change the word "to" to "shall".

Item 21, strike the first part so that the sentence starts with "Outdoor". Add the word "shall" after the speedway. Add a sentence at the end of the paragraph stating "Development of the Speedway shall be in compliance with the Airport Planning Rule.

Add language on Item 22 at the end that says, ", and shall be consistent with the Airport Planning Rule.

Item 24, with respect to the RV park, after the word including, add "but not limited to". Item 25, strike the word "permanent".

Changes to item 23, delete the first sentence to the word prohibiting. The next sentence should read, "The speedway developer shall be prohibited".

Item 26, at the end of the paragraph, add "Signage shall be in compliance with zoning ordinance section 4.070 sign limitations and regulations and OAR 734 which is ODOT's outdoor advertising rules.

Item 28, after Morrow County insert "Public Works Director and". Item 29 strike the first part that says "As a condition" and the word "obtaining" and insert "Prior to submission of an application for site development review.

Item 30 wait to hear from ODOT.

Same for 31 and 32 in regards to the staging.

Item 33 go back to . Director Mabbott would like to keep the sentence "Prior to full operation of the speedway, any relevant mitigation required as a condition of approval, and strike the rest of it. Would like to see what ODOT has to say about this.

Item 34 is an ODOT issue.

Item 37, propose to add at the end of 37 "As used in these conditions premier racing events are large and mid size racing events including but not limited to NASCAR, Winston Cup, Craftsman, Truck and Busch Series races, Indy car races, Super Sport Motorcycle races, GT Championships, Cart and NHRA races that are expected to attract 20,000 or more attendees on the day of the racing event.

Item 38 strike the words "As part of the site development review process". Change the word "premier" to "all". Strike "events exceeding 20, 000 attendees". At the end of that paragraph add "The Traffic Management Plan shall be subject to approval by the Morrow County Public Works Director and ODOT Region 5 manager who may appoint a multi agency committee to assist in the review. The speedway owner/operator shall reimburse County for costs of a traffic engineer who assists in the evaluation of the Traffic Management Plan.

Item 39 strike the language "As part of the site development review process". Strike the words "premier events". In the next sentence strike the words "the largest", so it reads, "racing events". At the end of that paragraph add,"The plan shall be reviewed and approved by the Emergency Management Director, Public Works and Planning Director.

Item 40, add at the end "The interagency agreement shall be submitted prior to the application for Site Development Review".

Item 49, after ODOT add the words, "and Morrow County"

Item 50 should read, "The applicant shall demonstrate compliance with the conditions set out in this approval, either during or as a condition of Site Development Review.

Item 51, Director Mabbott would like to strike this as it is an odd thing to require as a condition. Will come back to Item 51. Mark Greenfield chose to strike item 51. The last page, Director Mabbott referenced ODOT's April 18th letter. Will wait until testimony from ODOT for their testimony. At the end add a condition that states, "Prior to the Site Development Review, the Port shall obtain approval from FAA for the final design and for the modified Airport Layout Plan. Ron McKinnis stated that the FAA are ready to approve the 20 year plan.

The planning Commission took a recess.

Director Mabbott requested that Mark Greenfield and ODOT stand up together and go over their agreements. She was presented with a revision by ODOT.

Top of page Page 2 paragraph 3, Mark Greenfield would like to add the word "premier" after accommodate in the first sentence. After (formula one events), insert the language, "As used in these findings, "premier" racing events refers to large and mid-size racing events, including but not limited to NASCAR Winston Cup events, Craftsman Truck and Busch Series races, Indy car

races, Super Sport Motorcycle races, GT Championships, and CART and NHRA races, that are expected to attract 20,000 or more attendees on the day of the racing event. Premier and other”.

Next on page 22 under paragraph D-1 second line includes modifications for I-82, Tower Road Interchange.

Go down a few lines to the 84/HWY 730 Interchange and the speedway interchange and add, “and from 1200 meters west of the Depot Interchange to I-82;”.

Next go to paragraph 6 page 24, midway thru, the sentence starts with “it also concludes”, strike “as provided in OAR -012-0020(2)(f)” and as those terms are defined, strike “necessarily”, ODOT needs to explain that change that says “other than increases in facility size”. Add new sentence at the end, “The Commission concludes that transportation system and demand management measures may be incorporated into its TSP pursuant to OAR 660-012-0060, provided that any such incorporations have been “coordinated with affected transportation facility and service providers and other affected local governments,” as required by OAR 660-012-0060(3)”.

ODOT also added and chose to strike it “other than increases in facility size”.

Go to paragraph 8, the very end, ODOT added “provided that these measures have been appropriately coordinated with area transportation facility and service providers and other affected local governments as required by OAR 660-012-0060(3)”.

Paragraph 11, little farther down, strike words “with certain required improvements and conditions to mitigate traffic impacts”.

On page 27 paragraph 16, 3/4 way down starts on the left. Strike the word “Moreover” add the words “However, while”. Strike the word “testified”, add the language, “has suggested, in its letter dated April 8, 2002 to Ron McKinnis”, and strike “and the Commission finds”. Put a coma after the next sentence which ends with “ramp” and add the language, “the Commission rejects the use of these techniques on I-84 or I-82 in light of ODOT’s testimony related to these measures”. Strike the rest of that paragraph starting with “and based on the TPR”.

Paragraph 21 second paragraph, 5th line down, after “experience with speedways”, add “it finds that ODOT also draws from the advantage of having a well-trained team of transportation engineers and other transportation planning professionals in both its Salem and Regional”. Strike “and thus lacks the specific expertise that Mr. Labadie has with regard to these facilities, |”

Item 22 second paragraph down, strike the beginning of the third sentence stating, “Unless and until such information is provided”. Begin the next sentence with “Accordingly”.

Item 25 page 32, 3rd paragraph starts with initially. Strike that entire paragraph.

Page 33 item 26, 2nd paragraph, It finds that higher traffic volumes at the speedway, add, “in the vicinity of 5000 vehicles per hour”.

Page 35, item 34, 11 lines down, starts with “The Commission finds that the burden to”, strike

this sentence. Also strike the sentence after that begins with, "If the Commission is to require". In the next sentence down 3 lines strike the word "about" and change feet to meters.

Item 41 on page 37, Mr. Greenfield split item 34 into two different items. Strike out from the last sentence, "and the use of barrels or cones to create additional ramp lanes (such as on the northbound on ramp to I-82 from eastbound I-84)".

In the conditions, Item 31, page 53, strike from "provided however that if feasible, nonstructural improvements", to the end of that paragraph. Item 37, they added the definition of "premier".

Item 38, the first sentence strike out the word "premier" then add the word "racing" after speedway, and strike out in parentheses "events exceeding 20,000 attendees".

Item 39, strike the word "premier" in the first sentence. Also in the third line from the bottom strike the word "premier".

Item 43, at the end of the paragraph add "Only information or directional signage will be allowed on state highways. Any such signage shall conform with the MUTCD (Manual of Uniform Traffic Control Device)".

Item 47, Mr. Greenfield stated that they would be working on this item a little more but the changes proposed for now are to strike "monitoring and" from the second sentence and strike "event" and insert "weekend".

Also in item 47, on the second line strike the word "premier" and after weekend say "requiring transportation management measures". The next sentence towards the end put a period after the word "day" and strike "involving a premier event". Mark Greenfield had some proposed language for this item but after conversing with the Planning Commission decided to strike out his proposed language.

The Planning Commission now heard testimony from the proponents. Applicant representative, Mark Greenfield felt comfortable with the findings, the unresolved issue is the number of people per RV is. Referred to Greg Gallian's letter on his experience and how many people per RV there are at current races. He asked that it stay 4.5 people per RV. LUBA says they have to address relevant issues. Not having stand alone uses. Reached a consensus with ODOT on the third lane. Needs to fine tune with ODOT. Thinks that the conditions are fair and reasonable and that the parties have agreed. Great potential to this County.

Ron McKinnis responds to the letter from Perkins Coie LLP on behalf of BAIC lands, met with the Port and they have resubmitted another letter with concerns to noise, traffic, and security. Withdrew their concerns for these issues. Addressed the ground water study, water use is located inside the Port property. The Conservation Plan is being revised and modified by a consultant. Port will have to apply for an extension to develop the municipal use. They have to have something to use the water for before they can extend their water rights. Storage will be included for use and for fire flows. They expect the storage band to be roughly 2 million gallons and the instantaneous flow for the amount of water that is allowed under the permit is 4.9 CFS, which is for municipal use, part of that does include irrigation. This translates to about 2226 gallons per minute. It will take about 15 hours to fill a 2 million gallon tank with the allotted water under the permit. The use required by the development is not continuous so flow is limited under the permit. It is more than adequate to meet under the storage requirements.

Have extensions until they can show a use. The projections they are showing is for 20 years to meet 145,000 people. He went over the new Site Development Plan. The acreage were based upon customary use that are guided by the Building Codes Department. They say that you can roughly park 100 cars per acre, RV's need to be 1 per 1,200 square feet for a developed site. Tent and undeveloped RV's are at 1 per 600.

Kerry Peterson, has been a racer for the last 20 years. When Portland got their raceway it changed dramatically. All he can see for this County would be benefits.

The Planning Commission then heard Opponent testimony. George Griffith gave testimony that the main reason he is opposed to this is because of the impact on traffic. The traffic will destroy the usefulness of the land. He compared the 28 jobs proposed by the speedway to the Tillamook Cheese Factory which has provided 39 full time jobs and is expanding. Are these people going to be bonded to complete these projects and provide an adequate system that will work? He feels it is unreasonable to ask someone to detour that depends on that road to get to where they need to go. He feels that this application has already been accepted and the applicant is just ironing out the details.

Kelley Doherty spoke in opposition. She feels that not everyone has been given the opportunity to speak. Mr. Greenfield was able to speak for more than 5 minutes. He has had all the time to speak. She addressed the well situation. This may cause no water at the airport.

Leslie Ann Hauer spoke in opposition. She represents Kelley Doherty of Boardman and Ramona Anderson of Umatilla. She talked about the revised application that was received on April 18th at the last minute. The County needs to make sure these details are right. Its a new application and should be treated as such. The Water master letter stated they cannot guarantee enough water. She asked that the Planning Commission focus on what does the speedway mean for this region? Everyone that uses these highways will be effected. This is intended to serve urban areas. Not this area. Everyone that works plays, etc in this area will be affected.

Commissioner Morter asked Leslie Ann Hauer about the 3750 cars. 3750 meets the vehicle to capacity ratio of .7. ODOT's first traffic analysis assumed a 3 hour arrival and departure window. The applicant changed the window for arrival and departure which changed the cars ratio. Questions were asked by the Planning Commission to Leslie Ann Hauer about the well issues and the monitoring of the ground water.

The Planning Commission then heard from Agencies Rich Malaas, Naval Officer for the Bombing Range. He had some comments starting with page 4 finding number 9 2nd paragraph 5th line down. He asked to strike "computer simulated". It should read aerial bombing. Page 54, item 35 second sentence. He recommended putting a semi-colon after the word reasonable and insert the word "and". They are interested in the Airport Master Plan and in further continuation of the speedway process. He offered clarification on the site of the airport. It was part of the Army Air force bombing range. It was established in the 1940's. In 1963 the eastern half of the bombing range was sold to the state. There is a potential for unexploded ordinance. They recommend to call if you find something while digging.

Tom Schuft Region Manager with ODOT spoke. In the April 18th letter they outlined the methodology on 30th highest hour. The applicant has provided an alternative set of

assumptions. They would like to continue on these assumptions to ensure they are validated. Would like to talk to the county about ODOT's recourse in the event things don't work out. There are some things that need to be worked out with the applicant. He would like to think up the language before County Court is done with this on allowing ODOT to say that they haven't complied and that ODOT can shut them down.

Jon Jinings, DLCD, referenced his written letter dated April 15, 2002. They have two items of concern. The Overnight accommodations are still the issue. The other tracks don't offer these accommodations. He asked that they take precaution when they are constructed so that they do what they are intended to do. Design the buildings to accommodate the speedway people and not attractive to the public. He asked that the County enforce this if the public starts to use all the facilities at the speedway such as use the restaurant, buy gas, use the hotel, etc. Plan policies/conditions of approval. Better placed as plan policies. Ensure that they don't have a number of commercial buildings get built out there and then have no speedway. Beyond the 10 items no further things to submit. Items A-J from their letter. February 21, 2002 letter was reviewed. Propose two conditions, overnight accommodations limited to speedway activities, condition 23 states this. Don't have the language about the accommodations. Make this a comprehensive plan amendment or a specific condition of approval. Condition 7 states this. It is essential to have this lodging on site to cater to the high class ticket buyers, supporters, backers, media, etc. Condition 1 authorized these uses. Shall not exceed the size scale or use without obtaining a new goal exception.

Stelian Onufrei explained what type of lodging the speedway is asking for. It is for elite people, media, team owners, financial backers.

Rebuttal submitted by Mark Greenfield. He referred to George Griffith's 62.5 vehicles per minute, and this can be handled. Regarding Leslie Ann Hauer's testimony, this facility is being planned to meet ODOT's requirements. This will be far better than the traffic in Portland. They looked at places in metro areas and there is too much rain in the west side. Much better weather conditions here. Taking a lot of land out of production to locate it in a metro area. Tom Schufft stated that they recommend that the applicant and county work with them. The Comprehensive Plan has been compared to as a constitution for a land use.

Ron McKinnis gave rebuttal. He referenced the critical ground water zone. Their well is not in that zone. They have met all conditions of that permit but cannot further that until there is a reason to use that well. They have complied with all the conditions asked. 4.96CFS is their limit.

Mark Greenfield closed his comments the agencies are okay with this use. Have got numerous support that they can handle this event. (Local agencies)

Closed the public hearing to deliberate.

Commissioner Morter referenced exhibit 76 the newspaper article. Problems with getting a Winston Cup race. Not much maneuver room to find a new Winston Cup date. Look at the map on the market feasibility. Page 15 and section 4. Does NASCAR need one in this area? Commissioner Kegler stated that the majority of the races will be 60,000 or less. Thinks that a Winston Cup is not the issue.

Commissioner Rea referred to exhibit 78. The big one probably won't happen here.

Commissioner Kegler said there is sufficient land within the urban growth boundary for this type

of lodging. The Planning Commission discussed this. Ask for specific guidelines and rules for these types of uses. Commissioner Kegler would be comfortable in not revisiting the conditions of approval but to go along with what was discussed earlier.

Commissioner Kilkenney asked for clarification on the findings. When it refers to the commission, can it be the whole commission and not each individual commissioner? Commissioner Rea moved to recommend to County Court to pass the application for comprehensive plan and zoning amendment to allow siting of a speedway . Commissioner Miller second the motion with the modified and added findings.

Roll call vote. Commissioner Rea, I, Commissioner Kegler, I, Chairman Peterson, I, Commissioner Eppenbach, I, Commissioner Kilkenney, I, Commissioner Morter, Nay, Commissioner Wenholz, I, Commissioner Miller, I. Passed by majority vote.

The first County Court hearing will be at 9am on May 16th at Stokes Landing in Irrigon Oregon. Chairman Peterson adjourned the meeting 11:55 p.m.

The next meeting for regular business of the Morrow County Planning Commission is scheduled for June 27, 2002 at 7:30 p.m. a the Morrow County School District Building in Lexington, Oregon. There will not be a regular meeting in May.

7/26/02



COUNTY COURT

P.O. Box 788 • Heppner, Oregon 97836
(541) 676-5620 FAX: (541) 676-5621

TERRY K. TALLMAN, Judge
Boardman, Oregon
JOHN E. WENHOLZ, Commissioner
Irrigon, Oregon
DAN BROSNAN, Commissioner
Heppner, Oregon

Minutes of the Morrow County Court
Thursday, May 16, 2002, 9:00 a.m.
Stokes Landing Community Center
Irrigon, Oregon

Members Present: Judge Terry Tallman, Commissioner John Wenholtz, Commissioner Dan Brosnan

Staff Present: Tamra Mabbott, Kristina Gray

The meeting was called to order at 9:07 a.m.

Judge Tallman read the Order of Proceedings

Public Hearing (COMMISSION ACTION REQUIRED)

THE MORROW COUNTY COURT will hold a public hearing to consider the recommendation of the Planning Commission for comprehensive plan and zoning amendments to authorize a speedway and speedway associated uses on 1400 acres at the Boardman airport. Property is described as tax lot 110 of Assessor's Map 4N 24. The airport is located approximately five miles west of the City of Boardman, just south of I-84 and west of Tower Road. The application also seeks approval of transportation improvements necessary to accommodate the traffic associated with speedway events, including improvements to I-84, Tower Road and Kunze Road.

The application for approval of a speedway and speedway associated uses involves exceptions to Statewide Planning Goals 11 and 14. Goal 11 and 14 exceptions are necessary to permit urban level uses and supporting public facilities on rural lands. Previously, a Goal 3 exception was approved to allow airport dependent industrial and commercial development at the Boardman airport. However, that exception did not permit the uses being requested with this application. Proposed speedway uses include racing tracks, pits and garages, race control tower, grandstand with seating capacity up to 145,000, an infield structure with drivers' lounge and meeting rooms, portable hospitality tents, a medical/first aid facility, parking and restroom facilities, administrative office, maintenance and equipment buildings, restaurant, gift shop, speedway lodging facilities, an RV park and grocery/convenience store, tent camping areas, low intensity outdoor recreational facilities, an arcade, gas station, multipurpose recreational facility to accommodate car shows, rodeos and other events, and an industrial park for auto-related industrial uses. The applicable goal exception standards are Goal 2 Part II and OAR 660-014-0040.

Goal 11 and 14 exceptions are also proposed to allow certain transportation improvements on rural lands, including a new four-lane surface road system on

speedway property and a new I-84 Interchange west of Tower Road. The applicable goal exception standards are LCDC Goal 2 Part II and OAR 660-012-0070. Other proposed transportation improvements are permitted under OAR 660-012-0065.

Additional LCDC standards applicable to the speedway and/or proposed transportation improvements include LCDC Goals 1, 2, 6, 8, 9 and 13, OAR 660-012-0060 and OAR 660-013-0070, 0080, 0100 and 0110.

The applicable Morrow County Comprehensive Plan goals and policies are: Citizen Involvement Goal and Policy 3; General Land Use Policy 9; Agricultural Lands Objective 3 and Policies 1, 2 and 6; Natural Resources General Policies G and L and Air Resources Policies A and B; Natural Hazards Policy 8; Recreation Policies 6, 7, 8, 12, 13, 15 and 17; Economy Goals 1, 2, 3, 5, 6, 7, 8, 9, 11, 14, 18 and 20 and Policies 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 19, and 27; and the Energy Conservation Policies 1, 13, 14 and 16.

The applicable Morrow County Transportation System Plan goals and policies are: Goal 1 and Policies 1.1, 1.3, 1.7 and .112; Goal 2 and Policies 2.1, 2.3, 2.4, 2.5, 2.6 and 2.10; Goal 3 and Policies 3.1, 3.2, and 3.3; Goal 4; Goal 5 and Policies 5.1, 5.4, 5.6 and 5.8; Goal 6 and Policy 6.1; Goal 7 and Policies 7.2 and 7.6; and Goal 9 and Policies 9.3 and 9.4.

Morrow County Zoning Ordinance Section 3.110 (Limited Use Overlay Zone) also applies. The proposal would apply this zone to those portions of the airport approved for Speedway-associated uses.

Article 8 (Amendments) and Article 9 (Administrative Provisions) of the Morrow County Zoning Ordinance establishes the authority and process for reviewing this application.

Judge Tallman began the meeting by explaining the importance of using the microphones so that all could hear what was being said. He then stated that he had exparte contact on April 4, 2002 at about 5:00 p.m. at the Port of Morrow with Mark Greenfield. He explained that there was talk about clarifying possible dates that the commissioners would be available to meet. He stated that this would not affect his decision making. He asked if anyone had questions about his exparte contact.

Mark Greenfield then spoke about the exparte contact as he was present at the time. He stated that after he started the conversation and then realized that Judge Tallman was in the room, he stopped the conversation immediately and left the room.

Judge Tallman explained that he does not want to discourage anyone from speaking. He explained the process of the hearing and to fill out a yellow slip if you would like to have the opportunity to give testimony. He asked that the speakers focus testimony on new data or new evidence and not to repeat data that has been previously discussed.

Director Mabbott started the hearing by asking the applicant to summarize what they are requesting to the County Commissioners.

Mark Greenfield began with an overview of the application. The application is to locate a major speedway on about 1400 acres at the Boardman Airport. The airport is designated Airport

Industrial, it is zoned Air Industrial Park. The surrounding lands are predominately zoned General Industrial or Space Age Industrial. The speedway would be located on the northern portion of the Airport outside of the airport imaginary surfaces. A slide show was also present to go along with the presentation. The property is about five miles from the city center of Boardman and about three miles from the Urban Growth Boundary. The nearest dwelling is approximately ½ mile from Tower Road and approximately 2.4 miles from where the racetrack will be located. The Speedway will be sized and developed to accommodate NASCAR Series races, Indy Car races, Semi and light Truck races, Drag races, Motocross races, and similar type events. The Port is requesting the following: Amendments to Morrow County Comprehensive Plan to allow a Speedway and Speedway related uses, this requires exceptions to Goals 11 and 14 to authorize Speedway and associated uses. The facility would allow urban level uses and provide public facility server level uses this is why exceptions are required. The Port is also requesting amendment to Morrow County Transportation System Plan. These include some new Transportation System policies, new roadway improvements, and exceptions to Goals 11 and 14 for two proposed new roadway improvements, a speedway interchange and a four lane roadway through the Airport. Finally the Port is requesting an amendment to the official plan and zoning map to apply a Limited Use Overlay Zone to the speedway. These changes will require the County Court to adopt an ordinance approving the plan and the zoning amendments. Uses are speedway accessory uses, grandstand, hospitality tents, medical first aid facility, infield structures, office space, maintenance, restaurant facility, gift shop, lodging, an industrial park for racing related industrial uses, RV camp ground with convenience store, tent camping area, multi purpose recreation area, gasoline station, low intensity outdoor recreational facility, arcade, and parking. (parking for 20,000 spaces rather than 43,500 spaces)

The Transportation System Plan Amendments, there are a number of plan policies that this application would include. They would provide consideration of some alternatives, they would involve the preparation of detailed Event and Traffic Management Plans, they provide for the speedway operator to pay all costs of improvements to the roadway system and all costs associated with Traffic Management Plan implementations, and they also require coordination between the Speedway operator and affected Governmental and Emergency Service providers. In terms of the specific roadway improvements, there would be modifications to the Tower Road interchange ramps and there would also be a four lane bridge, there will be stacking and merge lanes associated at various locations along I-84, there will be a new I-84 speedway interchange, a new third lane on portions of I-84, these portions would be from HWY 730 to the Speedway Interchange you would have three lanes in both directions, and also from approximately 1200 meters west of the Army Depot interchange to I-82 there would be a third lane, there would be modifications to the I-82/I-84 interchange ramps to provide two lane ramps as well as merge and diverge lanes there, there will be a four lane road system within the speedway, they would be widening Tower road to five lanes from I-84 to the southern most entrance into the Speedway along Tower Road, and finally there would be realignments to Kunze Road. These improvements are necessary to insure a safe and functional Transportation System and to comply with ODOT and Morrow County Roadway Performance Standards. They anticipate that a large percent of the people will arrive at least one day ahead and stay overnight. RV camping spaces are available for the large amount of people.

Judge Tallman asked Mark Greenfield for a copy of the summary that Mr. Greenfield presented. He informed Judge Tallman that It is in the application . They do have the matrix which is an overview of the application.

Director Mabbott identified all the exhibits since the packets were given to the County Commissioners. The list goes up to exhibit 92 which were approved by the Planning Commission. She presented to the County Commissioners the new exhibits 93-103. Exhibits 93 and 94 were brief and will be read into the record. She then read exhibit 93 into the record which was a letter to Ron McKinnis from DEQ . Exhibit 94 was also read into the record which was from Gary Wilson with the Department of Energy to the Planning Department. Their letter stated that applications must be submitted to the Department of Energy for use of the right of way. Exhibit 95 was on Port of Morrow stationary about use of the water permit, lagoon storage of waste waters, and air quality, this also was included as an attachment. Rather than reading exhibit 95 they will talk about that today. Exhibit 97 was a letter to Mark Greenfield from Bill Blosser describing how traffic system management and traffic demand management measures are treated in the transportation planning rule, OAR-660-012. Exhibit 98 was a letter to Tom Kuhlman with Oregon Department of Transportation from Mike Labadie with Tetra Tech, regarding the number of persons in each RV and Campground sites. Exhibit 99 was a letter from Threemile farms to Gary Neal regarding Mr. Neal's explanation on the impact to the surrounding landowners. Exhibit 100 was a letter from Hobson Ferrarini to Ron McKinnis about the market impacts of Speedway Lodging at the Oregon Motor Speedway. Exhibit 101 dated May 13 from Hobson Ferrarini to Ron McKinnis about the premier racing weekends at the Oregon Motor Speedway. Exhibit 102 was a letter from Mike Labadie with Tetra Tech to Ron McKinnis in response to comments received from Tom Schuff, ODOT Region 5 Manager Boardman, Oregon. Exhibit 103, a letter from Anne Morter with some comments in opposition. Exhibit 104 from Pat and Leslie Suter from Boardman with information and comments to submit in opposition. Director Mabbott requested the Court accept exhibits 93 through exhibit 104 into the record. Commissioner Brosnan moved to enter exhibits 93 through 104 into the record. Commissioner Wenholtz second the motion. The motion passed unanimously.

Director Mabbott presented the staff report. On the draft findings of fact that were signed by the Planning Commission, Director Mabbott had some changes to recommend that mainly pertain to the conditions of approval. On page 50 condition 9, added some language at the last Planning Commission meeting, she proposed to add some clarification that said "the RV facility shall be allowed for a use in conjunction with the Speedway event only." This should start a new sentence.

On the next page condition 14, she wanted to bring to attention, with regard to the emergency services plan, where additional services would be required of local providers, about 2/3 of the way down there is a sentence recommending that if additional personnel or equipment are required beyond the resources of fire district or emergency service providers in order to provide an adequate level of protection for the speedway complex and it's attendees, then the speedway owner /operator shall provide funds to pay for these additional personnel and equipment including a new fire station, subject to land use approval, and equipment at or near the speedway is required. Similar language is included on a security plan, and that would be conditions 15, "it requires a security plan that has the blessing of the county sheriff, City of Boardman Police Department, and the Oregon State Police". There is also similar language in there that says the speedway owner or operator shall be responsible for the payment of additional costs incurred by law enforcement, public safety, and emergency service providers associated with servicing a racing event at the speedway.

Condition 24 on page 53, similar language, it currently reads, "except with respect for the RV park , Morrow County shall not issue occupancy permits for any of the uses identified in paragraph A-4 prior to the completion of the uses identified in paragraph A-3 including but not

limited to a minimum grandstand seating capacity of 60,000 person", she proposes adding the sentence, "the occupancy permit for the RV park may be permitted for construction workers only, and to see condition 9 above".

Condition 28 reads "the Morrow County Public Works Director and Engineer shall develop roadway design standards appropriate for construction of a five lane roadway", she talked to Burke O'Brien about this and he would not want to adopt a standard that applies because non of us can envision the need for a five lane road standard but he would like that to be a five lane road standard for Tower Road.

Condition 30 is the long list of transportation improvements. Tower road and the Tower Road Interchange are not included. . Director Mabbott proposed adding place holder language "condition M, improvements to Kunze Lane within existing right of way as recommended by the Public Works Director". Believes there will be quite a bit of traffic on Kunze. Condition M would be warranted if it needs to be upgraded. NEPA analysis will only apply to the State system. They will come back to this later in the meeting.

Page 59 add a new condition 61 which will read, "a land partition application shall be filed and approved by the Planning Commission before the land owner may sell or deed the approximate 1400 acres speedway property (ORS 92-010, 92-012 of the Morrow County Subdivision Ordinance Section 5.010).

She then went over Larry Epstein's comments, page 31-32 finding 22 suggests proposed to be rewritten so that all can understand.

Finding 25 on page 46. Require need for racing facility that they show. The review and vision process, should be established for minor quasi judicial , last sentence, suggest that they strike this whole last sentence. That stated and on strike that sentence.

Finding 32 page 47. Security and Boeing Agri property and Threemile Canyon Interchange. "Will not be used," Larry added language "would likely not be used". The need will depend on NEPA analysis.

Director Mabbott distributed copies of the draft ordinance. This concluded her staff report.

Judge Tallman started with proponents testimony. Mr. Greenfield spoke on behalf of the applicant.

Mark Greenfield representing the Port of Morrow spoke on behalf of the applicant. The Oregon Motor Speedway is a project they have been working on for almost 2 years. Before he presents the application he thanked the planning staff at the Morrow County Planning Department. He explained how great the staff has been to work with. He stated that he would not be going into great detail since the County Court Commissioners have been attending the Planning Commission meetings and are familiar with the contents. The Planning Commission, by a 7-1 vote, accepted this application and sent it to the Morrow County Court.

Mark Greenfield explained how he had received a copy of a letter from one of the Planning Commission members. He didn't feel comfortable that a decision maker at one level and then go to being a witness at a higher level submit a letter. He explained why Boardman is the prime spot for this type of speedway. There is no loss of farm land by placing a Speedway on that

particular property. It is a multi modal location, there is air, water, rail, and roadway. There is the ability to use other modes, and hopefully over time, other modes will be increased. The weather is dry. Wet conditions are not good for racing. Large ownership, single ownership of all the property. Underutilized property. Has been zoned for this use since the 1960's. There are services needed for this site. This site is far enough from the Army Depot. No impact to farm land. Original state of Oregon property, 1984 the port leased from the state which included the airport. An industrial park and airport were required to be placed there. 1985 based on the lease, port placed a goal exception to this land. Goal 3 exception. LCDC acknowledged the goal exception. The speedway is not airport dependent. Goal Exception Standards (OAR 660-014-0040) justify new urban scale development on rural lands, urban developments cannot be reasonably accommodated through UGB expansions or at existing growth centers, reasons to justify the speedway are similar to 1986 acknowledge exception , diversify and expand economic activity at the Port, promote economic growth and stability in the county, improve and enhance airport facilities and safety. Poor agricultural lands readily available utilities. They looked into other areas and there is not sufficient land inside the Urban Growth Boundaries. Look at Central Oregon, Crook County roads don't work there. Portland has wet weather. Traffic problems in Pendleton. Army depot area is within the safety hazard zone. ESEE (Economic Social Environmental Energy) consequences, no loss of farm land, underutilized land, noise - 2.4 miles to nearest dwelling, traffic access - only occasional problems, public use airport is outside the Army/Navy restricted flight zone, no inventoried natural resources on the site. compatibility - buffered from Farm Lands & residential areas, wont impact resources management, compatible with airport industrial uses, traffic an issue only a few weekends a year, Mitigation will be used to minimize traffic impacts.

New improvements, speedway interchange and new road to go through speedway property itself. Exception standards transportation need cannot reasonably be accommodated through: alternative modes, traffic management measures, improvements to existing facilities. Alternative modes not sufficient by themselves, traffic management not enough by itself, existing facilities-proposed improvements will be to existing facilities but still need circulation and 2nd access to meet ODOT standards. Most of improvements are to existing facilities. Needs speedway interchange as a second access to the property. Mr. Greenfield will speak on changes to the Planning Commission's findings after Ron McKinnis and Mike Labadie speak. There were no questions.

Ron McKinnis spoke about public facilities required to accommodate a development of this type. Domestic Water supply, municipal well water permit, Fire Water Supply, 2 mil gal storage and system capacity, Domestic sewer collection, 3 ac. Lagoon/land application areas, storm water collection , airport facilities. Fire protection, onsite & agreement with rural district, police/security, sheriff onsite & agreement with local, emergency services. Showed a slide of the proposed site. Showed an overview of the site and the rail spur and the BPA power lines. Bottom circles below the airport, these are now irrigated with fresh water. Dot in bottom right corner, possible site for lagoon for sewer needs. Gave a conceptual drawing of the inside of the speedway. Enter a copy of the proposed layout into the record. Inside the 400 acres, there are 1500 spaces for unimproved RV. 10,000 for RV and camping. Judge Tallman added exhibit 106 into the record, site map. Air and water quality. Municipal well waters meet ODH standards for domestic drinking water. Air shed background also adequate. They want to make sure they are consistent with the airport master plan. There is currently a 20 year ALP. Also created a 50 year build out. The airport and the airport related activities that are projected for use will not impinge on the fifty year build out, that's consistent with the FAA requirements, the speedway activities are compatible with the activities, one specific thing is lagoons and/or

water features near an airport. You have to be consistent with the FAA in bird issues, which was addressed in a recent submittal. The airport is in need of improvements. Gave an overview of the ALP. Runway improvements, extended to 8000 square feet, expand taxi ways and airport access. Rough overview of the whole project. Ron asked for questions. Commissioner Brosnan questioned the new exhibit that talks about the lagoon and waste water capacity. If you build 10,000 RV spaces, have all the waste been taken into consideration for a 50 gallon tank on all RV? Ron answered that, by the study that was done by looking at what kind of site it was and an average of 4 people per site. Yes all factors were taken into consideration. They could accommodate the uses with storage, plus meet the needs of all the services as well as emergency services. 4 million gallons of water. No further questions.

Mike Labadie on speaker phone gave his presentation. Talk about traffic. Wants to talk about the new things lately. Ongoing process with ODOT and Kittelson and Associates and Tetra Tech. Most of the issues have been resolved or agreed to. There are three items still under discussion, including issues on I-82, HWY 730, HWY 97 and I-84 junction, and the 30th highest hour. First item lengthy discussions I-82 and HWY 730. Gave merge and diverge analysis and the ramp terminals analysis. He explained what each one of these are. During peak hour, based on discussion with ODOT, 375 people in the inbound and 375 in the outbound. This is for the 60,000 person event. With simple traffic management techniques this will operate with ODOT requirements. Port of entry on the southbound, involves having police officers at the top of the off ramps, etc. Don't allow cars to back out onto the freeway. Have helicopter and communication between them and the police officers will take care of the traffic issues. Will have 230 in the peak inbound and 230 in the peak outbound. Terminal analysis wasn't done because they had to have data to do this study with. Management could be done with police officers. 30th highest hour is the point where you are designing for that traffic volume and anything above that you are managing. To arrive at the 30th highest hour, The way Hobson Ferrarini came about this is they took data from other tracks and established that 2021 attendance number for each scenario. They came to the conclusion that 33,750 would be the 30th highest hour. The results indicated under scenario 1, 3,750 would be between the 4th and the 10th highest hour. Under scenario 2 would be between the 13th and the 20th highest hour. Should be a couple hundred less than 3750 for the 30th highest hour. Director Mabbott asked him to clarify the terminal analysis. Also to be clear, no improvements are proposed for Highway 730. Improvements there would not be necessary given the analysis and the requirements of the Transportation Planning Rule.

Mark Greenfield clarified when this analysis was done back in November, ODOT, on the following of the day the 3 hour peak period when the remaining traffic would arrive. Hobson Ferrarini gave examples of what speedways have. Exhibit 3 of Hobson Ferrarini and last page of Tetra Tech exhibit. Would have another race followed by another race. Hobson Ferrarini said they shouldn't be assuming only 25 percent would arrive early as there are many activities and other events to see and things to do. Will be less traffic for the 60,000 events.

Mark Greenfield has proposed changes to the recommendations by the Planning Commission. They approved some findings and he believes they are more clerical in nature. Findings that would be adopted by the County Court should say that the County Court finds rather than the Planning Commission finds. The findings weren't as clear as they should be. They still need to be changed and that is why they are not being put into the record today. There is language in the Planning Commission's findings that say, "the Commission heard testimony", they have been changed that to read, "the record includes testimony". Change Planning Commission's recommendation to decision. Port asked that the County Court indicate if they agree with these

changes. Address new evidence and testimony. Need to change the findings to reflect the new findings. First proposed change would be to item A-14 page 6. The issue is whether or not the 1985 exception authorized Urban uses at the Airport. Director Mabbott recommended that these findings be removed, they suggest that the County Court find the Industrial Development was intended to serve Boardman's population, this would have allowed Goal 14 or Goal 11 for those uses. Finding A-21, a new finding, addresses the credibility of witnesses. Larry Epstein agreed that it is not appropriate to have a finding that says that the witnesses are credible and knowledgeable but it is appropriate to find that their testimony is credible. There are some other revised findings that provide for the County Court to find that certain testimony is believable or more persuasive where there is conflicting evidence. These include under findings B-8, B-12, B-13, B-23, C-8, and C-10. Finding B-17 page 15 involves air quality and water availability. B-24, page 17, dealing with coordination of plans of other jurisdictions. At the Planning Commission meeting, Director Mabbott asked that the words, "plans of", be taken out. Mark discussed this with Larry Epstein and Director Mabbott. Provided interpretive language. If during coordination, a local government raises concerns about consistency of this plan, then those concerns need to be addressed. Item C-5 page 20, condition 59-60 asked that the applicant provide more information on this. Would be patrons that would be using speedway lodging, make sure that this lodging is not available to the public. Finding C-7 dealing with recreation vehicles. Limited signage for the RV park. They have done this with different language. Finding C-8 which deals with the RV occupancy rate. The Planning Commission agreed on an average occupancy rate of 4.5 people per RV. There have not been specific count's done on these. Finding D-6, dealing with Transportation System Management and Transportation Demand Management, ODOT testified in it's April 18th letter that the County can't use Transportation System Management and Demand Management with the Transportation Planning Rule. Bill Blosser's letter of testimony disagrees with this. Doesn't agree with the State that you can not rely on Traffic System Management. Finding D-16 deals with structural improvements, according to ODOT, they are concerned that the structural improvements that are in the current application may not get built . The Port proposed to add some language expressly finding that these improvements are needed. Finding D-22, after Larry Epstein reviewed the findings, he told Director Mabbott and Mark Greenfield that he found this one hard to follow. Finding D-24 regarding Biggs junction. Needs clarification, and the proposed findings would address that inconsistency. Finding F-31 regarding Threemile Canyon. Page 51. Threemile Canyon farms had concerns with traffic, noise, and security. After the record was closed by the Planning Commission, they submitted another letter that they had spoke with the Port and they were satisfied that their concerns had been met. Conditions 7, 9, and 32 also had some changes. Clearly limit the use of speedway lodging. Mr. Greenfield had concerns but he believes that it can be worked out together. Coordinated with Director Mabbott and Larry Epstein . Would like to improve these proposed findings and conditions. Commissioner Wenzholz asked a question on C-5 page 20 talks about a casino. They were saying that only one out of 9-10 other speedways that were looked at, had plenty of space on the property itself, they were not talking about a casino here. Commissioner Brosnan had question on traffic assumptions. Specifically HWY 730 and I-82. These are based on pre-race and post-race events. Will hold pre race and post race events to bring people in earlier or keep people there later so that they're are not as many people on the road at one time. Page 60, condition 37 was looked at and Mr. Greenfield stated that this is consistent with what was in the Hobson Ferrarini report. Commissioner Brosnan then addressed the question about the location of the speedway in relation to the Depot. The speedway is still fairly close to the depot. Ron McKinnis addressed this question by stating that there were a number of letters from Casey Beard addressing this situation.

The County Court took a five minute recess.

Judge Tallman called the meeting back to order. The applicant was finished with their testimony and there would then accept testimony from the neutral side and then go to the agencies. There were no proponents there to testify. Debi Watson with Umatilla Electric Cooperative spoke as a neutral party. She asked for clarification and possible modification on the findings. Umatilla Electric would like to participate in the Site Review. Director Mabbott explained that the Site Development Review will be another formal quasi-judicial hearing and therefore all the agencies will be given notice for these and allowed to participate. Debi wanted to make sure they will be noticed and given opportunity to be involved. In the findings, section A number 7 says that the proposed amendment would require, owner/operator will work cooperatively with emergency service providers and affected state and multi government agencies in developing a Transportation Management Plan. She asked the Court if this would also be part of the Site Development Review process. The traffic management. Director Mabbott explained that Event Management Plan, Emergency Service Plan and Traffic Management plan are to be required. Each plan has a different committee. When committees are put together, the local utilities will be involved in that study. The Umatilla Electric Coop would like to make sure that they are involved in these processes. Also, as they stated previously they are not an emergency response entity. Emergency access is addressed. They have had situations where their facilities were on fire and they were not allowed on the property since they are not emergency response people. They would like it to be expanded that if it is electric services on fire or electric services are involved, that electric personnel will be allowed on the premises to take care of their facilities. Judge Tallman would like to add the wording so that they utilities would be allowed if it involves their facilities. Lastly, on section H item 20, the speedway developer shall pay for all costs in relocating lines. This is specific and they would like to include all electric facilities. Not just lines. It is not standard protocol that developer pay for 3rd party services. Asking that they pay for facilities not just power lines. It should say utility services, not just power lines.

The Court then heard from agencies starting with Marc Rogelstad, Boardman Rural Fire Chief. He is here to answer questions concerning fire protection to this facility. Judge Tallman asked if the property was within their district. The Boardman Rural Fire District have had conversation on dealing with issues at the facility and what requirement would fall on the fire department. They would be able to improve services within the district by the speedway . The question was asked, how would they staff a major event? They would use a mobilization process. Chief Rogelstad has had contact with the State Fire Marshall and they feel there is adequate resources to handle this type of event. They will have adequate staffing. Emergency Management System issues have also been discussed. They anticipate any event would run under a management system and they would attach members of the utilities and those members would become part of their team. It would include a working agreement.

Tom Schuft, ODOT Region Manager for Eastern Oregon spoke next. He asked to submit into the record, a marked up version of the findings and a letter . Commissioner Brosnan moved to accept exhibit 107 into the record. Commissioner Wenholz second the motion. The motion passed unanimously. He felt that the applicant has made a good faith effort. Mr. Schuft clarified ODOT's position on Traffic Management and referenced their April 18th letter, summarizing that Traffic Management is an appropriate method . ODOT is still opposed to some of the Traffic Management techniques that are in the original application that they are still opposed to, primarily to the use of cones and barrels to create additional lanes that consist of the northbound ramps. They are opposed to the cones and barrels at that particular location.

Item 2 page 2 of the letter. They didn't have sufficient data at that time to determine that the application clearly showed compliance with the Transportation Planning Rule at I-82 in Oregon, HWY 730 in Umatilla, and I-84 and US 97 in Biggs. They accept the occupancy rate conditioned with some actual studies that will be done this coming summer. The last thing that is not in the letter is, they need time to review the 30th highest hour calculation again. They need time to make sure the application is appropriately conditioned so that those circumstances concur. ODOT need's to understand how it is going to occur that they will be attracting people in advance. They are not opposed, they just want to understand this. Commissioner Brosnan asked the question if they have considered the traffic coming North going through Rufus? They have not thought about it. This is a normal detour route for Northbound traffic and he feels this should be considered. The interchange at Rufus should be looked at. It would be beneficial to look at that route as it is a desired alternative. Commissioners talked about truck traffic at Rufus. Trucks entering the highway at slower speeds could create problems. Director Mabbott asked Mr. Schufft if he was comfortable with the proposed mitigation using Management Techniques. He cant say at this point.

Jon Jinings, DLCD spoke next. He began stating that this is a unique set of hearings. This has never been done before in Oregon. The County has done a tremendous job with running this process and hearings. Their review of the application shows a reasonable amount of support for this land and facilities. They don't intend to undermine anyone. DLCD's February 21 and April 15 letters are already submitted into the record. Mr. Jinings explained Plan Policies vs Conditions of Approval. He then discussed overnight accommodations. He told the Court that he was open for questions or clarifications. Commissioner Brosnan talked about some of the changes made in the findings and how the lodging will be used. He asked Mr. Jinings if he is comfortable with where things are. He replied, not yet, even with the additional language. He hasn't seen a copy of that either and would like to take a look at that and submit additional comments at the next hearing. Director Mabbott asked him to tell us his position on the plan policies and approval. They offered 9-10 items they felt would be good as policies. He agreed that a lot of the things can be in conditions of approval such as not allowing residential home sites, occupancy for non related speedway used before speedway uses are there, etc. Creating designated uses for this type of use. Seemed to be more appropriate than attaching as conditions of approval. What would happen if later down the road someone wanted to address certain issues. List of 11 items A-J in the February 15th letter where they include those as plan policies instead of conditions of approval. DLCD would ask for these conditions wherever they are at not just in Morrow County. Their advice is in regards to a planning decision of this type. Commissioner Brosnan asked if the Court was to just leave these as conditions, are they okay with this. Mr. Jinings thinks that the applicant has worked very hard and have addressed these items. Director Mabbott gave a final note that she feels more comfortable to make DLCD's suggestions, conditions of approval. Given the strong language in the conditions, she is comfortable in recommending what the Planning Commission supported.

The County Court took a 1 hour lunch recess and will resume at 1:00.

The County Court resumed at 1:03 p.m.

The County Court then heard from opponents. The following exhibits were presented to the County Court: exhibit 103 was a letter in opposition from Anne Morter, exhibit 104 was a letter in opposition from Pat Suter, and exhibit 105 was a letter in opposition from Tom McElligott. Exhibits 103-105 were asked to be adopted into the record. Commissioner Brosnan moved to accept exhibits 103-105 into the record. Commissioner Wenholz second the motion. The

motion passed unanimously. The County Commissioners will read those exhibits on their own.

Opponents testimony started with Leslie Ann Hauer. On behalf of Kelly Doherty and herself. She raised the question of who are these people and why has the Port taken responsibility of being the applicant. Racing Unlimited was rejected in Crook County because they were questioned of who they are. Nevada's Secretary of State office shows Racing Unlimited as of May 14, 2002, delinquent in paying their taxes. Ms. Hauer submitted this into the record. Should this concern Morrow County? She attended a hearing a couple of months ago where the Port had a partition and the County's requirements were something they didn't want to comply with. The Planning Commission approved but there was question. What is the hurry? There is considerable amount of new information and request that time be given to respond to them. They don't believe this meets County Code or State regulations. The evidence is not credible. Assumptions have been made. Traffic Studies assumptions were made. Question the credibility of the evidence. The ESPN poll is one of those in question. Questions the basis on which that poll was taken. Who was asked the questions? We don't know the circumstances. The Speedway is an urban use to serve an urban population. This needs to be near a metropolitan area, where there are alternative routes. Referenced ODOT at the last hearing that questioned testing to see if it does or doesn't work. Morrow County will get a bit from Taxes. The surrounding areas won't get a windfall out of this. Ms. Hauer addressed the concern that Mark Greenfield had about the letter submitted by Ann Morter. She has seen Planning Commission members offer comments at other levels, as long as they are not representing the Planning Commission. Ms. Hauer has a copy of the EIS, and the Depot has based its total notion on that there will be minimum congestion at all times. If the roads are congested because of race traffic this could inhibit emergency evacuations. She stated that there is no rail and no water access and these facilities may not come in the future. There is a fundamental flaw in the traffic study, that people will come, they will stay and then they will leave, this can not happen. Using the applicants figures, there will still be people looking for lodging for the night. She would like to provide written comments after she has read the revised version of what was submitted.

Kelly Doherty spoke next in opposition. Comments are on being a local citizen. The public notice that was received described tax lot 110 of 4N 24. There is nothing as to where the next meeting will be held and there is nothing on the other tax lots. Will this include Hales and the onion facilities? Page 3 of the findings, number 5 says there will be additional expansion of the tents and RV spots. She thought this was to happen after a Winston cup event. She talked to people on a chat group about NASCAR. She spoke of a disgruntle fan that sat in the parking lot for 8 hours, after total costs \$1400. Another fan talked of how they are herded out like cattle out of the raceway after the event. Exhibit 78 was referenced. People do not typically tent at these type of events. Since DLCD wont allow more hotels, they will put in tent spots. Spoke of the City having a barking dog ordinance and the county cannot have anything like that. She works for Madison Ranches out of Echo, Oregon. She does their neutron probe testing for DEQ. The Speedway sewage will have to be pumped out onto land. Once bio solids are applied to the land, the land is no longer available for food. The smell is bad. This is upwind from Boardman. She assumes this will be pumped on to Port Land. Why is the sewage system off site? Usually sewer system is located on the same land that the development is on. She also talked of the web site and how she keeps getting referred to the web site. The web site is very outdated. Unless people have been to the meetings and read the newspaper, they have no idea what is going on. They still think there is going to be bowling alleys and shopping malls. Mrs. Doherty would like to see them update the web site. Director Mabbott addressed Kelly's question about goal 3 and goal 14. Why isn't goal 3 being met again since these are

speedway uses and not airport uses.

Judge Tallman announced that they would accept rebuttal. Mark Greenfield started by asking Mike Labadie if he had comments. Mike Labadie had a couple of comments. Concerns with the assumption. These are items that have been agreed upon by ODOT. Most of the data has been from ODOT. It has been worked on so they have come to a consensus with ODOT and with Tetra Tech to make sure both parties feel comfortable. The idea that the traffic study is flawed, that people will be wandering to find a place, this just doesn't happen. People reserve hotels years in advance and reserve the camping and RV spaces when they purchase their tickets. For the site to work given the constraints out there most people do like to camp. When speedway's are far away from facilities, you will find more people will camp. RV and tent camping areas will be provided. disgruntle fans were addressed. The number of disgruntle fans to the fans that know how to go about it and having a good time are very few. Those were the only comments that he had. Ron McKinnis wanted Mike to address the level of service on Kunze for the traffic coming off of Tower road. The level of service is A. A couple thousand cars a day but if that spreads over an entire day, that is not that many cars. Ron McKinnis talked about their agreement with the County for Kunze Road improvements.

Ron McKinnis then spoke. He wanted to address a few issues. The level of service wont be changed on Kunze. It's the level of safety that may be a concern. Bigger vehicles going down Kunze will create a higher level of safety. Kunze Road is rather narrow and there are ditches on each side of the road. They will address improvements to Kunze Road as well as the realignment. They will develop the new right of way across the City property to further the needs for Kunze road in the future. He feels the proper experts should address problems at the Depot, that is not something Ron feels he is qualified for in rebuttal. He referred to the site map, parking and RV's may have changed but the actual location of the speedway has not changed. It shows how far it is to the nearest residence from the speedway. The lagoon is a proposed location. This is going to be on Port property, this may not be on the 1400 acres . Food source for people can not be used once waste has been put on that land. Director Mabbott questioned lagoon on airport property: It would be an additional land use permit to place the lagoon off of the 1400 acres.

Mark Greenfield then spoke. He responded beginning with the letter from Anne Morter. He read part of her letter. All testimony was acknowledged . In the second paragraph she talks about the April 4th hearing there was not enough land for all the campers. For these kinds of facilities and there is no big City nearby there have to be alternative accommodations available. He addressed comments of the credibility of the web site. Mark Greenfield agreed that the web site is very out of date. It is inaccurate. If the applicant wanted to put bowling alleys, shopping malls, etc, they would have to go thru a new goal exception process to put anything like that out there. The initial analysis done by Hobson Ferrarini indicated it is thought to get a Winston cup race. The analysis says it may not come here. He referred to ODOT's testimony, they request that the record remain open for 7 days. The information submitted should only respond to rebuttal from today. There have been some changes to the traffic analysis. They are still providing new evidence. They are trying to clarify how these races work. The ODOT letter agrees that you can use traffic management. They also say that cones and barrels will not be acceptable. Mark doesn't believe there is disagreement with ODOT. ODOT says that the Port can comply with their standards. Some people may go to Tri-Cities or Boardman for hotel accommodations. Jon Jinings identified a couple of issues that were of concern to them. DLCD has been consistent with their comments throughout this process. He thinks it would be appropriate to have a condition of approval that the tracks be located generally where it is

located on the map. He hasn't had a chance to see Pat Suter's letter or Tom McElligott's letter therefore he can't comment on them. He addressed Leslie Ann Hauer's testimony. It has been over 6 months since the application was filed. There is minimal change since the application was submitted. There has been a very good opportunity for public testimony. Regarding the traffic, the 4.5 refers to the people that arrive at the track the day of the race. 3.0 refers to the day of the race. Mark clarified this. Leslie questioned the credibility for the poll. There is not a lot of flexibility in these conditions. There are not enough facilities on site to accommodate everyone. Tent sites are unimproved sites. Leslie asked about people using the restroom if people are caught in Traffic. DLCD is only saying they have a couple of concerns. He addressed Kelly Doherty's testimony. Kelly said there are people that are nervous about what happens if the Speedway doesn't comply with the criteria. Once land is taken out of agriculture base, it can not be put back in. Heard from the fire chief. This can be managed so that it will work. Would like to respond to all testimony.

Leslie would like to submit written comments . Kelly Doherty asked about the agricultural land that the sewage is going to be put on. Mark Greenfield spoke on that. The sewage will not be on the 1400 acres.

Stelian Onefrei answered the question. Formula 1 FIA Indianapolis is the only place that this has taken place. It is a road course. They are looking at a west coast location. The fans are twice as much as NASCAR. They are not designing this track for that and are not going to expand. They do have a road course in their track plans. They are not going to make changes just for FIA purposes.

Judge Tallman discussed on whether to close or continue the hearing. The record will be held open for 7 days. Bill Hanlon and Director Mabbott discussed whether the Court can accept testimony related only to today or overall. Commissioner Brosnan and Commissioner Wenzholz wish to continue the whole hearing. They feel it is their responsibility to keep this open. Commissioner Brosnan feels that they should keep this open so they can encourage more testimony and they would like to consider all testimony. They asked Director Mabbott what kind of burden that would put on the staff if they accepted additional testimony at the next hearing. It would be difficult to prepare a final document to be considered by the May 29th meeting. Mark Greenfield asked that they only have written testimony submitted only for 7 days and accept oral testimony only at the May 29th hearing. Commissioner Brosnan asked what the significance was for the 29th. Why can't they have the meeting the following week. Commissioner Wenzholz would like all written testimony be received within the next 7 days. He likes to read these over and not get something that was received the day before. Commissioner Brosnan isn't sure that ODOT is prepared to comment with in the next 7 days considering the amount of exhibits that were submitted at the meeting.

Director Mabbott talked to the Commissioners and asked if they would like to be rushed and make a decision or take time to consider all possibilities. Commissioner Brosnan discussed that it is a short time line to make a decision by next week. He would prefer to have the meeting the 29th and schedule another meeting after that for a final decision. Director Mabbott explained the process to the commissioners that they will want to look over and answer the questions after the additional testimony . The commissioners will allow additional testimony , written testimony only for the next 7 days. The May 29th meeting will allow only oral testimony, and have an additional meeting to make a final decision and adopt findings. They will need to hold a public hearing to adopt the final findings.

Mark Greenfield wanted to let the Commissioners know that they can accept testimony further than 7 days.

Director Mabbott asked the Commissioners about a date for the next hearing. The Commissioners would like to have it at either Stokes Landing or the school facility at 2:00 p.m.

It was decided that the next meeting will be held May 29, 2002 at Stokes Landing Senior Center at 9:00 a.m., the next hearing may be held at 2:00 p.m., June 12th.

The meeting adjourned at 2:40 p.m.

Respectfully Submitted,

Kristina Gray

5/28/02



COUNTY COURT

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TERRY K. TALLMAN, Judge
Boardman, Oregon
JOHN E. WENHOLZ, Commissioner
Irrigon, Oregon
DAN BROSNAN, Commissioner
Heppner, Oregon

Minutes of the Morrow County Court
Wednesday, May 29, 2002, 9:00 a.m.
Stokes Landing Community Center
Irrigon, Oregon

Members Present: Judge Terry Tallman, Commissioner John Wenholtz, Commissioner Dan Brosnan

Staff Present: Tamra Mabbott, Kristina Gray

The meeting was called to order at 9:07 a.m.

Judge Tallman reconvened the hearing from May 16, 2002. At the May 16th hearing, the Court agreed to hold the record open for seven (7) days for written testimony and allow this hearing to remain open for oral testimony. He explained the importance of giving new information rather than things that have already been said or discussed.

Director Mabbott presented the new exhibits and new information. There were nine new items submitted after the May 16, 2002 hearing which were due by 5:00 p.m. on Thursday, May 23, 2002 to be submitted into the record. She summarized the new exhibits starting with exhibit 111, a May 23, 2002 memo from Leslie Ann Hauer, with matrix comparing findings approved by the Planning Commission and findings presented to County Court on May 16; exhibit 112, May 17, 2002 letter from Casey Beard, Morrow County Emergency Management Director R.E. responding to concerns raised about County's ability to implement CSEPP evacuation plans during race event, comparison of other counties with racetracks and large scale military operations; exhibit 113, May 22, 2002 letter from Samuel Stegeman, Manager, Umatilla Field Office U.S. Bureau of Reclamation, R.E. notice of federal easements for irrigation facilities; exhibit 114, May 22, 2002 letter from Bev Bridgewater, District Manager, WEID, R.E. request condition to require the applicant "comply with recommendations and obtain approval of the WEID and BOR"; exhibit 115, May 17, 2002 letter from Debi Watson, Umatilla Electric Cooperative, R.E. clarification of issues (utility providers involved in site development review process, emergency route access for UEC, change condition to require relocation of utility "facilities"; exhibit 116, May 23, 2002 letter from Tom Schuft, ODOT Region 5 Manager, R.E. three remaining issues (determination of 30th highest hour, HWY 730/I-82 Interchange, Biggs Junction Analysis - HWY 97/I-84 Interchange); exhibit 117, May 23, 2002 letter from Mike Labadie, P.E. Tetrattech, to Ron McKinnis, Port, R.E. clarification of assumptions for projections; exhibit 118, May 23, 2002 letter from Jon Jinings, DLCD, R.E. proposed "speedway lodging" is not supported by market analysis or findings; proposed condition about lodging may not be enforceable; will create expectation for other commercial activities; exhibit 119, May 23, 2002 memo and revised Findings from Mark Greenfield, attorney for applicant. Commissioner Wenholtz

moved to accept exhibits 111 - 119 into the record. Commissioner Brosnan seconded the motion. The motion passed unanimously. Director Mabbott discussed with the Commissioners the anticipated process for today's hearing and that if they make a preliminary decision she can begin drafting the final findings with the applicant.

Judge Tallman asked for additional slips of testimony. He began by describing that this is an application by the Port of Morrow for the comprehensive plan and zoning amendments to allow the siting of a speedway and related facilities at the Port of Morrow. Started with the applicant.

Mark Greenfield representing the Port of Morrow had no comments to make, except this, with respect to the speedway lodging, this is not the type of use that would compete with what is in Boardman. This would only be attracting people associated with the speedway and people who essentially travel from place to place to go to speedway events, it's not your typical person coming to the speedway race.

Ron McKinnis, Port of Morrow Engineer, spoke on a few issues starting with the siting of the sewer facilities that may occur on the site. They prefer to site those away from the development. The need for lagoons would be on 3-5 acres. If this had to be inside of the 1400 acres of the speedway development, that could be accomplished but they would prefer not to. There are a few small developments existing now that have some small sewer type systems. Their intentions were to develop in the agricultural areas for future use for either sewer and/or wastewater. The wildlife refuge was a subject brought up. Although it does exist along I-84 both north and south up to the rest area, then it does continue on the north side of I-84 to a point of about .8 miles to the east of Tower road, that's about the same amount of distance to the nearest residence. It exists along the rail and the I-84 freeway so they don't know that there will be any detrimental impact to the Wildlife Refuge area. There were comments made on both the Federal Bureau and West Extension Irrigation District easements that may allow irrigation waters to travel. None of those exist on the proposed speedway site. They feel it is appropriate to work with the Irrigation District and the Public Works Director to see if there are any real easements in those areas. Judge Tallman then explained that it is normal practice to consult both the Irrigation District and the Public Works Director on these matters. Commissioner Brosnan asked Ron if he could confirm that there would be no impact to the Wildlife refuge. Mr McKinnis said they have talked to the Oregon Fish and Wildlife Department and they addressed issues about onsite wildlife and they said it would be very unlikely to find a ground squirrel in that area because it wasn't the best habitat. They didn't think you'd find any sage grouse at all. They referenced a comment by Leslie Ann Hauer that she stated in written testimony that there was in fact a wildlife area near this site and that there would be some type of an impact. Ron then responded by saying that there won't be any development on those

properties and from a noise standpoint, it will be the same distance to the nearest residence, so the noise impact will probably be greater from the freeway that they would from the speedway. Mr. Greenfield looked at the site yesterday to see the distance to the refuge in relation to the racetrack and where the nearest residence was. The dwelling is 4/10 of a mile from Tower Road. They concluded that the impact under worst case scenario is like one car going by, that would be the impact to the refuge. Ron McKinnis talked about available industrial lands inside Morrow County. They did a quick evaluation, at the Port, there are 2640 acres of Port Industrial property and about 820 acres of General Industrial. To this point they have developed about 380 acres of those two zoning's. That leaves about 90 percent to development. The Air Industrial they have about 2700 acres at the airport site. There are less than 100 acres used by American Onion, H 4 Farms, Bigfoot. There is at least a couple thousand plus acres of General Industrial acreage north of I-84 which none of that has been developed. There are thousands of acres of the space Age Industrial property. Of that about 640 acres will be developed for the PGE Coalfire Plant. Commissioner Brosnan asked about the land application for sewage. There are 301 acres available to utilize for the land application from DEQ. Ron replied by saying, "if you look at what the City of Boardman utilizes for sewer disposal, up until very recently, they used about 20-40 acres for all of the city's sewer. They have expanded that now that extends to a about 100 acres. Yes there would be more than enough acres.

Stelian Onufrei with Racing Unlimited responded to comments in reference to the part time jobs and volunteers on race day or other times. Based on different tracks, on the largest event they use 1000 people that would be working on race day. Of that 1000 are clean up crews, fire department, emergency people, security, people directing traffic, concessions, passing out advertising, etc. The issue was raised if they would have enough people to work. In California people will drive 100 miles away to work at the event. High School kids are the biggest help. They feel that they would not have a problem finding enough people to work. Commissioner Wenholtz clarified that each race team will bring their own people. Stelian replied that the sanctioning body will bring their own people.

Judge Tallman asked for further proponents. He then moved on to neutral people or agency. Rich Melaas, Community Planning Liaison, Naval Air Station Whidbey Island then spoke. They would like to support the findings in the May 8th recommendations of the Morrow County Planning Department. Specifically findings D-8, 12, 13, 29, and H-35. There were no questions.

Moving on to agencies. Mr Tom Schuft, Region Manager, ODOT Eastern Oregon then spoke. He referred to a couple of items in his May 23, 2002 letter. If they approve the speedway, ODOT will continue to work with the County and the applicant on findings

regarding monitoring in compliance to a complex set of conditions. He also wanted to mention that the 30th highest hour calculation is very important to ODOT as they move into the next phase, the NEPA process. They did provide some analysis in support of this. He asked that they adopt ODOT's analysis as part of their findings. No further questions.

Moved to opponents starting with Kelly Doherty. She started by reading testimony into the record, comments by Leslie Ann Hauer who could not attend. She discussed that many questions have been asked and no answers have been given. The exhibits that have been submitted by the opponents have not been believable. She discussed the original exception granted in 1985 and how the applicant has not mentioned much of this. The exception statement explains in great detail the how the Port site is unique in the region, offering large acreage lots and better transportation connections than any airport or industrial park. At the time the Port claimed that the expansion of the airport was essential for the success of the industrial park. The airport expansion did not occur. The application states that 25-40 jobs will be generated at full build out on 1400 acres. Consider how many potential industrial jobs will be lost to gain 25-40 jobs. The proposal is out of scale with the available public and private facilities, not only in the County but also in the region. The application cannot meet the standards and criteria for applicable local ordinance, state law, and state regulations. This is an excellent industrial site and she would encourage the Port to find a purpose for that such as the Tillamook factory that will provide many full time jobs.

Kelly then gave her testimony. She started with finding 15 stating that it is necessary to amend the previous goal exception to goal 3. She believes the new exception should be taken for the previous one since it was only airport dependant industrial and commercial development. This is supported by OAR 660-04-0018 4B, interpretation of goal to exception. Finding's 8 and 61 are a bit confusing. One states that they are not parceling off and the other states that they are parceling off. Page 9 number 3 states that we are in an economically depressed area. He was using the 1998 version of the economic developments findings which counties were on that list. The intent is designated to show areas that are in need of grants and funding's from the state. She doesn't feel that a speedway providing 16 - 40 jobs will take us off that list. There are still concerns she has about issuing of notices to the public about meetings and what they were given such as the description of the properties and now the whole application has changed. People are not sure what is going on. She had concerns about how much sewage is used for the City of Boardman and how that compares to the speedway. She talked about exparte contact on the part of the Planning Commission and their decision. There is Morrow County Development Corporation which is a lending arm of the Port. During the process it seems that one member of the Planning Commission has taken out a loan through this corporation during the time he was sitting

on the board. It is a shared committee that sits the same committee that oversees the Port as it does the loan process. One other member of the Commission has an existing loan with that arm of the Port. She feels someone should have spoken up and said something. She closed with according to OAR's definition of evidence vs. argument. Their definition of argument is assertions and analysis regarding satisfaction. Evidence on the other hand, is defined as facts, documents, data, or other information. She isn't sure that the facts and the technical data match up with the findings. Commissioner Brosnan said that distressed communities have been brought up at the meetings. He feels that if people spend \$50 each per day is a good thing for this community, not bad, Kelly is talking about the job aspect of this, not the retail, eateries, etc.

They then heard from George Griffith, opponent. He feels it is very good to be able to speak at these hearings. One thing that bothers him is that he has never got his questions answered such as who these people are, what their financial situation is, what they are involved in. It seems like they are talking to paper, not to the person. Judge Tallman asked Bill Hanlon if they can discuss these types of questions. This is a land use decision, and the applicant is the Port of Morrow. Bill Hanlon answered that we can talk about the Port of Morrow but not anyone else. George went on to say that they get so many different answers on their questions. He asked if they (the speedway) will pay taxes. There have been comments on how much money the County will get from taxes but he isn't sure who will own the property once the speedway gets built. If this company goes bankrupt, this will hurt everyone. What happens if they owe a lot of people money and then they leave town. What's going to be the continuing income for the project? Judge Tallman told George to talk to the applicant about these concerns and not the Court. Traffic issues are George's biggest concern. They have admitted that it could take 5-7 hours to get in and out of these events and that will interfere with people doing business. It's not fair to others that this will interrupt their schedule because of the Speedway. They are talking about the extra lanes and interchanges but this won't help. He suggests to make any decision binding with these people so that we ensure that these developments are done. He feels they should be bonded. He is also concerned with the rest areas. Mary Martini said they will be closed while the races are going on. He feels two more rest areas should be built on each side of Boardman to accommodate this traffic. The Speedway will not help this area at all. It won't raise the price of wheat one penny. There used to be three car dealerships and a movie theater in Heppner and now there are none. When we can't leave our houses, cars, shops unlocked, how are they going to handle the crime with all those other people.

Pat Suter was the next opponent to speak. He doesn't live very far from this project. He raised the question of who is involved in the project. Who is this Mr. Greenjeans? Who will be funding the improvements for the airport? How many of the proponents

actually live within 5 miles of the proposed speedway? How much money will the Port be putting into this that the tax payers will be paying for?

Judge Tallman then moved onto rebuttal. Mark Greenfield started with the comments from the people that spoke today. Kelly Doherty indicated that they needed to take an exception to goal 3. This is a modification to an exception that was already taken. There is no need to take an exception to goal 3. She is confused about the finding that says this application deals with plan amendment's and goal changes. The other is a condition. There is nothing that says they are dividing land. He addressed that the Planning Commissioners had exparte contact but this is a new hearing and doesn't apply here. He addressed George Griffiths comments about the people getting a chance to talk here. Mr. Griffith stated that 28 jobs is not impressive to him. A number of these speedways have 50-60 full time employees. They may have well over 100-200 jobs. He agreed with the Court about issues that are not appropriate to this land use hearing. Mr. Griffith raised concerns regarding traffic when it leaves the facility. ODOT and the Port have an agreement to place a maximum limit on the number of vehicles that can leave every hour. The number is 3750. That number added to the background traffic on I-84 by the year 2020 will still achieve ODOT's volume to capacity standard of 0.70. There are measures to be taken out if they do not follow thru with the conditions. He then went to Leslie Ann Hauer's testimony. Since the Planning Commission hearing, there has been new evidence submitted. The reason you have findings is to explain how an application meets or does not meet the applicable review standards. Director Mabbott and Larry Epstein will be looking over the final findings. Ms. Hauer provided a matrix. Many of the arguments raised in the matrix were raised to the Planning Commission and rejected by the Planning Commission. Mark Greenfield felt a lot of Ms. Hauer's comments were inaccurate and he went over 3 of those comments starting on page 1, finding A-10 Ms. Hauer is saying the speedway won't help local economies because, "Speedway attendees will not be allowed off the freeway's and into local communities," and she says this is the applicants claim. That is incorrect. People driving on I-84 can get on and off at Boardman to buy gas and supplies. People can get off at Boardman, Umatilla, Irrigon to buy supplies and then get back onto the freeway. People that do get off to buy gas, etc, they will not be allowed to use local streets such as Kunze or Wilson to get to the Speedway. They will have to get back onto I-84 and continue to the speedway. Page 3, finding A-21 was then discussed. This was a finding that Mr. Greenfield had drafted noting that the credibility of the testimony of some of the Port's witnesses had been challenged and then it makes a finding that the testimony of the Port's witnesses is generally considered to be credible testimony. Leslie Ann Hauer says, "this proposed finding is a statement that anyone that challenges the Port is unbelievable". This is not the case. The legal standard is that the findings need to be supported by substantial evidence. If there is conflicting evidence, a local government has to choose. If they approve the application, they

generally use the evidence that the applicant has provided. On page 24 finding F-2 is a general finding that acknowledges testimony from residences in the area. Finding B-16 acknowledges that this is a legitimate concern. In respect to her comment that the Port has provided a lot of Industrial uses and that the airport property should be used for Industrial Development, he pointed out the distinction between light Industry and heavy Industry because you cannot put heavy Industry in the vicinity of an airport. Heavy Industry will create smoke and interfere with airport operations. There is a very large amount of vacant Industrial land throughout the northern part of this county for those kind of Industrial uses.

They have presented this case on the facts. They are comfortable with the record that they have provided to the Court and the evidence they have submitted. They do ask for the County Court's Approval. Commissioner Brosnan asked a question on Leslie Ann Hauer's Matrix page 1, A-4, about the multi-recreation facility accommodating car shows, rodeos, fairs, concerts, dances, wine and food tasting, that was originally proposed in the application to serve Morrow Counties needs for a north county facility now be utilized only during racing events. Mr. Greenfield responded that at this point they are not asking that this be used for stand alone purpose. Sometime later would they ask for an exception? Page 16, D-9 says the County Court has asked to defer a determination the Transportation measures are adequate, Site Review and the NEPA process, either could identify issues that could change the nature of the mitigation measures. Commissioner Brosnan questioned the assurance from the NEPA approval to get these improvements done. NEPA is a process that looks at other alternatives. There are a lot of permits that they will need.

Ron McKinnis gave rebuttal next. Sewer and Water are issues that have been brought up and the question, "is 300 acres enough?" If they had two million gallons of storage and on Sunday they used all of that plus the live flow they have created the ultimate lagoon need for an acre and a half which was about eight acre feet. They ultimately will develop twelve acre feet of storage. Ron explained that he is kind of a farmer too and two weeks ago he watered his pasture, 20 acres just like he does every couple of weeks, and when he was done he used six acre feet of water according to the meter at the back that they charge him for. He says it sounds like he could probably do that if he had twice of his 20 acres, but he's got 300 so if he only puts an inch down, you have twelve acre feet, that easy to figure out, that 144 acres.

He appreciated other Comments so that they can get another new aspect of this. This is about creating new jobs and making the County better. This probably isn't the perfect project. He gave a list of agencies who they have worked with on this project. Morrow County Planning Department, Tamra, Kristina, Carla, which they went above and beyond the work that they have to do. They have worked with ODOT, Tom Schufft, Teresa Penninger, Mary Martini, Brian Dunn, Tom Coleman, and there are a lot more. They have had a number of different meetings with them to iron out all of the wrinkles

and that's why the application changes, each agency has it's needs and they try to meet those needs. DLCD, Jon Jinings, Department of Justice, Kate Dreyfus, DEQ, DOGAMI, Department of Aviation, The Oregon Department of Fish and Wildlife, Oregon Economic Development, The Governor's Office, Cheri De Beumont, Federal Agencies, FAA, and the Federal Highway People. They hired their consultants because they were experts in their field. Their Traffic Engineers, Noise Engineers, and Airport Planners have done their best and they hope they have convinced everyone that they have done their job correctly.

Judge Tallman then asked questions of the audience/applicant. Commissioner Brosnan asked , "how do they enforce the limited use on facilities"? "What is the mechanism for enforcement"? Bill Hanlon answered this question by saying that the County has the authority to enforce the conditions that are part of this approval as well as the conditions that are cast at the Site Development Review. Commissioner Brosnan asked in Mr. Schuff's letter there is a request to adopt ODOT's analysis. Mark Greenfield stated that Mr. Schuff's findings are acceptable to the Port and these will be included in the final draft. The last question/comment was a concern that Umatilla County and the City of Umatilla haven't put their input into this. Ron McKinnis answered this by stating that they will need to make changes to Umatilla's Transportation System Plan. When they have been given approval by the County Court they will go to Umatilla County and start the process with them to make those changes. Mark Greenfield spoke on the two step process they will have to take. It would be premature to go to Umatilla County to get approval to an amendment to the Transportation Plan for a Speedway when the Speedway hasn't first been approved. That is why it is a condition of approval. It is like a one line amendment to their Transportation System Plan. There are two elements to coordination, one is that you advise a local government to the effect of local government of a project so that they have an opportunity to testify, and then the second is that you accommodate their needs as much as possible. They did receive a letter from the City Manager of Umatilla and he raised four or five concerns. Mark feels that they are accommodating the needs as much as possible. Ron McKinnis went and talked to Dennis Doherty, Umatilla County Commissioners and suggested they be contacted about this after Morrow County is done with it. Commissioner Brosnan asked Director Mabbott about what happens if the speedway is partially built and something happens, and the speedway portion is never built? What happens to the existing buildings if there is not a speedway associated. She replied that they would not allow those buildings to continue use since those buildings are tied to the goal exception. The speedway uses must be constructed before the other facilities can be used. Commissioner Brosnan felt that needs to be spelled out to make it clear. They would need to amend the exception document so it is clear that if the speedway no longer operates, there are other facilities that may no longer be in use.

Judge Tallman closed the hearing and thanked everyone for their questions and patience with them. Commissioner Wenzholz questioned the 250 rooms for "speedway lodging." If they approve to allow this, what does that do? If they approve this what is the process then. Director Mabbott explained that the Court would make a decision to agree with the applicant that there is a need and that there is sufficient evidence to justify the need and it could be the departments option to appeal it based on the 250 rooms. The Court does not necessarily have to agree with them. If the Court approves the 250 rooms, they will deviate from the position of DLCD and that they will make findings to support the 250 rooms. Judge Tallman asked Director Mabbott how do they change the findings. She explained that the findings that they have in front of them, provides the justification for the lodging, she believes Jon Jinings disagrees, that there is such a need.

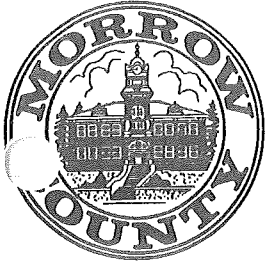
Judge Tallman asked for language for a preliminary decision. Commissioner Wenzholz moved to make a preliminary decision to approve the application and give staff directions to craft final findings that supports that decision. Before Commissioner Brosnan seconds it, he had a question "what kind of time span do we need to redo the findings"? Director Mabbott suggested 4 weeks. Commissioner Brosnan seconded the motion. The motion passed unanimously. Judge Tallman discussed a date for the findings to be in their final form, suggests some four weeks away. Several dates were discussed and it was suggested to have it outside of their regular court time. It was suggested to have the next meeting on June 21st, at 9:00 a.m. at Stoke's Landing Senior Center.

Director Mabbott asked County Court some questions. A couple of issues that were raised. In her discussions with Bonneville Power, they do have concerns about the use of the land under the power lines and the easements. The proposed language that Director Mabbott is suggesting is "coordinate and comply with recommendations of the BPA regarding limitations of power line easements prior to submitting an application for Site Development Review". The other condition would be to "coordinate and comply with recommendations of the Bureau of Reclamation and the West Extension Irrigation District regarding federal irrigation easements prior to submitting an application for Site Development Review". Judge Tallman stated that those easements are on Kunze Road and questioned how this affects the speedway. These are off site improvements, not on site improvements.. Include this and the language Commissioner Brosnan raised about permission of the facilities to use them if the speedway doesn't come in. Also include language about enforceability. Judge Tallman raised concerns about Umatilla Electric. He said a team approach to this is what Debi Watson and Umatilla Electric needs to understand. This is a team approach and not a free lance approach. Director Mabbott suggested to tie the findings about the 2700 acres, and allow 1300 acres, to make this finding more clear and tie the 50 year airport plan which was submitted as an

exhibit but it is not tied to the application. Director Mabbott also suggested clarifying the types of Industrial uses that would be allowed in the 208,000 acres generally to minimize the discretion and to clarify allowed uses. Heavy industry would not be allowed , clarify that it would allow light industrial and speedway uses only. Judge Tallman asked if building cars and working on cars is light industrial and would it be allowed out there? Director Mabbott indicated she would clean up the language for the findings and the conditions and continue using Mr. Epstien with the courts permission. The Court agreed.

Meeting adjourned at 11:15 a.m.

Respectfully Submitted,
Kristina Gray



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**Minutes of the Morrow County Court
Friday June 21, 2002, 9:00 a.m.
Stokes Landing Community Center
Irrigon, Oregon**

Members Present: Judge Terry Tallman, Commissioner John Wenzholz, Commissioner Dan Brosnan

Staff Present: Tamra Mabbott, Kristina Gray

The meeting was called to order at 10:00 a.m.

Judge Tallman began hearing by explaining that this is the final hearing for the application by the Port of Morrow for our comprehensive plan and zoning amendments to allow the siting of a speedway and related facilities at the Port of Morrow. Will be looking at the findings of fact, the conclusions of law, and finalize the language.

Director Mabbott proposed to adopt the minutes from the May 16th and the May 29th meetings. Commissioner Brosnan moved to approve the minutes as presented. Commissioner Wenzholz second the motion. All in favor. The motion passed unanimously.

Director Mabbott explained that there have been a few changes to the findings that were mailed to the Commissioners. Beginning on page 68 of the conditions of approval. She would like to go through what those changes are and they can either agree or disagree. The commissioners had some comments that they will go over and then onto the changes made by the Port.

Commissioner Brosnan had a question about the sewage lagoon siting. Are they clear on that? Director Mabbott explained that it has been clarified in the minutes and that the sewage lagoons will be in the 1400 acres. If outside of the 1400 acres that would be a separate land use action.

Judge Tallman began on page 21 in section C, he asked Director Mabbott to explain what paragraph 29 means. It says the Morrow County Court heard from it's Planning Staff, it so finds that it does not adopt these proposed amendments as a part of the decision approving the speedway and it's associated uses. Director Mabbott replied by explaining that the three comprehensive plan policies that were originally applied for, asked the County to make three comprehensive plan policy amendments that were particular to the speedway site but weren't necessary to approve the speedway. On page 28, number 5, the County Court finds, Judge Tallman asked Director Mabbott what they mean in the first sentence. She explained that in order to approve the overlay zone an exception needs to be taken for the state wide planning goals and in order to do that, it required that the project could show compliance with the Oregon Highway plan and the Counties Transportation System Plan but refinement plans will have to be developed prior to site development review. Judge Tallman had no other comments or questions.

Director Mabbott suggested going to page 68 , number K, was previously number L, just a

numbering issue.

On condition 32 A, earlier version read E2, now it reads E.

Page 69, top paragraph, the sentence starts on the previous page, reads prior to completion, racing events not to exceed 23,000 in attendance, the new sentence reads, ; provided however that the 23,000 person attendance figure may be adjusted upward or downward. Director Mabbott wanted to make sure that phase development was clear to the Commissioners. They were clear on that.

On page 70 number 3, the paragraph reads, the vehicle counts taken pursuant to Paragraph C.2 of this Condition shall be provided, the new piece is, by the speedway owner or operator to ODOT's Region 5 Manager and the Morrow County Public Works Director. That is part of the traffic monitoring needed for phase development.

On number 4, the last sentence is a new one. The new one reads, this does not include cost for agency staffs and other parties to participate in the development, modification or updating of the Interim Traffic Monitoring Plan. Director Mabbott is comfortable with this but she doesn't want that to preclude the County from implementing it's existing County Ordinance. The County has their own fees for this type of thing, existing staff doesn't start keeping track of their hours and asking the developer for payment. Director Mabbott and Mark Greenfield agreed on this.

Number 5 , the new language reads, The Interim Traffic Monitoring Plan shall provide for the discontinuation of traffic monitoring for racing events authorized under Paragraph A.1 of this condition if after two, the word "such" was struck, and "consecutive" was added.

On page 71, number D last sentence is a new one, it reads, The Interim Traffic and Event Management Plan shall be updated and modified as necessary during the course of the racing season to ensure compliance with ODOT and Morrow County performance standards. Plan updates and modifications shall be prepared by a licensed engineering firm experienced in speedway events, in coordination with ODOT Region 5 and Morrow County. Commissioner Brosnan asked what are the Morrow County performance standards? Director Mabbott explained that they are the road classification performance standards in our Transportation System Plan but it could also include things like weight limits and other road performance standards that we have. Judge Tallman asked how long will these Interim Traffic and Event Management Plans have to be maintained? Director Mabbott explained that they would be continuous.

Page 71, number 34, the second sentence that reads, the refinement plan shall address the following Infrastructure needs: deviation from the spacing standards related to the Speedway Interchange, then the new piece, which shall include the types and levels of information necessary to obtain Oregon Transportation Commission approval of a major deviation study.

On page 74, number B, 3/4 way down, the sentence reads, These events shall include smaller races, the word held is inserted.

On page 75, traffic monitoring of premier events, number C-4, the new paragraph reads, Traffic monitoring of additional 60,000 or 100,000 person events, if attendance at these events falls short respectively of 60,000 or 100,000 people by more than 5 percent.

Number D-1, these were vehicle counts so the sentence reads, Vehicle counts taken at all speedway entrances off of and exits onto Tower Road, and the new language reads, and on Kunze Lane immediately east of Tower Road. Judge Tallman expressed how Kunze lane has some issues that need to be taken into account. There is some historical background

information.

Number 3 is a new paragraph which reads, Vehicle counts taken on the main line of I-84, I-82 and Highway 730 in both directions at the following locations: on I-84 west of the Speedway Interchange; on I-84 east of the Tower Road Interchange; on I-84 west of the I-84/I-82 Interchange; on I-82 north of the I-84/I-82 Interchange; and on Highway 730 just northeast of I-84.

On page 76, number F was there twice so it was renumbered to show G. The new sentence in G reads, This may include a provision requiring the monitoring of certain racing events at periodic intervals (e.g., every five years).

On number H, the second sentence is a new one. The new sentence reads, this does not include costs for agency staffs and other parties to participate in the development, modification or updating of the Traffic Monitoring Plan. This doesn't preclude the County's fee ordinance. Number 43, has similar language about the traffic management plan and the event management plan for the speedway, including costs incurred for emergency services required for speedway events.

Number 44, it reads, Implementation of the required Traffic Management, Event Management and Traffic Monitoring Plans shall be an ongoing condition of approval for the speedway. Failure by the speedway owner or operator to substantially comply with those plans, including the 3750 vehicle per hour standard in Paragraph 40.A of these conditions and the ODOT and Morrow County Roadway performance standards that those plans are intended to achieve, that's the new piece, or to pay the costs of executing those plans shall be a basis for enjoining operation of the speedway. Morrow County agrees in good faith to diligently enforce these plans and all other conditions of this decision. She asked Bill Hanlon to look at the language and he was fine with that.

Number 45 has a new sentence, the last sentence, which reads, This condition anticipates that Morrow County may adopt an annual permitting process for the use. There is currently no permitting process for road construction with the County. It was discussed for several months that there would be an intergovernmental agreement between ODOT and the State to allow ODOT certain recourse if the County didn't perform or that ODOT could pursue recourse on it's own, in Lieu of that, ODOT decided that they could issue annual permits. Since the County doesn't currently have a similar process, Director Mabbott wanted a place holder that anticipates that we may have that. Kate Dreyfus discussed the IGA process. Judge Tallman thinks differently if it is a annual permit, you have signatures and you go through some sort of a process, a system of checks and balances, you say what it is and put it in the agreement. Director Mabbott, read this sentence and Kate clarified that there is a permit that ODOT discussed, that permit would be required for one certain project. Mark Greenfield explained that this is something that is used in other states and by other agencies.

Director Mabbott explained that this is the County's last say that it may be appropriate down the road.

On the last page, condition 68, reads "Morrow County reserves the right to review, new language reads, "and require changes to the".

Number 69 is an entirely new condition, this developed out of a conversation that Mark Greenfield, Director Mabbott, and Larry Epstein had about the conditions overall. It reads, "These conditions are intended to ensure consistency with ODOT and Morrow County roadway performance standards based on a 20 year traffic analysis extending through the year 2021. These conditions are not intended to require the applicant to make structural improvements to

the state or county roadway systems based on increases in traffic volumes beyond currently estimated year 2021 levels. Increases in background traffic volumes beyond currently estimated year 2021 levels shall not provide a basis for enjoining activities at the speedway under Condition 44 or any other condition of this decision, provided that the speedway owner or operator continues to implement traffic, event and security management measures and traffic monitoring as required by this decision. Director Mabbott gave an explanation on what that means to the County Court, this says that indeed the community will be growing but they will only have to be responsible for that 20 year horizon as it sits today. She encouraged the commissioners to address any further comments or questions to Mark Greenfield or Kate Dreyfus. Mark Greenfield had no further comments, he thanked the staff for their help. Teresa Penninger, ODOT, commented that they look forward to the cooperation that they have had so far. Judge Tallman attended the meeting in La Grande yesterday, will be adopted at the next monthly meeting in Salem.

Stelian Onufrei thanked the staff, Commission, and all agencies, he assured that they have the same attitude towards the project and they want to make sure that they are cooperative with everyone.

Director Mabbott explained that they will need to adopt and approve the Findings of Fact, the June 21st version, and also accept the Ordinance. She distributed the provisions to the Commissioners.

Judge Tallman gave the first reading of Ordinance. The second reading will be on July 10th which should be able to be read by title.

The Ordinance was read in its entirety. Judge Tallman read this into the record. Once it has been adopted they will get a number from the clerk.

BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

AN ORDINANCE AMENDING THE MORROW)
COUNTY COMPREHENSIVE PLAN, THE)
MORROW COUNTY TRANSPORTATION)
SYSTEM PLAN, AND THE MORROW COUNTY)
ZONING ORDINANCE TO ALLOW FOR THE)
SITING OF A SPEEDWAY AND RELATED)
FACILITIES AT THE BOARDMAN AIRPORT)

ORDINANCE NUMBER MC-_____

The County of Morrow does ordain as follows:

WHEREAS, the Port of Morrow has applied to Morrow County for amendments to the

Morrow County Comprehensive Plan and the official Morrow County Plan/Zoning Map to authorize a speedway and related uses on approximately 1400 acres of land located at the Boardman airport; and

WHEREAS, the Port of Morrow also has applied to Morrow County for amendments to the Morrow County Transportation System Plan to authorize roadway improvements that are needed in conjunction with the proposed speedway and its related uses; and

WHEREAS, following public notice, the Port's application came before the Morrow County Planning Commission for public hearings on January 24, 2002, March 7, 2002, April 4, 2002 and May 2, 2002; and

WHEREAS, the Morrow County Planning Commission forwarded a recommendation to the Morrow County Court that the application be approved with modifications and with conditions, and forwarded findings and conclusions in support of its recommendation; and

WHEREAS, following public notice, the Morrow County Court held public hearings on the application and the Planning Commission's recommendation on May 16, 2002 and May 29, 2002; and

WHEREAS, the Morrow County Court has considered the evidence and testimony in the record and the recommendations of the Planning Commission and its staff; and

WHEREAS, the Morrow County Court, on May 29, 2002, voted to accept the recommendation of the Planning Commission and approve the application with conditions of approval;

NOW, THEREFORE, THE COUNTY COURT OF MORROW COUNTY ORDAINS AS FOLLOWS:

SECTION 1. MORROW COUNTY COMPREHENSIVE PLAN AMENDMENTS.

The exceptions to Goals 11 and 14 authorizing a speedway and speedway related uses, as set out in Section VII of the Port's application as modified to include changes recommended by the Planning Commission, are hereby incorporated within and made a part of the Morrow County Comprehensive Plan. Section VII of the application is attached.

SECTION 2. MORROW COUNTY TRANSPORTATION SYSTEM PLAN AMENDMENTS.

The Morrow County Transportation System Plan is hereby amended to include the following:

- A. The transportation improvements identified in Section IV of the Port's application as modified to include changes recommended by the Planning Commission.
- B. The exceptions to Goals 11 and 14 authorizing a new Speedway Interchange on Interstate 84 and a new four lane roadway within the airport property, as set out in Section VIII of the Port's application as modified to include changes recommended by the Planning Commission. Section VIII of the application is attached.
- C. The transportation system plan policies identified in Section IV of the Port's application as modified to include changes recommended by the Planning Commission. Section IV of the application is attached.

SECTION 3. MORROW COUNTY OFFICIAL PLAN/ZONING MAP AMENDMENTS.

The Morrow County Official Plan/Zoning Map is hereby amended to apply the Limited Use Overlay Zone to the approximately 1400 acres identified for speedway and speedway related uses at the Boardman airport, as indicated in Figure 1 of the Port's application as modified by the Planning Commission.

SECTION 4: FINDINGS OF FACT AND CONCLUSIONS OF LAW; SUBJECT CONDITIONS OF APPROVAL

The Findings of Fact and Conclusions of Law of the Morrow County Court dated June 21, 2002, are hereby incorporated into this Ordinance. Amendments contained in this Ordinance are subject to the conditions contained in the Findings of Fact and Conclusions of Law dated June 21, 2002.

SECTION 5: EFFECTIVE DATE.

This ordinance shall become effective thirty (30) days after the date of its adoption by the Morrow County Court.

DATE OF FIRST READING: June 21, 2002

DATE OF SECOND READING July 10, 2002

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 10th DAY OF July, 2002.

Terry K. Tallman, Judge

John E. Wenholz, Commissioner

Dan Brosnan, Commissioner

ATTEST:

County Clerk

APPROVED AS TO FORM

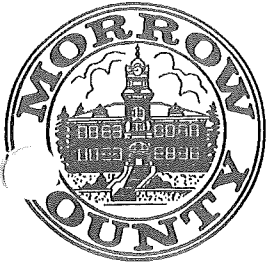
County Counsel

The Ordinance has been read, amending the Morrow County Comprehensive Plan, Commissioner Wenholz moved to adopt the findings and the conditions, Commissioner Brosnan seconded the motion dated June 21, 2002. Motion passed unanimously. Commissioner Brosnan moved to approve the adoption of an ordinance amending the Morrow County Comprehensive Plan, the Morrow County Transportation System Plan, and the Morrow County Zoning Ordinance to allow for the siting of a speedway and related facilities at the Boardman Airport. Commissioner Wenholz seconded the motion. The motion passed unanimously.

The Commissioners signed two copies of the Finding of Facts. Kate Dreyfus asked when the attachments would be there. Mark Greenfield asked when this becomes final. Director Mabbott replied that this becomes final today. Mark says that after the second reading is when this is final. May need to change the date on the ordinance to read July 10th .

Meeting adjourned at 11:15 a.m.

Respectfully Submitted,
Kristina Gray



PLANNING DEPARTMENT

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Minutes of the Morrow County Planning Commission
Thursday, June 27, 2002, 7:30 p.m.
Morrow County Annex Building
Irrigon, Oregon

Members Present: Joel Peterson, Leann Rea, Don Eppenbach, Ken Grieb, Art Kegler, Anne Morter

Members Absent: Joe Miller, Jeff Wenholz, John Kilkenney

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

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

Minutes of the April 25, 2002 Planning Commission meeting were presented. Commissioner Rea had some corrections. On page 2, the second paragraph from the bottom where it says, "Oregon Water Resource Department stated there are no valid", insert the word "ground", so it reads "valid ground water rights". On the last paragraph, when the Simpson's were talking about the nitrates, it says, "case well water at 50 to 60 feet, and higher nitrate water at 175 feet", Commissioner Rea thinks that this should be switched. They requested to go back and listen to the tape to see what Mr. Simpson said. He may have said it backwards. Commissioner Eppenbach moved to approve the April 25, 2002 minutes with the corrections. Commissioner Grieb second the motion. The motion carried.

The Planning Commission then moved on to the minutes from the May 2, 2002 Planning Commission meeting. Commissioner Rea had some corrections to this starting on page 3, the 4th paragraph down, the second sentence reads, "The Planning Commission wouldn't be uncomfortable", it should read, "the planning commission would be uncomfortable". On page 5, the 10th paragraph down, in the 3rd sentence, it reads, "3750 has been constant throughout this whole ordeal", change the word "ordeal" to the word "process". On page 10, the paragraph second from the bottom, the second sentence, says "Applicant Mark Greenfield", should read "Applicant representative Mark Greenfield". On page 13, second paragraph down, the last sentence says, "passed by unanimous vote", this should read, "passed by majority vote". Director Mabbott asked the Planning Commission if they could wait until she could look them over before they be adopted. Commissioner Rea moved to not approve the May 2, 2002 minutes until the next meeting on July 25, 2002. Commissioner Grieb second the motion. The motion carried.

Chairman Peterson read the Public Hearing Process.

Continued from April 25, 2002 Subdivision Application, SD-N-216: BAIC, Inc. and Port of Morrow, applicants and State of Oregon, owner. Property is described as tax lots 100, 103, 106, and 107 of Assessor's Map 4N 24 and is zoned General Industrial (MG).

Property is five miles west of Boardman, north of Interstate 84 and west of Tower Road. Proposal is to partition the 2252.70 acre tract into eight lots. Criteria for approval include Morrow County Subdivision Ordinance.

Director Mabbott shared that this application has been withdrawn. A second Subdivision Review meeting was held that brought to light a number of transportation access concerns. The applicant chose to withdraw the application and resubmit at a later date. (At least 6 months)

Continued from April 25, 2002 Subdivision Application SD-N-218: Frank Flock, applicant and owner. Property is described as tax lot 3600 of Assessor's Map 4N 25 20A. The property is zoned Suburban Residential (SR-1A) and is located within the Boardman Urban Growth Boundary. Property is located approximately one mile southwest of Boardman on Kunze Lane. Proposal is to divide the 6.13 acre parcel into 6 one acre lots, each meeting the 1 acre minimum. Criteria for approval include Morrow County Subdivision Ordinance.

Assistant Planner McLane shared that we have sent the applicant two letters and left phone messages with no response from the applicant. She read the letter that was sent to Mr. Flock to the Planning Commission. Chairman Peterson asked Assistant Planner McLane to review some of those issues. She explained that one of the biggest stumbling block with the application was the request for the proposed road to be continued into the West Glenn subdivision. The other concern was the request for the shared well. The Oregon Health Department, Drinking Water Division, sent a letter stating that with the number of locations that would service it would be treated as a municipal water system. The Planning Commission conversed about what they should do with this application. Commissioner Rea moved to continue for another month and see if Mr. Flock responds. Commissioner Eppenbach second the motion. Commissioner Kegler asked if they were within the time frame. Director Mabbott replied that yes they were within the time frame. Motion carried.

Director Mabbott explained that Mr. Flock will be sent a letter stating that if the Planning Commission does not hear from him then the Planning Commission may deny this application at the next Planning Commission meeting.

Continued from April 25, 2002 Lexington Airport Layout Plan The second of three hearings to consider the adoption of the Lexington Airport Layout Plan and Map, the purpose being to identify the existing configuration of the airport and to establish current and long-term airport needs. This new Airport Layout Plan (ALP) will replace and supercede the 1983 ALP Report and Environmental Assessment. The new ALP drawings reflect current conditions and facilities. The primary objective of the ALP is to identify current and future facility needs and improvements necessary to maintain a safe, efficient, economical and environmentally acceptable air transportation facility. The ALP study also includes a new land-use plan map for the airport and its surrounding area. The surrounding areas are subject to the existing Airport Approach Zone and Airport Hazard Zone. The affected surrounding areas have not changed from the 1983 study; however, the new ALP accurately identifies those lands that are subject to the Airport Approach and Airport Hazard Zones. Adoption of the ALP will also include a zone change of the airport, whereby aviation-related uses will be permitted outright. Criteria for consideration of the proposed Lexington Airport Layout Plan and Map includes Sections 3.010, 3.090 and 3.091 of the Morrow County Zoning Ordinance, goals and policies of the Transportation Element of the Comprehensive Plan, and the County Transportation System Plan.

Director Mabbott explained that the Public Works Department worked with the FAA and the Oregon Department of Aviation. The FAA has approved this but they have said that before they can spend grant money to make improvements to the airport, the County needs to modify their land use regulations. We have existing overlay zones that protect the air space and the approach area to the airport. What is being done by adopting this ALP and making it a part of our TSP, is applying the Air Industrial zone as an overlay zone, and in a couple of places, amending the Zoning Ordinance text so that in the Air Industrial section where it currently references the Boardman Airport Master Plan, language would be added that says, "Location of all development at the Lexington Airport will be directed by the Lexington Airport Layout Plan". There are two other sections that will be amended, the Airport Approach Zone and the Airport Hazard Zone, the text and the regulatory requirements won't be changed, the maps will be referenced. Director Mabbott received a new map from Don Larsen. She made copies of the new maps and distributed them to the Planning Commission. We will do an overlay zone on the counter maps at the office once recommendation to approve by County Court has been done. Director Mabbott would like to propose sometime in the future to change the two zones so they are consistent with the Airport Planning Rule that the Transportation Commission adopted a couple of years ago. She talked about Clackamas County and their experiences with this type of Airport Planning Process. Karen Wolfe from Public Works was present to talk on behalf of the Public Works Department.

Chairman Peterson opened the hearing to the public.

No one was present to speak in favor or opposed to this. Karen explained that they would like to implement this immediately for many reasons including life flight, agricultural spray use, Automated Weather Observation Station to provide weather data.

Chairman Peterson closed the public hearing.

Commissioner Kegler talked with Mike Nelson on the State Aeronautics Board and shared that small airports are going away at a very fast rate. Talked about a right to fly disclaimer. There were no further comments. Commissioner Rea moved to recommend to County Court to approve as presented with the correct map. Commissioner Grieb seconded the motion. The motion carried.

Land Partition Application LP-N-312 and Conditional Use Request CUP-N-180: HM Ranches, owner and Robert Mahoney, applicant. Property is described as tax lot 300 of Assessor's Map 3S 25 and is zoned Exclusive Farm Use (EFU). Property is approximately ten miles south of Lexington and ten miles west of Heppner, on Clark's Canyon Road. Proposal is to partition the 2670.59 acre parcel into two lots with parcel one being approximately seven acres and parcel two being approximately 2663 acres and to site a "non-farm dwelling" on parcel one. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5; the Morrow County Zoning Ordinance Article 3 Section 3.010(F) and Article 6 Section 6.020.

Assistant Planner McLane gave the staff report. The applicant would like to site a "non farm dwelling" on proposed Parcel 1. It is located 10 miles south of Lexington. This would be the second "non farm dwelling" taken from the parent parcel. There is no other dwelling on the subject "non-farm" parcel currently. This will not affect the farming practice for this area. A new Oregon Administrative Rule was passed with this last legislative session which does apply so this would be the last "non farm dwelling" allowed for this original parent parcel. There was something passed in 1997 which would affect the previous land partition that was done on this land. They did work with the Soil Conservation Service and found that almost all the entire parcel is a type VII soil. Standard Right-to-Farm disclaimer will be asked of the owners. As the home is already in place, there is no need to obtain DEQ approval. A 10 foot road right-of-way dedication for Clark's Canyon Road will be asked of the owners, increasing the right-of-way to 50 feet. Received information from the Watermaster, there are no ground water rights where

the non farm dwelling is proposed to be. Would need to be disqualified from the non tax status and previous taxes for the last 10 years would need to be paid.

Open public hearing.

The owner explained that they are trying to do this to get out of the rental business. The CRP program has changed how they farm and the dwelling is no longer used for farm help.

Close the public hearing.

Commissioner Rea moved to approve as presented. Commissioner Grieb seconded the motion. Motion carried.

Land Partition Application, LP-N-313: Craig Hulse, owner and applicant. Property is described as tax lot 1500 of Assessor's Map 5N 26 25B, is zoned Suburban Residential (SR-1), and is located within the City of Irrigon Urban Growth Boundary. Property is one tenth of a mile west of Irrigon, on Second Street with additional frontage on California Avenue. Proposal is to partition the 4.36 acre parcel into two lots, each approximately 2.2 acres meeting the one acre minimum. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Assistant Planner McLane gave the staff report. The property is one tenth of a mile west of Irrigon. There are no current improvements to the property. Request does meet the 1 acre minimum lot size requirements. The applicant is proposing individual wells for each parcel and DEQ site suitability would be required. There is a farm gate at the north end of the property. There are 2 proposed accesses. There was discussion with Burke O'Brien, Public Works about the access and where they would be allowed. Wanted to make sure that there was discussion of transportation because of the relation to HWY 730. This was referred to West Extension and the Watermaster. The Water Resources Department stated there are no valid ground water rights. West Extension sent a letter and had a comment, number 5 on page 2 there is a buried main line to the east side of the property. Assistant Planner McLane read the email from Burke O'Brien, Public Works, he indicated a shared approach to 2nd Street would be a must. If a traffic signal would later be used, it would have to be paid for by the developer. ODOT needs to be involved. Shared road that will access 2nd Street with the current access. Now is an opportunity to talk about the development for the future. Director Mabbott explained some of the options that they have thought about that would work for this situation. Burke would like to recommend not making a decision right now and talk with the Public Works Department, the developer, the planner, etc. Mr. Hulse has no problem with this suggestion.

Open the public hearing.

Mr. Hulse talked of the access. He has no problem with the shared access road. They require the developer to pay for the developing of the California Street. Director Mabbott explained that it's not that easy and that she recommends talking with Burke and other agencies to conclude what would be the best route. Director Mabbott recommends carrying this to the next meeting.

Mr. Hulse asked if they can continue to put well, septic on the parcel and break it in half at a later date. That would be acceptable. This would give everyone time to discuss the best access for that parcel. Commissioner Rea asked if it was in the Urban Growth Boundary. She asked, has thought been given to in the future breaking this down into smaller sizes?

Commissioner Kegler moved for continuance. Commissioner Rea seconded. The motion carried.

Variance Application and Amendment to Land Partition LP-S-286 and Conditional Use Request CUP-S-160: Schmidt Family Enterprises, LLC, owner and Pamela Perry-Schmidt, applicant. Property is described as tax lot 6300 of Assessor's Map 1S 25 and is zoned Exclusive Farm Use (EFU). Property is approximately two miles south of the Town of Lexington, bordering Highway 74. Proposal is to allow a 15 foot access easement when a 20 foot access easement is required, changing the Conditions of Approval for Land

Partition LP-S-286 and Conditional Use Request CUP-S-160. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Morrow County Zoning Ordinance ARTICLE 7 Variances, and the Morrow County Transportation System Plan CHAPTER 6 Access Requirements.

Assistant Planner McLane gave the staff report. She attached to the findings of facts the previous findings of facts for reference and she talked about those. The barn is 15 feet and not 20 feet as previously thought. She gave the history of this application to the Planning Commission. The applicant is asking for a 15 foot easement as opposed to a 20 foot that is required and stated. After discussion with the Public Works department, they thought that looking at the 15 foot would be okay. They have talked with ODOT and they are okay with granting the dual access, changing to Doc Hubert's access. ODOT has no objections. Tim Key called, he feels comfortable with this. Fran Oswald called today in reference to granting the variance. Both are adjoining land owners and they are in favor of this.

Open public hearing.

Ryan Miller from Heppner, spoke in favor of this application. He showed pictures of the proposed property to the Planning Commission.

Close the public hearing.

Commissioner Grieb moved to approve . Commissioner Eppenbach second the motion.

Motion carried.

The applicants asked if they needed to get with Burke O'Brien about the standards and want to make sure this is done correctly. Assistant Planner McLane explained that they were to make improvements according to the Public Works Director. Once they have George Ruby's approval take that to Burke and get his approval. The final plat can not be signed until the road improvements have been made.

CORRESPONDENCE:

Director Mabbott offered to the Planning Commission a flyer from the Oregon Planning Institute and asked if anyone is interested in going to this. She discussed how the session usually works.

Director Mabbott gave a speedway update. The County Court approved the speedway application on Friday, June 21, 2002. They will have their 2nd reading on July 10th . If anyone would like a final copy of the final findings we will distribute those. Chairman Peterson, Commissioner Rea, Commissioner Morter, Commissioner Eppenbach, and Commissioner Kegler would like copies of this.

Director Mabbott explained how the process goes for a project like the speedway, to the Planning Commission. She would like to see what the Planning Commission thinks about this whole process. ODOT is going to have an internal discussion on how they handled things, how could they have handled them better, what could be done different next time. Commissioner Kegler had some comments, he explained that big events happen all the time and people still get to church on Sunday and to work on Monday. If the developer is not allowed to put in gas station or hotels , he is not given the opportunity to give money back to the county, community. This puts a burden on the developer by not allowing him to put commercial properties out there. Director Mabbott discussed the speedway related buildings and the office buildings have to be out there.

Assistant Planner McLane explained how the City of Umatilla did a land swap since no more land could be allowed into the Urban Growth Boundary.

Director Mabbott talked about the BAIC, Threemile Canyon Farms partition. The Planning

Commission's decision was appealed to the County Court. Director Mabbott raised the issue that the extension road does not reach the highway. The agreement says that the road shall reach highway 74. Director Mabbott talked about when they went in the helicopter to look at the property. There are a set of circles between the land conservation and the property. On the plat there is a little gap between the edge of the property and the highway.

The meeting adjourned at 9:05 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for July 25, 2002 at 7:30 p.m. at Morrow County School District Building in Lexington, Oregon.

Respectfully submitted,
Kristina Gray

7/26/02



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Thursday, July 25, 2002, 7:30 p.m.
Morrow County School District Building
Lexington, Oregon**

Members Present: Joel Peterson, Ken Grieb, Don Eppenbach, Jeff Wenholz, John Kilkenney, Art Kegler

Members Absent: Leann Rea, Joe Miller, Anne Morter,

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

Chairman Peterson called the meeting to order at 7:32 p.m.

Minutes of the May 2, 2002 meeting were reviewed at the June 27, 2002 meeting. The Planning Commission had some changes. Director Mabbott reviewed the minutes with the corrections. Chairman Peterson had one additional change. On page 11 the name Kerry was misspelled. Commissioner Grieb moved to approve with the additional correction. Commissioner Kilkenney seconded the motion. The motion carried. The minutes of the June 27, 2002 meeting were reviewed. Commissioner Eppenbach moved to approve the minutes. Commissioner Grieb seconded the motion. The motion carried.

Chairman Peterson read the public hearing procedures.

Continued from June 27, 2002 Subdivision Application SD-N-218: Frank Flock, applicant and owner. Property is described as tax lot 3600 of Assessor's Map 4N 25 20A. The property is zoned Suburban Residential (SR-1A) and is located within the Boardman Urban Growth Boundary. Property is located approximately one mile southwest of Boardman on Kunze Lane. Proposal is to divide the 6.13 acre parcel into 6 one acre lots, each meeting the 1 acre minimum. Criteria for approval include Morrow County Subdivision Ordinance.

Assistant Planner McLane explained that there has been no contact from Mr. Flock after several attempts from the Planning staff through mail and phone to contact him. This would have been the third hearing for Mr. Flock. The City of Boardman was also contacted and Mr. Flock had not made contact there either.

Commissioner Kegler moved to decline the application so that he can reapply if he would like to continue with a subdivision. Commissioner Grieb seconded the motion. The motion carried and the application has been declined.

Continued from June 27, 2002 Land Partition Application, LP-N-312: Craig Hulse, owner and applicant. Property is described as tax lot 1500 of Assessor's Map 5N 26 25B, is zoned Suburban Residential (SR-1), and is located within the City of Irrigon Urban Growth Boundary. Property is one tenth of a mile west of Irrigon, on Second Street with additional frontage on California Avenue. Proposal is to partition the 4.36 acre parcel into two lots, each approximately 2.2 acres meeting the one acre minimum. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Commissioner Wenholz declared that his father is a property owner near the subject property. He stated he has no financial gain or personal gain from this and he would be able to participate. Commissioner Kegler declared that one of his real estate agents has dealt with this sale transaction but he has had no contact with this and nothing to gain.

Assistant Planner McLane expressed the concern with the intersection located at California Avenue and 2nd street because of the site distance. There were concerns of the Public Works Director about putting in an intersection at that location.

There was a meeting July 16th between the planning staff, Public Works Director, the County Road Engineer, and Mr. Hulse to discuss this matter. All the property owners on California Avenue were notified of this hearing. Planning Director Mabbott described why the access is important, because we don't know what is going to happen in 20 years, and therefore it is important to maintain that east - west connection. Director Mabbott said it would be in the best interest to hear from the property owners adjacent and the Public Works Director.

This application was continued because the Public Works Director believes it would be inappropriate place to put an intersection because of the hill just feet from the proposed intersection. Mr. Hulse would need to bring the proposed road to a level 2 standard if the road went through his property. If this is done they may possibly vacate California in the future.

Burke O'Brien, Public Works Director explained that they went out and looked at this property. A letter written by Burke was read and distributed to the Planning Commission (see attached). California is currently an undeveloped road. A shared access is recommended.

Open public hearing.

No one to speak in favor.

John Wenholz distributed a letter to the Planning Commission from the West Extension Irrigation District. He does support someone subdividing this property. The Irrigation District has an easement down California Street. He believes the County put their road over the Irrigation District's easement. When you look at this site, he doesn't believe 60 feet is wide enough for a road. He believes California should be vacated.

Director Mabbott clarified the location of Mr. Wenholz' property. Mr. Wenholz agrees with Burke O'Brien. Burke O'Brien proposed to eliminate the July 16th recommendation and add having two access, one of them shared for the south 2 parcels. George Ruby, ODOT, prefers 300 feet from the highway. Mr. O'Brien also recommended a shared access to the property on the highway, (tax lot 101), with Hulse's north side property, (parcel 3).

Use the new staff report.

Close the public hearing.

Commissioner Kegler raised a question. Without the applicant here, the Planning Commission is just manipulating the property back and forth.

It was discussed if the applicant needed to be present for this decision.

The Planning Commission decided to keep Assistant Planner McLane's old language that was underlined on page 2. The conditions of approval would be less than in the staff report.

Commissioner Kegler would feel more comfortable to continue the hearing and let the property owner be present to know what is being talked about and what is going to be decided.

Commissioner Kegler moved to continue to the next meeting. Don't close the public hearing and leave it open. Continue to August 29, 2002. Commissioner Eppenbach seconds the motion. The motion carried.

Conditional Use Request CUP-S-181: Alex and Gary Gray, owners and Harvey and Patricia Simmons, applicant. Property is described as tax lot 400 of Assessor's Map 4S 28 11AB and is zoned Forest Use (FU). Property is located within Blake Ranch, approximately 16 miles southeast of Heppner off Blake Ranch Road. Proposal is for a Lot-of-Record dwelling. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.020.D.1 and Article 6 Section 6.030.

Assistant Planner McLane gave the staff report. Warranty Deed #M - 4989 indicated that the Gray's have been the owners of the property since about May 1969. The applicant, Harvey and Patricia Simmons, currently own the lot next door. They indicated they would be transferring ownership of that parcel once this has been approved. They currently own tax lot 300. It does have a dwelling on it. Staff recommended changing the language in number 8, issuing a zoning permit for the parcel, cross out the rest of that. Also include E and F as conditions of approval. Strike condition 1.

Open public hearing.

Applicant spoke in favor of this application.

Assistant Planner McLane explained that the applicant is being asked to do these things, this should be the owner. Planning Director Mabbott clarified that the Zoning Permit needs to be issued before the land transaction has occurred. The owner shall retain a Morrow County zoning permit. The owner shall sign the right to forest agreement.

Commissioner Eppenbach moved to approve with the changes listed. Commissioner Grieb seconds the motion. Motion carried.

Conditional Use Request CUP-N-182: Gerald and Linda Wilson, owners and applicant. Property is described as tax lot 2901 of Assessor's Map 1N 23 and is zoned Exclusive Farm Use (EFU). Property is approximately six miles northwest of Lexington and two miles east of Morgan, on Highway 74. Proposal is to site an accessory (secondary) farm dwelling on the 110.41 acre parcel. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.010.D.3, Article 4 Section 4.110, and Article 6 Section 6.030.

Assistant Planner McLane gave the staff report. The house must be occupied by farm help is one of the criteria required. ODOT has already approved a new access across the creek. If the property is conveyed to another property owner that second dwelling must be removed. That will be one of the conditions. Or it could be reappraised. Staff recommends to postpone

a decision in order to obtain information from the applicant about this standard of gross annual income. The lower of the following applies (list read from staff report). Director Mabbott recommends to postpone to meet condition B. Commissioner Eppenbach moved Commissioner Kegler seconded the motion to continue to the next meeting. August 29 in Irrigon.

Conditional Use Request CUP-N-183: Mitch Ashbeck, owner and applicant. Property is described as tax lot 102 of Assessor's Map 1N 27 and is zoned Exclusive Farm Use (EFU). Property is approximately three miles south of Highway 207 on Butter Creek Road at Pine City. Proposal is to site an accessory (secondary) farm dwelling on the 1444.05 acre parcel. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.010.D.3, Article 4 Section 4.110, and Article 6 Section 6.030.

Assistant Planner McLane gave the staff report. They came in for a replacement dwelling and then decided to keep the original dwelling. Therefore they must go through this process to get approval for the second dwelling. With this being a large tract of land, they can make it a condition of approval to pass the income test rather than postpone. The principle farm dwelling must meet this test. They have already met condition #2. May be seeing an application for one of these dwellings to be partitioned off. Nothing has yet been submitted.

Open public hearing.

Mitch Ashbeck was present to speak in favor of this. This mobile home will probably disappear in a year or two. No one spoke in opposition.

Close the public hearing.

Commissioner Eppenbach moved to approve with the changes . Commissioner Grieb seconds the motion. The motion carried.

Correspondence

Assistant Planner McLane presented to the Planning Commission the inserts for section 4 of their Zoning Ordinance book. It is the Site Development Review section. The numbering system is a little different.

Director Mabbott disbursed the Finding of Fact to the Planning Commission from the Speedway.

Director Mabbott explained to the Planning Commission about mileage reimbursement. You now have to claim this as income. You can choose not to get reimbursement, or do a W-4 form and it will be treated as income. The Planning Commission discussed this.

Planning Staff will check with Accounting to see if they have to report anything if it is under \$600.00. Why can't it be like a 1099? Director Mabbott will check on those and report back to the Planning Commission at the next meeting.

Assistant Planner McLane thought the next meeting was August 27th . Let the record show that the continuations will go to August 29, 2002 not the 27th .

Director Mabbott discussed the rubble that has been disbursed from the demolition of the school buildings. Does not qualify for learn to burn. DEQ is taking the lead on this issue.

They can dump clean fill. They claim they can sell it to a generating plant. The waste will probably go to Finley Buttes Landfill.

Adjournment

The meeting adjourned at 9:10 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for August 29, 2002, at 7:30 p.m. at the North Morrow County Annex Building Irrigon, Oregon

Respectfully submitted,
Kristina Gray

9/6/02



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Assistant Planner McLane explained that there has been no contact from Mr. Flock after several attempts from the Planning staff through mail and phone to contact him. This would have been the third hearing for Mr. Flock. The City of Boardman was also contacted and Mr. Flock had not made contact there either.

Commissioner Kegler moved to decline the application so that he can reapply if he would like to continue with a subdivision. Commissioner Grieb seconded the motion. The motion carried and the application has been declined.

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Assistant Planner McLane expressed the concern with the intersection located at California Avenue and 2nd street because of the site distance. There were concerns of the Public Works Director about putting in an intersection at that location.

There was a meeting July 16th between the planning staff, Public Works Director, the County Road Engineer, and Mr. Hulse to discuss this matter. All the property owners on California Avenue were notified of this hearing. Planning Director Mabbott described why the access is important, because we don't know what is going to happen in 20 years, and therefore it is important to maintain that east - west connection. Director Mabbott said it would be in the best interest to hear from the property owners adjacent and the Public Works Director.

This application was continued because the Public Works Director believes it would be inappropriate place to put an intersection because of the hill just feet from the proposed intersection. Mr. Hulse would need to bring the proposed road to a level 2 standard if the road went through his property. If this is done they may possibly vacate California in the future.

Burke O'Brien, Public Works Director explained that they went out and looked at this property. A letter written by Burke was read and distributed to the Planning Commission (see attached). California is currently an undeveloped road. A shared access is recommended.

Open public hearing.

No one to speak in favor.

John Wenholz distributed a letter to the Planning Commission from the West Extension Irrigation District. He does support someone subdividing this property. The Irrigation District has an easement down California Street. He believes the County put their road over the Irrigation District's easement. When you look at this site, he doesn't believe 60 feet is wide enough for a road. He believes California should be vacated.

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Close the public hearing.

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The Planning Commission decided to keep Assistant Planner McLane's old language that was underlined on page 2. The conditions of approval would be less than in the staff report.

Commissioner Kegler would feel more comfortable to continue the hearing and let the property owner be present to know what is being talked about and what is going to be decided.

Commissioner Kegler moved to continue to the next meeting. Don't close the public hearing and leave it open. Continue to August 29, 2002. Commissioner Eppenbach seconds the motion. The motion carried.

Conditional Use Request CUP-S-181: Alex and Gary Gray, owners and Harvey and Patricia Simmons, applicant. Property is described as tax lot 400 of Assessor's Map 4S 28 11AB and is zoned Forest Use (FU). Property is located within Blake Ranch, approximately 16 miles southeast of Heppner off Blake Ranch Road. Proposal is for a Lot-of-Record dwelling. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.020.D.1 and Article 6 Section 6.030.

Assistant Planner McLane gave the staff report. Warranty Deed #M - 4989 indicated that the Gray's have been the owners of the property since about May 1969. The applicant, Harvey and Patricia Simmons, currently own the lot next door. They indicated they would be transferring ownership of that parcel once this has been approved. They currently own tax lot 300. It does have a dwelling on it. Staff recommended changing the language in number 8, issuing a zoning permit for the parcel, cross out the rest of that. Also include E and F as conditions of approval. Strike condition 1.

Open public hearing.

Applicant spoke in favor of this application.

Assistant Planner McLane explained that the applicant is being asked to do these things, this should be the owner. Planning Director Mabbott clarified that the Zoning Permit needs to be issued before the land transaction has occurred. The owner shall retain a Morrow County zoning permit. The owner shall sign the right to forest agreement.

Commissioner Eppenbach moved to approve with the changes listed. Commissioner Grieb seconds the motion. Motion carried.

Conditional Use Request CUP-N-182: Gerald and Linda Wilson, owners and applicant. Property is described as tax lot 2901 of Assessor's Map 1N 23 and is zoned Exclusive Farm Use (EFU). Property is approximately six miles northwest of Lexington and two miles east of Morgan, on Highway 74. Proposal is to site an accessory (secondary) farm dwelling on the 110.41 acre parcel. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.010.D.3, Article 4 Section 4.110, and Article 6 Section 6.030.

Assistant Planner McLane gave the staff report. The house must be occupied by farm help is one of the criteria required. ODOT has already approved a new access across the creek. If the property is conveyed to another property owner that second dwelling must be removed. That will be one of the conditions. Or it could be reappraised. Staff recommends to postpone

a decision in order to obtain information from the applicant about this standard of gross annual income. The lower of the following applies (list read from staff report). Director Mabbott recommends to postpone to meet condition B. Commissioner Eppenbach moved Commissioner Kegler seconded the motion to continue to the next meeting. August 29 in Irrigon.

Conditional Use Request CUP-N-183: Mitch Ashbeck, owner and applicant. Property is described as tax lot 102 of Assessor's Map 1N 27 and is zoned Exclusive Farm Use (EFU). Property is approximately three miles south of Highway 207 on Butter Creek Road at Pine City. Proposal is to site an accessory (secondary) farm dwelling on the 1444.05 acre parcel. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.010.D.3, Article 4 Section 4.110, and Article 6 Section 6.030.

Assistant Planner McLane gave the staff report. They came in for a replacement dwelling and then decided to keep the original dwelling. Therefore they must go through this process to get approval for the second dwelling. With this being a large tract of land, they can make it a condition of approval to pass the income test rather than postpone. The principle farm dwelling must meet this test. They have already met condition #2. May be seeing an application for one of these dwellings to be partitioned off. Nothing has yet been submitted.

Open public hearing.

Mitch Ashbeck was present to speak in favor of this. This mobile home will probably disappear in a year or two. No one spoke in opposition.

Close the public hearing.

Commissioner Eppenbach moved to approve with the changes . Commissioner Grieb seconds the motion. The motion carried.

Correspondence

Assistant Planner McLane presented to the Planning Commission the inserts for section 4 of their Zoning Ordinance book. It is the Site Development Review section. The numbering system is a little different.

Director Mabbott disbursed the Finding of Fact to the Planning Commission from the Speedway.

Director Mabbott explained to the Planning Commission about mileage reimbursement. You now have to claim this as income. You can choose not to get reimbursement, or do a W-4 form and it will be treated as income. The Planning Commission discussed this.

Planning Staff will check with Accounting to see if they have to report anything if it is under \$600.00. Why can't it be like a 1099? Director Mabbott will check on those and report back to the Planning Commission at the next meeting.

Assistant Planner McLane thought the next meeting was August 27th . Let the record show that the continuations will go to August 29, 2002 not the 27th .

Director Mabbott discussed the rubble that has been disbursed from the demolition of the school buildings. Does not qualify for learn to burn. DEQ is taking the lead on this issue.

They can dump clean fill. They claim they can sell it to a generating plant. The waste will probably go to Finley Buttes Landfill.

Adjournment

The meeting adjourned at 9:10 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for August 29, 2002, at 7:30 p.m. at the North Morrow County Annex Building Irrigon, Oregon

Respectfully submitted,
Kristina Gray

9/6/02



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**Minutes of the Morrow County Planning Commission
Thursday, August 29 2002, 7:30 p.m.
North Morrow County Annex Building
Irrigon, Oregon**

Members Present: Joel Peterson, Ken Grieb, John Kilkenney, Don Eppenbach, Jeff Wenholz, Art Kegler, Joe Miller

Members Absent: Leann Rea, Anne Morter

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

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

Minutes of the July 25, 2002 meeting were reviewed. Commissioner Eppenbach moved to approve the July 25, 2002 minutes as presented. Commissioner Grieb second the motion. The motion carried.

Chairman Peterson read the public hearing procedures.

Continued from July 25, 2002 Land Partition Application, LP-N-313: Craig Hulse, owner and applicant. Property is described as tax lot 1500 of Assessor's Map 5N 26 25B, is zoned Suburban Residential (SR-1), and is located within the City of Irrigon Urban Growth Boundary. Property is one tenth of a mile west of Irrigon, on Second Street with additional frontage on California Avenue. Proposal is to partition the 4.36 acre parcel into three lots, each meeting the one acre minimum. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Associate Planner McLane gave the staff report. This is the third hearing on this application and due to questions about access, it had been continued. DEQ had concerns with the city sewer and water connections. It is not close enough to be connected to city services. If city services become available before the zoning permit is issued they may be required to connect to city sewer. Bernie Duffy, DEQ, did not require to have this as a condition of approval. Commissioner Kegler asked if the property owner to the north has been notified of the shared access. Assistant Planner McLane said he had not been notified for the shared access but he has been notified of the application. The apron for the access will be in the county right of way and not on the adjacent property owners property. The north access could be a shared access but not a required shared access. Will be located at the existing access. Take out the word "shared" on condition 4. Delete the second sentence. Make any changes to the text.

Open the Public Hearing.

Craig Hulse was present to speak in favor of this Land Partition. There was no one present to speak in opposition.

Close the Public Hearing.

Commissioner Miller moved to approve. Commissioner Eppenbach second the motion. The motion carried.

Land Partition Application, LP-N-315: Potlatch Corporation, owner and applicant. Property is described as tax lot 3414 of Assessor's Map 4N 26 and is zoned Exclusive Farm Use (EFU). Property is located south of Interstate 84, west of the Ordnance Depot and east of the Highway 730 interchange. Proposal is to partition the 11271.11 acre parcel into three lots. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Associate Planner McLane explained that we received a letter from Potlatch requesting a continuance. They would like to be on the agenda for the September Planning Commission Meeting which will be held on September 26, 2002 at the Morrow County School District Building in Lexington at 7:30 p.m. A continuance was granted.

Land Partition Application LP-N-316 and Conditional Use Request CUP-N-185: JoAnn Tingue, owner and Lindsay Harle, applicant. Property is described as tax lot 1300 of Assessor's Map 1N 27 and is zoned Exclusive Farm Use (EFU). Property is located on Little Butter Creek Road approximately three miles south of Pine City, or approximately six miles east of Highway 207 and 27 miles from Heppner. Proposal is to partition the 715.80 acre parcel into two lots with parcel one being approximately five acres and parcel two being approximately 710 acres and to site a "non-farm dwelling" on parcel one. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5; the Morrow County Zoning Ordinance Article 3 Section 3.010(F) and Article 6 Section 6.020; OAR 660-033-0100(11)(a) and ORS 215.263(5).

Associate Planner McLane gave the staff report. She went over the Land Partition criteria. The access is not proposed to change. Services are there but there is no phone service. Is not within a fire protection district. She then went over the criteria for the non farm dwelling. The Watermaster sent a letter which Associate Planner McLane read. There are both surface and groundwater rights on this parcel. There are 15,000 gallons allowed per day. A shared well was asked for in the application. Associate Planner McLane suggested making it a condition of approval for a shared well agreement. She touched bases on the conditions of approval.

Open the public hearing.

Lindsay Harle was present to speak in favor.

Bill Hanlon had a question on number 3. Why 10 feet from each side of Little Butter Creek Road?

There needs to be a 20 foot access easement to get to the house. Can't ask for the increase right of way since the property will not touch Butter Creek. Change page 2 of the findings as well.

Staff further discussed changing the language on number 2. They need to submit a map. Use the non farmable language gives flexibility. Removal from the farm deferral program for this property is required.

Parcel #2 would include non farmable soil. Add more language.

Commission discussed changes to conditions:

#3 goes away replace with includes a 20 foot access easement across Parcel 2 for access to parcel 1

#4 stays the same. No new access to be required.

Include the right to farm disclaimer.

Add #7 for a shared well agreement.
Add #8 requiring removal from farm deferral.

Close the public hearing.

Commissioner Grieb moved to approve with the corrections made to the conditions of approval.
Commissioner Miller second the motion. The motion carried.

Conditional Use Request CUP-N-186: Pioneer Resources, owner and Morrow County Public Works Department, applicant. Property is described as tax lot 3900 and portions of tax lots 900 and 2901 of Assessor's Map 6S 25 and a portion of tax lot 100 of Assessor's Map 6S 26. The subject property is zoned Forest Use (FU). Property is located to the east of Highway 207 approximately 14 miles south of Hardman at the county line. Proposal is to allow the creation of an All Terrain Vehicle (ATV) County Park. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.020(B)(8), 3.020(C), 3.020(E) and 3.020(F); Article 6 Section 6.020 and 6.030; and OAR 660-034-0035.

Director Mabbott gave the staff report. She asked Burke O'Brien and Karen Wolf from Morrow County Public Works to give a presentation. Mr. O'Brien gave an overview of how the project came about. Karen Wolfe then handed out to the planning Commission the packet that explains the whole project. She explained on the map where the access would be and where things would be located. All spaces will be pull through spaces. Also yurts will be included. Covered picnic and meeting areas will be included. Tent sites, additional parking spaces. Proposing a wash down area for where the old weigh scales are. A pee wee track and mud bog track would be included. Motor cross track. Existing pond they would like to enhance for fishing. Beginner ATV track. Heli pad would also be installed. Across from the maintenance shed the plan is to put in lagoons for their waste. On the other property there are already trails and this will enhance the trails to make ATV trails. Make the creek areas unavailable to motor vehicles. The grant monies are funded through ATV gas tax. Public Works must apply for operating and maintenance grants every year to keep things going. There are also law enforcement grants available to the Morrow County Sheriff's department for law enforcement in this area. There are also safety grants available. Regarding adjacent land security, a handout was given to the Planning Commission. Public Works wants the ATV people to stay on their property and not go onto other people's property. In the winter this can also be used as a snow park. There will be fencing installed around the entire perimeter. Possible cross fencing to allow the animals to graze to keep the fire fuel down. Mr. Palmer needs to have access from HWY 207 to his property. The county will guarantee access and gates for Mr. Palmer to access his property. There must be state parks license on each machine before they can enter the park.

Director Mabbott gave her presentation. Parks are allowed on forest lands. She handed out copies of the ORS to the Planning Commission. It describes state and local park planning rules. Required to make findings that this use is allowed as a conditional use. They do meet those conditions. She referred to the comprehensive plan. To establish future parks, #4. #11 provide convenient. #13 planning shall give priority to handicap, #14, #15 no recreation use shall be allowed except, #18 the park and recreation element shall be defined. Director Mabbott proposed to change the Findings to include those comp plan policies and that they are being implemented. She then summarized the rest of the Findings. Director Mabbott then reviewed the conditions of approval. Change number 6 to amend the state park master plan to refer to the county park master plan.

Bill Hanlon suggested discussing what is being approved. Are they asking for concessions,

races, etc? Or just a park use?

Director Mabbott then read a letter from DEQ that was received today. Change #2 to obtain approval from DEQ.

Open public hearing.

Mr. Palmer 66112 Rhea Creek Road, Lone. He spoke neutral but there are problems that need to be worked out. Concerns with noise pollution, harassment of the wildlife, the John Day watershed. What affect will this have on the watershed in this area? The Fish and Wildlife do not like to have fencing. But that is fine with him. He's afraid it will become a commercial operation and everything around it will be ruined.

Karen spoke in favor of this. She presented to the Planning Commission letters of support from Columbia Basin Electric, Morrow County Grain Growers, Baker Morrow Partnership, and the Willow Creek Economic Development Group.

Commissioner Eppenbach moved to add to the record all items submitted including the previous handouts. Commissioner Miller seconded the motion. The motion carried. Burke O'Brien had conversations with the local Fish and Wildlife(ODFW) representative, Bob Krien, who endorses the park but they need to work together on some issues. Bob is comfortable with the park being there. There will always be issues with neighbors and they are just dealt with as problems arise. The fence will be a secure fence. Stay within perimeters that don't directly affect the watershed.

Karen addressed issues on the State Parks Master Plan. It discusses new parks which are on need and opportunity. Also discusses U.S. forest site . It is adjacent to the forest .

Staff indicated that the Morrow County ATV Park will not include concessions. They can't do that . Not allowed in section 40.

Staff suggested continuing the hearing to September 26, 2002. This would allow Public Works to come back and amend the conditional use permit and clarify which uses within the park are consistent with 660 division 34. Staff clarified Commercial race events shall not be allowed under this permit.

Comply with the rules provided, as presented to the Planning Commission.

John Kilkenney asked how common it is that the applicant does not own the property, they have no earnest money on this property.

Staff indicated the Planning Commission needs a letter or something from the land owner that they are giving Public Works permission to act as agent for their property.

Bill Hanlon doesn't believe that you can issue a conditional use permit to someone if they have no interest in the property.

Director Mabbott would like more time to go over this.

Staff and Commission went over the conditions. 1-5 have not changed. Change #6 to read submit application to amend the state park master plan to include the park. #7 stay the same. #8 read comply with adjacent land owners, delete the rest. #9 unchanged. #10 Commercial race events shall not be allowed under this use. #11 Uses with in the park shall be consistent with OAR 660 Dir. 34.

Scratch 10 and 11 now becomes 10. Attach OAR to this in case it changes at a later date.

Close the public hearing.

Commissioner Kegler moved to approve with conditions as stated in the revised and with the

applicant gains a letter from the owner of the property to allow to proceed. Commissioner Miller second the motion. Motion carried.

Correspondence

Umatilla electric submitted a letter from a previous land partition. They now need increased acreage to do this project. They are submitting a new preliminary plat. Debi Watson was present to speak on this. They need more acreage as the 2 acres previously asked for is not capable of serving the purpose intended for. Staff reported that the change was minor enough that they did not need to re-issue a notice for this request but, the Planning Commission advised Staff to approve the request. Change is significant enough to request Planning Commission discussion.

Oregon Planning Institute - October 2 - 4, 2002

Director Mabbott presented copies to go to OPI. If anyone is interested she would take it to county court to see if there are funds for this.

Accounting and W-4 form. She read letter from accounting. They agreed to continue to do what we have been doing and do the 1099 forms.

Scheduling for the next couple of months. September 26, 2002 is okay for next meeting. Combine the meetings for October and November and December unless there is something that we need to accommodate. November 7th and December 19th will be the next meetings. Sept. In Lexington, November 7th in Irrigon, December 19th in Lexington.

Audience Participation/New Business

A. Speedway Update - Appeals

Director Mabbott briefly explained what was going on with the appeal for the Speedway. She described what went on at the meeting with the Land Conservation and Development Commission last week in Portland. She also explained the LUBA process. She discussed the issue with Speedway lodging and why DLCD is appealing this decision.

She explained that the LCDC recommended the Department (DLCD) and the applicant need to go back and change the record to justify speedway lodging.

B. Code Enforcement Update - Deputy Jeff Lambier

This will be continued to the next meeting on September 26, 2002 in Lexington as Deputy Lambier was called out and not able to stay for the meeting.

Adjournment

The meeting adjourned at 10:20 p.m. .

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for September 26, 2002 at 7:30 p.m. at the Morrow County School District Building in Lexington, Oregon.

Respectfully submitted,
Kristina Gray

10/31/02



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**Minutes of the Morrow County Planning Commission
Thursday, October 24, 2002, 7:30 p.m.
North Morrow County Annex Building
Irrigon, Oregon**

Members Present: Joel Peterson, Leann Rea, Joe Miller, Don Eppenbach, Anne Morter

Members Absent: Jeff Wehnholz, Art Kegler, Ken Grieb, John Kilkenney

Staff Present: Tamra Mabbott, Planning Director; Carla McLane, Associate Planner

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

Minutes of the August 29, 2002 meeting were reviewed. Commissioner Eppenbach moved to approve the August 29, 2002 minutes. The motion carried. The Planning Commission agreed to accept request by Wayne Downey to hear his Subdivision request first on the agenda.

Chairman Peterson read the public hearing procedures.

Subdivision Application SD-N-219 and a Transportation System Plan Variance
Application: Wayne and Marchelle Downey, applicant and owner. Property is described as tax lot 200 of Assessor's Map 4N 25 14C. The property is zoned Farm Residential (FR) with a two acre minimum. Property is located approximately three miles southeast of Boardman off Wilson Lane on Downey Road. Proposal is to divide the 27.04 acre parcel into 12 lots, each meeting the 2 acre minimum. Criteria for approval include Morrow County Subdivision Ordinance and Morrow County Transportation System Plan.

Associate Planner Carla McLane presented the staff report. Property is between Estregaard Estates and Hamilton Estates. McLane reviewed notes from Subdivision Review Committee meeting: Road to Hamilton Estates is 25 feet; easement that connects Earwood Estates (proposed) to Wilson Lane; small stub out roads; water and septic requirements from DEQ; covenants were submitted later, after Subdivision Review Committee meeting. Staff report describes current road and what is proposed. Section between Wilson Lane and beginning of Hamilton Estates and Earwood Subdivision. Condition recommended that applicant demonstrate easements are legal for access to Wilson Lane to the proposed subdivision. There is also some question about the legal access on the south portion of the roadway. ADT is 120. Applicant claims that the stub out roads serve two lots; planning staff and public works believes those roads serve four lots each. Road standards were reviewed as recommended by staff. County Policy regarding accepting roadways was reviewed. Road would need to be maintained by developer and proof provided of their capability to do that. Conditions were reviewed.

Proponents: Wayne Downey, 102 South Willow Fork Drive, Boardman, OR. Request Planning Commission reconsider Conditions of Approval number 5 and 7 of precedent conditions and

number 16 of subsequent conditions. As stated on the front page, minimum standard is Rural Access I Road Standard. He appreciates planning and public works desire to have a thoroughfare to every property - intent of TSP is to provide safe and thorough access to each property. Tamra and Burke were not at Subdivision Committee meeting. Its clear that Downey Road could serve the front lots: 12, 10, 8, 6, 4 and 2. Applicant is requesting the stub out roads be 30 foot access easements and meet requirements of the TSP. If we meet the TSP requirements then would have no problem.

Commissioner Rea - cannot meet county spacing standard if that many driveways come off Downey Road. McLane - particularly when you factor in the existing roads off Hamilton Estates. Downey - what is spacing standard? Peterson - difference between Rural Collector and Rural Access? McLane - 18 versus 20 foot. Also, TSP recommendation is minimum. Rea - personally have difficulty waiving requirement when we have required it of everyone else. Can understand the 50 foot since that is what was established for Hamilton Estates. Peterson - Configuration as presented is based on 30 foot width? McLane - Yes, but gain acreage on south end of property. Rea - fire department O.K. with 55 foot? McLane - when look at rural access I road standard, there is travelway and roadway, subgrade, borrow pit on both sides. Peterson - Acreage O.K. if make 55 feet? Miller - Hate to deviate from county road standard. Have same analogy in every subdivision we look at. TSP is well thought out. Reasons presented with, can't go for making a narrower right-of-way. Wayne - Not asking to deviate but asking the minimum. Rea - how far below 2 acres? Mabbott - none. Rea - will go with variance for 55 on Downey

Hanlon - Condition 3: Can't obtain dedication of those easement on the plat . Would need other property owners to sign off on the plat if that easement was to be dedicated. Mabbott - Dedicate on the plat with landowners signature, or, via a instrument such as a deed? Hanlon - yes:

Peterson - Other questions? McLane - had several phone calls but no written comment.

Peterson - close public hearing.

Peterson - Need to stick with 55 foot. McLane - Downey is asking for standard to be Rural Access I for both roads. Peterson - difficulty with higher standard when county will not accept roadway. McLane - no CTP on Hamilton Estates. Mabbott explained the purpose of the policy re accepting roadways. McLane - Public Works was willing to allow variance from 60 foot to 55 foot but not on improvement standard. Making the roads a 55 foot right-of-way is a variance. Different interpretation than Downey's. Rea - If we were to approve as written, with all conditions regarding the roads and their sizes, we can't approve the application because the number of lots may change. McLane - we could approve a subdivision with 11 or 12 lots. Mabbott - can approve tentatively, and have P.C. review and approve the revised preliminary plat. Hanlon - There will be another calculation from Downey Road. Peterson - Rural Collector III versus I? Rea - should support as recommended by staff. Eppenbach - yes if required next door.

Rea - approved with recommendations on roads with changing 3 and 4 to accommodate the new legal language recommended by counsel. Move approval. Second by Miller. Motion passed unanimously.

Continued from September 26 Land Partition Application, LP-N-315: Potlatch Corporation, owner and applicant. Property is described as tax lot 3414 of Assessor's Map 4N 26 and is zoned Exclusive Farm Use (EFU). Property is located south of Interstate 84, west of the Ordnance Depot and east of the Highway 730 interchange. Proposal is to partition the 11271.11 acre parcel into three lots. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Much of what is described in this application also applies to LP-N-320. McLane presented the staff report. Revised application is essentially the same; just the map looks different. Application meets acreage requirements. No sewage requirements. Bordered by Bombing Range Road (150 foot right-of-way) with Pole Line Road (60 foot right-of-way) running north and south through the subject property. Portion east of road is not within Fire Protection District. Letters received were reviewed. WEID - property is outside of their boundaries. Columbia Improvement District - outside their district however have easements. Multiple letters reviewed from George Anderson, attorney representing potential buyers. Peterson - motion to accept letters into record? Rea - motion. Eppenbach - seconded. Motion to make all letters part of the record passed unanimously. Conditions reviewed. Rea - this land has water rights from Columbia River. Have provisions been made allocating the water rights to separate owners? Peterson asked for applicant.

George Anderson - 625 West Division Hermiston. Attorney for American Onion, not applicant which is Potlatch. Reviewed map by Rogers Surveying. First application (LP-N-315) and second application (LP-N-320) were shown on map as parcels 1 - 6. It's all been thought out. Water rights will be addressed via memorandum.

Greg Uhlhorn - 81756 Peach Tree Lane, Umatilla. Encourage approval of applications.

Bob Hale, 115 west Hermiston Ave, Hermiston. Spoke in favor.

Hearing from no other parties, the public hearing was closed.

Miller - motion to approve as presented. Second - Eppenbach. Rea - abstained from voting due to potential conflict. Motion passed unanimously.

Land Partition Application, LP-N-320: Potlatch Corporation, owner and applicant. Property is described as tax lot 3400 of Assessor's Map 4N 26 and is zoned Exclusive Farm Use (EFU). Property is located north of Interstate 84, west of the Ordnance Depot and east of the Highway 730 interchange. Proposal is to partition the 887.98 acre parcel into two lots. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

McLane reviewed the staff report. Essentially the same. Main difference is LP-N-315 had ODFW Wildlife area. Peterson: is this one piece or two pieces of property and can we allow the creation of this many lots. McLane - They have been treated as two separate tracts. Miller - motion to approve. Eppenbach - second. Motion passed unanimously with Commissioner Rea abstaining.

Land Partition Application LP-S-318: Joseph and Jeri McElligott, owner and applicant. Property is described as tax lot 3401 of Assessor's Map 5S 26 and is zoned Forest Use (FU). Property is located on Sunflower Flat Road approximately one half mile west of the intersection with Board Creek Road, or approximately two miles east of Highway 207 and 35 miles from Heppner. Proposal is to partition the 3082.67 acre parcel into two, with parcel one being approximately 250 acres (with a cabin) and parcel two being approximately 2830 acres. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

McLane presented the staff report. Property was part of partition last year. Subject property has a cabin located near Sunflower Flat Road and Board Creek intersection. Zoned Forest Use. Meets 240 acre minimum lot size requirement for dwelling in Forest Use Zone. Use of land will not change. No septic requirements because dwelling existing. Telephone and electric in place.

Parent parcel primarily FU but with a small amount of EFU zoning. Comments received: phone call from Kerry Pettyjohn. Very Church, Watermaster - water right in NW corner. Rea - motion to accept letters in to record. Several Commissioners disclosed relations or neighbor to applicant.

Richard Cunnington, 51600 Sunflower Flat Road. Judy Campbell has adjoining property with Joe's. Does easement change? On the map that is ours. Commissioner Rea, who also owns property in the area, explained her interpretation of who owns those little lots.

Miller - approve as presented. Morter - second. Motion passed unanimously with Leann Rea abstaining due to potential conflict.

Conditional Use Request CUP-S-187: Robert and Travis Harrison, owners and Rolling Hills Hunting Preserve, applicant. Property is described as tax lots 3400 and 3401 on Assessor's Map 1S 25. The subject property is zoned Exclusive Farm Use (EFU). Property is located along Highway 74 approximately one mile west of Lexington. Proposal is to establish a hunting preserve on land zoned Exclusive Farm Use (EFU). Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.010(D)(13); and Article 6 Section 6.020 and 6.030.

McLane presented the staff report. Zoned EFU and currently farmed. Would not affect farming operations. Operation August through March. Appears to meet requirements. Three conditions of approval.

Leann Rea - access via existing access. Should that also state that any new access off state highway would need to be approved by ODOT. Need to change staff report to reflect correction of this error. Signage - there is currently a sign there now. Staff report says there is not one. Add condition to require the sign to meet county, state and Blue Mountain Scenic Byway requirements.

Peterson - Given that no one was here to speak to this application the public hearing was closed. Rea - motion to approve with change referencing state highway and adding a condition relative to sign meeting signage requirements. Motion passed unanimously.

Land Partition Application LP-S-319: Pioneer Resources, owner and applicant. Property is described as tax lots 900, 2901, 3800 of Assessor's Map 6S 25. The property is zoned Forest Use (FU) and is located to the east and west of Highway 207 approximately 15 miles south of Hardman at the county line. Proposal is to divide the subject property into three parcels, each meeting the 240 acre minimum. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

No conflicts of interest were identified by Planning Commission members. Associate Planner McLane presented the staff report. Pioneer Resources is requesting three new parcels be created from the described property. Highway 207 will provide a portion of the new boundary lines that are requested. Any new access would need ODOT approval. Staff report and Conditions of Approval need to reflect the correction of this error. Water right certificates were provided by the Watermaster and are for watering of livestock. Land to south is Umatilla National Forest. Other information received: phone request from Kerry Pettyjohn, whose father is Darrell Coppock who owns Lonerock Land and Cattle Company. Letter read into record. Request to require access to their land. Response to letter from Ember Krumweid, Pioneer Resources. Phone call also from Bob Mahoney who also wants his access to be allowed to continue. Phone call from Ned Clark who would like partition to not be approved due to land sale would change the usage. Commissioner Eppenbach motion to enter letters in to record.

Seconded by Commissioner Rea. Motion passed unanimously. Staff reviewed conditions of approval.

Public hearing portion opened. Richard Cunningham, SunflowerFlat Road. We have an easement with the old Kinzua and would like to see it continued. This is the same concern identified earlier from written comments. Bill Hanlon, County Counsel, provided the following information: *This is a partition application, not a reconfiguration of tax lots. The latter is done by Assessor's office. The easements wouldn't be effected by the fact that land is being partitioned by separated parcels. If there is a recorded easement, it will be there whether it runs across one or more pieces of property. Tend to agree with letter from Pioneer Resources. If easements are properly drafted or executed, they will be in fact regardless of whether it serves one or three parcels.* Commission Morter inquired, "is there nothing we could do if there is no easement?" Bill Hanlon replied, "only if a criteria we use to evaluate the partition." Close public hearing portion.

Chairman Peterson disclosed a conversation he had with Ned Clark. Commissioner Rea shared that people seem to be concerned with fact that new owners may create a hunting preserve and also that they may lose their grazing rights.

Commissioner Rea moved to approve. Commissioner Miller seconded. McLane; note the change in staff report to reflect the creation of three parcels. Motion passed unanimously.

Correspondence

None

Audience Participation/New Business

Speedway Update: Bill Hanlon, County Counsel, shared there currently no progress on the speedway appeal.

Code Enforcement Update: Deputy Lambier has organized a workshop for landlords. This is part of his program to clean up properties.

Adjournment

The meeting adjourned at 10:00 p.m. .

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for December 19, 2002 at 7:30 p.m. at the Morrow County School District Building in Lexington, Oregon.

Respectfully submitted,
Tamra Mabbott



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission and County Court
Work Session
Thursday, December 19, 2002, 6:00 p.m.
Morrow County School District Building
Lexington, Oregon**

Planning Commission: Don Eppenbach, Leann Rea, Jeff Wenholz, Joe Miller, Art Kegler, Ken Grieb, Anne Morter, and Joel Peterson

County Court: Terry Tallman, John Wenholz, Dan Brosnan, and Ray Grace

Staff Present: Carla McLane, Kristina Gray, Burke O'Brien, David Allen, and Bill Hanlon

Chairman Peterson called the meeting to order at 6:37p.m.

Consent to Participate Agreements:

Associate Planner McLane attempted to explain Consent to Participate Agreements to the group, referring to the document that was sent in the packet. There are a variety of instances when they could be used. We have been reviewing the files to determine when Consent to Participate Agreements have been required in the past. Many of the recent applications have included a requirement to construct a road. Consent to Participate Agreements are best used when the road is there, but may need improvements in the future. It creates a process by which the county has the ability to require individuals to participate in future improvements.

Bill Hanlon shared that we have three options prior to completion of subdivision or partition: 1) the applicant can build the road; 2) sell some lots with frontage on an established road, then build the road for the balance of the partition or subdivision; and 3) wait for another partition or subdivision to build the road.

Several Commissioners expressed concern that the document is possibly a bit too open, that it gives the county too much power. Staff shared that there are specific procedures that would be followed in addition to requirements for putting a LID into place. Fare share is a difficult idea - what does it mean?

Other questions concerned the difference between a county road, public road or private road. A county road is one that the county has agreed to accept and maintain. A public road is available to the public but the county does not have to accept responsibility for maintenance. Bill clarified that the county has the ability to determine the road standard, even for a public road.

Commissioner John Wenholz asked about how the agreement flows from one property owner to the next. It is recorded with a reference to the partition or subdivision plat and will follow the property, not the owner. It will appear when a title report is requested.

Planning staff have been reviewing the files and have not found many (see list) and very few, if any, have been added in the last year or so.

Bill Hanlon shared a bit of history... Tamra queried several different counties to create this version of a Consent to Participate Agreement. She put together what she felt would work best for Morrow County.

Some further discussion continued about road standards. The Morrow County Transportation System Plan (TSP) identifies what the road standard should be based on Average Daily Trips.

Planning staff have not been using this tool because Planning Commission members have been unsure of how best and when to implement. Staff are seeking direction. David Allen, County Counsel, shared that the Consent to Participate Agreement is probably more of a deal breaker than an issue that could lead to a law suit. We need to determine as a commission how much do we want the land owner to fund. The county needs to keep the flexibility yet possible attempt to determine what is a fair share. The document currently doesn't define what is a fare share. Bill Hanlon indicated that Planning Staff need to incorporate appropriate findings into the staff report related to the need for the road. Planning Commission direction was to include the Consent to Participate Agreement when appropriate - Planning Commission can always remove it during deliberation.

Morrow County Road Policy:

This is the document that we refer to in the staff report as the Road Policy. It appears that we should also be requiring Consent to Participate Agreements when issuing Access Permits, something that we have not been doing. Bill Hanlon commented that the Access Permit gets an applicant from his private lot onto the public or county road. It is stating that you must consent to participate in future improvements based on your daily use of your access - Average Daily Trips.

Staff look at Consent to Participate Agreements with an eye to the future. Twenty or thirty years from now they may be saying those people did a good thing with the agreements because now it is in need. David Allen stated that the more flexibility we keep the better off we will be. We should be aggressive about requiring it. It is probably better to take requirements out of a staff report than to put requirements in.

The work session took a recess to conduct the planning commission hearing.

Legislative Update:

The 2001 legislature changed some rules. We receive a packet like this every other year. The blue part is the farm use; The pink part is the forest use. Because we recently updated the ordinance it would be nice to stay current. Briefly review a couple of the changes. Staff include those changes; planning commission sees them listed as OARs and ORSs. The consensus was to provide applicants with the correct information by provided both the appropriate ordinances and applicable state information. *Planning Commissioners: Please hole punch your handouts and place them in your manual.*

Wind Energy:

The group briefly talked about wind energy. Staff shared that we are expecting an application within the next month or so for a wind energy project. It is currently allowed with a Conditional Use Permit if it is under 105 megawatts as a local process. Staff would notice affected agencies; adjacent property owners will receive notice. Conditions of Approval can be placed on the project. Several commissioners indicated they would like the opportunity to learn more about wind energy, i.e. have someone come and talk to the group.

The meeting adjourned at 9:30 p.m. .



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**Minutes of the Morrow County Planning Commission
Thursday, December 19, 2002, 7:30 p.m.
Morrow County School District Building
Lexington, Oregon**

Members Present: Joel Peterson, Ken Grieb, Anne Morter, Art Kegler, Joe Miller, Jeff Wenholz, Leann Rea, Don Eppenbach

Members Absent: John Kilkenney

Staff Present: Carla McLane, Kristina Gray

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

Minutes of the October 24, 2002 meeting were reviewed. It was requested to spell out Right-of-Way rather than ROW. Commissioner Rea moved to approve with the one change. Commissioner Morter second. The motion carried.

Chairman Peterson read the public hearing procedures.

Land Partition Application LP-N-314 and Conditional Use Request CUP-N-184: Mitch and Terry Ashbeck, owner and applicant. Property is described as tax lot 102 of Assessor's Map 1N 27 and is zoned Exclusive Farm Use (EFU). Property is generally located at Pine City, otherwise described as the intersection of Butter Creek Road and Little Butter Creek Road, with a large portion of the farm to the east of Butter Creek and a smaller portion following Little Butter Creek. Request is to partition the 1444.05 acre parcel into three parcels, two small parcels (parcels one and two) and one larger farm parcel (parcel three). The second request is to site a "non-farm dwelling" on each of the parcels one and two, proposed to be approximately one acre each. The Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5; Morrow County Zoning Ordinance Section 3.010(F); Morrow County Zoning Ordinance Section 6.020; and Oregon Administrative Rule OAR 660-033-0100(11)(a).

Associate Planner McLane presented the staff report. The request is to create 3 parcels from the 1444 acre parent parcel with the two small parcels becoming "non-farm dwelling" parcels. The land transfer to Mitch and Terry is not complete yet (see letter from the Assessor's Office). The general location is Pine City with five dwellings currently located on the subject property. No changes are anticipated to sewage disposal or access. The application doesn't indicated the number of wells available for drinking water. ORS states if there are more than 3 dwellings to a well they need to establish a community system. A copy of the staff report was sent to the Drinking Water Division. A shared well agreement is listed as a Condition of Approval. Utilities are in place. No changes to farming practices; Not proposing a flag lot; Dwellings are already there. Based on ownership and size of the tracks, many homes could be placed in the area. A

letter was received from Connie Holmquist indicated that the soil under the dwellings is class II but is not deep - Not good farmable soil. A portion of Section 3.010 talks about the effect on farming practices. It was overlooked during the drafting of the staff report. It will need to be added to the Final Findings of Fact. The application does meet this requirement. The Conditions of Approval were reviewed. The letter from the County watermaster was read into the record. Commissioner Eppenbach inquired if it is a community water system. It is if all five dwellings obtain their water from one well.

Open Public hearing

Mitch Ashbeck (69359 Little Butter Creek Road, Echo) was present to speak in favor.

Close public hearing.

Commissioner Kegler asked about the water system. Mitch Ashbeck explained it is for drinking water and stock water. The well is 20 feet deep. Bill Hanlon explained that there is a difference with community water system and a public system. Commissioner Kegler has a concern that as a real estate agent he must inform individuals that they will have to form a community system, notify the state, etc. It's fine now as it is all one family, but what happens if they want to sell the property. Currently you can't sell a parcel with five houses on it with only one well.

A Right-to-Farm Disclaimer Statement will be added as a new Condition of Approval.

Commissioner Miller moved to approve with the additional findings as discussed. Commissioner Rea second the motion. Motion carried.

Code Enforcement:

Deputy Jeff Lambier provided a short Code enforcement update. Of the 52 cases opened this year only 19 are still to be resolved. Most have come to a positive outcome. Jeff attended a Code Enforcement training recently. A community workshop was presented for property owners and managers November 2. There was a good turnout with follow-up events scheduled. Jeff hopes to focus on some problem areas in Boardman and Irrigon with a spring cleanup.

Speedway Update:

Associate Planner McLane provided a short speedway update. Dates have been set for submittal of briefs from the parties; no date has been set for the LUBA hearing. Bill explained the process. A questions was asked about the why the County Court has been passive when it comes to the speedway. The County Court needs to stay neutral as the case will very likely be remanded back to the county. There is nothing that the county can add that Mark Greenfield will not propose and defend. Also provided to the members was an article about planning for speedways.

Correspondence:

Planning staff shared a letter recently sent to the Port of Morrow in response to a request for a Zoning Permit for the urea plant. The required Traffic Impact Analysis should be completed prior to issuance of the Zoning Permit, however the applicant (Pacific Chemical) needs to begin the hearing process with DEQ for air quality. An agreeable solution was to issue the Zoning Permit with conditions (see letter). The County Court approved this process and requested that staff also inform the planning commission.

General Information:

Planning staff have been working for some time at converting many of the registers, or lists, of applications to excel spreadsheets. Zoning Permits and Subdivisions have been completed. Provided to planning commission members was a list of the Zoning Permits issued in 2002.

January Agenda:

Next months meeting will be held on January 16, 2003, in Irrigon. There are currently five items on the agenda. Chairman Peterson, Commissioner Wenholz, and Commissioner Eppenbach will be absent from that meeting.

Annual Appointments:

Commissioner Wenholz and Commissioner Kilkenney's terms expire at the end of this month. Commissioner Wenholz indicated he wishes to continue serving on the Planning Commission. He will contact Andrea Denton to request appointment by County Court.

Planning Director Update:

Judge Tallman shared that they advertised the position and received eight applications. Four individuals were notified and requested to appear for an interview, of which three did. One applicant subsequently withdrew from the process. Judge Tallman indicated that the Court probably would not make a decision until after the first of the year.

County Counsel:

Bill Hanlon wished the Planning Commission well and they thanked him for his service.

Adjournment:

The meeting adjourned at 8:36 p.m. .

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for January 16, 2003, 7:30 p.m., North Morrow County Annex Building, Irrigon.

Respectfully submitted,
Kristina Gray