



PLANNING DEPARTMENT

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Minutes of the Morrow County Planning Commission
Thursday, January 16, 7:30 p.m.
North Morrow County Annex Building
Irrigon, Oregon

Members Present: Leann Rea, Anne Morter, Joe Miller, Art Kegler, Ken Grieb

Members Absent: Joel Peterson, Don Eppenbach, Jeff Wenholz, Jim Nelson

Staff Present: Carla McLane, Kristina Gray

Vice Chairperson Rea called the meeting to order at 7:33p.m.

Minutes of the December 19, 2002 meeting and work session were reviewed. The following corrections were identified for the work session minutes. 1.To identify the members present such as Planning Commission and County Commissioners. 2.In the third paragraph, last sentence, change the spelling of the word "fair" to "fare", 3.In the sixth paragraph change the word "in" to "if". Commissioner Kegler moved to approve the December minutes with the corrections as identified. Commissioner Grieb second the motion. The motion carried.

The Planning Commission congratulated Carla McLane on her new position as Planning Director.

Vice Chairperson Rea read the public hearing procedures.

Conditional Use Request CUP-N-188: Sabrina Kanyid, owner and applicant. Property is described as tax lot 800 Assessor's Map 4N 25 18. The subject property is zoned Small Farm -40 (SF-40). Property is located along Wilson Lane approximately two miles west of Boardman. Proposal is to establish a Dog Grooming and Boarding business. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.042(D)(21); and Article 6 Section 6.020, 6.030 and 6.050(F).

Director McLane presented the staff report. Director McLane read into the record a letter in support from Donna Edmond. Mrs. Edmond expressed her support as she currently uses the kennel business and is very pleased with the service and operation of Sabrina's Dog Grooming. A letter from Bernie Duffy, DEQ, requires that the animal and liquid waste will be disposed of in a manner approved by DEQ. Liquid waste shall be handled through a Construction Installation permit or a WPCF permit. Two attachments accompanied the DEQ letter, the first was Guidance Paper 98-1 for Animal Kennels and the second was Best Management Practices for Animal Kennels On Site Sewage Disposal Systems, both of which were given to Ms. Kanyid, the applicant. Bernie Duffy, DEQ, requested that the Commission review the conditions, adding a Condition of Approval to address the letter regarding waste.

David Allen, County Counsel, identified that the staff report doesn't include what the capacity of the kennel will be. County Counsel advised the Planning Commission to insert language into the Conditions of Approval stating the capacity that will be allowed. Director McLane referred to the Zoning Ordinance to see if it references how many dogs are allowed on a piece of property. The animal density doesn't apply to the SF-40 zone.

Sabrina Kanyid was present to support her kennel. Ms. Kanyid currently has a 4x4 sign on her fence and all her parking is inside of her fence. Dogs are kept inside at night. All of her shampoos and treatments are biodegradable. Vice Chairperson Rea asked about the septic system. Ms. Kanyid will be using her current septic which services her home. As for the solid waste, Ms. Kanyid will either wash the waste into the ground or pick up and dispose of the waste through the garbage service. The grass will be maintained. Ms. Kanyid hopes to have at least 20 dogs at one time. Ms. Kanyid questioned the Planning Commission as to what the process would be to get approval for another building if she outgrows the first building. The Planning Commission could set the limit at 50 animals so that she wouldn't have to come back to the Planning Commission for another approval.

The Planning Commission agreed that DEQ will have permitting approval relative to waste. Planning Commission approval will be subject to DEQ approval which will be included in the Conditions of Approval. DEQ may take an exception for Ms. Kanyid's current septic system. DEQ may be under the impression that Ms. Kanyid will be putting in a new system for the kennel. The house and current septic system have been in place for at least 50 years. Ms. Kanyid currently has goats on her property as well. The Planning Commission recommended that Ms. Kanyid discuss this matter with DEQ.

There were no proponents or opponents present for this application.

Director McLane asked Sabrina Kanyid if she planned on having any other animals besides dogs. The Planning Commission decided to address the Condition of Approval to read a maximum of 50 boarding units.

Close public hearing.

The Planning Commission reviewed the Conditions of Approval. The first six conditions will remain the same, Condition 7 will be added to meet DEQ requirements for disposal of waste and condition 8 will be added to limit the number of boarding units to 50.

Commissioner Miller moved to approve the application with conditions 1 thru 8. Commissioner Kegler second the motion. The motion carried.

Land Partition Application, LP-S-321 and Conditional Use Request CUP-S-189: Lyle Peck, applicant and CX5 Limited, owner. Property is described as tax lot 1800 of Assessor's Map 2S 26 and is zoned Exclusive Farm Use (EFU). Property is located five miles north of Heppner on Dee Cox Road. Request is to partition the 1114.67 acre parcel into two parcels, one small parcel and one larger farm parcel. The second request is to site a "non-farm dwelling" on the smaller parcel, proposed to be approximately 13.5 acres. 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).

Director McLane presented the staff report. OAR 660-033-0100 (11) (a) states that you can

create two "non-farm dwelling parcels" if done at the same time. If this application is approved as is, the owner will forfeit their right to future "non-farm dwelling parcels". The Planning Commission could approve this application and the applicant can withdraw. Director McLane finished the staff report. Director McLane read two letters into the record. The first letter: Vern Church, Watermaster, finding no valid water rights. Second letter: Loren Wickersham, opposition, stating this will increase traffic, fire danger, and cause eye pollution.

The applicant, Lyle Peck, Heppner, was present to speak in favor. The drain will run from the north, not the south. The house will be 30 feet off the road. The Peck's are considering a 40X68 house with a garage. Also will have an agricultural use building further down the road. Burke O'Brien, Morrow County Public Works Director, looked at this property and stated traffic impact is not an issue. Access for driveway will not be a problem either. There was no one to speak in favor or opposition. Lyle Peck explained that there will be trees and grass around the house to help with fire protection.

Close the public hearing

Vice Chairperson Rea feels it would be appropriate to inform the property owner of the fact that another "non farm dwelling" will not be allowed before the Planning Commission makes a decision. Lyle Peck requested the commission continue this application to the February meeting and he will consult with the Cox's in Utah to see what they want to do. The Planning Commission discussed whether Lyle Peck could create a farm parcel rather than a non farm parcel since Mr. Peck is still farming. The minimum is 160 acres for a farm dwelling. David Allen, County Counsel, recommended to the Planning Commission to table this until the February hearing.

Commissioner Kegler moved to continue this application to the February 27, 2003 meeting in Lexington, Oregon. Commissioner Miller second the motion. The motion carried.

Conditional Use Request CUP-N-190: Potlatch Corporation, owner and applicant. Property is described as Parcel 1 of Land Partition LP-N-315, a portion of tax lot 3414 of Assessor's Map 4N 26. The subject property 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 establish a Log Merchandising and Wood Chip Manufacturing Facility. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.010; and Article 6 Section 6.020 and 6.030.

Director McLane presented the staff report. The Log Merchandising and Wood Chip Manufacturing Facility would be considered a farm use. DEQ sent a letter referencing solid waste, air, and water regulations. The letter was read into the record. Director McLane then read the letter from Tony Justus, Watermaster, into the record. Tony Justus' letter was more informative than having a recommendation. Burke O'Brien addressed the amount of paved access that is required: From Pole Line Road to the scales should probably be paved. It was recommended to add additional language to Condition 2 requiring the applicant to work with the Public Works Director on the pavement issues. Potlatch has intentions on improving their access points. The north point has been permitted.

Director McLane received a phone call from Cheryl Jarvis-Smith, ODOT, inquiring about how close to the freeway and interchange this facility would be. Ms. Jarvis-Smith also was concerned on how many trips per day would be generated. Burke O'Brien, Public Works Director, pointed out for future reference that Public Works is in the process of a new Traffic Analysis on Pole Line Road. Homestead and Pole Line will become an issue later down the

road when other development begins.

No proponents or opponents were present for this application.

Commissioner Kegler asked the applicant if they were comfortable with the water issues. This will not be an issue for them since the water will not get off the site. Air quality issues are not a concern either.

Close the public hearing.

Commissioner Miller moved to approve as accepted. Commissioner Grieb second the motion. The motion carried.

Land Partition Application LP-S-322: Pioneer Resources, owner and applicant. Property is described as tax lots 2100 and 2101 of Assessor's Map 5S 25, tax lots 2502, 2500, 3700, 3800, 3102 and 3400 of Assessor's Map 5S 26, tax lots 100, 200 and 900 of Assessor's Map 6S 25, tax lots 100, 200, 300, 400, 600, 700, 1001, 1200, 1400 and 1500 of Assessor's Map 6S 26, and tax lots 100, 600 and 700 of Assessor's Map 6S 27. The property is zoned Forest Use (FU) and is located to the east and west of Highway 207 approximately 10 miles south of Hardman to the county line. Proposal is to divide the subject property into two parcels, each meeting the 240 acre minimum. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Land Partition Application LP-S-323: Pioneer Resources, owner and Morrow County, applicant. Property is described as tax lots 900, 2901, 3800 of Assessor's Map 6S 25 and tax lots 1400, 1600, 1700 and 1800 of Assessor's Map 6S 26. The property is zoned Forest Use (FU) and is located to the east of Highway 207 approximately 15 miles south of Hardman at the county line. Proposal is to create a single parcel meeting the 240 acre minimum. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Vice Chairperson Rea stated she is an adjoining property owner and did receive notice but has nothing to gain from this application.

Pioneer Resources and Morrow County applications were presented simultaneously.

Director McLane presented the staff report. The Planning Office has not heard from DEQ on this application. Director McLane read into the record a letter from the Watermaster. Director McLane stated that the applicants are responsible to transfer the water rights to the new property owners.

David Allen, County Counsel, said it is not spelled out in the description exactly which parcel the County will be purchasing. Director McLane explained that the County is to purchase parcel B. Parcel A & C are the Pioneer Resource parcels.

Tom Wolfe was present to speak in favor of this application. He is a Council member for the City of Heppner. Mr. Wolfe explained that this application would be an economic endeavor for the County. Burke O'Brien, Morrow County Public Works Director, also expressed his support for this application.

There was no one present to speak in opposition.

Close the public hearing.

Commissioner Grieb moved to approve both applications. Commissioner Miller second the motion. The motion carried.

Correspondence:

Jim Nelson was appointed by the County Court to fill the vacancy left by John Kilkenney. Director McLane offered to share Mr. Nelson's application letter.

Director McLane explained to the Planning Commission that she was approached by the Natural Resource Information Packet Workgroup to see if the Planning Commission would be interested in forming a focus group to help put together an information packet about weed and soil erosion. After discussing this matter, the Planning Commission is not interested in participating at this time.

Vice Chairperson Rea asked David Allen, County Counsel, if the Planning Commission would be violating anything by having a speaker talk about wind energy. Could there be a work session before the February meeting? David Allen may not be here for the 27th of February meeting. If he does make it will be right at 7:30. David Allen will not be able to make it to a work session. David Allen recommended to either have a work session to get informed or ask the applicant to provide all that information.

Morrow County does not currently have anything in their ordinance about eye pollution.

Director McLane shared a letter from the Water Resource Department. They are accepting applications for their board.

Director McLane shared the Planning Commission Member List and asked all members to look it over and make any corrections.

Director McLane shared her task list with the Planning Commission. The task list has also been shared with the County Court. Director McLane has requested input from the County Court and Planning Commission to better prioritize what needs to be accomplished. Would like to talk about project list. County Court has determined that the Solid Waste Management Plan needs updated. The Public Works and Planning Departments will be working on this. The Transportation System Plan needs to be reviewed and updated. The current TPS includes 1991 Highway Standards, not the 1999 Highway Standards. Additionally, the TSP Project list needs updated. Would like to make the project list easier to change, maybe once a year, and not have to change the Transportation System Plan so often.

The Comprehensive Plan was last approved in 1985. The document has not been rewritten. There is grant money to do projects like this.

The Zoning and Subdivision Ordinance also have some issues that need to be resolved. TGM grant applications will be coming shortly and money will be disbursed in July. When the original was done, it was a county wide grant and applied to all the cities. If the County updates the Transportation System Plan, the City plans can be adopted as well.

David Allen spoke with Mark Greenfield, the Port of Morrow's Attorney, to request Mr. Greenfield's Speedway brief be faxed to Mr. Allen. Doherty's brief, written by Attorney Dan

Kearns, has been filed. The Land Use Board of Appeals date is set for the 13th of February at 1:30 PM in Salem.

Does the Planning Commission want to ask Director McLane to write a letter to the Realtors association? David Allen advised the Planning Commission to wait and see what is going to happen and who is going to lead the group. There was discussion on the legislative issue on only being able to partition off your land for two "non farm dwellings". This problem is in another part of the state and therefore the state applies it to all counties even though Morrow County has room to do more. Yes the Planning Commission would like Director McLane to be on standby to write a letter with the intent to change or remove this rule.

Election of officers. Commissioner Morter moved to wait to the next meeting in February. Commissioner Kegler second the motion. The motion carried.

February Agenda:

Next months meeting will be held on February 27, 2003, in Lexington. Currently there are three items on the agenda.

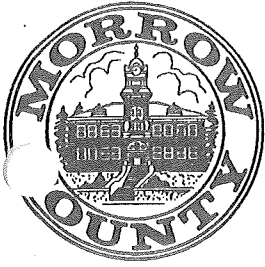
Adjournment:

The meeting adjourned at 10:33 p.m. .

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for February 27, 2003, 7:30 p.m., Morrow County School District Building, Lexington.

Respectfully submitted,
Kristina Gray

4/4/03



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**Minutes of the Morrow County Planning Commission
Thursday, February 27, 2003, 7:30 p.m.
Morrow County School District Building
Lexington, Oregon**

- Members Present:** Joel Peterson, Leann Rea, Art Kegler, Don Eppenbach, Ann Morter, Jeff Wenholz, and Jim Nelson
- Members Absent:** Ken Grieb, Joe Miller
- Staff Present:** Carla McLane, Morrow County Planning Director
- Volunteer Present:** Bruce McLane

Chairman Peterson called the meeting to order at 7:30 p.m.

Roll call was provided by Carla McLane, Planning Director.

The minutes of the January 16, 2003 meeting were not reviewed and would be forwarded to the March 27, 2003 meeting pending corrections by Vice Chairperson Rea. The motion carried.

Chairman Peterson read the Public Hearing Procedures.

Continued from January 16, 2003: Land Partition Application, LP-S-321 and Conditional Use Request CUP-S-189: Lyle Peck, applicant and CX5 Limited, owner. Property is described as tax lot 1800 of Assessor's Map 2S 26 and is zoned Exclusive Farm Use (EFU). Property is located five miles north of Heppner on Dee Cox Road. Request is to partition the 1114.67 acre parcel into three parcels, two small parcels and one larger farm parcel. The second request is to site two "non-farm dwellings" on the smaller parcels, each proposed to be approximately 10 to 15 acres. 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).

Planning Director McLane presented the staff report. The proposal is to form one non-farm parcel although the staff report does not reflect it. Since a number of the Planning Commission members were absent from the January meeting, Director McLane explained that the applicant originally requested on non-farm dwelling and the concern came up with the changes of rule OAR 660-033-0100(11) (a) and the interpretation of that rule. Director McLane now has an interpretation of this rule, it is two non-farm dwelling parcels that are available. A land owner can take both non-farm dwelling parcels now, or they can take one non-farm dwelling parcel now and lose their right to the second. Director McLane explained that Umatilla County's Counsel had done a legal interpretation of this rule and that is where they settled. David Allen, Morrow County Counsel, had looked at that legal interpretation and concurred.

Chairman Peterson asked Director McLane if the Planning Commission could write a letter stating that the Planning Commission doesn't agree with rule OAR 660-033-0100(11)(a). Director McLane explained that the Realtors group, Oregon Association of Realtors, has put forth some legislation for that change. Association of Oregon Counties is tracking that piece of legislation amongst others. Planning Director McLane will be watching this action.

After much consideration by the Cox family, they did identify another place for a second non-farm dwelling parcel and they have concluded that they don't want to go through the process or the expense of maintaining that non-farm parcel because they don't have anybody to develop it as a non-farm dwelling at this point in time so the Cox family are going to forfeit their right to the second non-farm parcel and hope that the law changes at some point in time. The Cox family can still do farm partitions, they are just limited to do non-farm partitions.

Some changes will need to be made to the staff report since the Peck's are only asking for one non-farm parcel. Item B on page 2 talks about the DEQ approval for site suitability on the second non-farm parcel, this will no longer be required. The access permit will only be required for the 13 acre parcel. There is language at the bottom of page 3 number 2 that references parcel two, this will need to be deleted.

As Director McLane presented the staff report, she stated that under the Oregon Revised Statute, the last section on page 7, the staff report will have to be changed to reflect that it is one non-farm dwelling and not two and that it would meet that criteria.

Director McLane overlooked adding the tax implications for the non-farm dwelling parcel. This will be added into the final findings.

Director McLane read into the record the letter from Vern Church, District 21 Watermaster.

Director McLane read a letter from Mr. Loren Wichersham, in opposition, into the record.

Commissioner Morter asked about the tax implications that were not included in the staff report, if the applicant was aware of them. Director McLane responded that the tax implications had already been communicated to the applicants.

Open the Public Hearing

Lyle Peck, 72549 Bell Canyon Loop Hermiston Oregon, spoke in favor of this application.

Close the Public Hearing

Vice Chairperson Rea moved to approve with the addition of item number 5 regarding the tax implications for the one non-farm parcel. Commissioner Kegler second the motion. The motion carried.

Land Partition Application, LP-S-324 and Conditional Use Request CUP-S-191: Brian and Susan Thompson, applicant and owner. Property is described as tax lot 3000 of Assessor's Map 3S 26 and is zoned Exclusive Farm Use (EFU). Property is located six miles south of Heppner on Sanford Canyon Road. Request is to partition the 1533.98 acre parcel into two parcels, one small parcel and one larger farm parcel. The second request is to site a "non-farm dwelling" on the smaller parcel, proposed to be approximately 10.6 acres. 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).

Planning Director McLane presented the staff report. The applicant is aware that they forfeit their right to a second non-farm parcel by pursuing the single non-farm parcel.

Director McLane also indicated that the tax implication statement needs to be added to this

applications staff report as well.

Director McLane read the letter from Vern Church, County Watermaster, into the record.

Director McLane read into the record a letter from Burke O'Brien, Morrow County Public Works Director, regarding the current accesses.

Director McLane read into the record a letter from Connie Holmquist, National Resource Conservation Service, related to the soils which included a map.

Commissioner Kegler questioned whether tax lot 1809 was part of the land partition. Director McLane explained that tax lot 1809 is located just north of the subject property and just south of the road. If you look carefully, there is an arrow pointing north from the tax lot number 1809.

Open the Public Hearing

Brian Thompson, 73037 Bunker Hill Lane Heppner Oregon, spoke in favor of this application. Brian Thompson explained that it is difficult to find good renters and he is hoping to find someone who would like to buy a house with 10 acres.

There was no one present to speak in opposition.

Close the Public Hearing

Commissioner Kegler moved to approve the application with the additions previously stated.

Commissioner Eppenbach second the motion. The motion carried.

Land Partition Application LP-S-325: Richard and Sylvia Sandford, owner and applicant. Property is described as tax lots 900 and 901 of Assessor's Map 1S 24. The property is zoned R-3 Farm Residential and C-1 Commercial and is located to the west of lone north of Highway 74. Proposal is to create a new parcel of approximately 1.38 acres corresponding with the previously defined Commercial Zone change approved in 2000. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Planning Director McLane presented the staff report. A letter from the Morrow County Public Works Department was read into the record stating that there are no issues with the access as long as the access involves the State Highway System.

Director McLane read into the record a letter from Vern Church, Watermaster, followed by a letter from Harvey Childers having a concern with the road that is used for access, Cemetery Road. Mr. Childers' concerns are that cemetery road is about a quarter of a mile long, very steep, and about twelve feet wide. Most of the road has no shoulder with a blind corner in the middle of it and a driveway entering the road on that corner. Cemetery Road allows access to the cemetery, two houses near the cemetery and the Sandfords. Mr. Childers believes this is more than enough traffic for this road and that the Sandfords should obtain access for their property from Johnson Grade Road which borders the property on the west side.

Commissioner Kegler recuse himself as this property is currently listed with his firm.

David Allen, County Counsel, made a clarification that in Mr. Childers letter it references that County Counsel did not believe the easement on Cemetery Road was valid. David Allen suggested that Mr. Childers had spoken with a previous County Counsel since David Allen has not had this conversation with anybody about an easement.

There was general discussion amongst the Planning Commission members; Burke O'Brien, Morrow County Public Works Director; and David Allen, County Counsel, with the current access and the previous access.

Open the Public Hearing

Kathy Neal, American West Properties, P.O. Box 875 Boardman Oregon, was present to speak in support of this application.

There was no one present to speak in opposition.

Close the Public Hearing

Vice Chairperson Rea made a motion that this application be approved.

There was discussion between the Planning Commission and David Allen, County Counsel, about approving a parcel that doesn't have legal access.

David Allen suggested the applicant grant an easement from parcel 1 to parcel 2 to solve the legality issues.

Chairman Peterson suggested making the access issues a condition of approval.

David Allen suggested this be tabled until the access issue has been investigated.

Terry Tallman, Morrow County Judge, gave some clarification about easements and the ability to grant easements.

David Allen suggested changing the language in condition 1 to read something along the lines of, "submit a preliminary and final partition plat clearly identifying legal access to parcel 2".

Vice Chairperson Rea moved to approve with the modification made to condition 1 addressing the legal access, Commissioner Eppenbach 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 parcel B of Land Partition LP-S-323. The subject property, approximately 6200 acres, 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 Division 34.

Planning Director McLane presented the staff report. Director McLane explained how the park has been changed from an ATV Park to an OHV Park because the park will include all off highway vehicles.

David Allen, County Counsel, asked Director McLane where he could find out what the resource use is on the surrounding land and how the OHV Park will compliment it. The mega statement says that the OHV Park would appear to compliment resource use on surrounding land. David Allen suggested some changes to the wording to firm up that criteria.

Director McLane explained to County Counsel that to the south of the property is Forest Service ground and ATV use is allowed on Forest Service ground. There is a complimentary use on the ground to the south. The property to the north is being sold by Pioneer Resources, possibly logging on the ground to the north in the future. There are adjoining property owners that forest the ground and graze it. There are a number of private landowners as well as Pioneer Resources that allow hunting on the properties in that area.

David Allen, County Counsel, explained that there is a difference with saying that this use won't interfere with, versus, that it will compliment. County Counsel suggested changing the wording from "compliment" to "not to interfere with".

Commissioner Eppenbach requested some changes be made on page 3 of the staff report item 5.

Commissioner Eppenbach proposed to delete the two sentences that read, "If there is a fire at a cabin or home nearby, we would not prevent them from using our equipment. We intend to acquire the same type of equipment, as well as some specialized equipment for this park as well".

David Allen, County Counsel, points out that although the findings talk about fire suppression costs and risk to fire protection personnel, it doesn't address the increase in fire hazard.

Karen Wolfe, Morrow County Public Works, addressed the fire hazard issue by stating that the Morrow County Public Works Office has been in contact with the Forest Service in the Ukiah area which allows ATV's on the Forest Service ground. The Forest Service stated that they have not had a single fire attributed to ATV's in the last 8 to 10 years.

Planning Director McLane continued with the staff report and made a correction on page 3, Morrow County Zoning Ordinance Article 6 section 6.020 item A to take out the word "complement" and insert "not interfering with".

Planning Director McLane read a letter from Vern Church, Watermaster, into the record. Director McLane shared with the Planning Commission some additional maps as well as plot plans, soils maps, original letter received in August from the Department of Environmental Quality, press releases and some history, and a number of letters in support as an attachment to the packets. There were also some colored maps available in case the maps in the packet were not very clear.

Planning Director McLane went over the Conditions of Approval with the Planning Commission.

Commissioner Morter voiced a question about the water supply. The staff report states on page 6 that a formal design of the water source has not been completed but will be pursuant to approval of the land use permit. This shall be required as a condition of approval. Commissioner Morter felt that the Condition of Approval number 7 really dealt with the statement on page 6. Chairman Peterson stated the Planning Commission would come back to this issue.

David Allen, County Counsel, asked Director McLane if Goal 5 needed to be addressed at all. Director McLane answered that Goal 5 does not need to be addressed.

Open the Public Hearing

Burke O'Brien, Morrow County Public Works Director, spoke in favor of this application. Burke O'Brien feels all the conditions and requirements can and will be able to be met. The Morrow county Public Works has done extensive research looking into the fire danger issue and found virtually no evidence of a negative impact. All the machines that will be at the OHV Park are required to have a State Parks License and that requires spark arresters and a stable exhaust system on the vehicles. The trails that are to be used already exist. The trails are the old logging roads and skid trails, no new trails will be created.

Tom Wolfe was present to speak in favor. Mr Wolfe briefed the Planning Commission on a list of organizations that he represents that are in favor of this project. Those organizations include the City Council of Heppner, Willow Creek Valley Economic Development Group, and the Heppner Chamber of Commerce, for the record.

Don Stroeber, 960 E. Fairview Way Heppner Oregon, was present to speak in favor of the OHV Park. Mr. Stroeber spoke on behalf of the local snowmobilers as well as the Oregon State Snowmobile Association which are very supportive of having new ground available.

Martin Davis, Morrow County Economic Development Director, was present to speak in favor. Mr. Davis was requested to do an Economic Impact Analysis for this project. Mr. Davis found that the OHV Park will have a positive impact on the businesses existing in the Willow Creek Valley as well as providing new opportunities for businesses to start up.

Karen Wolfe, Morrow County Public Works, spoke in favor. Mrs. Wolfe presented to the Planning Commission signed copies of the document that the County Judge signed showing proof that Morrow County will own the property within twenty four hours. Also within the additional packets the Planning

commission received are several letters from neighboring counties supporting this project including Gilliam, Wheeler, Grant, Union, and Baker Counties.

Claudia Smythe, ATV Committee Member, was present to speak in favor of this application.

There was no one present to speak in opposition of this application.

Chairman Peterson questioned Burke O'Brien, Morrow County Public Works Director, about condition of approval number 10. Chairman Peterson felt number 10 needs specificity or delete number 10 in it's entirety. The Planning Commission decided to delete condition number 10.

Chairman Peterson asked the Planning Commission if condition number 8 needed to be included. Planning Director McLane explained the reason condition number 8 was put in was because the County is conditioning themselves to come into compliance with that requirement because the County does has a Park Plan. If the County didn't have a Park Plan then condition number 8 would not have to be included. David Allen, County Counsel, suggested that condition number 8 be deleted and add as an agenda item for the Planning Commission to modify findings on the water source to answer the question proposed by Commission Morter. Commissioner Kegler moved to delete Condition of Approval number 8 in it's entirety. Vice Chairperson Rea second the motion. The motion carried.

Appeal of Planning Directors Decision: Artie and Sandi Kellar, applicant and owner. Property is described as tax lot 102 of Assessor's Map 5N 26 25C. The subject property is zoned Rural Residential (RR-1). Property is located approximately one half mile west of Irrigon on Wyoming. Proposal is to allow placement of manufactured homes constructed prior to 1976. Criteria for review include Morrow County Zoning Ordinance Article 4 Section 4.110.

Planning Director McLane presented the staff report.

Director McLane read into the record a letter received from an adjacent property owner, Patti Chapman. Ms. Chapman is opposed to the Kellar's placing the manufactured homes on their property and encourage Code Enforcement to take action.

Director McLane explained to the Planning Commission that she had spoke with the Assessor's Office about difficulties the Assessor's Office has experienced with the Kellar's and their property.

Chairman Peterson made note for the record that the Kellar's were not present at the meeting.

Commissioner Kegler moved to postpone this application until the March 27th meeting. Vice Chairperson Rea second the motion. The motion carried.

Correspondence

Commissioner Eppenbach moved to re-nominate all existing officers. The motion carried.

Planning Director McLane shared with the Planning Commission an article from the Tri-City Herald on the proposed Speedway.

David Allen, County Counsel, gave the Planning Commission an update on the Land Use Board of Appeals hearing for the proposed Speedway. Mr. Allen explained that the Land Use Board of Appeals focused on why there wasn't an exception to Goal 3 taken. Mark Greenfield, Port of Morrow Attorney, argued that this was no longer agricultural land, it's been sited Industrial so there is no need to take another exception.

Planning Director McLane gave the Planning Commission a copy of the Oregon Labor Trends article

about Wind Energy and some web sites to obtain information about Wind Energy. Director McLane shared with the Planning Commission that Shepherds Ridge Wind Farm conditional use permit application has been submitted and will be heard at the March 27th hearing in Irrigon at Stokes Landing Community Center.

March Agenda:

Next months meeting will be held on March 27, 2003 in Irrigon at the Stokes Landing Community Center. There are currently three items on the agenda.

Adjournment

The meeting adjourned at 9:55 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for March 27, 2003, 7:30 p.m., at the Stokes Landing Community Center, Irrigon, Oregon.

Respectfully Submitted,
Kristina Gray

4/4/03



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Thursday, April 24, 2003, 7:30 p.m.
Morrow County School District Building
Lexington, Oregon**

Members Present: Jeff Wenholz, Leann Rea, Joel Peterson, Art Kegler, Ken Grieb

Members Absent: Joe Miller, Don Eppenbach, Anne Morter, Jim Nelson

Staff Present: Carla McLane, Planning Director; Kristina Gray, Office Manager; and David Allen, County Counsel

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

Roll call was provided by Kristina Gray, Office Manager

The minutes of the March 27th meeting were reviewed. Commissioner Rea questioned on page 6, second paragraph down, where it states that David Allen expressed concerns with the Washington Ground Squirrel. Bombing Range Road had issues with this habitat. Was it Bombing Range or was it the proposed Lone/Boardman Road? After reviewing the tape, it was found that David Allen stated Bombing Range road but perhaps meant to say proposed Lone/Boardman road. Commissioner Rea moved to approve the minutes after checking the tape first. Commissioner Kegler second the motion. The motion carried

Chairman Peterson read the Public Hearing Procedures.

Zoning Variance: John and Sue Volk, applicant and owner. Property is described as tax lot 2300 of Assessor's Map 5N 26 23C. The subject property is zoned Rural Residential (RR). Property is located approximately one mile west of Irrigon on Washington Lane. Proposal is to allow placement of a storage shed closer to the property line than allowed by the Zoning Ordinance. Criteria for review include Morrow County Zoning Ordinance Article 3 Section 3.040 and Article 7.

Planning Director McLane presented the staff report. The Planning Department has not received any comments from neighbors, agencies, and no letters have been received.

Open Public Hearing

Sue Volk, 74734 Washington Lane, Irrigon, was present to speak in favor. Mrs. Volk stated that both the neighbors have been contacted and the neighbors have no problems with this storage shed variance. The storage shed will be used to store the Volk's boat and travel trailer. Commissioner asked for the size of the storage shed. Mrs. Volk stated the storage shed is approximately 24 X 32, 768 square feet.

No one present to speak in opposition

Close Public Hearing.

Chairman Peterson asked Mrs. Volk if the property was considered flat ground. Mrs. Volk responded that the property is flat. Planning Director McLane reviewed the three conditions of approval with the first being to present written statements from the adjoining neighbors that this variance is okay with them. The second to identify where the corner is, whether it be by an old survey mark, so the corner is identified. The last would be to obtain the necessary Zoning and Building permits. Chairman Peterson inquired about Condition of Approval 1, stating that the neighbors have had their opportunity to voice their concerns. Commissioner Kegler asked if the size of the storage building is a factor that should be presented to the neighbors. The neighbors may feel differently after they know the size of the building. Commissioner Grieb believes the size of the storage shed is irrelevant at this point. Commissioner Wenholz believes the adjoining owners had their opportunity to express concerns or comments.

The Planning Commission decided to delete Condition of Approval 1 that states, "Obtain written statements from the adjoining property owners indicating approval of this variance request and provide copies to the Planning Department".

Commissioner Rea moved to approve this Variance with the changes as discussed. Commissioner Kegler second the motion. The motion carried.

Land Partition Application LP-N-328: Wayne and Marchelle Downey, owner and applicant. Property is described as tax lot 200 of Assessor's Map 4N 25 14C. The property is zoned Farm Residential (FR) and is located approximately three miles to the east of Boardman off Wilson Lane on Downey Road. Proposal is to create three parcels, each meeting the two acre minimum of the FR zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5. Chairman Peterson asked if there was any exparte contact. Commissioner Kegler stated that he represents Wayne Downey in the sale of some of this property. Commissioner Kegler removed himself the Commission for this action. Planning Director McLane presented the staff report. Wayne Downey's Subdivision application has been withdrawn.

Planning Director McLane explained to the Planning Commission that there was a letter in the Downey Subdivision file from West Extension Irrigation District relative to the Subdivision application but the Planning Department had not received a letter regarding this application. Director McLane called Bev Bridgewater, West Extension Irrigation District, to confirm. Ms. Bridgewater explained that the concerns stated in the letter regarding the Subdivision application still apply to this application. Commissioner Rea asked about the easement from Wilson Road into Hamilton Estates. That easement is what kind of road? Planning Director McLane explained that on the Skoubo property, it is recorded as an access easement. It's a non exclusive easement over and across the real property described here and after as the easement for roadway and utility purposes access ingress and egress. It's not clear if that easement is intended to provided access to a single parcel or for numerous parcels. The concern is whether or not Downey Road is a dedicated public right of way.

Open Public Hearing.

Wayne Downey, 102 SW Willowfork Drive, Boardman, spoke in favor of this application. Mr. Downey expressed that he doesn't share the Planning Departments view of confusion of access to these parcels. Mr. Downey explained to the Planning Commission that when the easement was dedicated to Hamilton Estates, Mr. Downey was a party to that easement. It was dedicated for access to all the property above and is a nonexclusive easement so therefore it should be an easement for anybody who wants to use the road. Mr. Downey requests that the Planning Department not consider the 3 conditions on page 3 as they don't pertain to the partition application they only pertain to speculation by

the Planning Department that there will be subsequent development of this property. The surface of the road as it exists and the easements are all that should be required of this partition. The three conditions that Mr. Downey is referring to are Easement across Tax lot 100, Easement across Tax lot 201, and Improvements to Downey Road. Planning Director McLane explained that if you were to drive down Downey road today, it's not built to today's county standards. This application would allow the Planning Commission to apply today's standards.

David Allen, County Counsel, had a concern that Commissioner Kegler recuse himself from this application and therefore there is no longer a quorum of voting members. There are only 4 voting members at this point. David Allen is not comfortable proceeding with only four voting members. David Allen, County Counsel, explained that if the Planning Commission continues with only four voting members, the decision could be challenged.

Commissioner Rea moved to continue this application to the June meeting. Commissioner Wenzholz second the motion. The Application will be moved to the June meeting.

Land Partition Application LP-S-329: D. Rahn and Rebecca Hostetter, owner and applicant. Property is described as Parcel A of Land Partition LP-S-322 located on Assessor Maps 5S 25, 5S 26, 6S 25, 6S 26 and 6S 27. The property is zoned Forest Use (FU) and is located approximately 25 miles to the south of Heppner east of Highway 207. Proposal is to create three parcels, each meeting the 240 acre minimum of the FU zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Replat of Partition Plat 2000-9 Land Partition Application LP-N-330: Pacific Chemical Corporation, owner and applicant. Property is described as tax lots 115 and 116 of Assessor's Map 4N 25 2. The property is zoned Port Industrial (PI) and is located approximately one mile to the east and north of Boardman north of Columbia Lane. Proposal is to replat Partition Plat 2000-9 shifting its location to the south. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Chairman Peterson asked for conflicts of interest or exparte contact. There were none for this application.

Planning Director McLane presented the staff report. No comments have been received from the Department of Environmental Quality for this application. Planning Director McLane explained that the Transportation System Plan requires a 60 foot right-of-way and after further research, Sunflower Flat Road is currently only a 40 foot right-of-way. There is an error in staff report that states an additional 20 feet on both sides of Sunflower Flat Road, that should be stated as an additional 10 feet on both sides of Sunflower Flat Road. This will also change the Conditions of Approval. Commissioner Rea explained to the Planning Commission that she is currently an adjoining property owner but there is no conflict of interest.

Open Public Hearing

D. Rahn Hostetter, 62728 Hurricane Creek Road, Joseph, was present to speak in favor. Mr. Hostetter also noted the error in the Conditions of Approval. Secondly, to make things clear, Mr. Hostetter recommended adding additional wording so that Condition of Approval two would read as follows, "Dedicate an additional 10 feet of right-of-way on each side of Sunflower Flat Road where it is internal to the subject property (for a total right-of-way of 60 feet) and 10 feet on the portion of Sunflower Flat Road that borders parcel 3 to the northwest (for a total right-of-way of 50 feet) reserving all other interests to the landowner including timber". As this land partition will not require a Partition Plat the dedication can be done by deed or other appropriate means. Mr. Hostetter stated that with the additional verbage, the conditions are appropriate. Mr. Hostetter's partner, Bill Rader was present.

Richard Cunningham, Sunflower Flat Road, Heppner, was present to speak in opposition. Mr. Cunningham's concern was with the amount of land being taken by the right-of-way, that too much land would be taken out. Commissioner Rea explained to Mr. Cunningham that the right-of-way will not affect the adjoining property owners, it only affects Mr. Hostetter's property. Mr. Cunningham explained to the Planning Commission that an easement was granted to Mr. Cunningham to access a spring for fire protection and would hope Mr. Hostetter would continue to grant that access. Planning Director McLane explained that if that access was a recorded easement then nothing will change, that easement goes with the property.

Close Public Hearing.

Commissioner Rea moved to approve the application with the change of language and findings suggested by Mr. Hostetter. Commissioner Grieb second the motion. Motion carried.

Replat of Partition Plat 2000-9 Land Partition Application LP-N-330: Pacific Chemical Corporation, owner and applicant. Property is described as tax lots 115 and 116 of Assessor's Map 4N 25 2. The property is zoned Port Industrial (PI) and is located approximately one mile to the east and north of Boardman north of Columbia Lane. Proposal is to replat Partition Plat 2000-9 shifting its location to the south. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

There were no conflicts of interest to declare

Planning Director McLane presented the staff report. An Ethanol plant is proposed for this site. There will be enough traffic with the proposed actions in this area to trigger a Traffic Impact Analysis and the Port of Morrow has agreed to do this study. This property is not located within the West Extension Irrigation District so the language can be either removed or changed to reflect that. To this date, nothing has been received from the County Watermaster.

Open Public Hearing

Ron McKinnis, Port of Morrow Engineer, spoke in favor. Mr. McKinnis explained to the Planning Commission that the original partition plat done in 2000 was to accommodate a 90 acre parcel for Pacific Chemical Development Corporation to build a Urea facility. The agreement between the Port of Morrow and Pacific Chemical allowed three years to develop the property. If the Urea facility was not under development at the end of the three year period the agreement allowed for the property to revert back to the Port of Morrow. That three year period has ended. A new agreement between the Port of Morrow and Pacific Chemical has been entered into requiring twenty-five acres as opposed to the original ninety acres. This proposed parcel is for an development of an ethanol plant. This new parcel is proposed as a replat of Partition Plat 2000-9, moving the site to the south east and reducing the acreage. A new road is being proposed as part of the long range North Beach development process.

Close Public Hearing.

Commissioner Wenholz asked if Condition number three would be deleted. Planning Director McLane explained that the staff report would need to reflect that this property is not within the West Extension Irrigation District and that number three would be deleted, changing the numbers of the other conditions.

Commissioner Rea moved to approve the application. Commissioner Kegler second the motion. The motion carried.

Correspondence

There was no correspondence

Discussion

The day of the week for Planning Commission meetings was discussed. Planning Director McLane explained that there has been some concern with holding the meetings the last Thursday of the month. Director McLane asked the Planning Commission if there was another night that might work better for more people. There was discussion amongst the Planning Commission members as to what works best for everyone. July would be the earliest to change the day of the meeting. The last Tuesday of the month is an option that seems open to most.

Planning Director McLane presented the Planning Commission with a Speedway update. Director McLane heard from Mark Greenfield and the Port of Morrow will not be moving forward on Speedway lodging issue. They will only be moving forward on the Goal 3 exception. The County Court will be acting on this issue and won't be sending it back to the Planning Commission.

Chairman Peterson raised some questions about the squirrel issues that keeps coming up. Should the Planning Commission do a review of the Goal 5 resources in the county? Chairman Peterson's sure the Planning Commission has been giving the squirrel issues to a high consideration. Chairman Peterson recommended sending a letter to the Fish and Wildlife Department stating these concerns.

Commissioner Kegler explained to the Planning Commission about House Bill 2689 and presented copies to the Planning Commission. Commissioner Kegler read this House Bill to the Commission. The proposed Speedway is an example of this. This bill passed out of the house and is currently sitting in the Senate and is in front of the Land and Water Committee. There is a public forum Monday, April 28th in Hood River from 5:30 to 7:30 p.m. at the Hood River Inn for anyone that would like to voice any concerns. This bill is a realtor sponsored bill.

Planning Director McLane shared that Andrea Denton, Personnel Director, and herself conducted interviews for the Associate Planner position. Four people were interviewed. Lori Timmons was offered the position today. She is from the Tri-Cities and will be starting in the office on Monday, April 28th.

May Agenda:

There are currently two items on the May agenda, the continuation of the Downey application and also a Conditional Use Permit application for Thomas Martin.

There will be some training opportunities available for the May meeting with a video and some training for public meetings. Food will be provided starting at 6:00, then have the hearing at 7:30 and some training after the hearing.

Adjournment

The meeting adjourned at 9:10 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for May 29, 2003, 7:30 p.m., at the North Morrow County Annex, Irrigon, Oregon.

Respectfully Submitted,
Kristina Gray
7/7/03



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**Minutes of the Morrow County Planning Commission
Thursday, May 29, 2003, 7:30 p.m.
North Morrow County Annex Building
Irrigon, Oregon**

Members Present: Joel Peterson, Leann Rea, Jeff Wenholz, Joe Miller, Anne Morter

Members Absent: Don Eppenbach, Art Kegler, Ken Grieb, Jim Nelson

Staff Present: Carla McLane, Planning Director; Lori Timmons, Associate Planner, and Kristina Gray, Office Manager;

Chairman Peterson called the meeting to order at 7:30p.m.

Roll call was provided by Kristina Gray, Office Manager.

Lori Timmons, Associate Planner, was introduced to the Planning Commission. Planning Director McLane shared a bit about Lori Timmons' background.

The minutes of the April 24th meeting were reviewed. Commissioner Rea had one correction on page two in the paragraph regarding LP-N-328. Change the word presents to represents. Commissioner Morter had a correction on page four, middle of the page. Commissioner Morter would like clarification on the paragraph where Ron McKinnis was speaking in favor. The Planning Commission requested staff make the corrections and resend to Planning Commission. Commissioner Rea moved to postpone approval of the April 24th minutes until the June 26th hearing. Commissioner Wenholz second the motion. Motion carried.

Chairman Peterson read the Public Hearing Procedures.

Continued from April 24, 2003: Land Partition Application LP-N-328: Wayne and Marchelle Downey, owner and applicant. Property is described as tax lot 200 of Assessor's Map 4N 25 14C. The property is zoned Farm Residential (FR) and is located approximately three miles to the east of Boardman off Wilson Lane on Downey Road. Proposal is to create three parcels, each meeting the two acre minimum of the FR zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Planning Director McLane presented the staff report. There was a previously approved Subdivision application with the public hearing held on October 24, 2002. The Downey's did withdraw that approved subdivision by letter dated March 4, 2003.

The West Extension Irrigation District has not responded to this application but the letter sent in regards to the subdivision application still applies. There are no current valid water rights for groundwater on this property.

Chairman Peterson raised the question about improvements to Downey Road, asking if the standards

that are being suggested are based on an average daily trips of 120 trips per day? The actual land use action that is being proposed would only anticipate an average daily trip of 30.

Open Public Hearing

Wayne Downey, 102 Willowfork Drive, Boardman, spoke in favor. Mr. Downey explained to the Planning Commission that he withdrew his application for a subdivision because the road standards were too high and it would not be cost effective for that type of development. Mr. Downey recommended the Planning Commission only approve conditions that pertain to this land partition. Mr. Downey suggested striking the three conditions on page three of the staff report. There are no new roadways being proposed at this time.

Commissioner Rea asked for clarification from Wayne Downey; his desire is to do nothing in reference to the road for this land partition. Wayne Downey agreed.

Joe Miller questioned the easements at the north end of Downey Road which grant access across tax lots 100 and 201. Are there other accesses other than the easements. Mr. Downey responded that there are no other accesses. Two of the lots are 6.5 acres and one is 13 acres.

Planning Director McLane explained that with a Land Partition, up to three parcels can be created. It is staff's recommendation that under section H the language should be changed so that in the event one of the parcels created by this land partition should be further divided the land owner would be held to subdivision standards.

Wayne Downey stated that the Planning Commission should only consider what is being requested this evening not what could happen in the future.

Commissioner Rea expressed concern that Downey Road could become the same situation as West Glen Addition and Wagon Wheel Loop Addition. Eleven households will be using this single road which does not meet today's road standards. Lack of maintenance is why the road is so bad.

Planning Director McLane explained the difference between a dedicated right-of-way and an easement. Wayne Downey stated these easements are non exclusive easements open to anyone that wants to drive on the road.

Close Public Hearing.

Planning Director McLane asked Mr. Downey if dedicating his half of Downey Road was acceptable as stated in Condition of Approval three. Mr. Downey felt this was acceptable. Any improvements to Downey Road will be held to Rural Access II Road Standard.

Commissioner Rea believes that Hamilton Estates signed a consent to participate. Planning Director McLane checked and no consent to participate was signed for Hamilton Estates.

Planning Commission discussed series partition standards and agreed that the language needs to change so that if someone was to come in and ask to divide any of the parcels being created tonight, it would be treated as a series partition and would be held to subdivision standards.

The Planning Commission took a vote as whether to keep Conditions of Approval four and five as requirements. The Planning Commission voted to delete Conditions of Approval four and five for this land partition. Condition of Approval six will remain. Condition of Approval nine will be changed to a

Rural Access II Road Standard. Insert the word, "shall" in section H of the staff report. Commissioner Morter moved to approve the Downey application with the changes made by deleting four and five and changing nine to Rural Access II with corresponding changes in the staff report. Commissioner Miller second the motion. Motion carried; Commissioner Rea dissenting.

Conditional Use Request CUP-N-193: Thomas G. Martin, owner and applicant. Property is described as tax lots 3201, 3202, 3204 and 3300 of Assessor's Map 1N 25 and is zoned Exclusive Farm Use (EFU). Property is located on Highway 207 approximately 7 miles north of Lexington. Proposal is to allow the placement of an Accessory (Secondary) Farm Dwelling. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.010(D)(3), 3.010(D); and Article 6 Section 6.020 and 6.030.

Chairman Peterson asked if there were any exparte contact to be declared. Commissioner Rea stated that her brother-in-law is Thomas Martin's brother but Commissioner Rea has nothing to gain from this application.

Planning Director McLane presented the staff report.

Open Public Hearing

Tommy Martin, Lexington spoke in favor of this application.

Close Public Hearing.

Chairman Peterson questioned Condition of Approval four. Commissioner Rea moved to remove Condition of Approval four. Commissioner Miller second the motion. Motion carried.

Commissioner Miller moved to approve the application with the deletion of Condition of Approval four. Commissioner Rea second the motion. Motion carried.

Correspondence

Approved 2000-2001 EFU and Forest Reports

Planning Director McLane reviewed the reports. Copies are available for Planning Commission members or for review at the Planning Department. Planning Director McLane explained every application that is approved through the Planning Department that takes place in either the Exclusive Farm Use Zone or the Forest Use Zone a sheet is completed. The main intention of these forms is to keep track of the land use actions in these particular zones.

New Business

Planning Commission Bylaws

Planning Director McLane addressed page two, article three, section four, which explains that a "quorum shall consist of a simple majority of all the members of the commission and no action may be taken by the commission except by the affirmative vote of a majority of the quorum. If any member is incapacitated or refuses to participate in a decision, a quorum shall consist of a majority of the remaining members." David Allen, County Counsel, is concerned that this would not hold up in a court of law. The Planning Commission will discuss this further when David Allen, County Counsel is present to answer questions.

Old Business

Change Monthly Meeting Date

Planning Director McLane expressed concern regarding the attendance of the Planning Commission members at the past meetings. Attendance has been poor. It has been recommended to change the

night of the meeting to the last Tuesday of every month rather than the last Thursday of every month. Commissioner Rea moved to approve changing the Morrow County Planning Commission meetings to the last Tuesday of every month starting in July. Commissioner Morter second the motion. Motion carried.

Speedway Update

Planning Director McLane explained to the Planning Commission that there is still no word on the Speedway. The Planning Department is still waiting for papers from the Port of Morrow.

Discussion

June Agenda:

Planning Director McLane shared with the Planning Commission that six applications have been received for the June agenda.

Adjournment

The meeting adjourned at 9:10 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for June 26, 2003, 7:30 p.m., at the Morrow County School District Building, Lexington, Oregon.

Respectfully Submitted,
Kristina Gray
7/7/03



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**Minutes of the Morrow County Planning Commission
Thursday, June 26, 2003, 7:30 p.m.
Morrow County School District Building
Lexington, Oregon**

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

Members Absent: Jeff Wenholz, Joe Miller

Staff Present: Carla McLane, Planning Director; Lori Timmons, Associate Planner, Kristina Gray, Office Manager; and David Allen, County Counsel

Chairman Peterson called the meeting to order at 7:47p.m.

Roll call was provided by Kristina Gray, Office Manager.

Page 5 of the April 24th minutes, third paragraph, change to read, "Chairman Peterson's sure the Planning Commission has been giving the squirrel issues to high of a consideration".

May 29th minutes, Commissioner Eppenbach had a spelling correction on page 4, the third line down, change from staring to starting. Commissioner Rea had a correction, she would like it noted that she voted against the Downey application.

Commissioner Rea moved to approve the April and May minutes as corrected. Commissioner Kegler second the motion. Motion carried

Chairman Peterson read the Public Hearing Procedures.

Conditional Use Request CUP-S-194: Scott Coe, Manager, applicant for Ruggs Ranch, owner. Property is described as tax lots 2400, 2402 and 3300 of Assessor's Map 3S 25 and tax lot 400 of Assessor's Map 4S 25. The property is zoned Exclusive Farm Use (EFU) and located eleven miles south of Heppner of Highway 207. Proposal is to allow a Hunting Preserve. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.010(D)(13), 3.010(D), 3.010(G); and Article 6 Section 6.020 and 6.030.

Associate Planner Timmons presented the staff report. Planning Director McLane discussed with the Planning Commission that when reviewing the zoning permits for the lodge and cooks house there is no record as to when the septic was put in. The septic that was installed was for a dwelling and not a lodge. The septic may not be of capacity or design for it's use. The scale house in 2001 was turned into a cooks house. No septic permit was filed at that time with the Department of Environmental Quality. Bernie Duffy, DEQ, and Planning Director McLane discussed this application via telephone. Commissioner Kegler asked if there were any comments made by DEQ regarding this application. Bernie Duffy, DEQ, said he'd fax comments to the Planning Department by 5pm today and nothing as of 6 p.m. had been received.

David Allen, County Counsel, explained the most important part to look at is there is no change in use with this application. It's an existing facility that is just complying with new state law.

Commissioner Rea expressed concern about the paragraph on page three of the staff report that states, "It shall be further stated that any new construction, alteration to existing buildings, or other change in the use of the accessory buildings shall be applied for and permitted under County Ordinance and State Statute in effect at the time of application". Commissioner Rea's concern is that the Planning Commission is being too restrictive with this language. Also in the same paragraph, "In the event Ruggs Ranch ceases to exist as a hunting preserve the existing accessory dwellings shall also cease to exist as dwelling units, requiring review and approval for any new or change in use." Commissioner Rea doesn't agree with this verbage as these buildings were original during the farm operation and therefore they should stay.

David Allen, County Counsel, explained that if it ceases to become a hunting preserve it will become something else. We don't know what it will become. The case will be researched if the activity changes. If the ranch changes it's use they will have to come back to the Planning Commission to obtain approval for any new or change of use.

Open Public Hearing

Commissioner Rea asked the applicant about the CRP and farm service agencies, her concerns were that CRP today is not the same as it was 15-20 years ago. The theory was to save the soil and now they are looking for habitat for critters rather than for soil conservation.

Scott Coe, Manager, was present to speak in favor of this application. Mr. Coe was not employed when the lodge was remodeled. Ruggs Ranch does house a few different groups in the off season. The season starts August 1st however it doesn't start to get busy until October, then stays busy until March.

No one to speak in opposition

Close Public Hearing

Planning Director McLane explained that Ruggs Ranch does not need to obtain permits from DEQ, they just want to make sure the septic system is truly designed for the use of the building. The Planning Commission doesn't feel they should put a condition of approval on the DEQ issue. Planning Director McLane suggested the Planning Commission make a condition of approval, limit it to the lodge, and limit it to assuring the system is adequate. Planning Commission declined.

Scott Coe, Ruggs Ranch Manager, explained that the ranch is required to have a Conditional Use Permit approved by August 1st or they can't operate for the next season.

Commissioner Eppenbach moved to approve the Conditional Use Permit as modified. Commissioner Rea second the motion. Motion carried.

Land Partition Application, LP-N-332 and Conditional Use Request CUP-N-195: Jedediah Aylett, applicant and owner. Property is described as tax lots 200 and 300 of Assessor's Map 4N 27 and is zoned Exclusive Farm Use (EFU). Property is located south of Interstate 84 just west of the Umatilla Army Depot intersection, approximately 12 miles from Boardman. Request is to partition the 241.12 acre subject property into three parcels, two smaller "non-farm dwelling"

parcels and one larger farm parcel. The second request is to site a “non-farm dwelling” on the smaller parcels. 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).

Commissioner Kegler recused himself as Mr. Aylett has some property listed with his agency

Planning Director McLane presented the staff report. Mr. Aylett provided site suitability documentation to the Planning Department. No comments were received from the Army Depot. There are no proposed changes to the farm practices. A letter from the County Watermaster was not received. The soil is classified as a class 7 if farmed dry land and a class 4 if irrigated. Need to correct a typographical error in the staff report from a class VI soil to a class IV.

David Allen raised a concern regarding condition 8 that states, Disqualify the “non-farm” parcel from farm deferral and pay the taxes from the previous 10 years. Why not just specify if it’s parcel 1, 2 , or 3. It would be parcels 2 and 3.

Commissioner Rea asked if a site suitability has been issued for parcel 2. Planning Director McLane explained that the dwelling is currently there and therefore an approved septic system does exist. There is currently no dwelling on parcel 1.

Commissioner Eppenbach asked if Gun Club Lane is a public road. There is a public road platted to the Gun Club. There is a road there but nothing platted on the easement for this road. There is an additional 25 feet shown on the map as a railroad easement that runs in front of 6 lots and dead ends at the 7th lot. It appears for lots 8 and 9 there is no road to access. It’s a public road to the Gun Club.

Open Public Hearing

Art Kegler was present to speak in favor of this application.

Jedediah Aylett explained that he has a verbal agreement to use that access as long as he shuts the gates. The property has been rented for grazing to the last property owner on Gun Club Lane who would like to obtain the property from Aylett.

No one to speak in opposition

Close Public Hearing

Commissioner Rea moved to approve the application with clarification of Condition of Approval 8. Commissioner Morter second the motion. Motion carried.

Land Partition Application, LP-S-333 and Conditional Use Request CUP-S-196: Jerome and Anne McElligott, applicants and Donald and Eunice McElligott, owners. Property is described as tax lot 1506 of Assessor’s Map 2S 23 and is zoned Exclusive Farm Use (EFU). Property is located off Lone-Gooseberry road on McElligott Lane approximately 13 miles from Lone. Request is to partition the 397.80 acre parcel into two parcels, one smaller “non-farm dwelling” parcel and one larger farm parcel. The second request is to site a “non-farm dwelling” on the smaller parcel. 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).

Planning Director McLane presented the staff report. The staff report states it will be five acres but it now is going to be six acres. Planning Director McLane discussed the ranch garbage dump located on

the McElligott property. The dump is a violation of the Morrow County Solid Waste Ordinance and is also a violation of the Oregon Administrative Rule 340-093-0040. The easiest option is to have the McElligott's apply with the Solid Waste Ordinance and dispose of garbage through a self haul to Finley Buttes Regional Landfill. A one time closure permit is allowed by DEQ for \$500 for closure at a ranch dump. Connie Holmquist, Natural Resources Conservation Service, did a site visit and determined that the majority of the parcel is class 7 soil so the application does meet the soil test. This is the only non farm dwelling that can be created.

Open Public Hearing

No one to speak in favor or opposition.

Close Public Hearing

Commissioner Eppenbach moved to approve as presented. Commissioner Rea second the motion. Motion carried.

Land Partition Application LP-N-334: Douglas and Iris Walton, owner and applicant. Property is described as tax lot 200 of Assessor Map 5N 26. The property is zoned Rural Residential (RR) and is located approximately 2 miles west of Irrigon on West 8th Road. Proposal is to create three parcels, each meeting the 2 acre minimum of the RR zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Planning Director McLane presented the staff report. A letter from the West Extension Irrigation District was received. Nothing has been received from the County Watermaster.

Commissioner Rea asked Planning Director McLane if a 60 foot easement is required. Carla McLane researched the Transportation System Plan carefully just to make sure 60 feet is required.

Commissioner Rea had a question regarding Condition of Approval 4, the Consent to Participate. The Consent to Participate would be subjected to parcel 1 only? Planning Director McLane explained that all parcels will take their access off of 8th street.

Open Public Hearing

Doug Walton, 81724 W 8th Street Irrigon, spoke in favor. He questioned why a 60 foot right of way is required.

No one present to speak in opposition.

Commissioner Rea asked why these parcels couldn't be accessed by the current access. There are trees in the way and they couldn't get a 40 or 60 foot right of way past their house. There is 500 feet between the two accesses.

Close the Public Hearing.

Chairman Peterson feels it's fair to consider a 40 foot right-of-way rather than 60 feet. The Planning Commission concluded to change the findings to read 40 feet rather than 60 feet of right-of-way.

Commissioner Rea moved to approve with the modifications made to Condition of Approval 2, 40 foot right-of-way and change to Condition of Approval 4, pertinent to both parcels. Commissioner Kegler second the motion. Motion carried.

Conditional Use Request CUP-N-197: Martin Myers, General Manager, applicant for Threemile Canyon Farms, LLC, owner. Property is described as tax lot 112 of Assessor's Map 3N 23 and is zoned Exclusive Farm Use (EFU). Property is located south of the Threemile Canyon interchange on Interstate 84. Proposal is to allow the placement of a commercial activity in conjunction with farm use. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.010(D)(8), 3.010(D), 3.010(G); and Article 6 Section 6.020 and 6.030.
An extension has been requested. This will be heard at the July 29th hearing in Irrigon.

Correspondence

Planning Director McLane presented a postcard for the OPI conference for October 1, 2, 3 in Eugene for any Planning Commission members wishing to attend.

New Business

David Allen, Morrow County Counsel, wanted to discuss briefly some publicity the County has received concerning Wind Energy. Lifeline, the recent applicant, has promoted two bills in the legislature proposing to change how wind energy is taxed. The first option was a production tax; another option is an Enterprise Zone. Morrow County is being perceived as opposed to wind power. The House Bills are 2299 and 3610. David Allen brought up this topic for information purposes only as we are opposed to the proposed legislation.

Speedway Update

There are no new updates for the Speedway.

Adjournment

The meeting adjourned at 9:40 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for TUESDAY, July 29, 2003, 7:30 p.m., at the Stokes Landing Community Center, Irrigon, Oregon.

Respectfully Submitted,
Kristina Gray
8/5/03



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Tuesday, July 29, 2003, 7:30 p.m.
Stokes Landing Community Center
Irrigon, Oregon**

Members Present: Joel Peterson, Leann Rea, Don Eppenbach, Art Kegler, Jeff Wenholz, Jim Nelson, Anne Morter

Members Absent: Ken Grieb, Joe Miller

Staff Present: Carla McLane, Planning Director; Lori Timmons, Associate Planner, Kristina Gray, Office Manager; and David Allen, County Counsel

Chairman Peterson called the meeting to order at 7:33 p.m.

Roll call was provided by Kristina Gray, Office Manager.

Commissioner Rea saw a few grammatical errors, otherwise the minutes are acceptable. Commissioner Eppenbach seconded the motion. Motion carried.

Chairman Peterson read the Public Hearing Procedures.

Land Partition Application LP-N-331: Shirley A. Donovan, Dewey West, Ralph and Alberta Akers, and Ivan and Jane Akers, owners and applicants. Property is described as tax lot 200 of Assessor's Map 4N 25 22AB. The property is zoned Farm Residential (FR) and is located approximately two miles to the southeast of Boardman at the intersection of Miller Road and Kunze Lane. Proposal is to create two parcels, each meeting the two acre minimum of the FR zone. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Planning Director McLane presented the staff report. This application is to memorialize a court order so the Planning Department will recognize the partition. Commissioner Rea asked Planning Director McLane if each dwelling has their own well. According to Ralph and Alberta Akers, a second well is being drilled and there are currently two septic systems in place.

Open the Public Hearing.

Ralph Akers was present to speak in favor. Mr. Akers explained that there is a new well on this property.

Alberta Akers was present to speak in Favor. Mrs. Akers explained that when the application was first submitted, three parcels were being proposed. The court order states to partition according to the Ivan Driver plat that was previously done.

David Allen, County Counsel, explained to the Planning Commission that there was a lawsuit brought forward regarding this partition. The judge is more concerned with who wins the lawsuit rather than

being in compliance with land use planning standards. Only two parcels are anticipated in that decree. Alberta's concern was the decree says to go by the Ivan Driver survey and she believes the land should be divided into three parcels. Planning Director McLane explained that the decree stated two parcels were to be made with a future partition line. The public notice that was sent out was noticed for a land partition of two parcels, not three.

Close the Public Hearing.

Commissioner Rea questioned Condition of Approval number four, sign and record a Consent to Participate, why only on Kunze? Planning Director McLane explained that the Akers' homes are the only two dwellings that Miller Road serves. Commissioner Rea's concern was if the proposed extension of Kunze won't go anywhere then why ask for the Consent to Participate? Commissioner Kegler stated that he felt the chances of needing to use the Consent to Participate most likely will never occur.

Commissioner Eppenbach moved to approve as presented. Commissioner Kegler seconded the motion. Motion carried.

Conditional Use Request CUP-S-198: Wayne and Lori Seitz and Todd and Melissa Lindsay, owners and applicants. Property is described as tax lot 1000 of Assessor's Map 5S 28 and is zoned Forest Use (FU). Property is located at Penland Lake. Proposal is to allow the placement of a seasonal dwelling on the subject property. Criteria for approval include Morrow County Zoning Ordinance Article 3, Section 3.020(B)(27), 3.020(C), 3.020(D), 3.020(E), 3.020(F).

Planning Director McLane presented the staff report. The applicants will need to supply information to the Watermaster before a determination can be made. The Watermaster for this area is Kelly Rise, Canyon City.

Commissioner Morter asked if the subject property was coming out of forest use. Planning Director McLane explained that because this is a one acre parcel, it is not considered forest use.

Open the Public Hearing.

No one present to speak in favor or opposition.

Close the Public Hearing.

Commissioner Rea moved to approve as presented. Commissioner Nelson second the motion. Motion carried.

Conditional Use Request CUP-N-197: Martin Myers, General Manager, applicant for Threemile Canyon Farms, LLC, owner. Property is described as tax lot 112 of Assessor's Map 3N 23 and is zoned Exclusive Farm Use (EFU). Property is located off of the Threemile Canyon interchange south of Interstate 84. Proposal is to allow the placement of a full composting facility meeting DEQ requirements on the subject site. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.010(D)(30), 3.010(D) and Article 6 Section 6.020 and 6.030.

Planning Director McLane presented the staff report. The facility is located roughly nine miles from Interstate 84. This application is driven, in some degree, by certain events taking place in the Metro region. The City of Portland and the Metro region are required to meet certain recycling requirements. The Metro region is required to recycle 62% of their waste. Composting organic waste is a way to recycle their waste. A grant was put together and asked for help to deal with this waste reduction.

This application was scheduled for the June Planning Commission meeting but was continued to the July hearing, as the applicant requested to modify their application.

Threemile Canyon Farms must also obtain a permit from DEQ. The DEQ permit process has already been started. A copy of the permit application as submitted to DEQ is available at the Planning Department for review.

No comments have been received from the Oregon Department of Transportation at this time.

Fugitive dust is a concern both during construction or extended hot, dry periods. Therefore it has been listed as a Condition of Approval that Threemile Canyon Farms provide dust abatement.

There is a concern as to how loose debris will be captured from the waste that is brought in. While a fence may not be required, a barrier of some sort may be needed if complaints arise.

Planning Director McLane reviewed the letter sent by the Oregon Refuse and Recycling Association. The letter makes comment that all correspondence, information relative to the Metro grant program and other pertinent information should be included in the record. In response Planning Director McLane has created a notebook which includes information from various entities and organizations, including the LUBGWMA action plan, portions of the DEQ permit requirements for composting facilities, the Morrow County Solid Waste Management Plan, Morrow County Solid Waste Ordinance, Metro's organic waste management program, information from the Metro grant process, portions of Metro's Code, Threemile Canyon Farms Composting Management Plan and other information from the Department of Agriculture, information about other CAFO permits in the community, and the Land Use Compatibility Statements that were issued when the dairies were first approved.

Open the Public Hearing.

Marty Myers, Threemile Canyon Farms was present to speak in favor. Several people were present to answer questions that anyone may have. Dell McGill and Russ Davis, Organics, in the business of compost both manage sites and market the finished product; John Fazio, consulting engineer for the farm. Involved in the design of the composting site; Steve Hultberg, Perkins Coie; Len Bergstein, provides strategic reports and public relations for the farm.

Marty Myers explained the history of the farm and how the composting facility came about. The primary customer of the composting process has been the dairy themselves. Threemile Canyon Farms is hoping to process 100 thousand tons per year of waste out of the Metro area in this expanded operation. Mr. Myers clarified that ambulance service is provided by Morrow County Hospital District. He would like to request the record be closed this evening.

Steve Hultberg, Perkins Coie, said the reason the application addressed the food waste is that everything else is a permitted use under the CAFO permit. It's the addition of the non-green feed stock that requires approval. Everything else is just an active use on the farm. DEQ doesn't require additional permits.

David Allen, Morrow County Counsel, explained that the application speaks about food waste coming from the Metro area, up to 100 thousand tons. If they don't reach their goals, other wastes are available. He explained that Planning Commission is approving a use, a compost facility. Where the waste is coming from and what is coming in won't be something that the Planning Commission approves; just approval of this dirt to make dirt. Planning Commission can put limits on that use through the Conditional Use Permit process. DEQ will have the final say so as to how much can be

composted on this facility.

Marty Myers stated the farm is applying for a permit to process food waste. Mr. Myers would like to request approval of a composting facility fully permitted by DEQ to allow them to handle organic food waste estimated at up to 100 thousand tons, but not limited to.

Commissioner Morter asked about bedding material currently being made. What do they do with that? All the bedding that goes in the stalls gets kicked out along with fresh manure and goes through separators. Mortalities that occur on the farm are composted, often on a daily basis. Mortalities will be composted in a segregated area with the resulting compost used predominately on organic wheat.

Commissioner Kegler commented on the unemployment rate in Morrow County and what type of employment factors are related to this facility. Mr. Myers responded by saying they will add four to five jobs mainly in the sorting and processing area; composting itself won't necessarily produce new jobs.

Commissioner Rea asked about Condition of Approval number 12 allowing people from the County or other agencies on the farm. Commissioner Rea would like to add language so it's not just staff.

Marty Myers clarified his request. Threemile Canyon Farms is requesting land use approval to have a composting operation to compost food waste under a DEQ full compost permit. The application was meant to give an idea of what volumes may be in the composting facility.

Steve Hultberg requested to use tax lot 112 for the description of the facility. They are currently farming a significant portion of tax lot 112 with about 100 acres developed for the composting facility.

A short recess was taken at 9:55 p.m.

Resumed the meeting at 10:03 p.m.

No one to speak in opposition.

Chairman Peterson clarified to approve a use on tax lot 112 to process organic post consumer and paper waste.

Public input is open for the DEQ permit. If there are complaints there is a process for the farm to respond to complaints. If more than 5 complaints over any single issue are received then DEQ responds.

Commissioner Rea asked what impact this would have on the Finley Buttes Landfill. Dean Large, Waste Connections, Vancouver, Washington, explained that in general they support what Threemile Canyon Farms is doing. It's a large benefit for Morrow County.

David Allen reviewed the public notice and read it into the record.

Planning Director McLane explained that a property line adjustment can be done if need be in the future to reconfigure tax lot 112.

Brett Cook, Morrow County Building Official, spoke of three concerns. With the composting of dead animals, what safe guards are in place so it won't be used as bedding? Monitoring of ground water, will any other chemicals be monitored other than nitrates? Applying the compost to fields that are growing crops, have studies been done using dead animal compost on crops and can contamination

occur? Del Gill answered Mr. Cooks concerns explaining that they set up a different facility for mortalities. There is eight to twelve inches of compost under the mortalities. Extensive ground water monitoring is in place already. All process for composting have to be documented. They must have the correct temperatures and they have samples to prove that. The compost will be tested every month for different things.

Close the Public Hearing.

Commissioner Morter moved to enter the notebook (described earlier) into the record as exhibit 1. Commissioner Rea second the motion.

Chairman Peterson closed the record.

Commissioner Rea moved to approve with all corrections. Commissioner Nelson second the motion. Motion carried.

Correspondence

Planning Commission Members: Enclosed with your packet is a copy of the May/June 2003 Oregon Planner's Journal. There are a number of interesting articles, particularly the one that begins on the first page; it talks about the training and education needs of planners and Planning Commission members across the state.

Planning Director McLane would like to discuss what the Planning Commission members would like to know more about. What goals do they have over the next year or two.

Dean Large with Waste Connections informed the Planning Commission that a customer has asked for a transfer station permit at the Port of Morrow for bulk materials from barge. They are working through the process for the issuance for a transfer station permit for this activity. Within the next week to week and a half they will be applying for a transfer station permit.

Speedway Update

On Friday last week Ron McKinnis submitted the remand application for the speedway. The speedway lodging will not be done at this time. County Court will hear this remand. Planning Director McLane will meet with County Court on August 13th to set up a date for the remand hearing.

Adjournment

The meeting adjourned at 11:05 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for TUESDAY, August 26, 2003, 7:30 p.m., at the Morrow County School District Building, Lexington, Oregon.

Respectfully Submitted,
Kristina Gray
8/29/03



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Tuesday, August 26, 2003, 7:30 p.m.
Morrow County School District Building
Lexington, Oregon**

Members Present: Joel Peterson, Leann Rea, Don Eppenbach, Art Kegler, Jim Nelson, Anne Morter, Joe Miller

Members Absent: Jeff Wenholz, Ken Grieb

Staff Present: Carla McLane, Planning Director; and Lori Timmons, Associate Planner

Guests Present: Donn Miller, Hydrogeologist, Water Resource Department; Mike Ladd, North Central Region Manager, Oregon State Water Resources; Tamra Mabbott, Planning Director, Umatilla County; J.R. Cook, Planner, Umatilla County; Doug Woodcock, Hydrogeologist, Water Resources Department; Terry Tallman, Morrow County Judge; John Wenholz, Morrow County Commissioner; Ray Grace, Morrow County Commissioner; Vern Church, Watermaster, District 21

Chairman Peterson called the meeting to order at 7:33 p.m.

Roll call was provided by Carla McLane.

Work Session - Water Quantity

A joint work session with Planning Staff, Planning Commissioners, and County Commissioners to discuss the status and trends of water levels in the critical ground water areas and request for additional restrictions. Donn Miller, Hydrogeologist, Water Resources Department; Mike Ladd, Water Resources Department; and Tamra Mabbott, Umatilla County Planning Director, will meet and share information concerning ongoing work in the Lower Umatilla Basin Ground Water Management Area (LUB GWMA) and actions currently pending by Umatilla County that may effect the citizens of Morrow County. A work session agenda will be available at the meeting.

Carla McLane introduced the guests and provided a short explanation of the work session. She explained her wish to be proactive rather than reactive concerning water quality and quantity issues. Mike Ladd provided a handout and explained the Lower Umatilla Basin (LUB) processes, with emphasis this evening on water quantity. Donn Miller explained the handout with a map of the ground water restricted areas in the Lower Umatilla Basin and gave an overview of the ground water supply situation dating back to 1976. There are currently no programs to shore up water supplies and water levels continue to decline. Permitted uses are for irrigation, yet exempt uses may still take place (stock,

domestic water use). Three critical areas straddle Morrow and Umatilla Counties (Ordinance Gravel, Ordinance Basalt, and Butter Creek). Stage Gulch is exclusively in Umatilla County. These four areas are designated Critical Ground Water Areas. Ella Butte, a large area in Morrow and Gilliam Counties, is designated as a Classified Ground Water Area. In this Critical Groundwater area water recharge occurs slowly, thought to be in the thousands of years.

Mike Ladd discussed the history of water supply uses in which substantial exempt use has put much pressure on the critical areas and older permitted wells are losing supply. Commissioners Rea and Eppenbach voiced concern about impacts on growth in the area, especially the Irrigon and Boardman areas if further groundwater use is unavailable. Mike Ladd mentioned that the well in Irrigon is an alluvial well and that alluvial wells are not controlled in the Critical Orders and said a new application for more water use can be filed. It was discussed that the areas most affected by a groundwater restriction would be the Rural Residential area around Irrigon but the largest part of the Critical areas in Morrow County are zoned EFU. Commissioner Wenholtz noted the Army Depot would not be able to have much growth except for already permitted wells.

Judge Tallman asked how Oregon looks at water quantity issues balanced with Washington's water use. Washington State uses water from the Columbia River to supplement its own water needs and Oregon has not gone this route. Mike Ladd said the State of Oregon is looking at opportunities and exploring possibilities concerning Columbia River water use but the issue at hand must be dealt with using rules in place now.

Tamra Mabbott updated the Commission about what Umatilla County has been doing concerning water quantity. Umatilla County has been in periodic review for 9 years concerning this issue. Morrow County has escaped periodic review due to the fact that the County's population is too low to trigger the periodic review process. Umatilla County is working on adopting an overlay zone which is close to a water use moratorium. No new land use permit will be approved without an allowed water resource. They are looking at minimum lot sizes in non-critical areas to allow recharge. They are also looking into regulating exempt wells. Commissioner Peterson expressed his wish that the state would change the exempt well rule rather than have the County put a regulation on top of the exemption. Tamra Mabbott reminded the Commission that both County and State need to do something but Umatilla County will have to take action first. After the new State rule the Umatilla County rule will sunset.

A discussion commenced concerning practical solutions for Morrow County. Commissioner Peterson said he doesn't want to shut the door on all rural development but perhaps just in the critical areas. Tamra Mabbott said Umatilla County will consider a balance allowing opening up rural development in areas presently in EFU in exchange for the protection of critical R areas. Minimum lot size of 7 to 10 acres in non-critical areas to allow recharge is another possibility. Carla McLane mentioned that the Rural Residential area around Irrigon will be the most affected. Commissioner Nelson wondered how growth in the County will be supported. Mike Ladd mentioned that Umatilla County wants a comprehensive groundwater study. They want to look at existing data, gather more data to know more about where the water is and where it isn't. At this time there is no budget to create such a study. Judge Tallman said he believes that people of Morrow County will probably want to take their chances with groundwater drawdown problems but if there could be a draw from the Columbia, people might be interested. He believes a study can be effective but if a "random" outcome exists, he would be against it. He wants definite conclusions to a study and information that could be counted on to be useful and accurate.

Judge Tallman wondered at which level of County Government should things such as an "overlay zone" be created. Commissioner Peterson said the community needs to be informed about this issue and as it is a land use issue, the Planning Commission will be involved.

Commissioner Wenholz asked if it is likely that recharge is occurring in the Irrigon area. Donn Miller said there is some from the Columbia in the gravel areas but not all the way to the Ordinance alluvial Critical areas, that is too far inland. The wells in Morrow County are about 50 percent alluvial and that is a good thing.

Old Business:

Training Subjects and Timeline -

Planning Director McLane referred to her question of last time: what do you want to learn more about in the planning process? Commissioner Miller wants to know how to influence land use decisions made for the west side that are negative for the east side. There was also discussion concerning "exceptions" as a topic that the Commission may wish to learn more about. The Commission also agreed to learn more about the "Goals". The current pamphlet concerning the "Goals" will be mailed to the Commissioners in the next packet.

Speedway Update

A hearing is confirmed for September 24, 2003, at 10:00 a.m. at the Morrow County Courthouse in Heppner, Oregon. To be heard by the Morrow County Court is an exception to Goal 3. There was discussion about what will be discussed and how the Goal 3 exception works for this case. The original developers are still involved.

New Business:

Water Quality

Planning Commission and County Court agreed to a discussion on water quality at a future Planning Commission meeting. It is tentatively scheduled for September 30 at 6:00 p.m. as part of a working dinner prior to the next Planning Commission meeting.

Miscellaneous

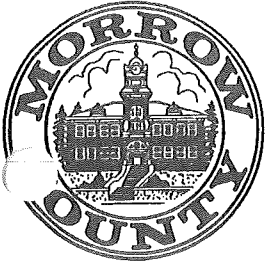
Vern Church, Watermaster, Water Resources Department, would like to place well recorders to gather baseline data in open wells, preferable in the Willow Creek area. He would like to request the Commission help find individuals who would agree to have a recorder.

Adjournment

The meeting adjourned at 10:00 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for TUESDAY, September 30, 2003, 7:30 p.m., at the Stokes Landing Senior Center, Irrigon, Oregon. A Work Session on Water Quality is scheduled prior to the meeting at 6:00 p.m.

Respectfully Submitted,
Lori Timmons, Associate Planner
10/9/03



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**Minutes of the Morrow County Planning Commission
Tuesday, September 30, 2003, 6:00 p.m.
Stokes Landing Community Center
Irrigon, Oregon**

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

Members Absent: Jim Nelson

Staff Present: Carla McLane, Planning Director; Lori Timmons, Associate Planner; Kristina Gray, Office Manager; David Allen, County Counsel

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

Roll call was provided by Kristina Gray.

The minutes of the August 26, 2003 meeting were reviewed. Changes are as follows: Add Joe Miller to the members present. Page two, third paragraph down, second sentence change the word "form" to read "from". Page two, fourth paragraph down, eighth paragraph should read "on top of the exemption". Page two, fifth paragraph down, fourth line up from the bottom should read, "Judge Tallman said he believes". Commissioner Rea moved to approve with corrections Commissioner Eppenbach second the motion. The motion carried.

Land Partition Application LP-N-335 and Conditional Use Request CUP-N-199: Jedediah Aylett, applicant. Property is described as tax lot 900 of Assessor's Map 4N 27 and is zoned Exclusive Farm Use (EFU). Property is located on County Line Road, south of the Army Depot, west of the Depot interchange. Request is to partition the 310.3 acre subject property into three parcels, two small parcels and one larger farm parcel. The second request is to approve "non-farm dwellings on the two smaller parcels. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Morrow County Zoning Ordinance Section 3.010, Morrow County Zoning Ordinance Section 0.020, and Oregon Administrative Rule OAR 660-033-0100(11)(a). Commissioner Kegler declared a conflict of interest and excused himself.

Planning Director McLane presented the staff report. Jedediah Aylett stated that Lyle Aylett is not a property owner but does own a house on the property. Planning Director McLane will have staff research to see if a mistake has been made. The owners are in process with a potential sale and are unclear on how large the parcels will be. Staff recommended that the "non-farm dwelling" parcels be a minimum of 2 acres.

The County Watermaster was notified; nothing has been received as of today, September 30. The applicant has indicated that the proposed farm parcel will continue to be farmed. The proposed "non-farm dwellings" would be the only two allowed from this parent parcel. Planning Director McLane received a letter today, via Public Works, from the Umatilla County Planning Department requesting

that the Umatilla County Public Works Department be offered the opportunity to review any application related to County Line Road. The two counties share maintenance of this road.

Open the Public Hearing.

Jedediah Aylett, 76823 Frontage Road, Hermiston, was present to speak in favor of this application. Mr. Aylett still hasn't decided how many acres will be divided, he is needing to have a surveyor come out first before that can be determined. There are no water rights on the proposed "non-farm dwelling" locations.

No one spoke in opposition of this application.

Commissioner Rea questioned the ownership issue on this application. Lyle Aylett doesn't necessarily own the property but he does in fact own the manufactured home on the property.

The Planning Commission decided that Mr. Aylett needs the McDoles signature, a written statement giving Jedediah Aylett authorization to act on their behalf for this property, to further this application. It is anticipated that the application will be heard again in October.

Land Partition Application LP-N-336-03 and Conditional Use Request CUP-N-200: Wayne Schnell, owner and applicant. Property is described as tax lot 200 of Assessor's Map 5N 27 31 and is zoned Exclusive Farm Use (EFU). Property is located on the east side of Division Road one mile south of Irrigon. Request is to partition the 181.58 acre subject property into two parcels, one "non-farm dwelling" parcel and one larger farm parcel. The second request is to site a "non-farm dwelling" on the smaller parcel. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Morrow County Zoning Ordinance Section 3.010, Morrow County Zoning Ordinance Section 0.020, and Oregon Administrative Rule OAR 660-033-0100(11)(a).

Associate Planner Timmons presented the staff report. Staff have not heard from the County Watermaster. To meet the soils test for a "non-farm dwelling" at least 51 percent of proposed parcel needs to be released from water irrigation rights. This request for a "non-farm dwelling" will be the last allowed from this parent parcel.

Open the Public Hearing.

Wayne Schnell, 80823 Division Road, Irrigon, was present to speak in favor of this application. One of the two acres does have water rights. It is mandatory that 51% of the parcel doesn't have water rights. There was discussion on the length and width of the lot. They will meet the Transportation System Plan requirements with a wide and shallow lot.

John Wenzholz stated that his recollection was that the length and depth requirements were incorporated to assist in spacing requirements for road access permits. He supported Planning Director McLane's decision.

Close the Public Hearing.

Planning Director McLane asked the Schnell's about the ownership of this property. The deceased wife is still listed as an owner of this property, not the current wife.

Commissioner Miller is against item nine.

Commissioner Rea moved to approve this application as presented. Commissioner Kegler second the motion. The motion carried.

Correspondence:

Planning Director McLane distributed an award letter for a grant the Planning Department received for a Transportation System Plan update. The Planning Department originally applied for \$20,000 and received up to \$50,000 for our county to do this work.

Dept of Land Conservation and Development letter: There is an opening on the CIAC, the Citizen Advisory committee at the state level. There are currently two openings.

Planning Director McLane shared with the Planning Commission that she has a copy of the Multi-Species Candidate Conservation Agreement with Assurances study available in the office if anyone is interested in looking at it. The study covers four species: the Washington Ground Squirrel, Ferruginous Hawk, Loggerhead Shrike, and the Sage Sparrow. Chairman Peterson expressed concern that the neighboring land owners didn't know about this and information should have been sent to inform land owners. Chairman Peterson felt we should submit a letter discussing the Land Partition recently approved by the county to be a part of the MSCCAA record. Chairman Peterson would like to submit the Final Findings of Fact from the large Land Partition that was done. Commissioner Rea moved to approve sending the Final Findings of Fact to be a part of the MSCCAA record. Commissioner Eppenbach second the motion. The motion carried.

Old Business:

Speedway Update - outcome of County Court Hearing

Planning Director McLane gave an update on the outcome of the County Court hearing. Kelly Doherty requested keeping the record open for seven days. Wednesday, September 22nd, 5:00 p.m., all comments received will be forwarded to the applicant. The County Court will make a final decision on October 15th.

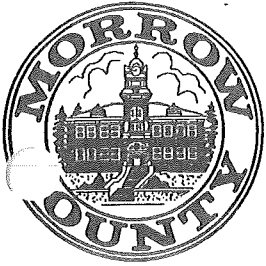
Commissioner Kegler again mentioned the attorney that the Oregon Association of Realtors has on retainer as a possible presenter for the Planning Commission. It was suggested that Umatilla and Morrow County Planning Commissions could get together to meet for this guest speaker.

There are tentatively two agenda items for October. It was suggested that the November and December meetings be combined. Staff will review the calendar to see if the 2nd or 9th of December would work for Planning Commission.

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

The next regularly scheduled meeting of the Morrow County Planning Commission is scheduled for TUESDAY, October 28, 2003, 7:30 p.m., at the Morrow County School District Building, Lexington, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager
11/3/03



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Water Quality Work Session
Tuesday, September 30, 2003, 6:00 p.m.
Stokes Landing Community Center
Irrigon, Oregon**

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

Members Absent: Jim Nelson

Staff Present: Carla McLane, Planning Director; Lori Timmons, Associate Planner; Kristina Gray, Office Manager; David Allen, County Counsel

Guests Present: Terry Tallman, John Wenholz, Ray Grace, and Phil Richerson, DEQ

Chairman Peterson called the meeting to order at 6:14 p.m.

Work Session - Water Quality

A joint work session with Planning Staff, Planning Commissioners, and County Commissioners to discuss the status and trends of water quality in the Lower Umatilla Basin Ground Water Management Area (LUB GWMA) and the request from Umatilla County for additional restrictions. Phil Richerson will meet and share information concerning ongoing work in the Lower Umatilla Basin Ground Water Management Area (LUB GWMA) and actions currently pending by Umatilla County that may effect the citizens of Morrow County.

Planning Director McLane introduced Phil Richerson, DEQ, speaking tonight on the Lower Umatilla Basin Ground Water Management Area (LUB GWMA). The Planning Commission discussed Water Quantity with Water Resources in September and will be talking about Water Quality this evening.

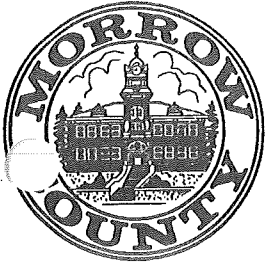
Phil Richerson, DEQ, distributed an overview of his slide presentation. There are currently two GWMA's in Oregon and soon to be a third before the calendar year is out. Oregon's Groundwater Protection Act requires DEQ to declare a GWMA if groundwater contamination (resulting from nonpoint source activities) exceeds certain trigger levels. In most cases, the trigger level is 50% of a federal drinking water standard. In the case of nitrate, the trigger level is 70% of the 10 ppm federal drinking water standard. Nonpoint Source Pollution is diffuse land use practices rather than from discrete sources such as a pipe or ditch. It's contaminants are sediment, nutrients, pesticides, metals, and petroleum products. The sources for this pollution are construction sites, agricultural areas, forests, stream banks, roads, urban areas, and residential areas. The Groundwater Management Area Committee is required by the Groundwater Protection Act and is comprised of affected and interested parties. Oregon currently has two GWMA's, the Northern Malheur County GWMA and the Lower Umatilla Basin GWMA. The Southern Willamette Valley will likely be declared the third GWMA this

winter. The Lower Umatilla Basin Groundwater Management Area was declared in 1990 and is a 550 square mile area. There are nitrates in the groundwater and is contributed from multiple land uses. The focus of the LUB GWMA is most contaminated groundwater is in the shallow alluvial sand and gravel aquifer, a large portion of recharge is from canal leakage and irrigation water, the shallow aquifer is the focus of the Action Plan. The 1995 report titled, "Hydrogeology, Groundwater Chemistry, & Land Use in the Lower Umatilla Basin Groundwater Management Area" identified five potential sources of nitrate loading to groundwater. They are 1) Irrigated Agriculture 2) Land Application of Food Processing Water 3) Septic Systems (rural residential areas) 4) Confined Animal Feeding Operations, and 5) The Umatilla Chemical Depot Washout Lagoons. The goal of the Action Plan is to reduce nitrate concentrations in groundwater to less than 7 mg/l. The December 1997 Action Plan designates the local SWCD's as lead agencies implementing the Plan. DEQ and ODA have oversight responsibility. The Action Plan recommends general activities such as education and outreach and specific tasks such as trend analyses to be conducted by involved agencies and groups representing the five sources of nitrate loading. At each step of the evaluation process, the committee and state agencies are to determine whether the Action Plan is addressing the groundwater contamination concerns adequately or whether modifications need to be made to the Action Plan to better enable it to succeed. DEQ samples a network of 38 wells every other month for analysis of nitrate. Each summer these wells are sampled for major ions, metals, and additional pesticides. Data will be used to evaluate groundwater quality trends in response to adoption of Best Management Practices (BMP's). There was a large sampling event done in 1992 that included 207 wells, 26 surface water locations, and one drain. Approximately 31% of the sites had greater than 10 ppm nitrate. The alluvial wells had higher concentrations. The highest concentrations were 76 ppm in alluvial and 64 ppm in basalt. The Irrigated Agriculture Goal by December of 2001 was to have 75% of the irrigated acreage implementing an accepted system of BMP's or to be covered by an implementation plan and the recommendations are in place and being used. Food Processors currently have 113 wells that are evaluated and out of those 113 wells, 64% have increasing trends; 8% have decreasing trends; 3% have flat trends; and 26% have statistically insignificant trends. The average nitrate concentration is approximately 15 mg/l. It's not certain if this goal has been met since they weren't able to be surveyed. All permitted CAFO's have been inspected and they should be okay. The non permitted CAFO's only get inspected when someone complains about them. The Rural Residential accomplishments include 1) Eliminate the discharge 2) Make the discharge more diffuse in Rural Residential areas 3) Obtain better treatment of discharge 4) Quantify and limit the total nitrate loading allowed and 5) passively remediate the groundwater. The goal for the U.S. Army Umatilla Chemical Depot Washout Lagoon was by December 2001, monitoring data show that the treatment system is working as expected and that reinjection water is not migrating beyond the capture zone of the treatment system. The responsible parties include the Army and DEQ. The 2001 Annual Progress Report and First Four-Year Evaluation of Action Plan Success concluded that sufficient progress has been made to continue the voluntary nature of the Action Plan. The next evaluation of Action Plan success occurs in 2005 and the first quantitative evaluation of area-wide groundwater quality improvement is scheduled for 2009 (12 years after implementation of the Plan).

Water Quantity

Planning Director McLane distributed copies of the public notice from Umatilla County announcing a meeting to be held on October 23, 2003, at the National Guard Armory Building in Hermiston at 7:00 p.m. to discuss the proposed Umatilla County Critical Groundwater Area Overlay Zone. The October 8th County Court meeting to discuss the use of groundwater within the designated "Critical Groundwater Areas" in Morrow County was discussed.

The work session was adjourned at 7:08 p.m.



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Minutes of the Morrow County Planning Commission
Tuesday, October 28, 2003, 7:30 p.m.
Morrow County School District Building
Lexington, Oregon

Members Present: Joel Peterson, Leann Rea, Jim Nelson, Joe Miller, Anne Morter

Members Absent: Art Kegler, Ken Grieb, Jeff Wenholz, Don Eppenbach

Staff Present: Carla McLane, Planning Director; Lori Timmons, Associate Planner;
Kristina Gray, Office Manager

Chairman Peterson called the meeting to order at 7:30 p.m.

Roll call was provided by Kristina Gray.

The minutes of the September 30, 2003 work session and meeting were reviewed. Commissioner Rea moved to approve the Work Session minutes. Commissioner Miller second the motion. Motion carried.

Commissioner Rea had a few minor corrections to the meeting minutes. Planning Director McLane explained that the guests are not usually stated on the minutes since all guests must sign in. The changes are as follows: 1. Second paragraph from the bottom in the last two sentences. At the end of the fourth sentence add the word "be". 2. In the next sentence after "Staff recommend" add "ed". 3. On page three, first paragraph, under Old Business, in the second sentence change the word "recommended" to "requested". Commissioner Rea moved to approve the minutes with corrections. Commissioner Morter second the motion. Motion carried.

Land Partition Application LP-N-337-03 and Conditional Use Request CUP-N-201: Jedediah Aylett, applicant; 7-A's, Inc., owner. Property is described as tax lot 200 of Assessor's Map 4N 27. The property is zoned Exclusive Farm Use (EFU) and located predominately south of Interstate 84 between the Patterson Ferry and Umatilla Army Depot interchanges, 12 miles from both Hermiston and Boardman. Request is to partition the 232.03 acre subject property into two parcels, one smaller "non-farm dwelling" parcel and one larger farm parcel. The second request is to approve a "non-farm dwelling" on the smaller parcel. 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).

Assistant Planner Timmons presented the staff report. Commissioner Rea asked who signed this application request. Jedediah Aylett is a principal owner in 7A's so he is authorized to sign on the companies behalf. Commissioner Rea asked about access. Planning Director McLane explained that the north portion of this property located north of the freeway still doesn't have a defined access but has been this way for quite some time. The application was modified to include one non farm dwelling parcel. Planning Director McLane shared the preliminary partition plat submitted by Denny Edwards to show the Planning Commission exactly how these parcels will be divided.

Planning Director McLane shared with the Planning Commission that Pole Line Road is the boundary

line for the Boardman Rural Fire Protection District. The Planning Department received a call from Marc Rogelstad, Boardman Rural Fire Protection District, requesting that we encourage the residents in this area to seek annexation into the Fire District. Potlatch and Jedediah Aylett are two of the property owners in this area.

Open public hearing.

No one present to speak in favor or opposition.

Close public hearing.

Commissioner Rea moved to approve this application. Commissioner Nelson second the motion. Motion carried.

Correspondence:

Carla shared the letter that was sent to Kemper McMaster, State Supervisor, Fish and Wildlife Service, in response to the Federal Register notice by the Department of the Interior, Fish and Wildlife Service, concerning Threemile Canyon Farms (Farm) Multi-Species Candidate Conservation Agreement with Assurances (MSCCAA) in Morrow and Gilliam Counties, Oregon. Along with this letter, the Planning Department sent both Land Partition LP-N-308 with attachments and Conditional Use Request CUP-N-197 with attachments.

Commissioner Nelson asked Planning Director McLane about the Threemile Composting Facility and the number of mortalities they have in a month. Planning Director McLane, having been to the facility attempted to explain the operation. The Planning Commission expressed interest in taking a tour of the composting facility. Planning Director McLane will contact Marty Meyers with Threemile to arrange this tour. Planning Director McLane will try to arrange for a tour to the composting facility for December 9. It was suggested that the Planning Commission members meet at the North Morrow County Annex at 1:00 p.m. on December 9th for the tour and start the Planning Commission hearing at 5:30 p.m. rather than 7:30 p.m.

Planning Director McLane shared the 2002 Farm and Forest Reports. This is just the draft, the final version should be out shortly.

Chairman Peterson asked about the Umatilla County Overlay Zone that's been in the papers. It was discussed that if the Overlay Zone is adopted by Umatilla County that it will affect Morrow County. Planning Director McLane shared what was presented at the public hearing held by Umatilla County. Umatilla County will not be pursuing an Ordinance at this time as Senate Bill 920 has provided the opportunity to remove Goal 5 and Goal 6 work tasks from the Periodic Review work program. Planning Director McLane will suggest to the County Court that Morrow County work with Umatilla County on a task force.

Old Business:

Speedway Update - County Court approved Goal 3 Exception at October 15 hearing

Planning Director McLane explained that the Speedway Application is currently in the appeal period. The deadline for the appeal period is November 12th 2003.

Review of Goals 1 through 14

Planning Director McLane led a discussion with the Planning Commission on Goal 1. There are fourteen Statewide Planning Goals. Goal 1 assures Citizen Involvement. Planning Director McLane

distributed handouts to the Planning Commission.

- Morrow County Comprehensive Plan Section on Citizen Involvement.
- DLCDC website Goal 1 summary (OAR 660-015-0000)
- Fast Facts: Oregon's Statewide Land Use Plannings Program - A summary of components

Commissioner Nelson asked how to get citizens involved when you can't get them out to the meetings. There was discussion about citizen involvement locally and statewide at the legislative level. Planning Director McLane explained some ways that Morrow County can look at citizen involvement over time. The thought of expanding the Solid Waste Advisory Committee to deal with more issues. Currently there are five members and possibly expand that to about seven members. Put together a committee to deal with historic buildings and locations. Chairman Peterson expressed interest in seeing citizen involvement to help free things up so people can do things with their property rather than shutting people off from doing things on their property.

The meeting was adjourned at 9:11 p.m.

The next regularly scheduled meeting of the Morrow County Planning Commission is scheduled for TUESDAY, December 9, 2003, 5:30 p.m., at the North Morrow County Annex Building, Irrigon, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager
12/10/03



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Tuesday, December 9, 2003, 5:30 p.m.
North Morrow County Annex
Irrigon, Oregon**

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

Members Absent: Jim Nelson

Staff Present: Carla McLane, Planning Director; Lori Timmons, Associate Planner; Kristina Gray, Office Manager

Chairman Peterson called the meeting to order at 5:36 p.m.

Roll call was provided by Kristina Gray.

The minutes of the October 28, 2003 meeting were reviewed. Commissioner Rea made reference to the top of page two regarding the fire district and asked to clarify that the Planning Commission opted not to act upon the request from the fire district and since this did not come out of the findings of fact, this information is just for the record. With that clarification, Commissioner Rea moved to approve the minutes as presented. Commissioner Kegler second the motion. Motion carried.

Chairman Peterson and Commissioner Miller recused themselves from Conditional Use Request CUP-N-202.

Vice Chairperson Rea read the Public Hearing Procedures.

Conditional Use Request CUP-N-202: Joel Peterson, applicant; Pine Lane Ranch, owner. Property is described as tax lot 3100 of Assessor's Map 3S 24. The property is zoned Exclusive Farm Use (EFU) and is located approximately 16 miles south of Ione with frontage on Bergstrom Lane and Valby Road. Proposal is to site an accessory farm dwelling on the property to assist in the operation of the farm. Criteria for approval include Morrow County Zoning Ordinance Article 3 section 3.010(D)(3).

Associate Planner Timmons presented the staff report. There were two letters received on this application. One letter from the Department of Environmental Quality that an individual on-site sewage disposal system will be required. A second letter from Vern Church, County Watermaster, that there were three water right certificates found for this property and there were no well logs within the area of interest.

Open the Public Hearing.

Joel Peterson, 65528 Halverson Lane, Lone, Oregon, spoke in favor of this application.

No one to speak in opposition to this application.

Commissioner Kegler moved to approve this application. Commissioner Eppenbach second the motion. Motion carried.

Work Session: Joint work session with the Planning Commission and the City of Heppner Planning Commission to discuss a proposed Urban Growth Boundary expansion. A review of Heppner's 20-year land need is in process and initial results indicate a need for additional commercial and industrial zoned land. The purpose of this joint work session is to familiarize both Planning Commissions of the current study and it's findings.

Introductions were made throughout the room. The guests that were present from the City of Heppner included Jerry Breazeale, City Manager; Gerry Gentry, Susanne Jepsen, Bob Jepsen, and Deborah Kendrick. Judge Terry Tallman was also present for this discussion.

Jerry Breazeale, Heppner City Manager, provided a short history of how the City of Heppner got to where they are now. The City of Heppner Planning Commission has been talking about the possibility of expanding the Urban Growth Boundary to allow further development. The possible expansion would add approximately fifty-three acres to the Urban Growth Boundary. Many business opportunities have come to Heppner that had to leave for one reason or another. The City has come to realize that more overnight lodging facilities are needed in Heppner and have been looking at sighting another hotel facility. A few requirements to site a hotel are highway frontage, high visibility, at least 2.5 acres of land, and an adjacent restaurant.

Some time ago a Community Solutions team was put together to discuss solutions. The Department of Land Conservation and Development worked with the city to determine what the community could do to sight a hotel. Then, as now, Heppner did not have an adequate supply, or adequate parcel sizes, of commercially zoned property to site a commercial business or a hotel. There is a place near the golf course that would be adequate for a hotel but is currently zoned Exclusive Farm Use (EFU) and is located outside the UGB. About this same time, in 2001, the Oregon Legislature passed House Bill 3557 which established a committee to provide recommendations to the Oregon Legislature to better understand the connection between Oregon land use planning laws and economic growth. This led to a study and report, "Methods for Evaluating Commercial and Industrial Land Sufficiency: A Recommendation for Oregon Communities". From this study, done by Otak (a consulting firm), came the opportunity for the City of Heppner to act as a pilot for a new process that will hopefully refine and simplify expansion of Urban Growth Boundaries. If this pilot is successful it could become available statewide. Otak also is the consulting firm working on the Heppner project. A copy of the report, "Heppner UGB Land Need Analysis", was made available to Planning Commission members prior to the work session.

The Heppner report identifies several problems with the current inventory of land within the UGB and identifies several parcels should be removed from the inventory or possibly placed in an "urban reserve". This is due to several factors including unwilling landowners, publicly owned property, and steep slopes. The logical UGB expansion would be towards the Kinzua property which is currently County zoned industrial. This would allow the city to provide water and sewer services to that area and allow properties to develop at a higher density than currently zoned.

Next steps include Jerry Breazeale making contact with affected property owners between the current UGB and the Kinzua property. Under the current County Zoning Ordinance and Joint Management Agreement the County would manage the UGB with notice to the city. Another concern as the City of Heppner works through this process is the currently defined FEMA Floodplain. The City is in the process of reducing the floodplain area in the city limits, having received verbal confirmation from FEMA to rework the floodplain maps in 2004-2005. (NOTE: Heppner has received a letter from FEMA that indicates the Willow Creek Valley, including all three cities and county areas, will be reviewed and revised in 2004.)

The process for expanding the UGB requires a formal hearing process. Both the County and the City will need to go through an adoption and acknowledgment process. Once the County Court and the City Council adopts the change then it is done. Vice Chairperson Rea asked if there are any restrictions to say the City and the County cannot have joint hearings. Planning Director McLane didn't see any reason why the two meetings couldn't be joined. Commissioner Morter raised the concern of what if a land owner refuses to participate in the Urban Growth Boundary expansion? A property owners acceptance is not required in order for the property to be included in the UGB expansion.

Commissioner Morter made the comment that the definition of an uncooperative landowner could change everyday. That is a negative way to talk about someone that is doing what they want with their land. The Planning Commission expressed their support and encourages the City of Heppner to move forward with this project.

Correspondence:

Planning Director McLane talked about the Farm and Forest report. The draft version was brought to the October Planning Commission meeting. This report went to the Land Conservation and Development Commission at their December 2nd meeting.

Planning Director McLane provided a copy of the LCDC Policy Focus for the 2003-05 Biennium. Also provided was a handout regarding Onsite Wastewater System Rules. The Oregon Department of Environmental Quality is proposing rule changes in OAR chapter 340, divisions 071 and 073 to streamline the state's onsite wastewater management program. Judge Tallman will be recommending to the County Court to generate written comments supporting the proposed changes.

Planning Director McLane reviewed the list of Planning Commission appointments for this year. Joel Peterson would like to be reappointed. Joe Miller will not seek another term. Ken Grieb is undecided. The committee appointments will be made at County Court on December 17th.

The tentative dates for 2004 Planning Commission meetings were reviewed. An extra date was added to propose combining November and December meetings. It was proposed to move the July 27th hearing to the 20th as there was a conflict.

Audience Participation: None

Other Business: Speedway Update - No appeals filed

Adjournment: The meeting was adjourned at 7:15 p.m.

Respectfully Submitted,
Kristina Gray, Office Manager
1/28/04