

PLANNING DEPARTMENT

P. O. Box 40 • Irrigon, Oregon 97844
(541) 922-4624 or (541) 676-9061 x 5503
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**Minutes of the Morrow County Planning Commission
Tuesday, January 25, 7:30 p.m.
Stokes Landing Senior Center
Irrigon, Oregon**

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

Member Absent: Roger Britt

Staff Present: Carla McLane, Planning Director; Lori Timmons, Associate Planner; Denise Koeller, interim Office Manager

Planning Commission Chair Joel Peterson called the meeting to order at 7:35 p.m. He announced that the election of new officers will be held at this meeting after review of the minutes.

Roll call was provided by Denise Koeller.

The announcement was given that Kristina Gray, the Planning Department Office Manager, had a baby boy today. Denise Koeller will be the interim replacement during Kristina's maternity leave.

The minutes of the December 7, 2004, meeting were reviewed and approved without changes.

Election of officers was announced. Anne Morter moved, and it was seconded by Don Eppenbach for Leann Rea be nominated as the new Planning Commission Chair. Art Kegler moved, and it was seconded by Ann Morter for Don Eppenbach to be nominated as the new Planning Commission Vice-Chair. Joel Peterson moved the nominations be closed, which was seconded by Ryan Miller. The motion was made to accept the new slate of candidates by Art Kegler, which was seconded by Don Eppenbach. All nominations were voted on and approved by the Planning Commission.

New Planning Commission Chair Leann Rea read the Public Hearing Procedures.

Conditional Use Request CUP-N-213: Joseph Lerner for Invenergy, Wind, LLC, applicant and Mark Zoller for Willow Farms, LLC, property owner. The property is zoned Exclusive Farm Use (EFU) and is located north of Cecil, Oregon, west of Highway 74 at approximately milepost 10. Proposal is to allow a commercial wind energy conversion facility. Criteria for approval include Morrow County Zoning Ordinance sections 3.010(D), 3.101(I), 6.020, 6.030, 6.040, 6.050(O) and 7.020(A).

Planning Director Carla McLane presented the staff report. The proposal is for a 72 megawatt windpower conversion facility which will be located in both Morrow and Gilliam Counties. Two-thirds of the project is proposed to be located in Morrow County. The proposal includes a

Variance Request because portions of two tower strings are proposed to be located on or very near the border between Morrow and Gilliam Counties. Staff wishes the project be clear which side of the county line the individual towers are on. The Variance Request is for a setback variance from the normal 25 feet from a property line to 5 feet. Invenergy, Inc. has applied for approval of the wind conversion project with both Morrow and Gilliam Counties. It is for forty-eight 1.5 megawatt (MW) towers with an aggregate rating of 72 MW. The public hearing for the Gilliam County approval request is on Thursday, January 27, in Arlington.

An addition to the Staff Report titled "Addition to Fish and Wildlife Habitat Section" was included in the discussion. It added information and details, including Conditions of Approval, and was recommended to be incorporated within the Report. The additions pertain to section K.

Carla mentioned the gravel to be used for the tower access roads was not discussed in the Staff Report. No permit would be needed to mine gravel if mined onsite for onsite use. If Invenergy were to acquire gravel from off-site pits, they would need a Conditional Use Permit and she encouraged the applicant to mine on-site. Carla asked the Commission to consider whether or not to include this topic within the Staff Report.

Gilliam County's Conditional Use requirements were handed out for the Planning Commission to consider. Carla commented that it is not Staff's intent to incorporate the Gilliam County's requirements into the Morrow County's Permit, but it is provided for information's sake only. Ann Morter noted that the Gilliam County requirement for access control to the tower sites requires a lockable gate, not a locked gate at the access points.

The Commission then commenced to discuss the proposal. The clarification was made that the 5 ft. variance was essentially an assessment issue and the applicant will be responsible for the accurate survey. Ann Morter asked for clarification of the tower lighting. Joe Lerner indicated that the FAA sets the requirements which are typical requirements for wind tower strings.

Joe Lerner representative of Invenergy, Inc. gave a presentation. He provided information concerning the proposed project. Doug Carter, also a representative of Invenergy, Inc. provided answers to the Commission's questions as well. Anne Morter asked about power transmission space on existing power lines. Doug explained that the intermittent manner of generation and power generation rules allow wind energy to be "squeezed in" to a system which is very highly integrated. Doug indicated that there is always a use for the source. Ann Morter asked what would happen if Gilliam County didn't approve their application. Joe Lerner indicated that although they hadn't thought of that as a possibility, they could probably redesign the project for a 50 MW capacity. Carla indicated the County would probably require an amendment to the application and findings but doesn't foresee such an event such as Gilliam County not approving the project.

Joe Lerner commented that Invenergy, Inc. has studies yet underway concerning environmental review. The studies include a cultural review, the winter avian survey as well as a pending spring avian study for raptors and bats. They feel they are following the precedents already set out. Doug Carter indicated that as far as they are aware the environmental guidelines are voluntary. They follow best management practices, not specific regulations.

Ann Morter asked about the decommissioning timetable. Joe Lerner indicated that they are trying to meet the Gilliam County requirements. When the 15 year financing requirement by their lender is finished, the debt will go away and the real profit will begin for the company.

They desire to work through that time period and keep on going as long as possible. It is possible the turbines will last 40 years or longer. They plan on 20 years of wind conversion at the least. The turbines are affected by moisture and dust but Condition of Approval #15, the requirement for a reclamation bond for removing the facility at the end of its useful life should cover decommissioning issues. The Commission discussed the Decommissioning Bond and wondered if the \$4,000 was adequate. Carla indicated that Staff attempted to be consistent with the requirements for the Shepherds' Ridge project.

Open the Public Hearing:

George Griffith, Cecil, Oregon, provided comment relative the to decommissioning bond. Terry Tallman, 706 Mt. Hood Land, Boardman, provided comment relative the decommissioning bond.

Close the Public Hearing;

Joel Peterson asked about the gravel requirement for the roads and whether it should be included in the Staff Report. Doug Carter commented that they prefer on-site but if not they will go to a permitted source.

Carla reviewed each Condition of Approval. Art Kegler moved to approve the Conditions of Approval as presented by Staff. This was seconded by Don Eppenbach. The motion was carried and approved by the Planning Commission.

Correspondence:

On the Wild Side by Tom Arrandale
ODA and DLCD vow to Collaborate: The Hermiston Herald.

Other Business:

Carla reviewed the Zoning Permits issued in 2004. A re-cap of the trends revealed no new development at the Port of Morrow but there were some new cellular towers, wireless activity and ag-exempt certificates.

Carla informed the Commission that the non-farm dwelling which was approved at the last Commission hearing has been appealed.

There are no new applications for the Commission to hear for the next Planning Commission Hearing. Carla has a laundry-list of topics which need to be considered by the Commission and does not wish to cancel the meeting. The list includes: the Transportation System Plan, Solid Waste Management Plan, water planning, Measure 37, Comprehensive Plan update progress, the Park Plan, Zoning and Subdivision Ordinance revisions, the Small-Farm 40 Ordinance issues, rodeo issues, and code enforcement. Carla indicated she would like to have a work session to cover these issues. The Commission was agreeable to this as long as pizza be provided.

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 February 22, 2005 in Lexington, Oregon

Respectfully Submitted,
Lori Timmons, Associate Planner



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**Minutes of the Morrow County Planning Commission
Tuesday, February 22, 2005
Morrow County School District Building
Lexington, Oregon**

Members Present: Don Eppenbach, Roger Britt, Leann Rea

Members Absent: Joel Peterson, Art Kegler, Ken Grieb, Anne Morter, Jeff Wenzholz, Ryan Miller

Staff Present: Carla McLane, Lori Timmons, David Allen

Guests Present: Becky Tullis, Assessors Office; Judd Coppack, County Surveyor

The meeting was called to order at 7:30 p.m.

Roll call was performed by Carla McLane.

The minutes were not discussed or approved as there was not a quorum for this work session meeting. Because there were no applications to be heard by the Planning Commission, there was no public hearing on this evening. The meeting was a work session for the Commission members covering the specific agenda items listed below:

Transportation System Plan (TSP) Update:

Carla discussed the progress of the Consultant Team. She showed the Commission the maps that have been produced with counters showing the research of per day traffic use on some of the major roads. Patterson Ferry Road and Bombing Range Road were shown to get a lot of traffic. Bombing Range Road receives most of its traffic near Boardman.

Boardman area has some specific work being done to check for another interchange on the east side of the Port off Highway 730. This interchange is conceptual only at this point.

Another map was the Crash History Map. The accidents not reported to the police are not counted by ODOT and are, therefore, not counted as having occurred on the map. This affects official perception of actual safety problems. Carla mentioned two other areas of needs and concerns for the TSP which are the Port of Morrow Interchange and the alternate east-west route north of Highway 730, the justification of which is for emergency evacuation.

Carla discussed Bombing Range Road and the desire of the County to make it a dedicated County right-of-way. There was a discussion of the status of the Road and David Allen indicated that the Court is working on the issue.

Boardman Airport improvements and the lone-Boardman Road will continue to remain an issue in the TSP. Other transportation issues are: East-west circulation, the Olson Road overpass, the rail loop in the Port, s-County winter route for the historic road, Highway 74 at horseshoe bend. All issues need to be in the TSP or they can't be addressed at all. The Kunze Road improvements are funded but still need to be put in the TSP. Planning Commission issues to be aware of: March 15 is a joint workshop with the Planning Commission, County Court and the Consultant Team.

Solid Waste Management Plan:

Carla introduced the history of the Plan. The Planning Commission was asked to consider the zoning designations and restrictions placed on "solid waste disposal facilities" in residential and other zones. Carla indicated we may need more narrow definitions of what can be allowed in specific zones.

Don indicated he preferred solid waste facilities to remain as Conditional Uses as the flexibility could be a good thing. David Allen talked a bit about the reasons for more specificity but thinks the Zoning Ordinance to remain the same might not be a bad idea. Putting conditions may be the best way to impose guidelines. Carla said the Solid Waste Management Plan Advisory Committee (MPAC) has indicated the desire to keep broadness. Roger said we need to be careful when you tighten things. Once its done its practically impossible to go back. Carla reassured Roger that we could undo the zoning rules because it is a local ordinance. David reminded the Planning Commission that the composting facility could have gotten away with no CUP because it was not specifically mentioned in the Ordinance. He is in favor of the Planning Commission having more rather than less flexibility. Solid waste disposal issues do come to Morrow County. As time goes by, the Metro area will be under more pressure for solid waste disposal and/or processing. Carla indicated that staff would like better direction of the process because staff had nothing to go on with the composting facility. David Allen suggested using the non-farm dwelling template for processing large solid waste facility issues.

Comprehensive Plan Update:

Still under the work light at the staff level. With a small jurisdiction grant, work is progressing. The Planning Commission has not been given, at least lately, copies of the Comprehensive Plan. The data in it needs updating, the changes in the County need to be incorporated and the current work will be acknowledged.

Water Use:

Water use has been discussed fairly often by staff at the Planning Commission meetings. Umatilla County has a water Task Force and Morrow County has created a Water Use Committee as well with intergovernmental agreements between the cities and the Port in process - with no commitments. Water Resources administers water rights and land use planning (goals 5 and 6) gives the Counties the ability to manage the water supply. Leann said this "ability" was used by the County as a plan to try to prevent the critical groundwater areas from being created. Minimum lot sizes were proposed by Water Resources but no county went for that because it wasn't practical. There is no connection between the two: water resources/rights and land use planning. Carla indicated that water use planning will impact the County eventually. Judd mentioned an irrigation project from the Columbia River by the Bureau of Reclamation. Carla told the Commission that the Morrow County Water Use Committee will probably investigate removing Columbia River water during peak flows for aquifer recharge/storage projects. David reminded the Commission that there is no state requirement for Morrow County to do anything at the moment. He thinks that once we begin water planning the State will begin to require things. Such a "wolf" in the "henhouse" situation may turn out to be problematic for the County. Carla reminded the Commission that projects can be done to improve water problems but we need a PLAN first. Carla said that Water Resources seems to be supportive of our planning because she doesn't think they have the resources to do what they think they should do. They would rather help with a plan than be the bad guy. Leann remarked that water planning is an important subject to stay on top of.

Park Master Plan:

The Park Master Plan was adopted in 1997 and the County has since added the Heritage Trail and the Off-Highway-Vehicle (OHV) Park. The Park Master Plan needs to be updated to reflect that.

Zoning Ordinance:

Rodeos:

Other counties approve rodeo grounds using, for example, horse facilities or private park standards. We have noticed DLCD that the first Planning Commission hearing is scheduled for March 29th. A discussion ensued about potential problems with rodeos. David Allen liked the private park scenario. Roger indicated that the level of activity is the issue. David Allen said that, at a minimum, rodeos should be allowed as an outright use in the EFU zone and defined specifically saying when it is allowed and when it is not allowed for commercial use within the Zoning Ordinance.

Subdivision Ordinance:

Large Parcel Partitions:

The problem is that no Partition Plat is currently required for large parcel partitions and we need one. Judd informed the Commission that the County is in violation of Oregon Revised Statute by not requiring a Partition Plat. Leann indicated that the large partitions and the small ones near Boardman appear to be series partitions happening over the edges of calendar years. This appears to be going through the loophole of the calendar year limitation. A discussion ensued about when to or whether to require series partition rules. At some point the parcel sizes will get to the minimum lot size. Judd said that maybe the solution would be to have two classes of subdivisions, one for huge parcel size subdivisions and residential size subdivisions.

Property Line Adjustments:

No direction is given in the Subdivision Ordinance for these. Staff would like something to reflect the process we have between the Planning Department and the Assessor's office. She would like a requirement for a Record Survey. Leann said that water right issues need to be included because the irrigation districts and other water interests often never get told of these actions. Carla indicated that there needs to be an internal notice list so the right people all get notified.

Land Partitions for Financial Purposes (LPFP):

The Planning Office did not track these before 1999 and no one has been making sure the proper processes have been followed by the landowners. Department procedures need to be improved in order to better to track these. Leann said that access issues need to be addressed with these partition actions.

The DLCD has been provided notice of the hearings for the changes to the Zoning and Subdivision Ordinance. The preliminary hearing will be held on March 29th. On March 2, staff will have a meeting with the Assessor and the County Surveyor to talk about the parts and pieces of the changes to be considered.

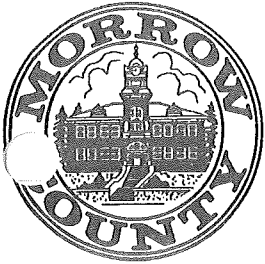
Measure 37:

Morrow County has not received a Measure 37 claim as of the date of this meeting. The State has received about 200 claims, Umatilla County has 4 claims.

Code Enforcement:

Morrow County Sheriff, Ken Matlack; Code Enforcement Officer, Jeff Lambier and Carla have met and are in the process of making a new set of new recommendations for code enforcement. They wish it to be compatible with the Sheriffs office's new computer system. There will be a recommendation for an action concerning this at the next meeting.

The meeting was adjourned at 9:25pm.



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**Minutes of the Morrow County Planning Commission
Tuesday, March 29, 2005
Stokes Landing Community Center
Irrigon, Oregon**

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

Members Absent: Roger Britt, Ann Morter

Staff Present: Carla McLane, Lori Timmons,

Guests Present: Mike Cevene and Bob Divers, United Power, Threemile Canyon Farms Methane Digester Project; Judd Coppock, County Surveyor

The meeting was called to order at 7:34

Roll call was performed by Carla McLane.

The January minutes were moved to be approved by Commissioner Kegler and seconded by Commissioner Grieb. Passed unanimously. In the February minutes a wording problem was corrected in the LPFP paragraph. Another wording change was made in the Solid Waste section. The February minutes were moved to be acknowledged by Commissioner Rea and seconded by Commissioner Peterson. Passed unanimously.

Threemile Canyon Farms Methane Digester - Presentation on progress to date

The methane digester was approved in 2001. Mr. Divers introduced the Farm and provided some statistics concerning the number of cows (they are milking 22,000 cows and have another 27,000 cows in other parts of the 'maternal' cycle). Currently 2300 acres are being farmed organically. They believe the digester will process all of the manure. It will provide energy, bedding, fertilizers... The digester site is on 12 acres. They will intercept manure that is flushed out of the dairies, flush out the sand, pump it over rotary screens to separate out fiber, etc., filter in a clarifier (a municipal style clarifier). Their 1 million dollar grant will fund part of it as part of new technology. Construction will be about 13 months and to start the digesters, it will take about 8 months. The solids and liquids will be separated. Water will be recycled. The solids will go into a process to increase the temperature to 132 degrees, then they will go into the actual digesters; there will be 10 of them. Digested fiber will be marketed, the liquid goes back to the lagoon. The gas that comes off the digesters is collected, de-sulfurized, then pumped to the "power island" which is the energy facility. They will make almost 10 MW of power to displace the power bought from the local company. They figure they will export about 5 months of the year. They started construction on the "jersey trial today." This will be the largest methane digester in the world according to Mr. Cevene. Carla asked a question about the Power Provider and how their agreement is structured. The total cost of the project will probably be less than 30 million dollars. The project will employ about 13 people 24-7 for

operation. The estimated project payroll: \$450,000 per year. The composting operation will change because they will not be composting digested manure, only manure from scrapings and other sources. There will be no "raw" manure composted anymore. County Commissioner John Wenholz asked about explosivity and plans for fire suppression. Bob said it is part methane and CO2. They can sell CO2 credits and green tags. The system is low pressure (40 psi). They will probably have a fire hydrant system and a fire protection plan that will be driven by insurance requirements. Bob thinks the Farm needs a good fire truck but they let things burn... because it is an "isolated" area. If they have a fire truck they think they could benefit the community by sharing the fire suppression ability to the surrounding area. They also have to obtain an air quality permit and amend both their CAFO (ODA) and solid waste plan (DEQ). Their food waste permit may be useful because they can use food waste in the digesters. They anticipate they will be operational in the first quarter of 2007. It takes months for the bacteria to get to full speed, 8 months or so. They will use other products to help the process such as potato waste, used cooking oil, etc. This project is a product of European digester engineering.

Subdivision Ordinance Article 5 Land Partitioning Amendment:

5.010 - no change recommended but made scratch "shall" in the first part of the sentence.

5.020 - has been made into the application procedures and requirements. Carla outlined each change we made to the section. Art asked about the 30 21 days and what it looked like.

5.030 - Requirements for Approval. These are the Bold Type in the criteria for approval in the Staff Reports. Carla outlined the parts which were added. Scratch "residential" from B. Judd suggested that in Section C, strike out the first sentence. He doesn't believe the partitioner should provide availability and adequacy of public service and facilities. Commission made changes to section C.

G: Language changed: The depth of any lot shall not be restricted as long as a buildable parcel is proposed.

H: capitalize first commission.

I: Additional Factors. Carla reviewed the additions and changes. Joel doesn't like 4 concerning effects on natural, scenic and historical resources. The scenic byway would trigger this criteria. #3. Art and Leann questioned whether it is needed. The Commission discussed whether or not it should be further required. Leann wants to be able to keep the ability to make that decision if needed. Judd suggested changing the title of I. To "additional Factors which may be considered." The Commission decided to consider this next month, including language changes to specify when and where 3 might be required.

5.060: Notice requirements.

5.065 Preliminary Plat Requirements: Judd requested striking the last sentence of the second paragraph.

5.070 Final Plat Map for Partitioning: Procedure has been clarified. 8A, 8B decision: Judd explained the history of surveying and the large pieces of land in the southern portion of the County. He believes the partitioner, now, must absorb part of the development cost of the new, smaller parcels in those large areas to keep the boundaries sure for the future. Don requested that the Commission choose 8B without the last sentence. Judd wants the large pieces surveyed to preserve the original surveying that was done. There was an informal consensus that all corners should be surveyed. The Commission decided to wait on the final decision between 8A and 8B.

5.090 Property Line Adjustment: Leann asked about PLAs across section lines, This will create a separate tax lot which could be sold separately. Carla indicated that once in the past the adjustment was allowed with a deed requirement that the tax lot not be sold separately. Judd suggested that the Assessor be part of the approval process. We need to add specifically the requirement for the Interdepartmental Review in the PLA process which will maybe include a

surveyor review as well, as requested by Judd.

5.094 whether or not to allow: This could be difficult to allow when a partition is not required to delineate where the line between the zoning designations are. Art questioned the need for 1 in the Split Zoning section.

5.100 LPFP Don suggested a few minor changes. Interdepartmental Review is required for this as well and should also be in the language. Short discussion as to whether a survey should be required. No decision.

5.140, new section. No comments

5.150 clarification.

Zoning Ordinance Article 3 Use Zones:

Commission decided to discuss the majority of the Zoning Ordinance changes at the next hearing. Carla explained the reason why she decided to delete the Dude or Guest Ranch provision, which was not a deletion, but is being addressed in another section of the revised Ordinance.

Under EFU and SF-40, Carla explained about her additions to allow rodeos in their varying forms.

Code Enforcement Program:

Sheriff Ken Matlack was introduced to the Commission. He was in attendance to help the Commission to make recommendations for Code Enforcement to the County Court. There have been some changes to the new Code since it was last presented to the Commission. Carla made a brief presentation as to why the changes are being requested. Ken pointed out some places where the language needed to be changed in order to meet statutory requirements. A numbering problem was discovered. The consent agreement has no provision. Remove this language. Ken asked for questions of comments. He believes that most people will comply with abatement. Carla asked if the Commission can support the changes, direct Staff to write a letter to the County Court endorsing the changes. Joel moved to approve the changes, Art seconded the motion. The Commission passed the approval of the changes unanimously.

Correspondence:

Training for newer members and interested Commissioners. Joel recommended these training sessions as very helpful.

Other Business:

Carla handed out the packet containing the TSP agreements. The Commission will discuss it at the meeting on April 6th.

Adjournment:

The meeting was adjourned at 10:04 pm.



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Minutes of the Morrow County Planning Commission
Tuesday, April 26, 2005 7:30 p.m.
Morrow County School District Building
Lexington, Oregon

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

Member Absent: Art Kegler, Ken Grieb, Ryan Miller

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

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

Roll call was provided by Kristina Gray.

The minutes of the March 29, 2005 hearing were reviewed. There was one change on page two under the Subdivision Ordinance Article 5 Land Partitioning Amendment. The first sentence should read: 5.010 - no change recommended but scratch "shall" in the first part of the sentence. Commissioner Eppenbach moved to approve with minor changes and Commissioner Morter second. Motion carried.

Planning Commission Chair Rea read the Public Hearing Procedures.

Conditional Use Permit CUP-S-214: Albert Wright, applicant and owner. Property is described as tax lot 3502 of Assessor's Map 3S 25. The property is zoned Exclusive Farm Use (EFU) and is located approximately 1.25 miles up Rhea Creek Road from Ruggs, the junction of Highways 206 and 207. Request is to site a "Farmer Jones" dwelling on the subject property for relative farm help. Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.010 and Oregon Revised Statute (ORS) 215.283(1)(e)(A).

Associate Planner Timmons presented the staff report. Commissioner Morter questioned where it says in the staff report it is on high valued farm land. Later the staff report says it isn't high value. Associate Timmons explained that the soil where the dwelling is to be placed is classified as high value farm land but when you look at the parcel as a whole, the majority of the farm is not high value farmland.

David Allen, County Counsel, stated that high value farmland is a premium. Staff was asked where it states that you can take the entire parcel into account.

Commission Chair Rea asked staff if the applicant could place this site on a different piece of property that might have a lower class of soil.

Albert Wright, P.O. Box 276, Heppner, explained that this is less than 1 quarter of an acre. It could be irrigated but hasn't been in the last five years.

David Allen read the definition of high value farmland. The law is trying to deter people from building on high value farmland. A recommendation was given to either get the income up or get a soil test done to determine the actual class of the soils.

Planning Director McLane explained that staff can work with Mr. Wright and the National Resource Conservation Service on getting to where it needs to be.

Commissioner Morter asked for an explanation of number four in the staff report. Staff explained that a farm dwelling cannot be made into a rental. The occupant needs to be assisting in the operation of the farm.

Open the Public Hearing.

No one present to speak in opposition.

Close the Public Hearing.

Commissioner Peterson moved to approve the application. Commissioner Britt second. Motion carried. Mr. Wright will work with Planning staff to determine what tests need to be done.

Land Partition LP-S-345, Conditional Use Permit CUP-S-215 and Variance Request: Stephen Green, applicant and Florence Green, owner. Property is described as tax lots 303 and 3301 of Assessor's Map 2S 26. The property is zoned EFU and is located approximately 3 miles north of Heppner up Dee Cox Road. Request is to partition the 212 acre parcel into two parcels, to allow a variance to the 160 acre minimum lot size for the southern parcel, and to site a "non-farm dwelling" on the northern parcel. Criteria for approval include Morrow County Subdivision Ordinance Article 5 Land Partitioning, MCZO Article 3 Section 3.010, ORS 215.263(5) and 215.284(7) and Oregon Administrative Rule Chapter 660 Division 33.

Planning Director McLane presented the staff report. This application has previously been before the Planning Commission by Mr. Newell. The property has since been given back to the original owners and now the owners are looking to partition the land.

Planning Director McLane presented the Planning Commission with handouts. They were as follows: a letter from the DEQ; a letter from Water Resources about water rights; a letter from NRCS with the soil type on the building site; a letter from adjoining property owners Lois Duvall and Loren Wickersham; and last a letter from Mark Miller.

The Planning Commission took a few minutes to review the handouts.

David Allen suggested that the study area needs to be identified, a legend needs to be put on the map so it is clearly identified what is what, an analysis needs to be added that shows how steep the property is and that it's not a likely spot someone would buy 160 acres for farming.

Need to add facts and figures about the study area. There are four ownerships within that study area. Not sure how many actual operators there are. State statute says to study 2000 acres no matter where, to the north, south, doesn't have to be a circle.

Open the Public Hearing

Sharon Lewis, P.O. Box 589, Heppner, asked if you could just do the division of the property at this time and not the CUP, however, Ms. Lewis was not speaking on behalf of the applicant.

Opposition

Lois Duvall, 33 Touchstone, Lake Oswego, OR 97035, spoke in opposition. Ms. Duvall explained how the property was originally divided. Pictures were presented to show how the fence has been taken out. The access road has been filled with dirt. Ms. Duvall would like to buy five acres north of the road from Mr Green. Ms. Duvall asked that the file she was presenting from the County Court hearing be submitted into the record..

David Allen addressed the record request. It is not specific as to what Ms. Duvall is asking to be included in the record. Planning Director McLane gave an oral overview of what was included in the folder:

- March 4, 2005 letter to Morrow County Court from C.K. Peck
- December 1, 2004 letter to Carla McLane from Loren Wickersham and Lois Duvall
- February 2, 2005 Appeal of Decision letter from William C. Cox to County Court c/o David Allen and Planning Department
- January 24, 2005 letter to same parties from William Cox
- December 22, 2004 letter from William Cox to Planning Department
- A map identifying the Duvall property tax lots 302 and 3300 as well as the subject property of the Newell application
- January 30, 2005 letter to the Morrow County Court c/o David Allen and to the Planning Department from Loren Wickersham pertaining to removal of their fence
- A copy of the Oregon Revised Statutes Chapter 96 on Line and Partition Fences

Ms Duvall amends her previous statement and would like to include what is in the folder as part of the record.

Staff stated that the letter from DEQ asked that site suitability be established for both parcels.

David Allen suggested that some of the facts and figures need to come together and Planning Commission be allowed to review the items that were introduced into the record. The parcel creation date has been removed completely. Land use issue and buffer issue are before us. Sharon Lewis stated that the survey previously done on the property is open to the public and would like to submit that survey as part of the record.

Commissioner Peterson moved to continue this hearing to the Planning Commission meeting June 14, 2005 at 7:30 p.m. at the Morrow County School District Building, Lexington, Oregon. Commissioner Morter second. Motion carried.

Commission Eppenbach moved to include the documents as part of the record. Commissioner Wenholz second the motion for review. Motion carried.

Zoning Ordinance Article 3 Use Zones: This will be the first of at least three hearings to consider changes to Article 3 Use Zones and Article 1 Section 1.030 Definitions of the Morrow County Zoning Ordinance adopted on November 7, 2001. The purpose of the proposed changes is to incorporate approval criteria for rodeos and other related uses into the Rural Residential and Farm Residential Zones. Additionally rodeos, as defined, will be identified as an outright use in the Exclusive Farm Use and Small Farm (40) Zone. Appropriate definitions will be incorporated to provide guidance to applicants and staff

relative to rodeos and related uses. Also to be considered will be language in the Exclusive Farm Use Zone to allow for expansion or relocation of the County Fair and Rodeo grounds as the current language appears to be limiting. Criteria for the amendment is found in the Morrow County Comprehensive Plan, Zoning Ordinance Article 8 Amendments and ORS Chapter 215.

Planning Director McLane explained that the recommendation to delete dude and guest ranch from the Rural Residential and Farm Residential zones is due to the fact that you need to have an actual cattle ranch to qualify for this.

Commissioner Wenholz asked why rodeos are treated different than any other horse event. Planning Director McLane explained size and scope. A horse event does require a Conditional Use Permit. A rodeo as defined is not allowed in Rural Residential or Farm Residential zones. We have density standards. Dude and guest ranches don't fit.

David Allen explained that what the County is trying to regulate here is a mass gathering. The number of humans that will show up and all their associated needs.

David Allen suggested that if you charge a fee to get in then you need a permit.

Commissioner Peterson recommended to make rodeo's an outright use in the Exclusive Farm Use zone and require a Conditional Use Permit in the residential zones.

David Allen explained that ultimately the Commission needs to work on something to send to County Court. David Allen and Planning Director McLane need direction from the Planning Commission as to what direction the Commission would like to go.

Planning Director McLane suggested deleting dude and guest ranch and replace with something that focus on number of people rather than animals.

The Planning Commission was okay with the review criteria. The Commission was okay with the Amend to 28. As for 29 needs to explain the difference between commercial and non commercial.

The Planning Commission will continue this public hearing to June 14, 2005 in Lexington.

Subdivision Ordinance Article 5 Land Partitioning Amendment: This will be the first of at least three hearings to consider changes to Article 5 Land Partitioning of the Morrow County Subdivision Ordinance of 1980 amended on November 7, 2001. The purpose of the proposed changes is to bring the Ordinance into compliance with Oregon Revised Statute and to provide better guidance to staff when processing various land partitioning applications. Criteria for the amendment is found in the Morrow County Comprehensive Plan and Oregon Revised Statutes (ORS) Chapters 92 and 215.

Planning Director McLane needed a decision on 8B. She then read 8A. The Planning Commission talked about just pinpointing the corners.

Judd Coppock, County Surveyor, drew examples on the blackboard of what the three options are.

Planning Director McLane touched on some items that were changed last time. On page two took out the wording about railroad line and topographical constraint. In item C took out some additional language. On page four took out the line about property line adjustment and added a part about departmental review. On page seven on the bottom to page eight says you can't mix a Property Line Adjustment with a Land Partition. On page nine some language was added regarding Land Partition for Financial Purposes.

The Planning Commission continued this hearing to June 14, 2005 in Lexington.

Correspondence:

Planning Director McLane informed the Planning Commission that on May 14th in La Grande there will be a Land Use Planning: Beyond Basics conference. If anyone is interested in going to please contact the Planning Department.

Also, the big packet that was distributed is for the May 4th meeting.

Adjournment:

The meeting was adjourned at 11:05 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, June 14, 2005 at 7:30 p.m. at the Morrow County School District Building, Lexington, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager
1/25/05

Future Meetings:

Joint Work Session: TSP and Code Changes

May 4, 2005, 7:00 p.m., Morrow County School District Building, Lexington, Oregon

PC Public Hearing #1: TSP, Code Changes & Co-adoption

May 11, 2005, 7:00 p.m., Morrow County School District Building, Lexington, Oregon

PC Public Hearing #1: TSP, Code Changes & Co-adoption

May 25, 2005, 7:00 p.m., Stokes Landing Community Center, Irrigon, Oregon

We do anticipate an application for the May meeting. Would the Commission want to stay late or start early on May 25 or consider moving the June meeting to an earlier date? Otherwise the next meeting for regular business is:

PC Public Hearing: Regular Business

June 28, 2005, 7:00 p.m., Morrow County School District Building, Lexington, Oregon



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Wednesday, May 11, 2005 7:00 p.m.
Morrow County School District Building
Lexington, Oregon**

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

Member Absent: Ken Grieb, Jeff Wenholz, Roger Britt, Ryan Miller

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

Chairman Rea called the meeting to order at 7:07 p.m.

Roll call was provided by Kristina Gray.

Planning Commission Chair Rea read the Public Hearing Procedures.

Transportation System Plan Update: The first of at least three hearings to consider the adoption of an update to the Morrow County Transportation System Plan as well as revisions to the Morrow County Zoning and Subdivision Ordinances required to implement the Transportation Plan. The updated Transportation System Plan (TSP) insures that the County's transportation network will be able to serve the entire County over the next 20 years. The proposed Zoning and Subdivision Ordinance revisions include clarifications for private road standards, sight distance requirements, site plan review requirements, gravel road design standards, updated access management standards for County roads, and applicable access management descriptions for state highways. The updated TSP will also insure that the County is consistent with the requirements of the State of Oregon Transportation Planning Rule. Criteria for approval include the Morrow County Comprehensive Plan and the Morrow County Zoning Ordinance Article 8 Amendments. Also to be considered is the co-adoption of the Transportation System Plans for the Cities of Boardman, Heppner, Lone and Irrigon and the Town of Lexington. Co-adoption of the City and Town plans will allow the County to apply city standards in the Urban Growth Areas of each community.

Planning Director McLane started with the Co-Adoption of City Plans. The County would be adopting what the Cities have chosen as a community. The City standards will apply in their Urban Growth Boundaries. The City of Boardman is looking to make changes to their Transportation System Plan in the next couple of years. Planning Director McLane read the last paragraph in the memo dated May 4th regarding letters be sent to the Cities once the Transportation System Plan has been fully adopted.

Commissioner Kegler still has a problem with the 1320 feet turn factors set by the Department of Transportation. Planning Director McLane introduced Barry Beyeler, City of Boardman Community Development Coordinator, to the Planning Commission. Barry explained that the City has two interchanges and the County has jurisdiction over three. Howard Roll explained that an Interchange Management Plan needs to be considered. Barry explained that the City wanted to update the Transportation System Plan and the main reason was due to the interchange problems.

Cheryl Jarvis - Smith, ODOT, said the City of Boardman is working on other Transportation System Plan issues. Planning Director McLane explained that currently the three interchanges in the County are set up to meet the current ODOT standard of 1320 feet. Commissioner Kegler stated these ODOT standards do not make practical sense anywhere in Oregon. Cheryl Jarvis - Smith added that there are standards around driveways as well.

Planning Director McLane added to the plan on page 3-24 that Public Works had performed traffic counts on Tower Road in two places; south of Kunze and between Kunze and I-84. 2600 tics south of Kunze and 3280 tics between Kunze and I-84. Those are pretty high numbers for Morrow County.

Cheryl Jarvis-Smith said the City of Irrigon is looking at applying for a grant but it is for a Downtown Plan and not related to interchanges.

Article 8-Design Standards

Planning Director McLane asked Howard Roll to put a revision date on the next documents.

Article 8 comes out of the Subdivision Ordinance. One change under minimum right-of-way, roadway standard table has changed. Staff will recommend an additional change to remove the Rural Access III standard. The table is the only real change. On item "Q", Access Management includes a simplified table. The County will apply State standards to State facilities. On item "S", Driveways, if a driveway goes onto a State Highway then ODOT standards must be met and if a driveway goes onto a County Roadway it must meet County standards. Public Works has approach standards that need to be addressed. Cheryl Jarvis - Smith questioned cul-de-sacs and asked to cross-reference item E with item I.

Article 4 - Supplementary Provisions

4.010 Access has many additions. The County made the choice to have County Access Standards and not use ODOT's standards. This provides the Planning Department and the Public Works Department something to go on when issuing permits. Howard Roll has a different version of this diagram. Commissioners reviewed the material.

4.020 Site Distance. Howard has made a new table for Intersectional Site Distance. Also added a section that allows uses to be exempt from some requirements.

4.035 didn't change much. Added consent to participate requirement.

4.040 Off Street Parking Requirements. The change is to the table based on an updated manual.

4.045 Bicycle Standards needs to be incorporated into the plan based on the T.P.R.

4.050 Off-Street Parking, G and H are the new additions. Parking for disabled people.

4.060 Design and Improvement Standards. Item C, E, G, H, and I were added or amended. Made some changes to the table. The table was simplified. Added the diagram on the next page.

4.070 Sign Limitations and Regulations. Item D is new based on site distance requirements.

4.160 Standards for Transportation Improvements. We don't permit from the Planning Department but Public Works would require a permit in or adjacent to the right-of-way. Conditional Use Permits is the next section. Added the Land Partition component to construct a private street outside the UGB. Under the Public Works piece add cattle guards and pavement aprons.

4.165 is new. The purpose is to provide Planning Staff with a checklist. The Planning Department would need to go through the process to look at thirteen things before issuing a Zoning Permit. This would be used to provide the customer with information. Commissioner Morter questioned item about four and suggested adding an expiration clause.

4.170 Site Development Review. Only changed item C. Added 20 acres for Industrial development. Commercial development at 5 acres. Planning Director McLane asked the Planning Commission to think about what these thresholds should be?

Planning Commission took a few minutes for a break at 8:47 p.m.

Resumed the meeting at 8:51 p.m.

DRAFT PLAN

Chapter 1: Changes focus on the how's and the why's. The configuration as to what is in each chapter is basically the same.

Chapter 2: Changes have all been incorporated. Added policy 5:11 talks about the County Road Committee.

Chapter 3: There were a lot of changes. Commission questioned the lone - Boardman Road. There doesn't seem to be any language in the new TSP regarding the lone - Boardman Road. Howard Roll mentioned the 7th bullet down talks about the lone - Boardman Road.

Population numbers have been updated. 2004 figures need to be put in there.

On page 3-8 are some issues relative to safety.
Under transportation facilities 3-11 State Highways,
Take out the Irrigon Junction, that's been done.

Updated bridges.

Little bit on lone - Boardman Road on 3-27.
Made appropriate additions to the Port of Morrow System.
Added language to Forest Highways on 3-33.
Heritage Trail has been included in this current document.
Second to the last sentence. Its desired not planned. Has been discussed.

Chapter 4 plans to expand the National Guard at the Bombing Range was updated.
Passed out the maps, figures for the Irrigon Local Street Network.

Access management, recommended standards has been updated.

Chapter 5 deals with options analysis. All projects in the old TSP are gone and all the new projects were added. OTIA is a new funding source.

Chapter 6 most important chapter based on the title. Talks about what the rural gravel standard means.

Chapter 7: funding. Where does it come from and where does it go.

Chapter 8: put the Regulation and Ordinance modifications into place. Put in appendix.

Chapter 9: referenced the current TPR. At time of adoption file a copy of the TPR for reference for staff.

Planning Director McLane handed out Transportation Impact Analysis Guidelines. Also provided were the proposed amendments to the Comprehensive Plan.

Correspondence:

On June 6th a quorum is needed to join the Heppner Planning Commission meeting in the evening. This will be the first of two Public Hearings for a Heppner UGB Expansion for the Fairgrounds property.

A letter was handed out from a Wheeler County resident regarding the Kinzua Road Restoration.

Adjournment:

The meeting was adjourned at 10:27 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, June 14, 2005 at 7:30 p.m. at the Morrow County School District Building, Lexington, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager
1/25/05



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**Minutes of the Morrow County Planning Commission
Wednesday, May 25, 2005 7:00 p.m.
Stokes Landing Community Center
Irrigon, Oregon**

Members Present: Leann Rea, Don Eppenbach, Anne Morter, Joel Peterson, Jeff Wenholtz

Member Absent: Art Kegler, Ken Grieb, Roger Britt, Ryan Miller

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

Chairman Rea called the meeting to order at 7:15 p.m.

Roll call was provided by Kristina Gray.

The May 11, 2005 minutes were reviewed. There were a few minor corrections on page two and page four. Commissioner Eppenbach moved to approve with corrections. Commissioner Morter second. Motion passed unanimously.

Planning Commission Chair Rea read the Public Hearing Procedures.

Transportation System Plan Update: The second of at least three hearings to consider the adoption of an update to the Morrow County Transportation System Plan as well as revisions to the Morrow County Zoning and Subdivision Ordinances required to implement the Transportation Plan. The updated Transportation System Plan (TSP) insures that the County's transportation network will be able to serve the entire County over the next 20 years. The proposed Zoning and Subdivision Ordinance revisions include clarifications for private road standards, sight distance requirements, site plan review requirements, gravel road design standards, updated access management standards for County roads, and applicable access management descriptions for state highways. The updated TSP will also insure that the County is consistent with the requirements of the State of Oregon Transportation Planning Rule. Criteria for approval include the Morrow County Comprehensive Plan and the Morrow County Zoning Ordinance Article 8 Amendments. Also to be considered is the co-adoption of the Transportation System Plans for the Cities of Boardman, Heppner, Lone and Irrigon and the Town of Lexington. Co-adoption of the City and Town plans will allow the County to apply city standards in the Urban Growth Areas of each community.

Planning Director McLane was asked to give an overview of what will be reviewed. Co-Adoption of City Plans, the memo was resent with an update in the beginning. ODOT rules state the County is responsible for coordination and part of that coordination is accomplished through co-adoption of City plans and applying those City standards in areas that ODOT will at

some time occupy. There was discussion as to what standard these roads should be built. The City of Boardman feels the roads should be built to the City standard. Commissioner Eppenbach disagrees. He feels it should be built to the higher standard regardless of whose standard it is. Planning Director McLane indicated that the County Court, upon adoption, should direct Planning Staff to send letters to each of the cities stating the County is going to co-adopt the cities plan, these are the County's concerns and we want to work with the cities as they go through future amendments to make these standards work better not only for the city but for the County and that interface area.

Cheryl Jarvis - Smith, ODOT, talked about street standards on neighborhood local streets. The cities are looking at ways to make neighborhood streets accessible for the traffic as well as the children that will be living in that area.

Howard Roll explained that the whole purpose of the skinnier standard is to strike a balance between needing to move and needing safety for residents and children. Research shows that if someone is hit by a car going 40 mph you are likely to die but 20 - 25 mph you typically get injured but not death.

ARTICLE 8 - Changes to Subdivision Ordinance

Made a change to the table, a typographical error. Took out Rural Access III and a mislabel in Rural Access I and II. There was a request to connect E and I. A piece was put into section I that refers back to section E. Changes primarily in Access Management piece on page four. Added the language referring to the 1320 feet part, ODOT thought we were too restrictive in our language. Howard Roll will incorporate the language from ODOT about providing access and will also change the Oregon Highway language.

ARTICLE 4

Page two under item F there was a change. The same change as in Article 8. The diagram on page 4 is better.

Definition of radius is not included in this section. Howard suggested taking out the word radius and replacing it with 15 feet minimum.

There were no changes in site distance piece.

There was a change to the table on page eight. Took out the other column.

BOA should be defined throughout. TIA should also be defined.

In 4.160 Public Works needs to know when a property owner is going to change something relative to the roadway.

Cheryl suggested inserting the language that states, Emergency measures necessary for the safety and protection of property. Also insert the wording, Except where otherwise specifically regulated by and insert the ordinance number.

Judge Terry Tallman would like to sit down with Planning Director Carla McLane, Public Works Director Burke O'Brien, and Doug Ferguson to finish up the language.

4.165

This is a brand new section. This is the portion where in the office staff does not take the time to check things like the flood plain map before issuing a zoning permit.

Associate Planner Lori Timmons passed out an email from Gary Neal with Port of Morrow and Planning Director McLane. Gary is supportive of a ministerial review.

Planning Director McLane explained that currently we don't have a strong ministerial review checklist. The current code does not give good advice or direction.

Planning Commission decided to return to the original language that talks about the 100 acre threshold for Industrial and not even mention the Commercial.

Cheryl Jarvis Smith, ODOT, explained that the Governor is very interested in everyone thinking

Oregon is open for business.

TSP

Chapter 3 "Existing Conditions". There were a lot of refinements throughout this chapter. Tried to work with Commissioner Peterson's concerns with safety along the North - South connectivity. Associate Planner Timmons passed out a letter from the Navy. If the Bombing Range Road was not accessible, residents of Morrow County would have no access to the south end of the County without leaving the County to get there. Planning Director McLane read from the TSP on page 3-3 middle of the page. It says, "County ownership of Bombing Range Road should be pursued as it is the only north - south connection in the County. The bullet right below that states, "In addition to Bombing Range Road, the County roadway system needs an additional north - south connection between Boardman and Lone for general connectivity and emergency access needs, the second route has historically been referred to as the lone - Boardman road. The existing impediments to transfer the Bombing Range road to the County magnify the importance of lone - Boardman road as a second north - south connection, however, there are also impediments against constructing the lone - Boardman road. The County has acquired a dedicated right-of-way that would allow construction of a road, Tower Road extension, connecting the southern end of Tower road to Highway 74 near Cecil. This indirect alignment will be beneficial for circulation of emergency access would not fully meet the need for a second north - south connection.

Commissioner Eppenbach asked who currently owns the easement down Bombing Range Road. Planning Director McLane replied that the Navy owns that easement.

Rich Melaas, Navy, asked to take out the word "tank".

Also updated the table from 2000 to 2004.

Page 3-10 added additional safety issues there.

Table 3-4 took out the Irrigon 730 project since it has already been completed.

On page 3-17 need to place a key or write out East bound and West bound.

Page 3-23 Howard is still working on that relates to the 30th hour.

Page 3-28 added some additional language relative to the north - south connection.

Page 3-34 there is a change under the U.S. Forest Service roads. Clarification has been received from Burke O'Brien.

Page 3-36 enters into transit and para transit, made a few changes but haven't had Ginger O'Brien look at it yet.

Under public transit there is no public transit.

Chapter 4 add some more language on that.

Page 4-5, VC piece again and 30th hour language that Howard continue to work with ODOT on.

Page 4-19 the 1320 feet language will be updated to better reflect the Oregon Highway Plan language.

Chapter 5, took out the ODOT 730 project.

Cleaned up some things in the tables.

Page 5-10. Based on Cheryl's recommendations, we added the Union Pacific Overpass on Tower Road.

Cheryl explained that Planning Director McLane will review with the Port that they have read this language.

Chapter 6 TSP

Continue to work on defining what Rural Access means.

Page 6-6 the paragraph with the 1320 feet. Howard is going to fix it with Oregon Highway Plan language and cut and paste throughout the rest of the document.

Page 6-12 gets into specifics about lone - Boardman road.

Page 6-8. The table doesn't have a table number. Need to look at item C on the table, we don't have a trigger for a Planning Commission review. Planning Director McLane thinks that line should come out.

In the back, Page 6-20 EB/WB is in the table.

Olson road is not spelled with an e.

Table 6-11 on page 6-25. Put in some Heritage Trail pieces in this table. Non vehicular items should be put in there.

Chapter 8 moving that to appendix E.

Chapter 9 is a comparison between the Transportation Planning Rule and our plan and ordinances. Whether we comply with the TPR or not.

Appendix C was prior to Doug's changes. Planning Director McLane presented a new copy of this with changes that Doug had recommended and most of them were related to slopes and two new notes on the bottom.

Don't have Appendix E which is summary of the proposed changes to the Subdivision and Zoning Ordinances which are Article 4 and Article 8 that was reviewed earlier.

Last thing all of the figures. These go in the place holders.

Cheryl is asking for an Appendix F that includes the Oregon Highway Plan Standards that include diagram of the 1320 feet.

Commissioner Eppenbach moved to forward all documents to the County Court with a recommendation to approve with the changes discussed this evening. Commissioner Morter second the motion. The County Court hearing will be in the afternoon of June 8, 2005 at 1:00 p.m. At the Stokes Landing Community Center. Motion carried.

Correspondence:

Planning Director McLane informed the Planning Commission that LUBA did make a decision. County Court needs to make a decision now and then she will forward that on to the Planning Commission.

Adjournment:

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

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, June 14, 2005 at 7:30 p.m. at the Morrow County School District Building, Lexington, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager
1/25/05



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**Minutes of the Morrow County Planning Commission
Tuesday, June 14, 2005 6:30 p.m.
Morrow County School District Building
Lexington, Oregon**

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

Member Absent: Ken Grieb

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

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

Roll call was provided by Kristina Gray.

The April 26, 2005 minutes were reviewed. There were minor corrections. Commissioner Eppenbach moved to approve the minutes with corrections. Commissioner Morter second. Motion carried.

Planning Commission Chair Rea read the Public Hearing Procedures.

Urban Growth Boundary Expansion: Morrow County and the City of Heppner, JOINT APPLICANTS. Property is described as tax lot 4200 of Assessor's Map 2S 26. Subject property is zoned Exclusive Farm Use and is located outside the City of Heppner Urban Growth Boundary. The general location is at the County Fairgrounds on the east side of Heppner on State Highway 74. Applicable criteria for approval include the Morrow County Comprehensive Plan, Morrow County Zoning Ordinance (MCZO) Section 8 Amendments, and Statewide Planning Goal 14 Urbanization.

This application has been withdrawn.

Land Partition LP-S-345, Conditional Use Permit CUP-S-215 and Variance Request: Stephen Green, applicant and Florence Green, owner. Property is described as tax lots 303 and 3301 of Assessor's Map 2S 26. The property is zoned EFU and is located approximately 3 miles north of Heppner up Dee Cox Road. Request is to partition the 212 acre parcel into two parcels, to allow a variance to the 160 acre minimum lot size for the southern parcel, and to site a "non-farm dwelling" on the northern parcel. Criteria for approval include Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning, MCZO Article 3 Section 3.010, ORS 215.263(5) and 215.284(7) and Oregon Administrative Rule (OAR) Chapter 660 Division 33.

Planning Director McLane explained this application was previously reviewed at the April 26, 2005, hearing and with the Planning Commission's approval, Planning Director McLane reviewed the changes only.

Note for the record that Commissioner Miller and Commissioner Kegler arrived at 6:42 p.m.

On page 6, changed some language relative to the definition of intensively farmed. Some changes were made to the study area from the last staff report. There has been no new development in the study area since 1993. This study area contains Class VII soil. A letter received from DEQ stated that they had a difficult time finding a location for a septic system. DEQ recommended making site suitability as a Condition of Approval for both proposed parcels.

Open the Public Hearing

Steven Green, 1226 NW Horn, Pendleton, Oregon spoke as the applicant. He has been discussing with Ms. Duvall and Mr. Wickersham the problems with this property. They have potentially come to agreement that a lot line adjustment will be applied for to transfer property north and west of Dee Cox Road from Mr. Green to Ms. Duvall and Mr. Wickersham. As part of that agreement Ms. Duvall and Mr. Wickersham will not protest against a non farm dwelling south of Dee Cox Road. Mr. Green contacted DEQ regarding site suitability for this parcel. For this proposed site it will be site specific and not parcel specific. Mr. Green asked that Condition of Approval three be moved to a Subsequent Condition of Approval. Planning Director McLane responded that she doesn't have a problem to make this a subsequent condition of approval. Mr. Green commented that he does not have a problem with Condition of Approval four and would gladly realign the right-of-way. Planning Director McLane presented a letter received from Mr. Wickersham.

Lois Duvall, 33 Touchstone, Lake Oswego, Oregon. She expressed her concern that the dwelling be placed at least one quarter of an mile away from the farming operation.

Judd Coppock, Morrow County Surveyor, stated it may not be possible to site a dwelling one quarter of a mile from the farming operation. Mr. Green stated that any house south of Dee Cox Road will be less than a quarter mile. The buffer and access road should satisfy any concerns.

Loren Wickersham, 8000 S.W. Sixth Ave. Portland, Oregon. Mr. Wickersham pointed out that the measurements for the property were not right on the survey that was done.

Commissioner Peterson explained that the decision being made tonight is on land use laws and not on their agreement.

Judd Coppock explained that there was a typo on the legal description within the survey that was referenced (although not a part of this proceeding). An affidavit of change is in the process.

Mr. Green stated that if the Planning Commission chose to require a buffer, anywhere on the south side of Dee Cox Road should be acceptable. Also, the letter that was received from Mr. Wickersham is not complete. The portion that was written by Mr. Green was actually a two

page letter and only one page is included.
Close the Public Hearing.

If Mr. Green is going to sell the 6.25 acres to Ms. Duvall and Mr. Wickersham, the property line adjustment would need to be done before the final plat is finished. The road inconsistencies, Judd Coppock has been retained as surveyor for the Green's and will make those corrections. This would need to be done by deed.

Judd Coppock showed David Allen the piece of Dee Cox Road that is being discussed. Morrow County holds Dee Cox Road by deed. A small portion of the road is not within the right of way.

Chair Rea suggested making the Property Line Adjustment condition three and eliminate condition four. The County and the Property Owners need to resolve the road issue.

Commissioner Eppenbach moved to approve with the conditions as described. Submit a preliminary and final partition plat, add new condition three regarding the property line adjustment, move the site suitability to the subsequent conditions, and strike number four. Staff will make adjustments to the staff report to reflect those changes. Commissioner Miller second.

Commissioner Kegler asked for clarification on whether condition three would or would not move the road. Planning Director McLane explained that the road will stay where it is. If any adjustments are to be made, that will have to be between the County Court and Mr. Green. Motion carried.

Conditional Use Permit CUP-N-216 and Land Partition LP-N-346: Jim A. Dickey and William A. Rehder, applicant and owner. Property is described as tax lot 900 of Assessor's Map 4N 25 18. The property is zoned Small Farm 40 (SF 40) and is located approximately 2 miles west of Boardman on the corner of Peters Road and Wilson Lane. Request is to partition an approximately 80 acre parcel into two parcels and to site a "non-farm" dwelling on the smaller parcel proposed to be approximately two acres. Criteria for approval include MCSO Article 5 Land Partitioning, MCZO Article 3 Section 3.010, ORS 215.263(5) and 215.284(7) and OAR Chapter 660 Division 33.
Commissioner Kegler represents the buyer of this property and would like to declare a conflict of interest.

Planning Director McLane presented the staff report. There hasn't been a dwelling on this parcel since before 1993. Commissioner Eppenbach questioned item three regarding site suitability. This will be placed under subsequent conditions. David Allen, County Counsel, asked why this is a non-farm dwelling. The grandfathered right is gone. This site does not meet the acreage criteria or the income test therefore the applicant must go through the non-farm dwelling process.

Open the Public Hearing

David Hadley, Attorney, spoke on the applicants behalf. An ariel photo of the property was displayed for the Planning Commission. The property owner has a septic installer already lined up and agrees with the Conditions of Approval. The applicant is trying to keep the non-farm parcel as small as possible.

Jim Dickey, Pendleton, has no problem with the conditions. He has contacted DEQ .

Closed the Public Hearing

Planning Director McLane reviewed the Conditions of Approval. Chair Rea questioned condition six regarding the frontage issue. Peters Road is the proposed access. Commissioner Peterson asked to insert language in the staff report that access onto Wilson Lane from the non-farm dwelling parcel will be limited.

Commissioner Peterson moved to approve the application striking condition six and adding language relative to the 130 feet. Commissioner Morte second. Motion carried.

Land Partition LP-N-347: Emilio and Leone N. Luna, applicant and owner. Property is described as tax lots 306 and 312 of Assessor's Map 5N 26 26. The property is zoned Rural Residential (RR) and is located approximately 2 miles west of Irrigon along West Eighth Road, south of Columbia Lane. Request is for a Property Line Adjustment which effects parcel 1 of Partition Plat 1999-14, so is therefore being treated as a replat. Affected acreage is about 5.25 acres. Criteria for approval is MCSO Article 5 Land Partitioning.

Planning Director McLane presented the staff report. This property was previously platted so, while the request is for a Property Line Adjustment, it must be treated as a replat. A copy of an email from Tony Justus, Watermaster, was presented to the Planning Commission in reference to the water rights. Strike Item G as it will not appear on the final version.

Open the Public Hearing

Marcella Aispuro, 30829 Baggett Lane, Hermiston, spoke in favor of this application.

Closed the public hearing.

Commissioner Kegler moved to approve the application with the conditions as presented. Commissioner Morte second the motion. Motion carried.

Conditional Use Permit CUP-S-217 and Land Partition LP-S-348: Travis and Tiffanie Greenup, applicant and Barry and Mary Ann Munkers, owner. Property is described as tax lot 5700 of Assessor's Map 1S 25. The property is zoned Exclusive Farm Use (EFU) and is located approximately 3.5 miles southeast of Lexington on Clarks Canyon Road. Request is to partition a 257 acre parcel into two parcels and to site a "non-farm" dwelling on the smaller parcel proposed to be approximately two acres. Criteria for approval include MCSO Article 5 Land Partitioning, MCZO Article 3 Section 3.010, ORS 215.263(5) and 215.284(7) and OAR Chapter 660 Division 33.

Commissioner Miller declared a conflict of interest on this application.

Associate Planner Timmons presented the staff report. A copy of a letter from Connie Holmquist was presented to the Planning Commission regarding the soil type on this property.

Barry Munkers, Lexington, spoke in favor.

Travis Greenup, Lexington, explained there is a farm road access to this property. Planning Director McLane explained that with the change in use this access will need to be improved to a residential access standard.

Close the Public Hearing.

Planning Director McLane made a change on page two. The owner, not the applicant, should sign and record.

Commissioner Kegler moved to approve with changes. Commissioner Eppenbach second. Motion carried.

Planning Commission paused for a short break and resumed the meeting at 8:55 p.m.

Conditional Use Permit CUP-N-218: Threemile Canyon Farms, applicant and BAIC, owner. Subject property is described as tax lot 112 of Assessor's Map 3N 23 and is part of a larger tract of land. The property is zoned Exclusive Farm Use (EFU) and the subject property is located approximately 15 miles to the west and south of Boardman. Request is to site a facility that will produce ethanol, utilizing renewable energy in the form of steam and power produced by TMF Biogas, LLC. Criteria for approval include MCZO Article 1 Definitions, Article 3 Section 3.010 Exclusive Farm Use and Article 6 Conditional Uses.

Planning Director McLane presented the staff report. The hearing to annex Threemile Canyon Farms into the Rural Fire Protection District will be held on Wednesday evening, June 15th. An email received from Tony Justus, Watermaster, was presented to the Planning Commission.

Open the Public Hearing.

Marty Myers, General Manager Threemile Canyon Farms, spoke as the applicant. This is another economic development opportunity for the County. Currently the farm purchases protein supplements to feed their dairy cows. With this ethanol plant, it will allow the farm to process their own and feed that protein supplement to their cattle. With this facility they will not have to purchase as much corn from the Midwest and have it shipped here. The ethanol facility will be powered by the methane digester. Marty Meyers explained that this construction could be a twenty million dollar project. The farm will continue to use local contractors and once completed it could possibly create five to ten full time positions. This facility will require building permits and will not qualify for Ag-exempt.

Jeanette Logan, lone, spoke in opposition. Her concerns with the Threemile Canyon Farms operation included how will the farm prohibit toxic fumes from getting into the water and air; who will pay for the upkeep on roads; how much additional water will be used and where will it come from; how does the farm plan to prevent carbon dioxide from getting into the air?

Marty Myers addressed her concerns.

Allison Ogden, lone, spoke in opposition. She read a letter she found on the internet from a lady that lives near an ethanol plant.

Planning Director McLane made a comment regarding the farm being an industrial operation. Farming in the State of Oregon no matter what the size is still looked at as farming.

Marty Myers addressed several concerns including the air quality issues. Currently the farm is required to file for an air permit through DEQ just as they did with the Methane Digester. Currently the farm is regulated by the Department of Agriculture under their "CAFO" permitting program with semi-annual inspections as well as annual reports that need to be submitted. Their Wastewater Management Plan states that currently there is zero discharge allowed. The Nitrate levels on the farm showed a decline on 75 % of their circles. The farm has not yet identified their total water needs for this facility. In review they felt the water supply they have today permitted for industrial use will be adequate for building this plant. The farm has a limit of nine wells for industrial purposes currently allowed on the property. To date they have only drilled four industrial wells. There has been debate as to whether they can still be considered a farm. Everything that happens on the farm is a farm activity. They are a closed loop system. They take in a lot of product from the surrounding areas that are considered a waste and they use that waste. There will be no impact to the wildlife area. Marty explained that by growing their own corn that would be processed in this facility they know what they are getting. You can't control what you receive when it's being shipped from the mid-west. They will not plant or grow any genetically modified crop of any sort on the farm. Many of their crops are grown organically. The adjacent feeding operations are feeding beef animals that go to Oregon Country Beef. They can not have genetically modified corn. The language barrier was addressed. The farm is providing English as a second language and Spanish as a second language classes for their employees. Both Blue Mountain Community College and the State of Oregon are helping to provide these language classes. For both the Ethanol Plant and the Methane Digester they will have professionals managing the projects and overseeing operations.

Close the Public Hearing.

Staff reviewed the Conditions of Approval.

Delete the word "corn" and replace with "materials".

Commissioner Kegler moved to approve with changes to the Conditions of Approval.

Commissioner Eppenbach second. There was a seven to one vote. Commissioner Morter, no; Commissioner Eppenbach, yes; Commissioner Wenholtz, yes; Commissioner Britt, yes; Commissioner Peterson, yes; Commissioner Kegler, yes; Commissioner Miller, yes; Chair Rea, yes. Motion carried.

Zoning Ordinance Article 3 Use Zones and Subdivision Ordinance Article 5 Land Partitioning Amendment: See memorandum to Planning Commission concerning continuing these two actions to the July 26, 2005, Planning Commission meeting scheduled for regular business.

Commissioner Peterson moved to continue this to the July 26 meeting. Commissioner Kegler second. Motion carried.

Audience Participation

There was no audience participation.

Correspondence:

Planning Director McLane informed the commission about the upcoming OPI annual conference.

Morrow County may see another dairy. Eric Mogenberg said there is a new dairy in the works near the Potlatch tree farm.

Other Business

No other business.

Adjournment:

The meeting was adjourned at 10:55 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, July 26, 2005 at 7:30 p.m. at the North Morrow County Annex, Irrigon, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Tuesday, July 26, 2005, 7:30 p.m.
North Morrow County Annex
Irrigon, Oregon**

Members Present: Don Eppenbach, Jeff Wenzholz, Ken Grieb, Art Kegler, Roger Britt, Joel Peterson,

Member Absent: Leann Rea, Anne Morter, Ryan Miller

Staff Present: Carla McLane, Planning Director; Kristina Gray, Office Manager

Vice-Chair Eppenbach called the meeting to order at 7:37 p.m.

Roll call was provided by Kristina Gray.

The minutes of the May 25, 2005 and June 14, 2005 meetings were reviewed. Commissioner Kegler requested to change the June 14, 2005 minutes to reflect Commissioner Kegler and Commissioner Miller arrived late to the meeting and were in attendance. Commissioner Grieb moved to approve both the May 25, 2005 and the June 14, 2005 minutes with the corrections being made to the June 14, 2005 minutes. Commissioner Kegler second the motion. Motion carried.

Planning Commission Vice-Chair Eppenbach read the Public Hearing Procedures.

Land Partition LP-N-349: Cecil and DeElva Rock, applicant and owner. Property is described as tax lot 300 of Assessor's Map 5N 26 25B. The property is zoned Suburban Residential (SR-1A) and is outside the City of Irrigon Urban Growth Boundary (UGB). It is located just west of Irrigon south of Idaho Lane, between Second and Third Roads. Request is to partition a two acre parcel from the nine acre parent parcel. Criteria for approval is the Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning.

Commissioner Wenzholz mentioned that his father is an adjoining land owner but this will not effect his decision.

Planning Director McLane presented the staff report. A letter from DEQ regarding site suitability was provided to the Planning Commission. ODOT would not allow access onto Highway 730 so access will need to be provided across the parent parcel to Idaho. The access easement will be listed as a Condition of Approval and will require an Access Permit. A letter from the Water Resources Department was provided to the Planning Commission. We have not received a letter from WEID as of yet. The Planning Department should start receiving letters from WEID as they are changing their procedures.

Commissioner Kegler wanted to clarify that the entire parcel is zoned two acre minimum. The parcel is two acre zoning and the intent of use is residential.

Open the Public Hearing.

Cecil Rock, 245 W. Idaho, Irrigon, thanked the commission for their time and consideration of this application.

Closed the Public Hearing.

Commissioner Kegler moved to approve the application as presented. Commissioner Wenholz second the motion. Motion carried subject to the conditions listed.

Land Partition LP-N-350: Tim and Erna Bevington, applicant and owner. Property is described as tax lot 5500 of Assessor's Map 5N 27 21A. The property is zoned Rural Residential (RR) and is outside the City of Irrigon UGB. It is located east of Irrigon south of Highway 730, off Rand Road. Request is to partition an eight acre parcel into three parcels, each meeting the two acre minimum. Criteria for approval is MCSO Article 5 Land Partitioning.

Planning Director McLane presented the staff report. Mr. Bevington provided a third map tonight that indicate what his desires are. The applicant is requesting that the third parcel be created as a flag lot. A road name will need to be presented and approved by the Planning Department before the application will be completed. Umatilla Electric Cooperative sent a letter and a map indicating where services are located in relation to this property. The electric services are located on the southern boundary of the proposed parcels. A letter from the Water Resources Department was presented to the Planning Commission. Staff is recommending the road be dedicated. Applicant is wanting to create a flag lot.

Commissioner Kegler asked to look at the UEC map to see where the access road is coming from and where the potential road would be.

Open the Public Hearing.

Tim Bevington, 32278 Diagonal Road, Hermiston, spoke in favor. Mr. Bevington discussed the easement to the south of the parcel that was vacated. The northern easement was created in 1930 as an easement for WPA. Tim is in the process of purchasing that easement. If the proposed road way is put through beyond this property to the east Mr. Bevington indicated that it would be about 15 feet away from the neighbors house.

Judd Coppock, County Surveyor, asked if the original plat included this strip to the north. This would be a replat since it is changing the configuration. The surveyor of record should pick up what was on the 1999 map in regards to the easements.

Closed the Public Hearing

Commissioner Kegler wanted to clarify whether this is a land partition or a replat. This would technically be a replat; the final Partition Plat will need to reflect both actions.

Burke O'Brien, Public Works Director, shared that the County has purchased right-of-way from property owners in the past. He shared that he struggles with the County taking right-of-way

from property owners without compensating them. Commissioner Peterson would like to offer the County Court the opportunity to purchase this potential access. Mr O'Brien is in agreement with the TSP; he is opposed to how the county obtains right-of-way. Planning Director McLane is willing to take this to County Court for consideration and bring this application back to the August meeting.

Mr. Bevington indicated that he is capable and willing to buy the 1.22 acre piece of property and make it a gravel road for access.

Commissioner Kegler moved to continue the application to the August 30, 2005 meeting with the suggestion of Planning Director McLane and the applicant going to the County Court to see if the County would be willing to purchase the access road. Commissioner Wenholz suggested to make this on condition that the applicant provides he has legal access to this property. Commissioner Kegler accepts the amendment. Commissioner Peterson second the motion. This is a friendly amendment; Commissioner Peterson accepts this amendment. Motion carried.

Subdivision Ordinance Amendment: This will be the third of at least four hearings to consider changes to Article 5 Land Partitioning of the MCSO of 1980 amended on November 7, 2001. The purpose of the proposed changes is to bring the Ordinance into compliance with Oregon Revised Statute and to provide better guidance to staff when processing various land partitioning applications. Criteria for the amendment is found in the Morrow County Comprehensive Plan and ORS Chapters 92 and 215.

Planning Director McLane briefed the Planning Commission on what has happened to date on this rework of the land partitioning section of the Subdivision Ordinance. On page four, the decision has to do with large parcel partitioning. The Planning Commission needs to decide if under item "h" option a or b should be added. They are as follows:

- a. When a partition would create parcels greater than eighty acres or when not required by the Morrow County Subdivision Ordinance, the partition need not be surveyed or monumented, but must be platted using the best available information. The approximate acreage of each unsurveyed parcel will be shown and any unsurveyed parcel will have the words "UNSURVEYED" placed in bold letters adjacent to the parcel number. Unsurveyed parcels need not comply with ORS 92.050(5), (7), and (8)."
- b. When a partition would create parcels greater than eighty acres the partition exteriors shall be surveyed and monumented.

A third option would be to choose neither option which would require all partitions, regardless of size, be fully surveyed and monumented. Bill Wells, local surveyor, provided comment.

Judd Coppock, County Surveyor, spoke to the Planning Commission about his thoughts on the size of parcels that would need to be surveyed. It doesn't matter where the fence is, as a surveyor you have to know where the corner is. Judd suggested having different classes of partitions. Commissioner Kegler asked for the practical aspect of this. Until someone disputes the fence line then there would be no conflict. Judd says you need to look at why that fence was built. You find that out when you do a survey. The reason for the fence being there is important.

Commissioner Peterson moved to approve having the threshold for a survey be the minimum parcel size in the EFU and FU zones (160 in EFU and 240 in FU). Commissioner Grieb second

the motion. Commissioner Kegler, No; Commissioner Peterson, Yes; Commissioner Wenholz, No; Commissioner Grieb, Yes; Commissioner Britt, No. Motion failed. Commissioner Grieb moved to keep at current 80 acre threshold, or option a. Commissioner Britt second. Commissioner Peterson, Yes; Commissioner Kegler, Yes; Commissioner Wenholz, No; Commissioner Grieb, Yes; Commissioner Britt, Yes. Motion passed.

Planning Director McLane asked the commission to consider what to do with this piece in it's entirety. Commissioner Peterson recommended sending to County Court for adoption. Commissioner Grieb second. Commissioner Kegler suggested a friendly amendment to allow wordsmithing be done by staff and Commissioner Eppenbach as long as the intent is not changed. The Planning Commission was in agreement with this amendment. Motion carried.

Zoning Ordinance Amendment: This will be the third of at least four hearings to consider changes to Article 1 Section 1.030 Definitions, Article 3 Use Zones and Article 6 Conditional Uses of the Morrow County Zoning Ordinance (MCZO) adopted on November 7, 2001. The purpose of the proposed changes is to incorporate approval criteria for horse events and other related uses into the Rural Residential and Farm Residential Zones. Additionally rodeos, as defined, will be identified as a conditional use in the EFU and Small Farm (40) Zone. Appropriate definitions will be incorporated to provide guidance to applicants and staff relative to rodeos, horse events and other related uses. Also to be considered will be language in the EFU Zone to allow for expansion or relocation of the County Fair and Rodeo grounds as the current language appears to be limiting. Criteria for the amendment is found in the Morrow County Comprehensive Plan, MCZO Article 8 Amendments and ORS Chapter 215.

Planning Director McLane recommended discussing this at the August meeting. Staff is not clear on what the objective is – to regulate the event, people or impacts. Commissioner Peterson feels rodeos should be an outright use in the EFU zone. It's fine if property owners are making money from hosting an event. It was discussed that when people pay their entrance fees the event has now turned into a commercial operation. Commissioner Kegler commented that this is for neighborhood rodeos not commercial rodeos. Planning Director McLane read from the Zoning Ordinance the current definition of farm use. She suggest amending the definition of Farm Use. Our definition of Farm Use doesn't address equine uses. Commissioner Wenholz has a problem with allowing this use outright in the EFU zone. Would have the same problems whether they were going to his house or the house down the road – the same dust, noise, traffic. Commissioner Peterson likes the idea of adding equine to the farm use. Vice-Chair Eppenbach recommended changing a rodeo to a professional organization. Commissioner Peterson feels it should only be allowed outright in a EFU zone and add equine. It should not be restricted in the EFU Zone.

The Commission discussed changing the definition of Farm Use and not address rodeos except the county fair and rodeo grounds. A definition of rodeo is needed. This will be addressed at the August 30, 2005 meeting. The consensus of the Planning Commission was to allow outright in the EFU zone and require a Conditional Use Permit in the other zones.

Commissioner Grieb moved to continue this matter to the August 30, 2005 meeting. Commissioner Wenholz second the motion. Motion carried.

Audience Participation

No audience participation at this time.

Correspondence:

"Curbing Parking" an article from Governing magazine was provided to the Planning Commission.

Planning Director McLane discussed "The Commissioner" a publication by the American Planning Association for Planning Commission members. We are considering purchasing this for the Commission. Please let us know your thoughts at the August meeting. If the Commission would like to receive this, the department would subscribe.

Judson Coppock, County Surveyor, has asked County Court to support monumentation. If you disturb a monument you need to replace it.

Planning Director McLane explained that WEID changed their policy concerning review of Partition Plats. They were charging \$350 to review and sign a plat, hiring an engineer to do this work. Mr. Coppock brought his concerns forward to the County Court initiating a discussion between County and WEID staff. A review of the policy was done and the WEID Board did amended their policy and lower the fee to \$50 for review.

A Natural Resources draft pilot was presented to the Commission. Planning Director McLane asked the Commission to review and comment by the middle of August.

Other Business

Hellberg v. Morrow County – LUBA Remand Hearing scheduled for August 10, 2005

Adjournment:

The meeting was adjourned at 10:09 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, August 30, 2005 at 7:30 p.m. at the Morrow County School District Building, Lexington, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager

NOTE: Change in meeting location for the August 30th Public Hearing. The School District Building is not available. The meeting has been relocated to the North Morrow County Annex Building.



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**Minutes of the Morrow County Planning Commission
Tuesday, August 30, 2005 7:30 p.m.
North Morrow County Annex
Irrigon, Oregon**

Members Present: Leann Rea, Don Eppenbach, Jeff Wenholz, Ryan Miller, Ken Grieb, Anne Morter

Member Absent: Art Kegler, Roger Britt, Joel Peterson

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

Chair Rea called the meeting to order at 7:30 p.m.

Roll call was provided by Kristina Gray.

The minutes of the July 26, 2005 meeting were reviewed. Commissioner Grieb moved to approve the minutes. Commissioner Eppenbach second the motion. Motion carried.

Planning Director McLane recommended hearing Hendergart's Hardship Variance application first as staff wanted a moment to confer on the Bevington application prior to the hearing. The Commission agreed.

Planning Commission Chair Rea read the Public Hearing Procedures.

Hardship Variance: John and Ellen Hendergart, applicant and owner. Property is described as tax lot 1409 of Assessors Map 4N 25 15. The property is zoned Farm Residential (FR) and is outside the City of Boardman UGB. It is located about one mile east of Boardman near the intersection of Wilson Lane and Miller Road. Request is to site a manufactured home to serve as a Hardship Dwelling. Criteria for approval is MCZO Article 4 Section 4.130 and Article 7 Section 7.020.

Planning Director McLane presented the staff report. This application as well as other hardship variances will be reviewed each February. Chair Rea asked about the 30 day rule on removing the hardship dwelling once the need is gone. Planning Director McLane explained that this is part of the regulations and the Planning Department will work with the applicant if difficulties arise. We do not want this dwelling to become a rental.

Open the Public Hearing

Ellen Hendergart, 71136 Hendergart Lane, Boardman, asked if anyone has questions or needs further information.

Close the Public Hearing.

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

Planning Commission took a break at 7:47 p.m.

Resumed the meeting at 7:57 p.m.

Continued from July 26th Land Partition LP-N-350: Tim and Erna Bevington, applicant and owner. Property is described as tax lot 5500 of Assessor's Map 5N 27 21A. The property is zoned Rural Residential (RR) and is outside the City of Irrigon UGB. It is located east of Irrigon south of Highway 730, off Rand Road. Request is to partition an eight acre parcel into three parcels, each meeting the two acre minimum. Criteria for approval is MCSO Article 5 Land Partitioning.

Planning Director McLane reviewed the staff report. A copy of exhibit "A" which was attached to the deed and shows that the easement is allowed for ingress and egress was presented to the Planning Commission. The Assessor's office and County Surveyor both reviewed the document and determined it to be a description of the appropriate property. Because of the TSP and its requirements for a future road, staff continue to recommend dedication of this road. Planning Director McLane explained that staff has approached this application honoring the TSP. A copy of a letter from J-U-B Engineering written to Bev Bridgewater, WEID, in regards to the water rights was presented to the Planning Commission. Chair Rea asked about the septic systems in that area. To date there has not been any concern about site suitability. Commissioner Eppenbach wanted to clarify that if Mr. Bevington dedicates the road, he will be required to help with development of that road. David Allen explained that just because he dedicates this road, that doesn't mean the county will accept that road.

Commissioner Wenholz asked about the Conditions of Approval, specifically that the construction of the road is listed as a subsequent condition. Staff has had internal debate over this issue. If we require this condition as a precedent condition, the applicant must construct the road before the partition plat is signed. If we place it as a subsequent condition, we won't issue a development permit until the road is constructed. Planning Director McLane does not have a problem making it a precedent condition. The Planning Commission recommended moving subsequent condition of approval number one to precedent condition number nine. Then subsequent condition two would become one.

Open the Public Hearing

Tim Bevington, 32278 Diagonal Road, Hermiston, spoke on his behalf. Mr. Bevington presented to the Planning Commission a packet of information. Page one is a copy of the original easement that was granted in 1979; page two explained where the easement is in the bill of sale; page three is the writing that the buyer shall have a non-exclusive easement in order to have access to 23rd street that they may use to suit needs; and page 4 is the County Court Order that vacated the southern easement. According to Mr. Bevington the Planning Commission at the time said there was no reason for the upper easement because the lower easement was in place. The full page is Mr. Bevington's property that shows the easement. Next full sheet is what they would like to do. Mr. Bevington is willing to buy the 45 foot easement for \$10,000 but is hoping for the Planning Commission to recognize he has legal access. He is willing to put in writing that the county can purchase this easement in the future.

Chair Rea asked staff to pull the Kelly Nobles Land Partition. Partition Plat 1999-3 was shared with the Planning Commission.

Commissioner Grieb asked for County Counsel to provide clarification of the position on dedication of roads. David Allen explained that this is the cost of living in society. Requiring the dedication is not a burden on the developer. The TSP is looking at this as a potential road. Commissioner Wenholz asked if dedicating this will make the developer lose control of this property. Nothing can be done on this property anyway since it serves as access.

Mr. Bevington explained that in order for the road to connect all the way through, it would have to punch through two houses at the end of the property.

Close the Public Hearing.

Commissioner Grieb moved to approve with the conditions as presented including the one change from subsequent to precedent. Commissioner Wenholz second the motion. Motion carried.

Mr. Bevington asked for clarification. Chair Rea read over the conditions of approval and subsequent conditions. Staff asked the Planning Commission to amend the motion to include the changes made to precedent condition two to include all three proposed parcels must obtain site suitability. Commissioner Grieb moved and Commissioner Wenholz second. Motion carried.

Land Partition LP-N-351: Kenneth and Karen Boardman, applicant and owner. Property is described as tax lot 200 of Assessor's Map 5N 26 25D. The property is zoned Rural Residential (RR) and is outside the City of Irrigon UGB. It is located south of Irrigon along Division Street. Request is to partition a five acre parcel into two parcels, each meeting the two acre minimum. Criteria for approval is MCSO Article 5 Land Partitioning.

Planning Director McLane presented the staff report. This subject property is just south of the school and the Irrigon city limits and Urban Growth Boundary line. A letter from the Watermaster was presented to the Planning Commission which recommended that the applicant work with the Irrigation District. Access is the one concern with this application. There will be two driveways about 30 feet apart - the access to the proposed parcel and the school. Planning Director McLane talked to Bob Nairns, Public Works, regarding the access issues. Possibilities discussed where moving the access to the south of the property or the creation of a shared access with the current dwelling on the subject property. Neither option is viable, however, and could contribute to or create other problems. While potentially creating some problems of its own, where the access is requested is probably the best place.

Open the Public Hearing

Planning Director McLane explained that Mr. Boardman expressed he was comfortable with the staff report as written.

Close the Public Hearing

Commissioner Morter moved to approve as written. Commissioner Miller second the motion. Motion carried.

Took a break at 9:10 p.m.

Resumed at 9:14 p.m.

Zoning Ordinance Amendment: This will be the third of at least four hearings to consider changes to Article 1 Section 1.030 Definitions, Article 3 Use Zones and Article 6 Conditional Uses of the Morrow County Zoning Ordinance (MCZO) adopted on November 7, 2001. The purpose of the proposed changes is to incorporate approval criteria for horse events and other related uses into the Rural Residential and Farm Residential Zones. Additionally rodeos, as defined, will be identified as a conditional use in the EFU and Small Farm (40) Zone. Appropriate definitions will be incorporated to provide guidance to applicants and staff relative to rodeos, horse events and other related uses. Also to be considered will be language in the EFU Zone to allow for expansion or relocation of the County Fair and Rodeo grounds as the current language appears to be limiting. Criteria for the amendment is found in the Morrow County Comprehensive Plan, MCZO Article 8 Amendments and ORS Chapter 215.

Planning Director McLane reviewed what was discussed at the July hearing. There was agreement to: 1) amend the definition of farm use to incorporate equine uses to more closely reflect the definition in State Statute; 2) amend Article 3 Sections 3.010 and 3.042 to allow the "relocation" of the "rodeo"; 3) delete "dude or guest ranch" from as a Conditional Use from Article 3 Sections 3.040 and 3.041; and 4) to not deal with the event component at this time. There was some discussion about how to manage the conflict between zones with staff suggesting a distance barrier. Commissioner Rea asked for suggestions on changing the language regarding being within a certain distance from a residence. David Allen thinks that it might be better to start with the vendor issue first before getting to the distance issue.

Commissioner Wenholz commented that there are residential areas that are in the EFU zone. Commissioner Wenholz explained that his parents live in RR and right across the street to the south and east is EFU ground. What is the impact on those residential areas where they are right across the street. Staff is suggesting it's the vending part we are wanting to control

Commissioner Morter asked why the Mexican rodeo was turned down. At the time there was not a mechanism in our ordinance to approve it. While the proposed changes will better support equine uses there still is not a mechanism to approve a rodeo or other potentially large event. Landowners will still have to comply with the animal density requirements in many of the residential zones.

Commissioner Grieb moved to recommend what was agreed to the County Court for adoption. Commissioner Eppenbach second the motion. Motion carried.

Audience Participation

No audience participation

Correspondence:

No correspondence

Other Business:

Planning Director McLane shared that her and Associate Planner Timmons will be attending OPI in September. Any Planning Commissioner's that would like to attend are more than welcome.

County Court did adopt the findings from Mark Greenfield in the LUBA remand for the Hellberg appeal.

Morrow County did receive a FEMA grant to do some work around natural disaster planning. FEMA gives out money after natural disasters happen. This money will not be given if the county has not preplanned for those risks. Should receive the money around the first of October.

Getting close to the final draft of the Solid Waste Management Plan. Will go to Solid Waste Advisory Committee for support.

Article 5 will be going to County Court soon.

Quickly reviewed next months applications.

An updated Planning Commission Member list was provided with a request to review and share and changes with staff.

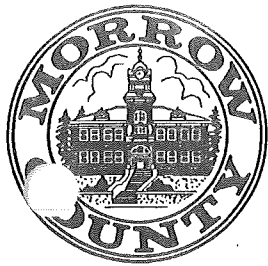
Planning Commission discussed starting the hearings earlier. This might be good to try during the winter months. There was agreement to discuss again next month and possibly start in October.

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 Tuesday, September 27, 2005 at 7:30 p.m. at the North Morrow County Annex Building in Irrigon, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager
September 14, 2005



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**Minutes of the Morrow County Planning Commission
Tuesday, September 27, 2005 7:30 p.m.
North Morrow County Annex
Irrigon, Oregon**

Members Present: Leann Rea, Joel Peterson, Anne Morter, Ken Grieb, Art Kegler, Ryan Miller

Member Absent: Don Eppenbach, Jeff Wenholz, Roger Britt

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

Chair Rea called the meeting to order at 7:45 p.m.

Planning Commission Chair Rea read the Public Hearing Procedures.

Roll call was provided by Kristina Gray.

The minutes of the August 30, 2005 meeting were reviewed. Commissioner Morter had a correction on page one, fourth paragraph, change from "confirm" to "confer". Also Nobles is spelled with an "N" and not a "K". The Planning Commission asked that the minutes be brought back for review at the December 6, 2005 meeting.

Planning Director McLane recommended amending the agenda to hear the joint Morrow County and City of Irrigon UGB expansion first. Planning Commission agreed to amend the agenda.

Chair Rea recommended the Irrigon Planning Commission introduce themselves to the Morrow County Planning Commission. Present from the City of Irrigon Planning Commission were Jerry Davis, Vice Chair; Pat Furgerson; James Ray; Linda Neumann; and Chuck Osgood.

Urban Growth Boundary Expansion: Morrow County and the City of Irrigon, JOINT APPLICANTS. Property is described as tax lots 101, 2000, 1100, 1002 and 1001 of Assessor's Map 5N 27 20. Subject property is zoned Exclusive Farm Use and Rural Residential and is located outside the City of Irrigon Urban Growth Boundary. The general location is east of Fifteenth, south of Highway 730 both north and south of Oregon Avenue. Applicable criteria for approval include the Morrow County Comprehensive Plan, Morrow County Zoning Ordinance (MCZO) Section 8 Amendments, and Statewide Planning Goal 14 Urbanization.

Planning Director McLane presented the staff report. The City is wanting to connect to their own city services for the new shop and surrounding property. This application for an expansion of the Urban Growth Boundary follows the Intergovernmental Agreement between the City of Irrigon and the County. There is no change to Irrigon's buildable lands with this action. These facilitates will provide better services to the city and surrounding property. As no change in use is proposed there are no changes necessary to the TSP. No change in zoning with this particular application. First of two joint Planning Commission meetings. One letter from West Extension Irrigation District was received indicating support of the application.

Commissioner Miller arrived at 8:05 p.m.

Chair Rea wanted to clarify that the buffer parcel will not have improvements. The City has decided at this time not to build, but they are not sure about the future.

Open the public hearing.

Close the public hearing.

Continue to October 4, 2005 7:00 p.m. Stokes Landing Senior Center in Irrigon, Oregon, at a Joint Hearing with the City of Irrigon Planning Commission.

Land Partition LP-S-352: Lost Pine Creek Ranches, LLC, owner and Brian Thompson, applicant. Property is described as tax lot 1502 of Assessor's Map 4S 26. The property is zoned Exclusive Farm Use (EFU) and is located 12 miles south of Heppner with both Rhea Creek and Road Canyon Roads bisecting the property. Request is to partition an approximate 592 acre parcel from the 4685 acre parent parcel, each meeting the 160 acre minimum parcel size. Criteria for approval is MCSO Article 5 Land Partitioning.

Planning Director McLane presented the staff report. No new homes proposed on parcel two. The property is located in the Heppner Rural Fire Protection District. Received a letter from Vern Church; Watermaster.

Commissioner Kegler asked about item three. There was no record of water rights so Brian Thompson has met item three.

The party that is purchasing the new parcel owns the road according to Brian Thompson.

Open the Public Hearing

Brian Thompson, 55805 Highway 74, Heppner, spoke in favor. He explained that the neighbor asked to purchase the property and they decided to sell it. It is range ground.

Close the Public Hearing.

Commissioner Grieb moved to approve the amended application - delete Condition of Approval #3 concerning water rights and amending the Findings of Fact. Commissioner Kegler second the motion. Motion carried.

Conditional Use Permit CUP-S-219: Robert and Darlene Hoskins, owners and Anne and Craig Munkers, applicant. Property is described as tax lot 1000 of Assessor's Map 3S 25. The property is zoned Exclusive Farm Use (EFU) and is located approximately 4 miles north of Ruggs on Lower Rhea Creek Road. Request is to site an accessory farm dwelling. Criteria for approval is the MCZO Article 3 Section 3.010 and Article 4 Section 4.140.

Planning Director McLane presented the staff report. As staff were reviewing the applicants request for an address it was determined that the manufactured home, a pre-1976 unit, had never been permitted. To avoid a potential code enforcement action this application has been submitted. Staff reviewed the conditions of approval. Planning Commission recommended that Condition of Approval #1 be removed as a shared well agreement should not be needed if the same person owns both houses and the property.

Chair Rea asked if Bob and Darlene are no longer able to stay there, can they use it for another family member to assist with the cattle operation. Staff indicated that, yes they could, as long as they are related and helping with the farm operation.

The Planning Commission reviewed the conditions of approval.

Open the Public Hearing.

Close the Public Hearing.

Commissioner Miller moved to approve the application with changes as discussed.
Commissioner Morter second. Motion carried.

Audience Participation

No audience participation

Correspondence:

No correspondence

Other Business

- **Discussion - Pledge of Allegiance as an addition to future agendas**
Planning Director McLane asked the group what they thought about adding the Pledge of Allegiance to the beginning of the agenda. Commissioner Peterson doesn't like to pledge allegiance to a flag. Commissioner Grieb doesn't see a need for us to do that either. Commissioner Kegler is fine either way. Commissioner Morter is fine either way. Commissioner Kegler feels if it sets a tone for the attendees then it's a good thing. Chair Rea feels we should try it for a while and see how it goes.

Planning Director McLane informed the Planning Commission there will be no October meeting and we will combine November and December meetings so the next meeting will be held on December 6th at 7 p.m. in Lexington.

In the East Oregonian it states our Planning Commission meetings are held Thursday nights. We need to contact them to change their information.

Three Commissioners are up for reappointment. Chair Rea, Commissioner Kegler, and Commissioner Morter. In December we will send a letter informing the Commissioners about expiration. Think about it and let us know by the December meeting if you would like to be reappointed.

The Hellberg's attorney did file the placeholder for a second appeal. We are not sure on what grounds an appeal may be made. Mark Greenfield has been retained on the County's behalf.

Adjournment:

The meeting was adjourned at 8:55 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, December 6, 2005 at 7:00 p.m. at the Morrow County School District Building, Lexington, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Tuesday, December 6, 2005 7:00 p.m.
Morrow County School District Building
Lexington, Oregon**

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

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

Chair Rea called the meeting to order at 7:03 p.m.

Roll call was provided by Kristina Gray.

Planning Commission Chair Rea read the Public Hearing Procedures.

Commissioner Morter and Commissioner Kegler arrived.

The agenda was amended to review the minutes at the end of the hearing and to approve the calendar for 2006 meeting dates.

Application of new use zones on property owned by the City of Boardman (currently zoned Space Age Industrial) at the Tower Road Interchange. Specific requests are to establish two new use zones - Tourism Commercial and Light Industrial - and amend the Zoning Ordinance to include them; apply the two new use zones to the subject property currently zoned Space Age Industrial; and amend the Comprehensive Plan and Zoning Maps to reflect the changes. The subject property is located on tax lot 119 of Assessor's Map 4N 24. Applicable criteria is MCZO Article 8 Section 8.050.

This application is comprised of at least three requests: 1) establish two new use zones - Tourist Commercial and Light Industrial - and amend the Zoning Ordinance to include them; 2) apply the two new use zones to the subject property currently zoned Space Age Industrial; and 3) amend the Comprehensive Plan and Zoning Maps to reflect the changes. The preliminary Findings of Fact provides the framework for this approval, but the real work of the Planning Commission needs to be reviewing the proposed Use Zone language for compatibility with the County and what the overarching vision should be for the Tower Road and Airport area. The majority of our time this meeting and next should be spent reviewing the Tourist Commercial and Rural Light Industrial Use Zone attachments.

Before moving to that task two letters have been received since the preliminary Findings of Fact were mailed. Those are being provided along with some email conversations with Jon Jinnings regarding the letter from DLCD. A letter packet was presented to each Planning Commission member.

The DLCD letter identifies two topics that the Planning Commission should consider. The first is the original Goal 3 exception that was taken for the SAI Use Zone and acknowledged as part of the Comprehensive Plan. Mr. Jinnings position is that this exception would suffice for the Light Industrial Use Zone, but not for the Tourist Commercial Use Zone. Planning staff do not concur, however the outcome of the LUBA appeal for the speedway property did uphold the need to redo the Goal 3 exception...Planning staff would assert that this is the general public's frustration with the system, hence Measure 37. Also, if the exception is good enough for the Light Industrial, what is different with the Tourist Commercial. And the arguments will not change either... The second component of Mr. Jinnings letter to be considered is his discussion of Urban Uses and Public Services. What Mr. Beyeler, City of Boardman, and I have tried to make clear is that no urban level of development is proposed. The natural resource carrying capacity, if no public services are available, can not support urban levels of development. While Mr. Jinnings is willing to back away from the Goal 11 requirement, he is not so willing to back away from the Goal 14 requirement.

The ODOT letter identifies and acknowledges that the County will be undertaking a number of planning processes around the Tower Road Interchange and that this is just the first application or review of many. Their concern is the function of the interchange now and into the future, a concern that we all have. Within the letter ODOT requests that the County provide an Interchange Area Management Plan (IAMP) (something that could have been accomplished as part of the TGM process) prepared by a transportation engineer registered in Oregon. While the letter is signed by George Ruby, Planning staff talked with Cheryl Jarvis-Smith this past Friday. She requested that the IAMP be completed prior to this Zone Change being approved. My reply was that it was not fair nor right to burden the City of Boardman with an action that needs to be jointly addressed by the City of Boardman, the Port of Morrow, Morrow County, Threemile Canyon Farms with assistance from ODOT and DLCD along with other interested parties.

It was my understanding that neither ODOT or DLCD would be in attendance this evening. However, Barry Beyeler is here representing the City of Boardman. Planning staff would recommend taking testimony, as outlined in our meeting procedures, before spending a bit of time reviewing the proposed Use Zones.

Open the public hearing

Barry Beyeler, City of Boardman, spoke in favor of this application. Mr. Beyeler addressed a number of issues including, but not limited to, master planning around the freeway interchange, poor soil type, limited agriculture, limited water and waste water treatment availability, transportation planning, and application of Goal 9 in assuring jobs stay in Morrow County. He also addressed the current zones available within the Morrow County Zoning Ordinance and indicated that they do not adequately address the needs in this area or the vision that is desired. Also address was the risk that the City of Boardman could be taking and that the city does not want to see another city developed in this part of Morrow County.

Gary Neal, Port of Morrow Manager, spoke in favor. They are an adjoining landowner. The Port supports the City's application and future development.

Planning Director McLane asked for commission input on how to review the proposed use zones without taking a lot of valuable time this evening. Planning Commission members Leann Rea, Jeff Wenzholz, and Don Eppenbach volunteered to meet as a group to review the

proposed language prior to the next Planning Commission Public Hearing. Commissioner Peterson asked about the process to come up with these zones. Planning Director McLane and Barry Beyeler, City of Boardman, did some searching. Carla emailed directors in other counties; Barry Beyeler identified other sources. Commissioner Kegler asked Mr. Beyeler what is permitted in Tourist Commercial zones. Barry referred to the Table within the proposed use zone.

Planning Director McLane will work on getting a date, time, and place for this review of the language. Will probably take two meetings.

Continue hearing to January 31, 2006 in Irrigon at 7p.m.

Replat R-N-002: Lee Docken, applicant and Daniel and Laura Combes, owner. Property is described as tax lots 201 and 202 of Assessor's Map 5N 26 23B. Subject property is zoned Rural Residential (RR) and is located outside the City of Irrigon Urban Growth Boundary. The location is at the north end of West Eighth Road and on the north side of Usage Lane, approximately three miles northwest of the City of Irrigon. Request is to replat lots two and three from the Riverfront West Subdivision. Criteria for approval is MCSO Article 5 Land Partitioning.

Associate Planner Timmons presented the summary of the staff report. The request, if not within an area previously divided through a subdivision, would have been for a Property Line Adjustment (PLA), an action generally processed ministerially. However, because it was within the boundaries of a subdivision a replat is required by the Morrow County Subdivision Ordinance. All precedent Conditions of Approval from the subdivision had been met and the plat signed. No changes to that subdivision, except this PLA, are requested or granted by this action. One letter has been received from the Water Resources Department acknowledging WEID water rights and stating that the subject property is within the Ordinance Basalt Critical Groundwater Area. A letter was presented to the Planning Commission.

Open the Public Hearing.

Lee Docken, Boardman, spoke in favor. This is simply a property line adjustment moving a line 60 feet to the east.

Commissioner Kegler asked if this action would change the acreage factor of either parcel? No, they still meet the minimum acreage which was the 1 acre minimum at the time of partition.

Closed the Public Hearing.

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

Land Partition LP-N-353: Robert McLaughlin, applicant and owner. Property is described as tax lot 500 of Assessor's Map 4N 25 20B. Subject property is zoned Suburban Residential (SR-1) within the Urban Growth Boundary (UGB) of Boardman and has a minimum lot size of one acre. The location is at the southeast corner of the intersection of Kunze Lane and Paul Smith Road. Request is to partition a 6.49 acre parent parcel into three smaller parcels. Criteria for approval is MCSO Article 5 Land Partitioning.

Associate Planner Timmons presented a summary of the Staff report. The request is to partition a 6.49 acre parcel into three smaller parcels, meeting the one acre minimum parcel size, within the Boardman Urban Growth Boundary. The area is zoned Suburban Residential and the

subject property has a dwelling and some outbuildings, all proposed to be located on parcel 2. The standard preliminary and final partition plats and DEQ Site Suitability is required (parcels 1 and 3). Access permits are also required prior to building and must be located at least 100 feet on Kunze Lane from the intersection with Paul Smith Road. There is also a requirement for additional right-of-way be dedicated on Kunze Lane as well as a Consent to Participate on both roads. As this is in the UGB there is comment to future transportation development, but no action is identified within this approval. The subject property is in the LUB GWMA, a groundwater quality designation. Attached to the preliminary Findings of Fact is the WEID Land Partition and Water Delivery Agreement.

After reviewing the preliminary plat generated by Denny Edwards, an additional ten feet is needed on Kunze Lane and the right-of-way needs to be dedicated. An access could be allowed on Kunze but would have to be at least 100 feet from the intersection. Chair Rea commented that condition four is confusing and needs clarification. The Planning Commission changed the language in Condition of Approval Four to read: "The applicant will dedicate an additional 10 feet to the public for a total of 30 feet of right of way for Kunze Lane; and 30 feet for Paul Smith Road for confirmation of the existing dedication.

Open the Public Hearing.

Close the Public Hearing

Condition of Approval four was read again for clarification.

Commissioner Peterson moved to approve. Commissioner Kegler second. Motion carried.

Land Partition LP-N-356: Potlatch Corporation, owner and applicant. Property is described as tax lot 3414 of Assessor's Map 4N 26 and tax lot 100 of Assessor's Map 3N 26. The property is zoned Exclusive Farm Use (EFU) and is located south of Interstate 84, west of the Ordnance Depot and east of the Highway 730 Interchange. Request is to partition up to 80 acres from a 7845 acre tract . Criteria for approval is the MCSO Article 5 Land Partitioning.

Planning Director McLane presented a summary of the staff report to the Planning Commission. A land partition of a large tract (two tax lots on two different Assessor's Maps) into two parcels, the smaller parcel not meeting the minimum lot size. Current and continued use is a tree plantation and processing. Ancillary to this request is a Condition Use Request for a sawmill and other enhancements to the processing plant (CUP-N-220 amending CUP-N-190).

Approval of the CUP (commercial use in conjunction with farm use) allows approval of the Land Partition and creation of the parcel smaller than the minimum lot size. At the time this summary was written the Boardman Fire Protection District had called the Planning Department and indicated that they would be submitting comments or appearing to testify. Portions of the subject property are in the LUB GWMA, the Ordnance Basalt and Ordnance Gravel CGWAs-designations relative to groundwater quality and quantity. A letter has been received from the County Watermaster referring to the CGWAs and commercial and industrial limits for well use. There is also reference to an earlier letter concerned with the previous CUP approval which staff have pulled and included for your review this evening (letter was presented to the Planning Commission). Comment in the form of an email was also received from the Oregon Economic and Community Development Department.

A packet of letters were presented to the Planning Commission:

- A letter from the Watermaster referring to the previous application

- An email from Jill Miles in support of this process
 - A letter from Mater Engineering relative to the conditional use permit but could apply to both
 - A letter from Boardman Rural Fire Protection District received late this afternoon.
- Planning Commission took a few minutes to read over the material presented. For clarification, Mater Engineering is a member of Potlatch's citizen advisory committee.

Most of the comments from Boardman Rural Fire Protection Distr would be met through the building permit process.

Open the Public Hearing.

Bruce Summers, 73669 Homestead, Boardman spoke in favor of the application. Changes in the market has made them change to a solid wood program. This is the first phase of this vision which will allow Potlatch to be more competitive to manufacture their trees on site. Commissioner Kegler asked if there is a timing for this project. Phase 1 should be done in 2006, phase 2 in 2007, and phase 3 depends on first two phases, should be in 3 years. Only going to process their own lumber on this site.

Gary Neal, Port of Morrow, spoke in favor of this application.

Close the Public Hearing.

Judge Tallman spoke, clarifying that while he is a member of the Potlatch CAC, he did not attend the meeting where the endorsements of this particular proposal where made.

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

Conditional Use Permit CUP-N-220: Potlatch Corporation, owner and applicant. Property is described as tax lot 3414 of Assessor's Map 4N 26. The property is zoned Exclusive Farm Use (EFU) and is located south of Interstate 84, west of the Ordnance Depot and east of the Highway 730 Interchange. Request is to site a green sawmill, boiler and dry kiln, and an additional sawmill line to the existing log merchandiser whole log chip facility. Criteria for approval is the Morrow County Zoning Ordinance (MCSO) Article 3 Section 3.010 and Article 6 Sections 6.020 and 6.030.

Planning Director McLane presented a summary of the Staff Report. This request is an amendment to CUP-N-190 approved in January 2003. That approval was for a forest products processing facility which is defined by State statute as a portable unit. As this unit is obviously not portable this request is for a "commercial use in conjunction with farm use." Specifically Potlatch is requesting approval for a phased development that will include: 1) a green sawmill; 2) boiler and dry kiln; and 3) additional sawmill line to the existing Log Merchandiser whole log chip facility. Similar to the process to determine that the ethanol facility required a CUP, Planning staff analyzed this request and came to the same conclusion - a CUP is required. Much of the information for this request has been reviewed with the Land Partition request just reviewed concerning services and natural resources. Additionally the same letters were also received. The General Conditions section of the preliminary Findings of Fact lead to the Conditions of Approval recommended by staff. Attached to the preliminary Findings of Fact is CUP-N-190 with attachments. One of those attachments is a letter from DEQ and addresses

concerns solid waste, air quality and water quality. Planning staff are requiring that Zoning and Building Permits be acquired; Public Works staff have indicated a good working relationship with Potlatch but want to see continued work towards improvements that improve access to Pole Line Road. A Traffic Impact Analysis is not triggered, however as the number of employees grow, the parking facility should be reviewed as part of the Zoning and Building Permit process. Sign requirements are maintained as part of this request. Outdoor lighting will increase, but should not have an impact on surrounding land owners and residences because of the location of this facility.

The same letters provided for the Land Partition would also apply to this application.

Commissioner Peterson expressed concern that Condition of Approval 4 is vague. Discussion ensued, but prior to Planning Commission making a final decision input is requested from the applicant.

Open the Public Hearing.

Bruce Summers, Potlatch, addressed the requirements from Boardman Fire Department. Potlatch does not object to any of the requirements as these are standard.

Planning Director McLane asked if Gary Neal and Bruce Summers would like their testimony from the earlier application to reflect on this application. Both Gary Neal and Bruce Summers both agreed.

Close the public hearing.

Commissioner Grieb moved to approve CUP-N 220 with the amendment of Condition of Approval 4. Commissioner Britt second the application. Motion Carried.

Conditional Use Permit CUP-S-221: Gary & Suzanne Rea, owner and applicant. Property is described as tax lot 1803 of Assessor's Map 5S 28 23B. The property is zoned Forest Use (FU) and is located adjacent to the Lake Penland Subdivision approximately sixteen miles southeast of Heppner. Request is to site a dwelling on an existing lot in the Forest Use Zone. Criteria for approval include MCZO Section 3.020 Forest Use and Article 6 Sections 6.020 and 6.030.

Chair Rea stated that Gary Rea is her nephew but was not aware of this prior and has nothing to gain from this application approval.

Associate Planner Timmons presented a summary of the staff report. This request is for a forest dwelling located adjacent to Penland Lake Subdivision. Planning staff recommend the standard Right-to-Forest Disclaimer Statement. The template dwelling process was used to determine approval. Siting Standards do apply and several Conditions of Approval are listed. Fire Siting Standards also apply and have appropriate Conditions of Approval listed.

Open the Public Hearing.

Gary Rea, lone, spoke in favor. Just wants to put up a cabin.

Tom Wolffe, 180 Rock Street, Heppner, an owner of property at Penland Lake. He indicated that he would hope the commission would approve this request. It would reduce the fire loads and he would enjoy the company.

Close the Public Hearing.

Commissioner Grieb moved to approve. Commissioner Eppenbach second motion. Motion carried.

Conditional Use Permit CUP-N-222: Lyle and Helen Bliss, owner and applicant. Property is described as tax lot 600 of Assessor's Map 5N 26 36BC. The property is zoned Rural Residential (RR) and is located south of Irrigon off of Depot Lane in Wagon Wheel Addition. Request is for a two family dwelling (duplex) . Criteria for approval include MCZO Article 3 Section 3.040.B.6.

Associate Planner Timmons presented a summary of the staff report. This request is for a duplex. An agent for the applicant requested a Zoning Permit for an addition to the home to include a kitchen, which is not allowed by the Morrow County zoning Ordinance. Planning staff provided information for either a Hardship Dwelling request or a duplex request. The applicant determined that a duplex better fit their needs. The area is in the LUB GWMA and the Ordinance Basalt CGWA, designations for water quality and quantity. Planning staff did not apply any of the General Conditions, but have listed as a Condition of Approval that all Zoning and Building Permits be obtained, as well as all DEQ requirements by met.

Open the Public Hearing

Barbara Phillips, 80610 Wagon Wheel Loop, Irrigon was present representing the Bliss's. This request for an addition is to provide a living space for a brother that recently had a heart transplant.

Lyle Bliss, spoke in favor. He understands this process is required. No stove is planned to be installed therefore the unit will not have a full kitchen. There are no plans to use it as a rental.

Close the Public Hearing.

Commissioner Grieb moved to approve. Commissioner Wenholz second. Motion carried.

Subdivision SD-N-220: Port of Morrow, applicant and Threemile Canyon Farms, owner. Property is described as tax lot 100 of Assessor's Map 4N 24. The property is zoned General Commercial (MG) and is located approximately five miles west of Boardman, north of Interstate 84 and predominately west of Tower Road extending north to the Columbia River. Request is to subdivide and replat a tract of land into eight lots in the General Industrial (MG) zone. Criteria for approval is the Morrow County Subdivision Ordinance (MCSO).

Planning Director McLane presented a summary of the staff report. This request is for a subdivision of property owned by Threemile Canyon Farms to settle an ownership request driven by events that took place at the time the State of Oregon sold the property commonly referred to as "the farm." At that time an option was offered to the Port of Morrow. This action is completing that process. No development is planned or requested at this time. There are limited improvements to the property including a fertilizer plant, a metal building, and a well and pump house. While this property was shown on an early version of the speedway plot plan as an area for parking and R.V. parking, the final approval did not include this area.

The subdivision review committee and a second meeting with ODOT were held to discuss the application and the Tower Road Interchange. The preliminary Findings of Fact summarize both meetings. As the Conditions of Approval indicate a preliminary determination on the design for

the Tower Road Interchange and the UPRR overpass has been agreed upon which will meet the Morrow County TSP, ODOT and UPRR requirements, and provide for future growth as anticipated at this time.

Planning staff are working on some activities that will lead to a Tower Road and Airport Master Plan for this area. A TGM grant was applied for and denied that would have accomplished a lot of what ODOT and DLCD are now wanting based on comment to this application and the City of Boardman Zone Change request.

The one item that Planning staff forgot to include in the Conditions of Approval has to do with identifying on the preliminary and final Partition Plats the Heritage Trail. This COA needs to be worded in such a way as to allow the trail location to be moved or realigned as development occurs.

At this time no comment has been received.

Commissioner Eppenbach asked if we need to acknowledge the ODOT and DLCD letters received relative to the Boardman zone change request. The letters do not specifically address the Port's subdivision, but the ODOT letter references it. Chair Rea would prefer to err on the side of safety and include the letters with this application. The Planning Commission concurred - the letters will be included.

Open the Public Hearing.

Gary Neal, Port of Morrow, co-applicant with BAIC, spoke in favor. This is a process they must go through to complete an agreement entered into several years ago between the Port and Threemile Canyon Farms. Things could develop quickly or take a while, but this needs to be completed first. Commissioner Peterson asked if Mr. Neal had reviewed the conditions. The Port of Morrow does realize they must meet the conditions.

Marty Myers, BAIC, spoke in favor. BAIC is looking forward to working with the community on a development project. The farm is in full support of this.

Barry Beyeler, City of Boardman, spoke in favor. This goes along with master planning the freeway interchange area and the city has no objections.

Close the Public Hearing.

Commissioner Wenzholz asked how the additional language would read. Planning Director McLane replied that we will add precedent condition of approval 9 and renumber subsequent conditions 10, 11, 12, and 13. Number 9 would read something along the lines of show Heritage Trail easement on the final plat understanding that location may need to change based on development.

Chair Rea asked about lot 7. Lot 7 is south of the tracts and runs between the railroad and the freeway. The provided map was confusing as Government Lot 7 is also in the vicinity.

Commissioner Eppenbach moved to approve as amended. Commissioner Wenzholz second the motion. Motion carried.

Land Partition LP-S-354: Joseph and Jeri McElligott, applicant and owner. Property is described as tax lot 3402 of Assessor's Map 5S 26. Subject property is zoned Exclusive Farm Use (EFU) and Forest Use (FU). The location is approximately thirty miles south of Heppner, bisected by Board Creek Road and Road Canyon Road. Request is to partition a 1,320 acre parcel into two parcels each meeting the 160 acre minimum. Criteria for approval is MCSO Article 5 Land Partitioning.

Associate Planner Timmons presented the summary of the staff report. A land partition of a large parcel into two smaller parcels. Current and continued use is timber and grazing. The only precedent Condition of Approval is to provide a preliminary and final Partition Plat. The Public Works Director was contacted concerning the opportunity to secure additional right-of-way and indicated that he did not see a specific need based on the terrain and the current twenty year improvement plan. No other comments have been received.

Planning Director McLane found an error in the subsequent conditions. Need to remove the language for proposed parcel 2 because the access permit would need to be for both parcels.

Commissioner Kegler suggested to forgo the public hearing as there is no public present. Chair Rea stated we need to open and close the public hearing for the record.

Open the Public Hearing.

Close the Public Hearing.

Commissioner Wenholz had a question on page 2 second paragraph down concerning the 60 foot right-of-way. Planning Director McLane stated that based on conversation with Public Work Director Burke O'Brien that the rock cliffs and other geographical limitations there did not seem to be a need to obtain the additional right-of-way. However, this does bring up the issue of consistency. David Allen, County Counsel, indicated that it would be better to maintain consistency then not. Planning Commission directed staff to amend the staff report and conditions to reflect obtain the 60 feet to meet the requirements of the TSP.

Planning Director McLane added a Precedent Condition of Approval 2 to obtain an additional 20 feet dedicated right-of-way on both Board Creek Road and Road Canyon Road; 10 feet from each parcel.

Commissioner Kegler moved to approve with the additional condition. Commissioner Morter second. Motion carried.

Land Partition LP-S-355: Joseph and Jeri McElligott, applicant and owner. Property is described as tax lot 1503 of Assessor's Map 6S 26 and tax lot 801 of Assessor's Map 6S 27. Subject property is zoned Forest Use (FU). The location is approximately thirty miles south of Heppner bordering Sunflower Flat Road, Highway 207 and USFS Road 21 on the south. Request is to partition a 1,905 acre parcel into two parcels, one meeting the 240 acre minimum, for siting of a dwelling, the other parcel being proposed within ten percent of 160 acres in the Forest Use Zone. Criteria for approval is MCSO Article 5 Land Partitioning.

Assistant Planner Timmons presented the summary of the staff report. A land partition of a large parcel into two smaller parcels, both meeting the minimum parcel size. However one will not meet the minimum parcel size for a dwelling. Current and continued use is timber and grazing. The only precedent Condition of Approval is to provide a preliminary and final Partition

Plat. The Public Works Director was contacted concerning the opportunity to secure additional right-of-way and the road section of concern, Sunflower Flat Road, has already had 60 feet of right-of-way obtained during a previous land partition. No other comments have been received.

There is need to amend the staff report because the highway is further to the west and other road are mislabeled.

Chair Rea asked why we are approving creation of a parcel that does not meet the standards for a dwelling. Planning Director McLane thought Mr. McElligott and Mr. Rehder may be doing another land swap. Chair Rea felt this application should be continued to obtain clarification as she does not feel comfortable creating a non-buildable parcel. Planning staff worked with the applicants surveyor and were very clear that a non-buildable parcel was being created. However those conversations did not take place directly with the owner.

Commissioner Eppenbach moved to continue to the January 31st hearing. Commissioner Kegler second the continuance to the January 31st meeting for clarification. Motion carried.

Meeting Minutes: The minutes of the August 30, 2005 minutes were reviewed. Commissioner Eppenbach moved to approve. Commissioner Wenholtz second. Motion carried. The minutes of the September 27, 2005 minutes were reviewed. Commissioner Kegler moved to approve. Commissioner Peterson second. Motion carried.

Audience Participation

No audience participation

Correspondence:

No correspondence

Other Business

- **Calendar for 2006**
Discussed as part of the continuation of the City of Boardman application.
- **Appointments: Anne Morter, Art Kegler, Leann Rea**
Commissioner Morter will not reapply. Chair Rea would like reappointment. Commissioner Kegler has a busy schedule, but would request reappointment. Planning Director McLane will forward these requests to Karen Wolffe. The County Court will take action on Dec. 21st. Commissioner Morter's position has had interest from Betty Burns.
- **The second Hellberg LUBA appeal has been withdrawn by Hellberg**
Second appeal has been withdrawn. Not sure what that means in the long term but the County Court's decision stands. Anticipate that we will see a much more detailed and sophisticated application that will withstand the conditions the court identified.
- **Questions about replacement sections of Subdivision and Zoning Ordinances**
Planning Director McLane provided the amendments that were approved over the last several months. Directions on the cover page as what to do with them.
- **Speedway Update**
Planning staff have heard from developers attorney, Miller Nash, out of Portland. Still not sure who the developer is.

Request for clarification:

Planning Director McLane explained an issue that recently came up in the Planning Department. A gentleman come to the counter to site a shipping container as a storage shed on his property. Our code is not clear on this subject. What is a structure and what isn't a structure. Planning Director McLane passed around the application that was received for the Planning Commission to review. Commissioner Morter asked if shipping containers are more unsightly or unsafe. This particular one has been retrofitted with a roll up door on one end and a two door opening at the other end. Commissioner Kegler commented that there are a lot of sheds and storage buildings that are ugly and unsightly. Planning Director McLane is looking for direction. The Planning Commission agreed that gutting a manufactured home and converting it to a storage facility is not allowed but a shipping container would only need a zoning permit.

Adjournment:

The meeting was adjourned at 9:53 p.m.

The next meeting for the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, January 31, 2006 at 7:00 p.m. at the CSEPP Building, Irrigon, Oregon.

Respectfully Submitted,
Kristina Gray, Office Manager