



PLANNING DEPARTMENT

P. O. Box 40 • Irrigon, Oregon 97844
(541) 922-4624 or (541) 676-9061 x 5503
FAX: (541) 922-3472

**Minutes of the Morrow County Planning Commission
Tuesday, January 27, 2004 7:30 p.m.
Morrow County School District Building
Lexington, Oregon**

Members Present: Joel Peterson, Leann Rea, Don Eppenbach, Jeff Wenholz, Roger Britt, Anne Morter,

Members Absent: Ken Grieb, Art Kegler, Jim Nelson

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

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

Roll call was provided by Kristina Gray.

Welcome Roger Britt as the newest Planning Commission member.

Made corrections to the Planning Commission member list.

Election of Officers for 2004 - Chair and Vice-Chair

Open nominations for Chairman.

Commissioner Rea nominated Joel Peterson as Chairman. Commissioner Wenholz second the motion. Commissioner Eppenbach moved to close nominations for Chairman. Motion carried.

Open nominations for Vice-Chair.

Chairman Peterson nominated Leann Rea as Vice-Chairperson. Commissioner Eppenbach second the motion. Commissioner Eppenbach moved to close nominations for Vice-Chairperson. Motion carried.

The minutes of the December 9, 2003 meeting were reviewed. There was a correction on page three of the minutes, second paragraph from the bottom. The word "planning" was misspelled and should be corrected. Commissioner Rea moved to approve the minutes as corrected. Commissioner Eppenbach second the motion. Motion carried.

Chairperson Peterson read the Public Hearing Procedures.

Conditional Use Request CUP-N-203-04: Brian Cook, applicant and owner. Property is described as tax lot 2000 of Assessor's Map 5N 26 24CD and is zoned Suburban Residential (SR 1A). Property is located just east of Irrigon on Columbia Lane between

Second and Third Roads. Proposal is to site a Home Occupation for a Vending Machine Business. Criteria for approval include Morrow County Zoning Ordinance Article 3 section 3.051(C)(5) and Article 6.

Associate Planner Timmons presented the staff report. Commissioner Eppenbach recognized a correction in the staff report that "duel" should be spelled "dual". Staff will make that correction.

Open Public Hearing

Brian Cook, 230 Columbia Lane, Irrigon, Oregon; was present to speak in favor of this application. Mr. Cook explained to the Commission that this move became necessary when the space he was renting for twenty-two years in Boardman obtained new ownership and new plans. Mr. Cook was given 30-days notice and began searching the Boardman area but there isn't adequate space available at this time. The applicant has been working with agencies such as the Fire Department and Public Works on access issues.

There was no one present to speak in opposition.

Close Public Hearing.

Commissioner Rea commented that she appreciated the narrative provided by Mr. Cook. It answered the questions the Planning Commission may have had about the application.

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

Conditional Use Request CUP-S-204-04: Port of Morrow, applicant and Faye Seitz Wilson, owner. Property is described as tax lot 2401 of Assessor's Map 3S 26 and is zoned Exclusive Farm Use (EFU). Property is located south and east of Heppner on Highway 207 at the Clarks Canyon Road intersection. Proposal is to site a Wood Ash Monofill. Criteria for approval include Morrow County Zoning Ordinance Article 3 section 3.010(D)(22) and Article 6.

Planning Director McLane read a request for continuance received via email Monday from Gary Neal, Port of Morrow.

Open Public Hearing.

James Browning, Manager, Finley Buttes Landfill was present to speak in opposition of this application.

David Allen, Morrow County Counsel, reminded the Planning Commission that this public hearing is only to continue the application and not to hear testimony.

Close Public Hearing.

Commissioner Eppenbach moved to continue CUP-S-204-04 application to the February 24, 2004 hearing to be held at the North Morrow County Annex Building, in Irrigon, Oregon. Commissioner Rea second the motion. Motion carried.

Conditional Use Request CUP-S-205-04 and Land Partition LP-S 338-04: Joe and Jeri McElligott, applicant and owner. Property is described as tax lot 3404 of Assessor's Map

5S 26 and is zoned Forest Use (FU). Property is located approximately 35 miles south of Heppner on Sunflower Flat Road. Proposal is to partition an approximately 10 acre parcel and to site a "non-forest dwelling" on the smaller parcel. Criteria for approval include Morrow County Zoning Ordinance Article 3 section 3.020, Article 6 and OAR 660-006-0026.

Commissioner Rea stated for the record that she is an adjoining property owner but has no interest in this application.

Commissioner Morter stated for the record that she is related to Joe McElligott but has no interest in this application.

Planning Director McLane presented the staff report. While this is the third land partition on this property the first one was done by a different land owner and the second done in a different calendar year.

Planning Director McLane shared comments from Bernie Duffy, Department of Environmental Quality. In his letter, he states that a site evaluation will be required. Since there are no new dwellings being proposed on this property then this condition wouldn't apply. The second letter shared was from Sarah Poet, State Fire Marshall's Office. She recommended that the built upon property should be defensible against wildland fires and subsequently maintained according to nationally recognized Wildland Urban-Interface Standards by property owners. A checklist for property owners on fire protection was provided to the Planning Commission.

Open Public Hearing.

John Edwards, Lexington, asked what the zoning on his property would be after the partition. The zoning will continue to be Forest Use.

Close Public Hearing.

Commissioner Wenholz asked Planning Director McLane about access for parcel one. Does access for parcel two need addressed? There is quite a bit of frontage on Sunflower Flat Road. Condition of Approval number three states that the property owner must obtain access approval if any new access is created.

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

Correspondence:

Planning Director McLane presented some correspondence. First was a NASCAR article. This was for information purposes only. There is also an updated article in the East Oregonian that the Speedway is not moving very quickly.

Sent list of all zoning permits approved in 2003. There is activity in the county.

Home based business . The Planning Department will do some sort of annual review starting this year for home based businesses, hardship variances, and land partitions for financial purposes.

Planning Director McLane informed the Planning Commission that Deputy Lambier is in the process of opening a large caseload against the Irrigon Mobile Court. Deputy Lambier will be asked to attend the April meeting to talk about what cases he has open and how his progress is

coming along.

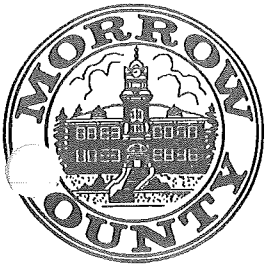
Windmills. Shepherds Ridge Windfarm aviation study has been received by Carla. The study did indicate that one turbine had a potential impact. The problem has been fixed by micro sighting that one turbine but otherwise looks great. The project is moving along. Shepherds Ridge will be applying for a Conditional Use Permit for a gravel pit to be used on site. This application could be seen in March.

Adjournment:

The meeting was adjourned at 8:23 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for February 24, 2004, 7:30 p.m., at the North Morrow County Annex Building, in Irrigon, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager
3/31/04



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**Minutes of the Morrow County Planning Commission
Tuesday, March 30, 2004 7:30 p.m.
Morrow County School District Building
Lexington, Oregon**

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

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.

Ken Grieb and Anne Morter arrived for the meeting.

The minutes of the January 27, 2004 meeting were reviewed. There were a few minor corrections to make. Roger Britt's last name was spelled wrong. An extra "t" was added throughout the minutes. Commissioner Rea moved to approve the minutes with the corrections. Commissioner Wenholz second the motion. Motion carried.

The application submitted by the Port of Morrow for an Ash Monofill was to be heard at the February Planning Commission meeting but the Port withdrew their application.

Chairperson Peterson read the Public Hearing Procedures.

Land Partition LP-S-339: William Rehder, applicant; Jim A. Dickey, owner. Property is described as tax lots 2101 and 2100 of Assessor's Map 5S 25; tax lots 2502 and 2500 of Assessor's Map 5S 26; tax lots 100 and 200 of Assessor's Map 6S 25; and tax lot 100 of Assessor's Map 6S 26 all constituting one land parcel. The property is zoned Forest Use and Exclusive Farm Use and is located 6 miles south of Hardman and adjacent to and just southwest of Anson Wright Park. The proposal is to partition the parcel into two smaller parcels, a North parcel and a South parcel. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5, Land Partitions.

Associate Planner Timmons presented the staff report. Mr. Rehder is proposing to partition approximately 1870 acres into two parcels with the north parcel approximately 1000 acres and the south parcel approximately 870 acres. The subject property is currently zoned Forest Use (FU) with a small portion zoned Exclusive Farm Use (EFU). This proposal is in compliance with the County and affected City Comprehensive Plan and applicable Zoning. Each parcel is suited for the use intended or offered; including, but not limited to, sewage disposal approval and guaranteed access. All required public service and facilities are available and adequate or are proposed to be provided by the partitioner. This Land Partition Proposal will not have any identifiable adverse impacts on adjoining or area land uses, public services and facilities, and

natural resource carrying capacities. Staff recommends approval subject to the following Conditions of Approval: 1. Applicant shall submit a preliminary and a final Partition Plat in compliance with ORS Chapter 92. Alternatively, per Ordinance Number MC-C-100, where the parcels will be larger than 80 acres, the applicant may file a deed with a metes and bounds description. 2. Applicant shall dedicate Rankin Road, a public road, as a 60 ft. right-of-way for public access.

Open public hearing

Dennis Gaylord, Surveyor, spoke in favor. 71614 SW Lake Drive Pendleton. Bill Rahder and Jim Dickey were also present.

No one present to speak in opposition.

Mark Rietman, 52965 HWY 207 Heppner. Mr. Rietman questioned why this road needs to be a Public Road and if the County will maintain that road. Planning Director McLane explained that there are multiple property owners and this road dedication is protecting those property owners rights to access over time. This will facilitate any future actions on that property. Mark Rietman requested more reasons for that road to become public.

Close the Public Hearing.

Mark Rietman requested that the Planning Commission recommend this road stay a private road. David Allen, County Counsel, said that because of future development there is a possible need for a public road. Commissioner Rea sympathized with Mr. Rietman's concern but to protect future development it should be a public road. Jim Dickey, property owner, requested the Planning Commission make a decision tonight. He does not wish to delay to the next meeting.

Commissioner Rea moved to approve as presented with dedication of public road. Commissioner Kegler second the motion. Eight voted in favor. One in opposition. Motion carried.

Correspondence:

There will be no April meeting. There is nothing on the agenda.

Ash Monofill: There was a short discussion concerning the Port of Morrow's withdrawal of the Ash Monofill CUP request. Planning staff had determined that the use could not be allowed on the subject property based on the distance to both the house and the highway. The Port of Morrow is seeking other alternatives. Additionally DEQ determined the ash to not be clean fill which will effect disposal methods.

Training: Ex Parte Contact, Bias and Conflicts of Interest: A handout was provided and discussed in some detail.

Adjournment:

The meeting was adjourned at 8:46 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for May 25, 2004, 7:30 p.m., at the Morrow County School District Building, in Lexington, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager
6/1/04



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**Minutes of the Morrow County Planning Commission
Tuesday, May 25, 2004 7:30 p.m.
Morrow County School District Building
Lexington, Oregon**

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

Members Absent: Art Kegler, 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 7:31 p.m.

Roll call was provided by Kristina Gray.

The minutes of the March 30, 2004 meeting were reviewed. There were no corrections to the minutes. Commissioner Grieb moved to approve the minutes as presented. Commissioner Eppenbach second the motion. Motion carried.

Chairperson Peterson read the Public Hearing Procedures.

Reauthorization and amendment of CUP-N-67 and CUP-N-129: Wesley Wise, applicant and Max and Marilyn Hellberg, owners. Property is described as a portion of tax lot 203 of Assessor's Map 5N 26 26. The property is zoned Exclusive Farm Use (EFU) and located east of West Eighth Road and south of Idaho Lane, approximately three miles west of the City of Irrigon. The first request is to reauthorize CUP-N-67 to change the hours of operation from 7:00 am to 5:00 pm to 5:00 am to 9:00 pm for crushing operations for a specified time period of not more than six weeks. The second request is to reauthorize CUP-N-129 which allows an asphaltic batch plant at the Hellberg/Wise gravel pit. The third request is to amend CUP-N-67 and CUP-N-129 to allow the approval for the asphaltic batch plant and the requested change in operating hours to be on a recurring basis for all Oregon Department of Transportation (ODOT) projects contracted by Wesley Wise Excavating. The criteria for approval include Morrow County Zoning Ordinance Articles 3.010, 6.040, 6.020, 6.030 and 6.050(I).

Commissioner Wenholz declared exparte contact. Wes Wise had mentioned to Commissioner Wenholz that they were going to be submitting an application.

Associate Planner Timmons distributed a copy of the Findings of Fact for CUP-N-129 to the Planning Commission as this was not sent with the packets. The Operating Permit issued by DOGAMI was also distributed. This permit was received in our office on May 5. A copy of the survey done on the gravel pit was also passed out. Lastly a letter from Adrian and Janet Pruitt stating they have no objections to this application.

Associate Planner Timmons presented the staff report. This application is to temporarily change the hours of the crushing operation from 7am -7pm to 5am - 9pm and to reauthorize CUP-N-129 to temporarily allow an asphaltic batch plant at the gravel pit. The third request is to amend the CUP's to allow approval for all Oregon Department of Transportation projects contracted by Wesley Wise Excavating to be subject to approval by the Planning Director. As of today Wes has verbal approval to access Gravel Pit Lane through the property owned by ODOT.

Open the Public Hearing

No one to speak in favor.

Scott Ross spoke in opposition. Mr. Ross asked for the start up time to possibly be changed to 6:00am since 5:00am is very early for people that work. Otherwise Mr. Ross has no problem with this temporary request.

Commissioner Rea asked Mr. Wise how much noise is generated by the batch plant. Mr. Wise explained that 75 % of the crushing operation will be in the pit. It will be quieter then last time. Scott Ross wanted to make sure the crushing hours will not extend pass 9:00pm. Mr. Wise explained that the contractor will switch to beacons after dark rather then beepers. The crushing and screening will not go on after 9:00pm, however if maintenance or cleanup work is needed, this may be done after 9:00pm. Commissioner Rea asked how close the nearest neighbor is to this pit. There is nothing closer then 1000 feet from the pit.

Carma Barron, 74750 Columbia Lane, Irrigon wanted to make sure this request was for a temporary batch plant.

Close the Public Hearing.

Max Hellberg, 81300 W Sixth Road, Irrigon, stated that this pit is monitored closely by DOGAMI and there are certain levels they are not allowed to go over.

David Allen explained that this application is specifically for Wes Wise Excavation and does not go with this property.

Commissioner Grieb moved to approve as presented. Commissioner Wenzholz second the motion. David Allen suggested adding that when Wes Wise comes in asking for the batch plant in the future that he give written notice within 21 days or 30 days to the Planning Director. At least 30 day notice in writing would be appropriate. Commissioner Grieb moved to amend and Commissioner Wenzholz second the motion to add the written notice. Motion carried.

Conditional Use Request CUP-N-206: Rebecca and Clyde Redman, owner and applicant. Property is described as tax lot 600 of Assessor's Map 5N 27 21B. The property is zoned Rural Residential (RR) and is located approximately two miles east of Irrigon on the south side of Highway 730. The proposal is to allow a scrap metal recycling facility. The criteria for approval include Morrow County Zoning Ordinance Articles 3.040, 6.020, 6.030, and 6.050(G).

Commissioner Rea declared exparte contact as she has spoken with a neighbor of the Redman's regarding this matter.

Associate Planner Timmons presented the staff report. The land along the highway in that area has been used for commercial enterprises through the years as well as for residential purposes. The typical pattern has been of the Home Occupation style, with the business operating next to the home of the proprietor. Mr. Redman is engaged in a "Material Recovery" occupation.

"Material Recovery" is a process of obtaining from solid waste, by pre-segregation, materials (scrap metal) which still has useful physical properties and can be reused or recycled for some purpose. Material recovered in such a manner does not fall under the State definition of Solid Waste. This is important to clearly state because if Mr. Redman was determined to be collecting solid waste, he would be held responsible for obtaining a Solid Waste Permit under Morrow County's Solid Waste Management Ordinance. Also, staff has made the determination that Mr. Redman's site is not a "Disposal Site" where land and facilities are used for material recovery from solid wastes. The scrap metal brought to the property has already been segregated from solid waste at the sites from which Mr. Redman collects. Mr. Redman's property is used for sorting and storing before transporting for sale. Since it is not a Disposal Site and receives only source separated materials for purposes of material recovery, the site is exempt from DEQ permitting requirements except when DEQ determines that the nature, amount or location of the materials is such that they constitute a potential threat of adverse impact on the waters of the state or public health (OAR 340.093.0050(3)(f).

Planning Director McLane recommended changing on page 5 second paragraph, last sentence to read, "the applicant shall record the weight of scrap metal recycled from Morrow County sources and report this amount to the appropriate county department.

Open the Public Hearing.

No one to speak in favor.

No one to speak in opposition.

Commissioner Rea asked about access. Associate Planner Timmons said that George Ruby, ODOT, has nothing on the record for an approved access which is not uncommon but he would like to work with the property owners to gain proper access. Commissioner Eppenbach stated that Meadow Camp had an access. It is unclear if it was an approved access.

Close the Public Hearing.

Associate Planner Timmons stated to the Planning Commission that the Planning Department received a phone call from the neighbor to the West, Patricia McDaniel, on May 20th. She was concerned with the noise of the operation. Planning Director McLane recommended she put her thoughts in writing or come and give testimony.

The Planning Commission recommends to add in the Conditions of Approval the hours of operation from 8am to 5pm, Monday thru Friday. This will become Condition of Approval #6. Also change Condition of Approval number 4 from "Public Works" to "the appropriate county department". Commissioner Rea moved to approve with the appropriate corrections made. Commissioner Eppenbach second the motion. Motion carried.

Comprehensive Plan Amendment: Max and Marilyn Hellberg, owner and applicant. Property is described as tax lot 203 of Assessor's Map 5N 26 26. The property is zoned Exclusive Farm Use (EFU) and located east of West Eighth Road and south of Idaho Lane, approximately three miles west of the City of Irrigon. Proposal is to add the gravel pit site to the Comprehensive Plan Inventory as a significant resource. The criteria for approval include Morrow County Comprehensive Plan; Zoning Ordinance Section 3.200 and 3.010; ORS 215.283(2)(b) and 215.298 and OAR 660.023.0180.

Planning Director McLane pointed out that she included the Division 23 Rules. There was an action done recently and it is now required to follow these rules anytime someone is applying for a Goal 5 action.

Planning Director McLane presented the staff report. This request is to add the identified portion of the subject property to the Goal 5 Aggregate Inventory in the Morrow County Comprehensive Plan and identify the aggregate as significant. The subject property is 125.5 acres. Currently there are three gravel pits operating in the vicinity. Those gravel pits are operated by the Oregon Department of Transportation (ODOT), Morrow County (MC), and Wesley Wise Excavating (WWE). The subject property is currently being used for a farming operation. There would be some acres of farming taken off if this is approved. As a class IV soil it does meet the criteria. If approved this would be a Commercial mining operation. Also, water rights would need to be changed or removed after aggregate uses were put into place.

Planning Director McLane reviewed the attachments that were included in the staff report. She explained the different areas on the map that surround this proposed pit. DOGAMI no longer regulates the County and most of the State permits. Next, the letter from West Extension Irrigation District explained that they currently have some facilities on the proposed property. The applicant would need to work with WEID to move some of those facilities.

Commissioner Wenzholz asked if the Goal 5 protection would apply to the whole lot. No, it would only apply to the approximate 40 acres being asked for. Commissioner Eppenbach asked if the well locations were specified on the map. They are on the map on the last page.

Open the Public Hearing.

Chris Coleman, St. Paul, Oregon, explained that the Water Well Report pertains to the hardness of the rock. Every time ODOT does a job these types of tests are required. Max Hellberg clarified that these tests are taken from the site directly.

Scott Ross, 74786 Columbia Lane, Irrigon, spoke in opposition. Mr. Ross wanted to make sure that this only applies to the 40 acres and does not include Wes Wise's pit. Mr. Ross doesn't see the need for more industrial area since there has been an abundance of residential use all around the subject property. He doesn't feel we should add more aggregate sites to this area.

Chris Coleman stated you have to look at the negative impact along with the positive impact. Max Hellberg stated that no one would ask for a Goal 5 exception if you couldn't mine the land. Chris Coleman also stated that all the undeveloped land surrounding this proposed pit is owned by Max Hellberg. Chris stated that gravel pits don't last forever. There is a huge reclamation bond carried by the operator to ensure that the plans are followed through with after the pit is done to restore the land. The Planning Commission needs to state what this area will be used for once the overlay zone is done.

Carma Barron stated she is against the location of this gravel pit. She feels she is too close to this location. There are currently three gravel pits in this area already and she is directly downwind from the proposed project. Mrs. Barron doesn't feel we need another gravel pit in this particular area since there are too many people. She believes it's important that gravel pits are placed away from people's homes.

Scott Ross asked if the water table has dropped over the last 5-6 years in this area? Max Hellberg stated that all the water is above the basalt. There is 45 feet of water.

Chairman Peterson announced this hearing will be continued to the June 29th Planning Commission hearing.

David Allen asked the Planning Commission to look at the county ordinance page 6 of 7. It would be better for Max Hellberg to include the residential areas. Chairman Peterson proposed having Max include the 1500 feet. Planning Commission agreed to 1500 feet.

Correspondence:

Planning Director McLane shared with the Planning Commission a paper from DEQ on prochlorate. It did appear in several wells. Prochlorate occurs in munitions and fireworks. Carla also informed the Planning Commission that OPI is coming up in the fall. It will be in September this year not October. Planning Commissioner training will take place on Sunday, September 12th. If anyone is interested please let her know. Also the Oregon and Washington Chapters of the APA will be in Portland October 4,5,6. The list of programs is very similar.

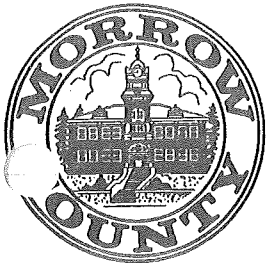
Solid waste for Threemile farms update. The farm went through DEQ for approval but there has been no application for a County Solid Waste permit. When Metro put the grant out they didn't include a transportation component. Their Counsel said the grant didn't cover transportation therefore it didn't go to public bid. Metro withdrew the process and had to redo the whole process. Threemile Canyon farms has recently reapplied for the recycle recovery program.

Adjournment:

The meeting was adjourned at 9:42 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for June 29, 2004, 7:30 p.m., at the Stokes Landing Senior Center, in Irrigon, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager
6/30/04



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Tuesday, June 29, 2004 7:30 p.m.
Stokes Landing Senior Center
Irrigon, Oregon**

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

Members Absent: Joel Peterson, Roger Britt

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

Vice-Chair Rea called the meeting to order at 7:36 p.m.

Roll call was provided by Kristina Gray.

Planning Director McLane shared with the Planning Commission that Jim Nelson had resigned from the Planning Commission.

The minutes of the May 25, 2004 meeting were reviewed. Commissioner Eppenbach had a correction on page 3 pertaining to the Meadow Camp access off of Highway 730. Commissioner Eppenbach intended to say fifty years ago there was access off the highway that no one had challenged. Whether they had approval or not is questionable. Commissioner Morter had a correction on page 4 explaining the water well report. Commissioner Morter thought it was the gravel report and not about water. The reports pertain to the hardness of the rock. On page 5 under correspondence, change council to Counsel. They were referring to their legal counsel. Vice-Chair Rea understood that it was a temporary batch plant. There is nothing stating in the paragraph that this is just temporary. Change top of page 2 to allow an asphaltic batch plant temporarily at the gravel pit. Commissioner Eppenbach moved to approve the minutes with the above stated corrections. Commissioner Morter seconded the motion. Commissioner Kegler abstained from the vote since he was not present at that meeting. Motion carried.

Vice-Chair Rea read the Public Hearing Procedures.

Conditional Use Request CUP-N-207: Jedediah Aylett, applicant and owner. Property is described as tax lot 1100 of Assessor's Map 4N 27 28. The property is zoned Exclusive Farm Use (EFU) and located south of the Umatilla Army Depot and south of Interstate 84 and west of the I-84 Army Depot interchange on Frontage Road. Proposal is to allow a commercial trucking facility in conjunction with farm use. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.010(D) and Article 6 Section 6.020 and 6.030.

Associate Planner Timmons presented the staff report. This proposed operation would be to

haul produce for local farmers. Farm use includes the preparation, storage and disposal by marketing of the products or by-products raised on such land for human or animal use. A truck maintenance person will be on site in the evening to do routine maintenance to the vehicles. This area is not currently in a Rural Fire Protection District. No improvements will be needed at this time. The property is within the Ordinance Basalt Critical Groundwater Area and the Ordinance Gravel Critical Groundwater Area. Commissioner Kegler stated for record that he has had property listed for Mr. Aylett in the past but currently there is nothing on this piece of property listed and Commissioner Kegler has no financial gain at this time. Vice-Chair Rea questioned the hours of operation. She would rather see a specific time set rather than just referring to daylight hours.

Jedediah Aylett, 75816 Frontage Road, explained to the Planning Commission that the trucking operation hauls from morning to dark but at night they sterilize the trucks and get them ready for the next morning. Commissioner Kegler suggested stating the hours of operation be daylight hours during farming season and 7a.m. to 7p.m. during the off season.

Open the Public Hearing.

Hartley Seeger spoke on his behalf as a citizen. This type of use is a 24 hour use during farming season. Mr. Seeger feels this Conditional Use Permit should be reviewed every year. Planning Director McLane commented that only home based businesses are reviewed annually and this isn't a home based business.

Commissioner Kegler recommended to review this application in one year but not annually.

Close the Public Hearing.

Commissioner Kegler moved to approve with additions pertaining to hours and a review in one year. Commissioner Eppenbach seconded the motion. Motion carried.

Comprehensive Plan Amendment: Max and Marilyn Hellberg, owner and applicant. Property is described as tax lot 203 of Assessor's Map 5N 26 26. The property is zoned Exclusive Farm Use (EFU) and located east of West Eighth Road and south of Idaho Lane, approximately three miles west of the City of Irrigon. Proposal is to add the gravel pit site to the Comprehensive Plan Inventory as a significant resource. The criteria for approval include Morrow County Comprehensive Plan; Zoning Ordinance Section 3.200 and 3.010; ORS 215.283(2)(b) and 215.298 and OAR 660 Division 23. This is the second of at least two Planning Commission hearings that will result in a recommendation to the County Court and at least one additional Public Hearing.

Planning Director McLane presented the staff report. A request was made to the Planning Commission asking that a third hearing be held for this application. There will be quite a bit of testimony heard this evening and Staff would like the opportunity to review the staff report as well as County Counsel being able to answer any questions that may come up during the testimony. The next hearing would be held July 20, 2004 7:30 p.m. at Stokes Landing Senior Center.

There is a history of farm and aggregate use on this property. There are currently 3 gravel pits on this property. All three gravel pits are allowed by Conditional Use Permits. Item B is the only thing being asked for at this time. There are still about 24 residential lots that have not been developed yet just north of the subject property. There is one area that has been fully developed. There is possibly a 50 year supply of aggregate available at this proposed site. Six permanent full time jobs will be created with this approval. If approved, the special assessment would be lifted and the Assessor's office would do an evaluation of the current use of the

property which could be a tax benefit to the County. Currently there has been no negative impact on the homes surrounding this area since the three approved gravel pits have been operating. That is not to say that a bigger mining operation wouldn't bring down the value of people's property. This rock does meet the test for significance. Ty Tolar, Carlson Testing, reviewed the reports with Planning Director McLane. The rock on this proposed parcel more than meets the ODOT tests for significance. Noise and dust seem to be the main concern of local residents in that area. A vegetative barrier would need to be installed between the mining operation and the residential areas. Hours of operation would be from 7am to 6pm.

Commissioner Eppenbach identified a typographical error and requested that the hearing date be changed from 2002 to 2004.

There was a letter received from West Extension Irrigation District regarding the location of some buried pipelines. The applicant will work with West Extension on moving those pipes to where they need to be.

Open the Public Hearing.

Proponents

Max Hellberg, 81300 W Sixth, Irrigon, informed the Planning Commission that he had written a letter after the last Planning Commission hearing answering the questions that were asked at the last hearing.

Chris Broderson, 74673 Kangaroo Court Lane, Irrigon. He figured there would be approximately ten 25-27 ton trucks running per day for this new gravel pit. The proposed access is further from the existing mining properties.

Chris Coleman, St. Paul Oregon, explained that if the gravel was to be loaded on barges, there wouldn't be a lot of trucks every day. In one week it would process enough material to put on a barge. The 80,000 tons is pretty conservative for gravel companies now days. Doesn't feel the traffic coming from this operation would affect the community.

Linda Fox, Irrigon. The unemployment in this area is a big concern and the six employees that this pit would hire could make the pit one of the larger employers of this community.

Jedediah Aylett, 75816 Frontage Road. He feels the proposed pit would be good for the County and this area.

Nancy Hiatt. She feels this would be a good opportunity to provide more jobs for this community.

Opponents

Hartley Seeger, Irrigon. He had concern with the water resource situation. Mr. Seeger voiced concern that the area from HWY 730 to Columbia is Rural Residential not Industrial land and should never be. A gravel pit is a heavy industrial use and shouldn't be in this area. Would like to know how much more gravel can be taken out of the other pits.

Dean Seeger, 74999 Columbia Lane Irrigon. He would like for the Planning Commission to look at the economics of this proposal. The aggregate market is very soft right now. Downstream closer to Portland are other pits currently working that are right on the river. It is cheaper for Portland to buy closer to them rather than having gravel shipped to them from Irrigon. There is too much competition in this market.

Scott Ross, 74786 Columbia Lane, Irrigon, spoke in opposition. The residential area around the site that was partitioned hasn't been developed at this time. Is this taken into account for the growth of the west side of Irrigon? Are those parcels accounted for in the 1500 foot circle? Mr. Ross also questioned the quality and quantity of the water and how that will be impacted by the proposed gravel pit. If they are having to wash the rock there is water quality issues. Because of the dust there is a respiratory issue for people in the community. The farming on the west side of 8th seems to do very well when irrigated. This proposed gravel pit shouldn't be in the middle of a residential area.

Carma Barron, 74750 Columbia Lane, Irrigon. She feels this proposed site is too close to her home and the other homes in this area. It's only three miles from Irrigon. Feels the expansion would make things even worse. There are three gravel pits on this property already and doesn't feel the community needs another one in that same area. The Port has land that is designated for this mining use. She feels this area needs to be a Rural Residential area since everyone is already right there. There shouldn't be anymore gravel pits on this property since expansion of one of those gravel pits was denied by County Court in 1999 because of the residential area that was there.

Jeff Wise, 74500 Froberg Lane, Irrigon. Jeff shared with the Planning Commission that 33 ton loads would be about 9 truckloads a day for 365 days a year. 8000 tons are required to make a barge load. The barges like to be loaded at 1000 tons an hour. This could have quite an impact on the trucking and the roads. Jeff explained that they have only mined two acres out of the four acre site. The Wise's figure they have another ten years left to mine that pit. Currently the Wise pit creates at least three possibly four jobs. With a new gravel pit right next to theirs, the Wises' would not be able to compete.

Neutral

Tim Hellberg, 81300 West Sixth, Irrigon, is an adjacent landowner and the Hellberg's son. The spray planes refuse to fly next to the mobile home park which puts a damper on their farming. The Hellberg's have received many complaints about their property. Tim Hellberg is a neutral party since he doesn't care if their land is being mined. He just asks that the Planning Commission not limit them to continue farming as their only option.

Agencies, etc.

Planning Director McLane presented a letter to the Planning Commission from the Water Resources Department responding to the first staff report. The watering of the pit and water uses with a pit operation will have no impacts to the alluvial. Some current water rights are available on this property. Another letter was presented to the Planning Commission which consisted of a petition provided by Jeff Wise signed by 72 different people saying they live in the general vicinity that are not in favor of this application.

Commissioner Eppenbach asked Planning Director McLane if the Urban Growth Boundary had been expanded. The UGB has not been expanded.

Rebuttal

Max Hellberg wanted the opportunity to answer some of the concerns people are having. The Hellberg's receive revenue from the Wise's pit so why would he want the Wise's to stop mining their pit? With no access on Sixth Street or Seventh Street, the Hellberg's need to do this land swap with the Bentencourt property. Time is an essential part of this deal. It can't be strung out forever.

Vice-Chair Rea asked Planning Director McLane to show the Planning Commission where the proposed road will go for the access of this application.

Jedediah Aylett shared with the Planning Commission that he spent thousands of dollars having the rock tested on this very site and it's some of the finest rock in this area.

Commissioner Kegler asked if there is any reference to the depth of the mining operation. The water table sits at about 60 feet so the mining would be about 50 feet. Planning Director McLane encouraged recommendations for conditions on this application.

Jeanne Walton, 81724 West Eighth Road, Irrigon. Mrs. Walton lived near a gravel pit in Hood River County. When the pit would use water, the residents surrounding the pit couldn't get any well water for about two weeks out of the year. She is concerned that this same thing will happen at the proposed gravel pit.

The Planning Commission continued the Hellberg application to the July 20th hearing at Stokes Landing Senior Center at 7:30 p.m.

Correspondence:

Planning Director McLane presented to the Planning Commission the adopted amendments to the Administrative Rules. The green pages are EFU. The Blue is Forest Use.

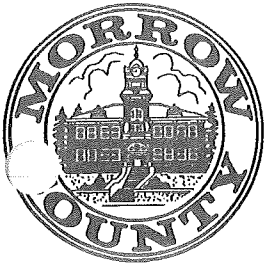
Planning Director McLane presented a copy of the document "Living with Umatilla & Morrow County Natural Resources Pilot Draft" and a cover letter with some questions on the back. The Planning Commission was urged to read through this document and answer the questions to submit feedback to the committee.

Adjournment:

The meeting was adjourned at 9:25 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for July 20, 2004, 7:30 p.m., at the Stokes Landing Senior Center, in Irrigon, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager
7/21/04



PLANNING DEPARTMENT

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Minutes of the Morrow County Planning Commission
Tuesday, July 20, 2004 7:30 p.m.
Stokes Landing Senior Center
Irrigon, Oregon

Members Present: Leann Rea, Don Eppenbach, Jeff Wenholz, Roger Britt, Ryan Miller, Joel Peterson

Members Absent: Anne Morter, Ken Grieb, Art Kegler

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

The City of Irrigon Planning Commission joined the Urban Growth Boundary Expansion hearing. Those members present were: Judy Swanson, James Ray, Pat Furgerson, and Wanda Dixon-Greenslitt.

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

Roll call was provided by Kristina Gray.

The minutes of the June 29, 2004 will be reviewed before the Hellberg application.

Chairman Peterson read the Public Hearing Procedures.

Urban Growth Boundary Expansion: Barry and Debora Anderson, Linvell and Jill Williams, Yvonne McCall, Wayne and Barbara Huwe, John Smith and Louann Harwood, Shannon and Karen Plueard, Cecil and Ora D. Elva Rock, and CAPECO, OWNERS and Morrow County and the City of Irrigon, JOINT APPLICANTS. Property is described as tax lots 600, 700, 800, 1000, 1100, 1200, 1300, 1500 and 1600 of Assessor's Map 5N 26 24DC and tax lots 4700 and 5000 of Assessor's Map 5N 26 24DD. Subject properties are all zoned Suburban Residential and are located outside the City of Irrigon Urban Growth Boundary. The general location is north of Highway 730 and predominately south of Columbia Lane and west of NE Second Street. Applicable criteria for approval include the Morrow County Comprehensive Plan, Zoning Ordinance Section 8 Amendments, and Statewide Planning Goal 14 Urbanization.

Planning Director McLane explained to the audience that this is a joint hearing of two Planning Commissions from the County as well as the City of Irrigon. This is a UGB expansion. A UGB defines where the community can grow in the future. This action requires recommendation from both Planning Commissions. The City of Irrigon Council will hold a joint hearing August 10th at 7pm, Stokes Landing Senior Center, with the County Court to hear the recommendation from tonight's action.

Planning Director McLane presented the staff report. There are eleven tax lots that are affected. At one time the UGB did include this, as well as other, properties. In 1992 a group of

residents asked to be removed from the UGB. One of the affected properties is requiring an upgrade to their sewer system and is needing to connect to city services. These properties currently can't develop because they do not meet county standards and would be available for development only if annexed. The city has services that run adjacent to these properties and it will be easier for these properties to obtain city services once inside the UGB. This land was removed from resource a long time ago. It has been suburban residential for some time and is surrounded by city managed property. There will be no changes to the Transportation System Plan and no change in zoning.

Open the Public Hearing.

There were no proponents or opponents to speak on behalf of this application.

Close the Public Hearing.

Commissioner Rea asked to hear from some of the City Planning Commission members as to what they think of the idea of an Urban Growth Boundary expansion. City Planning Commissioner Wanda Dixon felt the UGB expansion was a very good idea. All the City Planning Commissioners had talked amongst themselves and they all think this is a good idea. Commissioner Eppenbach moved to recommend approval to the County Court. Commissioner Rea second the motion. City Planning Commissioner Judy Swanson amended the previous motion to state this as being a joint motion. Motion carried.

This portion of the meeting broke for a short recess to excuse the City Planning Commissioners at 7:56 p.m.

The meeting was re-called to order at 8:03 p.m.

The minutes of the June 29th hearing were reviewed. Commissioner Rea asked that we add in the minutes that Jim Nelson resigned from the Planning Commission. The announcement was done during roll call. Also, on page 5, in the second line down the word "sight" needs to be changed to "site". Commissioner Rea moved to approve the minutes with corrections. Commissioner Eppenbach second the motion. Motion carried.

Planning Director McLane announced that Ryan Miller is our new Planning Commissioner and will be filling Jim Nelson's position.

Chairman Peterson explained that the decision made today on this application is only a recommendation to the County Court. He then read the Public Hearing Procedures.

Commissioner Miller shared with the Planning Commission that he has dealt with the Hellbergs in the past.

Comprehensive Plan Amendment: Max and Marilyn Hellberg, owner and applicant. Property is described as tax lot 203 of Assessor's Map 5N 26 26. The property is zoned Exclusive Farm Use (EFU) and located east of West Eighth Road and south of Idaho Lane, approximately three miles west of the City of Irrigon. Proposal is to add the site to the Comprehensive Plan Inventory as a significant resource and to allow mining and mining related processing. The criteria for approval include Morrow County Comprehensive Plan; Zoning Ordinance Section 3.200 and 3.010; ORS 215.283(2)(b) and 215.298 and OAR 660 Division 23. This is the third of three Planning Commission hearings that will result in a recommendation to the County Court and at least one County Court Public Hearing.

Planning Director McLane explained the document on reclamation of mining lands.

Planning Director McLane reviewed the staff report, highlighting the changes for the Planning Commission. The first changes in the staff report start after page nine. The subject property meets the soils test. The soil is a class IV when irrigated or a class VII when farmed dryland. The conflicts with this application start on page twelve. There are currently three aggregate sites in the vicinity. The ODOT pit is currently used primarily for aggregate storage with little current mining activity. Any noise, dust or other discharges would be similar in nature to the ones created at the current aggregate sites. There is also current farming activity in the vicinity. Currently farming seems to do well with the mining that is taking place. Residential concerns are driven by noise and dust. Item B on page thirteen talks about roads and conflicts to roads. The Bettencourt property has an approved access from ODOT but it was declined to be used with this application. Starting on page fifteen the staff report discusses noise, dust, and groundwater as well as general conditions. Hours of operation from 7:00 a.m. to 6:00 p.m., Monday through Friday, will limit the noise to normal business hours. A vegetative barrier of trees and shrubs would also lessen the noise and possibly capture some of the dust. Staff recommends that the applicant work with DEQ and the Oregon Water Resources Department to assure that groundwater quantity and quality are not negatively impacted. It is also recommended that the applicant monitor wells on the subject property for impacts to nitrite and nitrate levels. As a third effort staff would encourage the applicant to participate on the Lower Umatilla Basin Groundwater Management Area (LUB GWMA) Citizens Advisory Committee and adhere to the voluntary measures as outlined in the Action Plan. The applicant shall also comply with all DOGAMI and DEQ permits. There was a change made to page sixteen that states, "The applicant indicated in comments submitted to the Planning Department on June 17 that initially the intention is to plant as they complete mining portions of the land. The example they provide states that they would trade sand off of the next area to be mined and would plant trees, orchard, grass or some other agricultural commodity".

Planning Director McLane presented additional letters received after packets were sent out. Took a moment for the Planning Commission to review the items presented.

Chairman Peterson recommended to include the additional exhibits in the revised staff report as part of the record. Commissioner Rea recommended to approve. Commissioner Eppenbach second recommendation. Motion carried.

Chairman Peterson asked if the County Court denied a Goal 5 application from this applicant previously. Planning Director McLane explained that the previous application was for a Batch Plant and a Goal V request was added on. Staff didn't have adequate information to make the request significant. The County Court decision was a denial. There was no real application to evaluate. The staff report reads as if this was an afterthought. It was an incomplete application.

Chairman Peterson asked about the residential issue. The land that is zoned Rural Residential still has the opportunity for development.

The larger letter that was presented to the Planning Commission is a Traffic Impact Assessment and briefly discussed ground water and well water issues. This packet includes pages out of the TSP for Morrow County, ODOT traffic counts, and some information on the Highway Capacity Manual and how they determine level of service. The current traffic impacts are pretty light. Trips per day will continue to be minimal even with the proposed new activity.

Commissioner Rea wanted to know how the applicant came up with the idea that the ground water table is at approximately 60 feet. Planning Director McLane explained that when she was talking with the hydrologist, he came up with that number as well. Not quite sure where he got that number.

Continue the Public Hearing.

Proponents

Chris Broderson, 74673 Kangaroo Court, Irrigon, wrote the Traffic Assessment. Mr. Broderson is a Civil Structural Engineer. Mr. Broderson explained what was in the traffic packet and how they came up with the Traffic Impacts Analysis. An explanation of Level of Service A was also given. The proposed gravel pit would not make a significant impact.

Max Hellberg, 81300 W. Sixth Road, Irrigon, commented that the letters received in opposition were concerning the dust. The batch plant at Wes Wise's pit created so much dust that the Hellberg's had to clean their air cleaners on the tractors. They sold some hay and the goats wouldn't eat it because it had too much dust in it. DEQ said the crusher was working properly. The proposed gravel pit would only have a crusher and no asphalt plant. The proposed gravel pit will be a permanent facility and won't cause as much trouble as the temporary facilities. The gravel that you find in our area is in short supply in Oregon. Once you cover it up with a house, you can't get it back.

Beth Creason, 81281 W. Sixth Rd, Irrigon, is the closest resident to the gravel pits. Her family isn't bothered by the dust or noise. Her family has chosen to live on the farm since they don't want to live in a residential area. The proposed pit would be 50 acres. They will still be living in a farming area. They would much rather live with a gravel pit way in the back than with houses all around them.

Nancy Hiatt, 220 NW Oregon, Irrigon gave testimony that these men know what they are doing. They will take very good care of the people of Irrigon. She feels everyone will be pleasantly surprised.

Opposition

Dean Seeger, 74999 Columbia Lane, Irrigon, spoke of the economic impacts. If that area becomes residential, a resident will have children in school, be buying locally, and banking locally and that's a plus. Would like to see it become residential in the future and make a very stable community. The gravel pit won't be running 24 hours a day or 7 days a week. He is opposed for the economic impact.

Carma Barron, 74750 Columbia Lane. Can't live with a gravel pit. Mrs. Barron read what was stated by the County Court in 1999 about the proposed gravel pit. The request was to allow an expansion of the existing gravel pit, part of tax lot 203, and add to aggregate site. Planning Commission approved the Conditional Use Permit and recommend approval for a Goal 5 protection. On May 19, 1999 they reopened the Public Hearing and heard testimony. County Court voted to deny the Goal 5 amendment saying it was not compatible with surrounding land use. Home sites were there before mining started. A copy of what Mrs. Barron read was presented to Joel Peterson.

Sharron Timms, 75171 Columbia Lane, Irrigon, made a recommendation to the Planning Commission. Since most of the wells are at the same level, would it be possible to require the Hellberg's to monitor the wells surrounding the proposed gravel pit to make sure they are not being affected.

Jeff Wise, 74500 Froberg Lane, Irrigon. Mr. Wise explained that Mr. Hellberg complained about dust to himself and Wes Wise. A representative from DEQ was called out to look at the Wises' crusher. Jeff Wise stated that Hermiston Rock Products move 60,000 tons of rock a year. When they are busy they move 100,000 tons a year. This proposed pit will be producing more

than anyone else in this area. The market here is not for gravel. The area plants are not currently busy.

Rebuttal

Applicant Max Hellberg talked about the wells. When the Corps of Engineers put in the dam they installed monitoring pipes. The water in that area is at the same level. It fluctuates with the level of the river.

Planning Director McLane addressed the haul route. The haul route was not put in the condition of approval but it very easily could be. David Allen, County Counsel, recommended adding the haul route as a condition of approval. The applicant should be required to obtain and keep in good order all access permits from the Public Works Department. The haul route needs to be specified.

Close the Public Hearing.

Commissioner Wenholz talked about the economic, social, and environmental impacts this application could have. The proposed pit may create six jobs but that doesn't mean that they will be filled by people in this community. As for the tax implications when the property is sold that land owner has to pick up the previous ten years taxes. That benefit will happen no matter who the property is sold to. The Port of Morrow pit doesn't have housing near it. Jeddie Aylett's pit is in an Industrial area. Central Premix doesn't have housing near their pit. The rock pit does have an impact on housing. The supplies that would be needed at this proposed gravel pit are not available in this county. Things are being barged all the time. The Port of Morrow pit is currently vacant. No one is using that pit and they already have a barge reload facility. Noise and dust are issues. There is a fifty year life span of the operation. It may take up to fifty years for the sound barrier trees to grow to their potential. This would produce dust 365 days out of the year.

David Allen explained that the Planning Commission needs to determine if this is a significant site. If so then a decision needs to be made on whether or not to allow mining. Have to decide what the conflicting uses will be. Has to be based on what is there right now. Proposed route has been talked about. Maybe it needs to say what type of road. The decision being made is to make a recommendation to County Court and then County Court will have the final decision.

Commissioner Miller moved to add this site to the Goal 5 list. Commissioner Rea second the motion. Motion carried.

Commissioner Britt asked what the applicant was going to plant to deal with the noise. He doesn't think vegetation is going to help with the noise. The hours of operation will help with the noise.

Commissioner Miller asked if he is planning on operating year round. Chris Coleman said yes they do plan to run year round. Generally they will start mining after everyone has gone to work and be done before everyone comes home.

Dust control needs to be appropriate to the weather conditions and surface type of the road. Chris Coleman also added that crushing is a small part of an operation like this. The only crushing going on here is to service the local community. Any product shipped down river would be sand and gravel, something used for concrete. Most company's want you to screen it.

Took a break at 10:05 p.m.

Resumed meeting at 10:16 p.m.

Planning Director McLane suggests leaving Conditions of Approval 1, 2, and 3 as they are.

Leave 4 and 5 as they stand.

Condition of Approval 6 becomes: Access Road will be built as proposed on applicants map identified as Map A and attached.

Condition of Approval 7 becomes: Maintain a surface type on the access road to reduce dust or perform other appropriate dust abatement measures, especially during dry periods.

Condition of Approval 8 becomes: Access to West Eighth Road will require approval of the Public Works Director and an Access Permit as required by Morrow County Resolution R-29-2000.

Condition of Approval 9 should read, Access to West Eighth Road will be, at a minimum, 300 feet from the Highway 730 intersection.

Condition of Approval 10 should read, West Eighth Road from the point of access to the intersection with Highway 730 will be improved to a standard established by the Public Works Director and as defined by the Transportation System Plan.

Condition of Approval 11 should read, All trucks exiting the site will access West Eighth Road onto Highway 730, the only exceptions being local deliveries.

Condition of Approval 12 should read, Maintain and employ during hours of operation dust control.

Condition of Approval 13 should read, Work with DEQ and OWRD to assure that groundwater quantity and quality are not negatively impacted.

Condition of Approval 14 should read, Mining will not be allowed into the water table and be restricted to some appropriate distance above the water table to be determined by OWRD, DEQ and DOGAMI with County Planning staff input.

Condition of Approval 15 should read, Monitor wells on the subject property at least annually for impacts to nitrite and nitrate levels and provide result to the Planning Department. Additionally, a baseline test is to be completed prior to commencement of mining operations.

Condition of Approval 16 should read, Participate on the Lower Umatilla Basin Groundwater Management Area (LUBGWMA) Citizens Advisory Committee and adhere to the voluntary measures as outlined in the Action Plan as practicable.

Condition of Approval 17 should read, Comply with all OWRD, DOGAMI and DEQ permits and requirements.

Condition of Approval 18 should read, Construct the Access Road to a Rural Access II Road Standard with a surface treatment that eliminates dust.

Commissioner Rea moved to send this application to County Court with approval with all corrected conditions. Commissioner Miller second the motion. Chairman Peterson, yes; Commissioner Miller, Yes; Commissioner Britt, Yes; Commissioner Rea, Yes; Commissioner Wenholz, No; Commissioner Eppenbach, No.

Motion carried.

Correspondence:

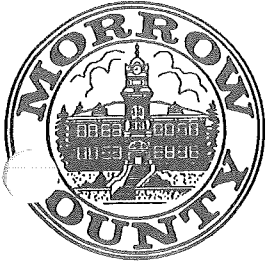
Planning Director McLane passed out to the Planning Commission a memo from staff addressing water. The Planning Department has been asked by County Court to watch what is happening with the Umatilla Water Task Force. This is a summary as to what happened with an application from Kent Madison for a subdivision west of Hermiston.

Adjournment:

The meeting was adjourned at 10:35p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for August 31, 2004 , 7:30 p.m., at the Stokes Landing Senior Center, Irrigon, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager
9/7/04



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Minutes of the Morrow County Planning Commission
Tuesday, August 31, 2004 7:30 p.m.
Stokes Landing Senior Center
Irrigon, Oregon

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

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 7:37 p.m.

Roll call was provided by Kristina Gray.

The minutes of the July 20, 2004 were reviewed. There was one spelling correction at the top of page 5. Commissioner Kegler abstained from voting since he was not present at the July 20th hearing. Commissioner Rea moved to approve the minutes. Commissioner Eppenbach second the motion. Motion carried.

Chairman Peterson read the Public Hearing Procedures.

Due to staff recommendations, the Planning Commission agreed to change the order of applications as displayed on the agenda.

Land Partition Application LP-S-340: William A. Rehder and Jim A. Dickey, owners and applicants. Property is described as tax lot 2102 of Assessor's Map 5S 25; tax lots 3800 and 3901 of Assessor's Map 5S 26; tax lot 1501 of Assessor's Map 6S 26; and tax lot 801 of Assessor's Map 6S 27. The property is zoned Forest Use and is located approximately 30 miles south of Heppner bordering Sunflower Flat Road, Highway 207, and USFS Road 21 on the south. Proposal is to partition the parcel into two smaller parcels. Criteria for approval include Morrow County Subdivision Ordinance, Article 5 Land Partitioning, Section 5.020 and 5.030.

Commissioner Rea declared that as an adjoining property owner she received notice but has nothing to gain from the land use action.

Associate Planner Timmons presented the staff report. This proposal is to divide parcel 2 into two smaller parcels. No proposed change in use with this partition. A letter from ODOT was shared with the Planning Commission. A letter was received from the Watermaster stating that there are water rights on this property.

Open the Public Hearing.

Bill Kuhn, P.O. Box 428, Heppner, was present to represent Jim Dickey and Bill Rehder. The owners have decided to split up the properties and Mr. Dickey will retain the smaller parcel while Mr. Rehder

will retain the larger parcel.

No one present to speak in opposition.

Close the Public Hearing.

Chairman Peterson proposed adding to the findings and add to the Condition of Approval this paragraph, "If a new access is required from Highway 207, the Oregon Department of Transportation (ODOT) shall issue the Access Permit. If a new access is required from Forest Service Road 21 the U.S. Forest Service would need to issue the Access Permit. If a new access is required from Sunflower Flat or Tupper Roads the Morrow County Public Works Department would need to issue the Access Permit. Commissioner Rea moved to approve with the additional language. Commissioner Eppenbach second. Motion carried.

Conditional Use Request CUP-S-209: Ramon and Dorothea E. Stephenson, owners and applicants. Property is described as tax lot 2900 of Assessor's Map 4S 28 11AB. The property is zoned Forest Use and is located in the Blake Ranch Subdivision approximately 20 miles southwest of Heppner. Proposal is to allow a template dwelling in a Forest Use Zone. Criteria for approval include Morrow County Zoning Ordinance Section 3.020 Forest Use.

Commissioner Miller told the Planning Commission he has dealt with these people in the past but has nothing to gain financially.

Associate Planner Timmons presented the staff report. This property is not covered in the Heppner Rural Fire Protection District.

Commissioner Rea asked about the Black Mountain Water District Community Well. This well is monitored and managed and is tested regularly.

Open the Public Hearing.

While the applicant was present, no one spoke in favor or in opposition.

Close the Public Hearing.

Commissioner Grieb moved to approve the application as presented. Commissioner Kegler second the motion. Motion carried.

Conditional Use Request CUP-N-208: Joel Murillo Arellano, owner and applicant. Property is described as tax lot 1600 of Assessor's Map 4N 25 20B. The property is zoned Farm Residential and located off Paul Smith Road southwest of Boardman. Proposal is to allow an equine facility for horse racing and Mexican rodeo purposes on a 28.26 acre parcel. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.041 Farm Residential; Article 4 Supplementary Provisions; and Article 6 Sections 6.020 and 6.030.

Staff has an amended Finding of Fact and a couple of letters that have been received relative to this application. These items were presented to the Planning Commission.

Planning Director McLane summarized the discussion staff had that went into the findings of fact. When looking at the application staff looked at a broad definition of a dude or guest ranch. After consulting with County Counsel it was determined that staff should look at it more closely. Counsel provided a memo to staff that the application needs to be interpreted more closely. The amended staff report is recommending denial since a rodeo doesn't fit the criteria for this zone. The current Zoning Ordinance doesn't allow any type of rodeo in the county. The Planning Commission took a short recess to review the amended staff report at 8:09p.m.

Meeting was resumed at 8:17p.m.

Associate Planner Timmons presented the staff report. The application is to approve an equine facility for horse racing and Mexican rodeo on a 28.26 acre parcel. It has been concluded that a rodeo is beyond what is allowed in this zone according to the Morrow County Zoning Ordinance. There is an established procedure to amend the Zoning Ordinance. This process can be started with the Planning Department.

Commissioner Eppenbach asked if the plan addresses a destination resort. No it doesn't. Commissioner Kegler asked about item L, if the applicant wished to pursue amending the Zoning Ordinance. Staff would assist him with that process. A zone text amendment would be required. It would go through a public process not only Planning Commission but also County Court. The process would require measure 56 notice. David Allen, County Counsel, explained that the County Court can amend their own ordinance.

Open the Public Hearing.

Jack Brown, 70234 Summit Lane, Boardman, spoke on behalf of Joel Murillo. Mr. Murillo said he is wanting to provide something for the kids to do and for people to enjoy since there isn't much to do in the Boardman area.

Opposition

Alberta Akers asked if this rodeo is for everyone since it is classified as a "Mexican Rodeo"? Associate Planner Timmons explained that a Mexican Rodeo has different types of events than an American Rodeo.

Margaret Johnson, 78538 Paul Smith Road, Boardman, spoke in opposition. If this application were to be approved as an adjoining property owner, her concerns were with the waste management and water flood irrigation. Is there going to be alcohol allowed at the rodeo's, are there concessions? Traffic is an issue. All these concerns have been brought up in letters.

Scott Johnson, 78538 Paul Smith Road, Boardman. Mr. Johnson asked what will happen if this application is denied and he reapplies. Mr. Johnson was wondering what will happen if they exceed the allowed number of spectators and who will make sure there are adequate facilities. What recourse will the neighbors have if things get out of hand? Planning Director McLane explained that the Sheriff's Office has a Code Enforcement Officer that would tend to these issues. Response to these issues are driven by complaints.

G. Sayles, 78598 Paul Smith Road, Boardman, asked about the small children in that area. The heavy traffic is going to be a big concern. As things stand now he agrees with the Planning Department staff on their recommendation to deny this application. Mr. Sayles asked about response times from the Sheriff's Office if there were to be an emergency because of the rodeo. Planning Director McLane explained that the County does have deputies that are in the North end of the county.

Greg Sayles, 78608 Paul Smith Road, Boardman, expressed his concern since he lives downstream from the subject property. A good portion of the proposed property is wet. If the sanitary issues are not met then Mr. Sayles will have the waste on his property. Rodeos are not a sanitary event. The emergency vehicles are an issue as well. There isn't room for an emergency vehicle and another vehicle to travel together on this road. It is very narrow.

Dalarie Philippi, 68988 Kunze Lane, Boardman, expressed her concern as to the amount of drug trafficking on the corner near this property. Who would be responsible for the upgrade of that road? The blowing dust is a concern. Mrs. Philippi is not against the rodeo but against where it is going to be.

Joe Taylor, 78559 Paul Smith Road, Boardman, spoke in opposition. Mr. Taylor has many concerns

including how narrow the road is to this proposed property. The wind is going to blow and all the neighbors downwind will get all the dirt. There is quite a bit of residential housing around this property. The access is a metal bridge over the canal. It is a tight turn.

Close the Public Hearing.

Commissioner Kegler called for discussion. He wanted clarification on County Counsel's earlier comment about amending the County Ordinance. It was clarified that the applicant could go through the Planning Department to amend the Ordinance and then the process would eventually end up in County Court.

Planning Director McLane explained what the applicant can do after tonight's hearing. The applicant can appeal to the County Court. He can also go to County Court about initiating the zone change process. Or come to staff to recommend change himself.

Commissioner Grieb moved to deny this application. Commissioner Rea second the motion. Motion carried.

Correspondence:

The Oregon Planning Institute (OPI) annual seminar in September.

Planning Director McLane talked about OPI. This year it will be September 13th and 14th. On the 12th is the Planning Commission training.

The 2002 Farm and Forest Use Report

A summary of the report was sent out to the Planning Commission.

The Planning Department received email from the Oregon Heritage Trail. RWB Ranch and the Stevens Farm were added to the list of Century Farms and Ranches.

The Port of Morrow and the County have started a water use committee. Five meetings have been held and the next one is in September. Their objective is to develop a 50 year water plan. Commissioner Kegler asked if the agricultural areas are being looked at. All areas of water use and availability will be reviewed. Agricultural, Industrial, Residential, and Municipal.

Other Business.

Home Based Businesses

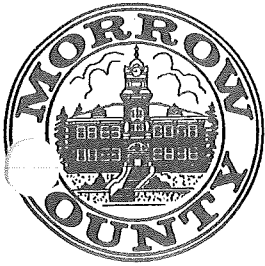
Associate Planner Timmons passed out to the Planning Commission lists of our home based businesses and our CUP List for the County. Planning Director McLane explained these lists. Most of the home based businesses are no longer in business. The Planning Department needs to determine if those still operating continue to meet the requirements for their business as approved.

Adjournment:

The meeting was adjourned at 9:12 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for September 28, 2004, 7:30 p.m., at the Morrow County School District Building, Lexington, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager
10/5/04



PLANNING DEPARTMENT

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**Minutes of the Morrow County Court
Wednesday, September 22, 2004 10:00 p.m.
Heppner Courthouse
Heppner, Oregon**

Members Present: Judge Tallman, Commissioner Wenholz, Commissioner Grace

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

Judge Tallman re-opened the hearing at 10:07 a.m.

Judge Tallman read the Public Hearing Procedures.

Planning Director McLane referred to the packet that was sent out by the Planning Department which included new letters submitted during the seven day period the record remained open for written comment. These letters included:

- September 13th letter from Max Hellberg with attachment
- September 15th memo from Patricia Sullivan, council for Max Hellberg
- September 15th letter from Patricia Sullivan which included four pages
- September 10th letter from Chris Broderson
- September 13th letter from Ray and Linda Fox
- September 13th letter from Chris Coleman
- September 14th letter from Bruce Ernst
- September 13th letter from Tim Hellberg

All of the above mentioned letters were either in favor or were neutral of the application.

- September 15th letter from Jeff Wise
- September 8th letter from Sammy Griffin

Both of these letters were in opposition.

Commissioner Wenholz moved to make the above mentioned letters part of the record. Commissioner Grace second the motion. Motion unanimous.

David Allen, County Counsel, wanted to clarify for the record that all the above mentioned documents were received prior to the closing date of the public record remaining open.

Planning Director McLane said it wasn't clear if the Planning Commission record was accepted by the County Court. This would include the Final Findings of Fact and all attachments. Commissioner Grace moved for the County Court to adopt as part of the Courts record, the entire Planning Commission record which included the staff report, attachments, and tape recordings. Commissioner Wenholz second. Motion unanimous.

The County Court took a moment to review the minutes for the September 8th County Court hearing. Commissioner Grace questioned on first page under proponents, why it stated there were no proponents choosing to speak. Judge Tallman clarified that the proponents were given the chance to speak but none were wanting to give testimony at that time. Judge Tallman added a correction on page two at bottom of the sixth paragraph, change the word "then" to "than". Commissioner Grace moved to approve the minutes of the September 8th Public Hearing and accept into the record with the said correction. Commissioner Wenholz second. Motion unanimous.

David Allen spoke about the issue of the August 18th hearing that was not recorded. This hearing today was to be deliberations of the Court. Other than the new written documents the record as of today is closed. It has recently been discovered that the August 18th hearing was not recorded. The applicants attorney and County Counsel have discussed this and a written motion from Patricia Sullivan has been received requesting the record be reopened for the purpose of supplementing the record with testimony that was provided at the August 18th hearing. The County Court needs to decide and make a motion to reopen the record. County Counsel recommend the Court continue this hearing to the following week and set a time and place. Commissioner Grace moved to reopen the record and to hear testimony from both proponents and opponents with limited rebuttal in order to remedy the record because of lack of recorded evidence of the August 18th hearing. Commissioner Wenholz second the motion. Motion unanimous. Patricia Sullivan agreed with the limited rebuttal.

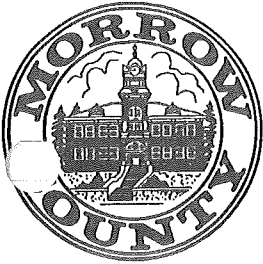
The County Court took a recess to check on location and time for a facility for the hearing.

Commissioner Grace moved to hold the hearing at Stokes Landing Senior Center, Irrigon, Oregon on September 29, 2004 at 9:00 a.m. This motion shall constitute as Public Notice of the reopened record. Commissioner Wenholz second the motion. Motion unanimous.

This hearing will be continued to Wednesday, September 29, 2004 at Stokes Landing Senior Center, Irrigon, Oregon at 9:00 a.m.

Close the Public Hearing at 10:41 a.m.

Respectfully Submitted,
Kristina Gray, Office Manager
10/5/04



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Tuesday, September 28, 2004 7:30 p.m.
Morrow County School District Building
Lexington, Oregon**

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

Members Absent: Art Kegler, Ken Grieb, Jeff Wenholz, Roger Britt

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 7:30 p.m.

Roll call was provided by Kristina Gray.

The minutes of the August 31, 2004 hearing were reviewed. There was a spelling correction on page three, sixth paragraph down. The word Sheriff is misspelled. Commissioner Rea moved to approve as presented with the correction on page three. Commissioner Miller second the motion. Motion carried.

Chairman Peterson read the Public Hearing Procedures.

Morrow County Comprehensive Plan amendment and Zoning Ordinance exception request: Martin Pitney, applicant and authorized representative of Gala Springs Farm, owner. Property is described as tax lots 1000 and 1005 of Assessor's Map 4N 25 17. The property is zoned Farm Residential (FR) and located at the northeast corner of the intersection of Kunze Road and Skoubo Lane near Boardman. Proposal is to allow City of Boardman Wastewater service in place of on-site septic systems for two proposed dwellings on the properties. Criteria for approval include Morrow County Zoning Ordinance 3.041, 3.110 and Oregon Administrative Rule (OAR) 660 Division 4.

Planning Director McLane mentioned that nothing about Goal 11 was added into the packets. The rule for Goal 11 and the Oregon Administrative Rule were distributed to the Planning Commission and Planning Director McLane explained these issues. The reason this is being requested is because Mr. Pitney is requesting city services and he is outside the city limits and the Urban Growth Boundary.

Planning Director McLane presented the staff report. A brief history of the process of trying to achieve connection to city services goes back to 1998. If the county approves this application, the City of Boardman has agreed to provide city services to this property. Changes will have to be made to the Comprehensive Plan if this application is approved. Eight conditions have been

identified both to maintain the residential nature and what the property could be in the future. Three letters were received. First letter from Jon Jinings, DLCD, second from the City of Boardman clearly supporting this application, third from DEQ in support.

This application is clearly for wastewater treatment and if city water was to be requested in the future, the applicant would have to go through the planning process again.

David Allen, County Counsel, wanted to clarify that the main reason for this application is based on the organic certification. Planning Director McLane explained that it's DLCD's rules that would require disconnection from city services if the organic qualification stops. Mr. Pitney explained that he looked at getting the UGB expanded but the City can't support that right now. It was recommended to change "Oregon Tilth" in the Conditions of Approval to "Oregon Certified".

Open the Public Hearing.

Martin Pitney, 1131 Appaloosa Way, Richland, WA, spoke in favor. Mr. Pitney gave a bit of history on this property and provided aerial photo's of his property to give the Planning Commission a better idea of where things are.

No one spoke in opposition.

Close the Public Hearing.

Commissioner Rea moved to approve this application, add the letters into the record, and recommend for approval to County Court. Commissioner Morter second the motion. Motion carried.

Land Partition LP -N-341 and Conditional Use Request CUP-N-210: Nathan Heideman, applicant for Four Mile Land Company, owner. Property is described as tax lot 3102 of Assessor's Map 1N 23. The property is zoned Exclusive Farm Use (EFU) and located one mile west of Highway 74 on Ely Canyon exit approximately 10 miles northwest of lone. Request is to partition the 595.95 acre subject property 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).

Commissioner Miller expressed he has no financial gain with the project but has done business with the applicant in the past.

Associate Planner Timmons presented the staff report. Planning Staff has already approved the zoning permit for replacement of this home. As Commissioner Morter is under a time constraint, Planning Director McLane asked if the Planning Commission has any questions about this application. This piece of property has not been farmed. There has been a residence on this property since 1903 and it will not be farmed. This application meets the spirit of the soils test.

Open Public Hearing.

Dana Heideman, 68809 Four Mile Canyon, lone, spoke in favor. This is just a matter of tearing down an old house and putting up a new one about sixty feet away. However, for financing his son needs to have the property in his name.

Close the Public Hearing.

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

Correspondence:

Other Business.

The proposed revision to Code Enforcement Procedure presented by Code Enforcement Officer, Deputy Jeff Lambier

Deputy Lambier was not available tonight but will speak at the October meeting. Mr. Lambier has taken a new position in the South end of the County and they are looking for a new Code Enforcement Officer. Planning Director McLane explained to the Planning Commission that a new process is being talked about for Code Enforcement where Justice Court will manage compliance. David Allen wants to talk with Planning Director McLane and Judge Gray about this new procedure because there may be problems with it.

State Measure 37 update

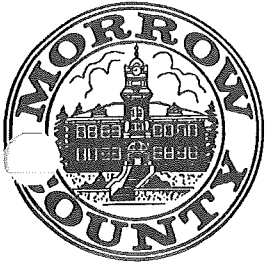
Carla will send out copies of this to the Planning Commissioners.

Adjournment:

The meeting was adjourned at 9:00 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for October 26, 2004 , 7:30 p.m., at the North Morrow County Annex Building, Irrigon, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager
10/27/04



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Tuesday, October 26, 2004 7:30 p.m.
North Morrow County Annex Building
Irrigon, Oregon**

Members Present: Joel Peterson, Don Eppenbach, Ken Grieb, Jeff Wenholz, Roger Britt

Members Absent: Leann Rea, Art Kegler, Anne Morter, Ryan Miller

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 7:30 p.m.

Roll call was provided by Kristina Gray.

The minutes of the September 28, 2004 hearing were reviewed. Commissioner Eppenbach moved to approve, Commissioner Grieb second. Motion carried with grammatical changes.

Chairman Peterson read the Public Hearing Procedures.

Land Partition Application LP-S-342: Joseph and Jeri McElligott, owners and applicants. Subject property is described as tax lots 3801 of Assessor's Map 5S 26; tax lot 1500 of Assessor's Map 6S 26; and tax lot 800 of Assessor's Map 6S 27. The property is zoned Forest Use and is located approximately 35 miles south of Heppner southeast of Board Creek Road and generally north of USFS Road 21. Proposal is to partition the parcel into two smaller parcels, both meeting the FU minimum parcel size of 240 acres. Criteria for approval include Morrow County Subdivision Ordinance, Article 5 Land Partitioning, Section 5.020 and 5.030.

Associate Planner Timmons presented the staff report. Property is currently used for grazing and timber. Letter received from Water Resources Department.

Open the Public Hearing.

No one present to speak in favor or opposition.

David Allen asked about the series partition. Planning Director McLane explained that the landowners have changed since the last partition and it has been at least one year since the last partition. Planning Director McLane explained that the County is losing that tracking ability with all these partitions which is why the record survey is being asked for.

Add the following language to Condition of Approval #2 "pertaining to this application".

Close the public hearing.

Commissioner Eppenbach moved to approve the application with changes. Commissioner Grieb second. Motion carried.

Land Partition Application LP-N-343 and Conditional Use Request CUP-N-211: L.J. Properties, owner and Hale Farms, applicant. Property is described as tax lot 3416 of Assessor's Map 4N 26. The property is zoned Exclusive Farm Use and is located approximately 3 miles southeast of Boardman along Bombing Range Road. Proposal is to partition the parcel into two parcels, the smaller parcel is proposed to be 80 acres. The Conditional Use Request is to allow the smaller parcel to be operated as a Wildlife Conservation Area. Criteria for approval include Morrow County Subdivision Ordinance, Article 5 Land Partitioning, Section 5.020 and 5.030 and the Morrow County Zoning Ordinance Article 3 Section 3.010(D)(31).

Planning Director McLane presented the staff report. This is a follow-up from a previous land partition. Letters were received from:

- The Public Works Director identifying concerns relative to the water table
- Frank Dye, Watermaster
- Rich Melaas, Navy, identifying the name and contact information for people needing access
- Steve Cherry, Oregon Department of Fish and Wildlife, supporting approval
- Steve Bloom, Kottcamp & O'Rourke, attorney for Columbia Improvement District

Planning Director McLane recommended making these letters part of the record. Commissioner Eppenbach moved to accept these letters as part of the record. Commissioner Wenholtz second the motion. Motion carried.

Open the Public Hearing.

Bob Hale spoke in favor of this application. He explained where the wildlife refuge is going to be.

Close the Public Hearing.

Commissioner Eppenbach moved to approve the application with conditions stated. Commissioner Britt second the motion. Motion carried.

Correspondence:

Planning Director McLane shared with the Commission that one application has been received for the next hearing. The Commission was asked if they would prefer a meeting on November 30th or December 7th. The next Planning Commission hearing will be on December 7th effectively combining the November and December meetings.

Commissioner Eppenbach's term is up the end of December. He was asked if he would be interested in serving in this position for another four year term. Commissioner Eppenbach was asked to submit a letter to the court if interested and the Planning Department will send him a letter to remind him of this.

The Planning Department will submit a list of the 2005 meetings at the December 7th Planning Commission hearing. In May the meeting should be a week earlier, as well as in December. The draft 2004 Farm and Forest Report is now available if the Commissioners are interested. Planning Director McLane talked about the proposed rodeo. Mr. Murillo has appealed the decision and the County Court will hear it tomorrow. A rodeo is not allowed in Morrow County, not outright and not allowed under CUP. Planning Director McLane has done some research and found out how other counties deal with this type of issue. Significant discussion followed.

David Allen, County Counsel, shared with the Planning Commission that the County Court denied Hellberg's application.

Adjournment:

The meeting was adjourned at 9:05 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for December 7, 2004 , 7:30 p.m. at Stokes Landing Senior Center, Irrigon, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager
12/8/04



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Tuesday, December 7, 2004 7:30 p.m.
Stokes Landing Senior Center
Irrigon, Oregon**

Members Present: Joel Peterson, Don Eppenbach, Jeff Wenholz, Anne Morter, Roger Britt

Members Absent: Leann Rea, Art Kegler, Ken Grieb, Ryan Miller

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

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

Roll call was provided by Kristina Gray.

The minutes of the October 26, 2004 hearing were reviewed. There was a request by Commissioner Morter on page two where it states that Steve Bloom is the Attorney for CID, to spell it out, Columbia Improvement District. Commissioner Morter moved to approve with the said change. Commissioner Britt second. Motion Carried.

Chairman Peterson read the Public Hearing Procedures.

Land Partition LP-N-344: Richard Cappotto, applicant for Hunter Farms, LLC, owner. Property is described as tax lot 300 of Assessor's Map 4N 25 15. The property is zoned Farm Residential (FR) and located at the northwest corner of the intersection of Laurel Lane and Wilson Road near Boardman. Request is to partition at a minimum four acres to include the dwellings from the 29 acre parent parcel. Criteria for approval include Morrow County Subdivision Ordinance ARTICLE 5.

Planning Director McLane presented the staff report. Item E is missing. It reads, An approved water rights diversion plan as applicable. Planning Director McLane asked that the Planning Commission include Item E in the staff report. One letter was received from the Water Resources Department relative to water rights, domestic well, and septic system.

Commissioner Eppenbach commented on the front page of the staff report it should read Laurel Road and Wilson Lane.

Open the Public Hearing.

Richard Cappotto, PO Box 729, Boardman, commented on Section B where it talks about a public access road all the way across the north side of the property. Planning Director McLane

explained that the right-of-way is to serve future road development and would not require being built just yet. It makes good planning sense to put in a potential roadway. Planning Commission discussed the access issue and asked Mr. Cappotto why that access is needed. Mr. Cappotto explained he wants to make sure he has access to the remainder of his property. Planning Director McLane explained that an access permit would be required as well. Burke O'Brien, Public Works Director, expressed a concern about the grid system and this is something Planning needs to look at. He feels Root Lane would be more appropriate to punch through as an access road in the future than across the top of Mr. Cappotto's property.

Close the Public Hearing.

Commissioner Eppenbach moved to approve the partition using the north boundary of tax lot 300 and delete the request for the 60 foot right-of-way. Include in the Findings of Fact to include that due to wetlands, there is no need for a potential road. This information can also be included on the survey. Amend the motion to also include section E that was missing out of the staff report. Condition of Approval number four needs to be deleted and add number five to require an access permit with the Morrow County Public Works Department. Commissioner Wenholz second. Motion carried.

Conditional Use Permit CUP-S-212: Jerry Gentry, applicant for Scott Newell, owner. Property is described as tax lot 303 of Assessor's Map 2S 26. The property is zoned Exclusive Farm Use (EFU) and located approximately 2 miles northeast of Heppner on Dee Cox Road. Request is to site a "non-farm dwelling" on the subject property. Criteria for approval include Morrow County Zoning Ordinance 3.010(F) and 6.020.

Associate Planner Timmons presented the staff report. The Planning Department received two letters relative to this application. One from the Water Resources Department and one from Loren Wickersham and Lois Duvall. The Planning Commission added these letters to the record.

Open the Public Hearing.

Jerry Gentry, 61230 HWY 207, Heppner, was present to speak on behalf of Mr. Newell. There were members of the City of Heppner Planning Commission present to observe including Rod Wilson, Suzanne Jepsen, Bob Jepsen, Mayor, and Gerald Breazeale, City Manager. Jerry Gentry as well as Scott Newell are willing to comply with all necessary requirements set forth by the Planning Commission and would like to thank the Planning Department for the ease and professionalism in dealing with this application. Mr. Gentry has read the letter from Mr. Wickersham and Ms. Duvall in opposition. Their main concern is their ability to spray their croplands when the wind blows a certain direction, however, Mr. Gentry doesn't see how building a house is going to effect the capability to spray their croplands. The property that is being built on is already there. This issue doesn't change whether they build or not. You do not want to spray on someone else's property anyway in the event it might kill their crops.

Jerry Breazeale, P.O. Box 597, Heppner, would like to state he has seen this property and walked on it with the applicant. Mr. Newell is excited to move to our community and is wanting to be an involved citizen in Morrow County. The subject property he is wanting to build on is not suitable for rangeland or for livestock but would make a nice home sight.

Bob Jepsen, P.O. Box 36, Heppner, first time reading letter in opposition. Mr. Jepsen commented on the cropdusters in this area. They are very careful and take the wind into consideration. Doesn't think there should be a problem with putting a house on this property.

Close the Public Hearing.

Commissioner Britt referred to page five section A. He wanted to make sure that it was referring to Dee Cox Road being a paved road.

Commissioner Morter did have some concern about the distance in the letter from Ms. Duvall's property. Planning Director McLane referred the Planning Commission to look at page four, item six states that the non farm dwelling should not be located within one mile of, and lists several things, or within one quarter mile of agricultural lands capable of being intensively farmed unless adequate provisions are provided and approved by the commission for a buffer between such uses. As staff, it was discussed that there is no good definition of what "intensively farmed" is. Jerry Gentry tried to clarify with Mr. Wickersham on this issue. The house is not being built next to the wheat field. At least 200-300 feet from the proposed dwelling to the nearest wheat field.

The Planning Commission asked to add to the Findings of Fact that the wheat field is class VII soil also.

Burke O'Brien, Public Works Director, stated that Dee Cox Road is a gravel road at the point of access for this dwelling.

Planning Director McLane had an amendment to the staff report, need to amend the study map that there is one non farm dwelling that has been sited in the study area. Further up Dee Cox Road, the Pecks placed a non-farm dwelling on 11.9 acres.

There were three corrections to the Findings of Fact: the non-farm dwelling, the discussion about the class VII soils, and the change from a paved road to a gravel road. Commissioner Eppenbach moved to approve with those changes. Commissioner Britt second. Motion carried.

Setback Variance, irrigation pump station building: Port of Morrow, applicant and owner. Property is described as tax lot 100 of Assessor's Map 4N 26 5. The property is zoned Exclusive Farm Use (EFU) and located on the north side of Highway 730 between Irrigon and Interstate Highway 84 exit 168.

Planning Director McLane presented the staff report. This application is to place an irrigation pump station building closer to the property and the State Highway right-of-way line. The pipes are already in place, they are big, and the Port is not going to move them. There should be a setback of 80 feet. The building is 25 feet from the right-of-way line. Oregon Department of Transportation is the only effected agency. George Ruby, ODOT, commented that it is the County's setback requirement and as long as the applicant is not in the right-of-way ODOT has no comment.

Commissioner Eppenbach moved to approve. Commissioner Morter second. Motion carried.

Correspondence:

Planning Commission 2005 meetings list Application from Invenergy should be in our office on Thursday, trying to work with Gilliam County Planning Staff and the applicant to schedule two hearings somewhat conveniently for the applicant.

Other Business

- **The proposed revision to Code Enforcement Procedure presented by Code Enforcement Officer, Deputy Jeff Lambier**
Deputy Lambier presented to the Planning Commission copies of his presentation. The original Code Enforcement Process was explained, you send the property owner a letter and you give them 30 days, then you send them another letter and give extensions and it gets to be a huge slow moving process. Deputy Lambier reviewed the proposed procedure with the Planning Commission that would include citing the property owner from the beginning rather than continue giving extensions and drawing out the process.

The Planning Commission approves of this procedure change.

- **Home based business**
Planning Director McLane presented to the Planning Commission a memo on home based business. Staff have reviewed the Conditional Use Permit file and have created an electronic file. There appear to be 6 home based business that are still active. One potential code enforcement case appears to be a closed business.
- **Measure 37 Update.**
County Court determined that this process would be a legal action against the County . We do not want to help someone sue the County. Morrow County has decided to not create a process that potential claimants do not have to follow.

Adjournment:

The meeting was adjourned at 9:41 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for January 18, 2005, 7:30 p.m. at Stokes Landing Senior Center, Irrigon, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager
1/26/05

Note: Change in meeting date to January 25, 2005.