



PLANNING DEPARTMENT

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

**Minutes of the Morrow County Planning Commission
Tuesday, January 23, 2007, 7:00 p.m.
Morrow County School District Building
Lexington, Oregon**

Members Present: Don Eppenbach, Jeff Wenzholz, Betty Burns, Pamela Schmidt, Joel Peterson, Roger Britt, David Sykes, Art Kegler

Members Absent: Leann Rea

Staff Present: Carla McLane, Planning Director; Lori Timmons, Associate Planner; Ryan Swinburnson, County Counsel

Commissioner Eppenbach, Vice-Chair, called the meeting to order at 7:02 p.m.

Roll call was provided by Lori Timmons.

Commissioner Eppenbach welcomed the new members of the Planning Commission, Pamela Schmidt and David Sykes.

Nominations for officers of the Commission were accepted. Commissioner Wenzholz motioned and Commissioner Peterson seconded the nomination of Leann Rea for chairperson for the next year. The Commission moved that Commissioner Eppenbach be nominated for Vice-Chair. The motions for Leann Rea as Chairperson and Don Eppenbach as Vice-Chair were unanimously approved by the Commission.

Minutes of the December 5, 2006, meeting were reviewed. Commissioner Wenzholz motioned and Commissioner Eppenbach seconded the minutes be accepted with minor corrections as noted. Motion carried.

Planning Commission Vice-Chair Eppenbach reviewed the Public Hearing Procedures for the benefit of the audience and Commission.

Land Partition LP-N-370: Port of Morrow, applicant and BAIC Threemile Canyon Farms, owner. Property is described as Parcel 3 of Partition Plat 2002-6 and is located south of the Columbia River mostly west of Tower Road, east of Highway 74, and north of Immigrant Lane, excluding the conservation area. The property is zoned Exclusive Farm Use, Space Age Industrial, and General Industrial. Request is to partition into three parcels with parcel 1 having 1976.45 acres, parcel 2 having 10.75 acres, and the remaining 65, 457 acres, more or less, in parcel 3. Criteria for approval is Morrow County Subdivision Ordinance (MCSO) Article 5.

Planning Director McLane presented the Staff Report.

Commissioner Wenzholz asked Planning Director McLane about an apparent inconsistency in that Consent to Participate agreements for road improvements are not part of the usual

Conditions of Approval in the Land Partition requests tonight. The Planning Director informed the Commission that as part of a previous land partition the Court and Planning Staff conducted a more thorough review of the Zoning Ordinance Section 4.035 PERMIT REQUIREMENTS FOR LAND USE DEVELOPMENT. Planning Director McLane read Paragraph A of the Section which pertains to Consent to Participate Agreements. In the case of the Land Partition applications presented tonight, not one of them met the requirements for a Consent to Participate Condition, therefore, the Consent to Participate is not included. In addition, two of the applications presented this night (Port of Morrow) have already had road development addressed within previously approved applications.

Planning Director McLane shared correspondence from ODOT agreeing to fund some of the Interchange Area Management Plan. They do not specifically mention conditions, but do recommend a Plan be developed for the Tower Road interchange area by a transportation engineer and in compliance with the TSP. They want this applied to the applications involved in this area, namely, the Port of Morrow applications.

Open the Public Hearing.

Proponents:

Gary Neal, Port of Morrow General Manager, applicant. The reason behind this application is directly related to the potential disqualification of a large amount of farm land from Special Assessment. The partition is required in order to keep the farm land in Special Assessment. If no partition, a significant portion of the farm would need to be disqualified, which is not desired by the Port or the Farm.

Ron McKinnis, Port Engineer. He discussed specific actions concerning why the parcel is being divided.

No opponents.

Close the Public Hearing.

Commissioner Wenholz moved for approval, Commissioner Kegler seconded the motion. Motion carried.

Land Partition LP-N-371: Port of Morrow, applicant and owner. Property is described as tax lot 110 of Assessor's Map 4n 24 and is located to the west of Tower Road and south of Interstate 84. The property is zoned Air Industrial. Request is to partition the airport property into three parcels. Criteria for approval MCSO Article 5.

Planning Director McLane presented the Staff Report. The previously mentioned correspondence from ODOT was included.

Commissioner Kegler asked for clarification of the Conditions, especially the continuation of Airport Way. Planning Director McLane indicated that an access easement would probably need a job in it. There are other options for an access to parcel one the Port could entertain. Planning Director McLane indicated the 1320 foot requirement will be required by ODOT and the Port will need to find a way to meet it or to find another access option.

Open the Public Hearing.

Gary Neal, Port of Morrow General Manager, applicant. The Port has no problem finding an acceptable access. During development of the Speedway, it will be reviewed again. The Port

views Airport Way as a public use road and has no problem with a dedication. The Port has every intention to work with the County to get the proper permits.

Ron McKinnis, Port Engineer. This is a housekeeping issue as the FAA has requested that the Port define the airport on a separate parcel of land.

No opponents.

Close the Public Hearing.

Commissioner Eppenbach asked that the ODOT correspondence be entered as testimony and requested the Commission consider it. Commissioner Peterson moved approval of the application as presented with the ODOT correspondence included, Commissioner Burns seconded. Motion carried.

Land Partition LP-N-372: Lori Zitterkob, applicant and owner. Property is described as tax lot 1302 of Assessor's Map 5N 26 25C and is located on the west side of Second Street between Wyoming and Nevada Avenue to the southwest of Irrigon. The property is zoned Rural Residential and is outside of the Irrigon Urban Growth Boundary. Request is to divide the property in half with each resulting parcel meeting the two acre minimum. Criteria for approval is the MCSO Article 5.

Planning Director McLane shared a letter from the West Extension Irrigation District; she then presented the Staff Report. The WEID has Conditions that will need to be addressed before the District Manager will approve the partition.

Commissioner Kegler asked about the northern border of the property, whether the dotted line is an easement or off the property. Planning Director McLane told the Commission that she believes that it is an old lot/block line and not an easement. Commissioner Kegler indicated that if it is not an access, the access will remain to be Second Street for both dwellings. Planning Director McLane indicated that this is true; access will remain from Second Street.

Open the Public Hearing.

Lori Zitterkob, 101 Hamilton Street, Umatilla, Oregon. Ms. Zitterkob indicated there will be no changes in configuration of the property except that it will be split in two. The existing fence between the lots is about five feet off and will be replaced. There are already two dwellings and she will draw up a shared well agreement. She has been told that the dotted line is an old plat line. She will work with WEID to meet their Conditions. The well was tested about two years ago and the nitrates are high.

No opponents.

Close the Public Hearing.

Commissioner Kegler asked the applicant about who had told her that the dotted line was a plat line. She explained that the original lot was higher, but her lot was created to be four acres and the line had to be moved in order to create the four acre piece.

Commissioner Kegler moved for approval, seconded by Commissioner Wenholz. Motion carried.

Audience Participation:

Randall Matthews requested the opportunity to discuss the recent change in requirements for siting a dwelling on property zoned Suburban Residential (SR-2A). The subject property is owned by his mother Shirley Matthews. Planning Director McLane introduced Mr. Matthews and provided him with the memorandum that accompanied the Commissioners' packets. Mr. Matthews was allowed to review the memorandum. Mr. Matthews provided to the Commission a January 18, 2006, letter from the Morrow County Sheriff and a portion of a letter from the Planning Department dated May 17, 2006, which is included with the Planning Commissioners' packets. Mr. Matthews introduced himself and reviewed actions of the Sheriff's Department and the problems he encountered with the Planning Department.

Lori Matthews, Randall Matthews' wife. Ms. Matthews expressed her concern that the single-wides have been in place since the mid- to late-80s. Her insurance would allow replacement of the single-wide mobile home with another single-wide. She wanted an explanation as to why the grandfather clause for single-wide manufactured home in the previous zoning ordinance went away with the recent change in zoning regulations for the manufactured homes.

Commissioner Sykes asked how the Code Enforcement Officer became involved. Planning Director McLane said that she believes the building permit was obtained without a zoning approval and that the Code Enforcement Officer was asked to follow up on this.

Commissioner Kegler asked Mr. Matthews what his specific request is. Mr. Matthews requested that single-wide manufactured homes be allowed on the subject property. Commissioner Kegler asked if the County is subject to a possible Measure 37 claim. Mr. Swinburnson commented that this is not the appropriate venue to discuss this subject.

Commissioner Schmidt asked if the original single-wide was proposed to be located on the property. Mr. Matthews said "no, that particular single-wide is not proposed to be placed. The resistance to placing a double-wide is that folks cannot get a loan to place a double-wide on a rented lot. The Matthews indicated that placing their own double-wide on the lot would cause inconvenience to them and is not feasible. Selling the lot is not feasible because the lot has a shared well.

Planning Director McLane mentioned that Article 7, which allows variances, could be used for Planning Staff to work with Mr. Matthews. She cautioned that opening this door could cause an unwanted precedent.

Ryan Swinburnson indicated that the Commission does not have the authority to allow Mr. Matthews to place a single-wide. Commissioner Eppenbach directed Staff to look into possible alternatives for Mr. Matthews.

Dan Swart, Rand Road, Irrigon. Mr. Swart asked the Commission for the opportunity to comment. He believes that the new ordinance is "against state law." He reviewed for the Commission his situation. He had been living on his property in a travel trailer. He feels he has been harassed by the Code Enforcement Officer. He subsequently bought a double-wide manufactured home that was too old according to the new Zoning Ordinance. Mr. Swart indicated that his correspondence with the State Building Code Department says that the County is not allowed to restrict the specific ages of manufactured homes on property.

Ryan Swinburnson indicated that this is not the proper forum for the Planning Commission to discuss or comment because Mr. Swart needs to formally appeal. The Commission requested Mr. Swart follow more formal actions and Mr. Swart indicated that he would follow the appeal process.

Other Business:

Housekeeping: Update bylaws, review positions and number of positions, make recommendation for changes to County Court:

Planning Director McLane indicated that the bylaws really need to be updated and need to be consistent with the Ordinance and normal procedures. She indicated that the County Court discussed the make up of Planning Commission and wondered if it is truly representative of the citizenship of the County. The suggestion, in order to more easily meet a quorum, was also made to look at the number of Commission members. Planning Director McLane indicated the need for the Commission to take a systematic look at the Commission makeup and make some recommendations to the County Court to more equally represent the population centers and the land mass/area considerations. Updating needs to occur. It is suggested that a thorough look take place in order to consider the Court's concerns. Commissioners Kegler and Peterson expressed concern with changing the Commission as it has worked well together in the past and does make decisions prudently. Commissioner Peterson indicated that the number 5 on the ORS is more important than geographical or population representation.

Gravel Pit and Batch Plant CUP Approvals - intermittent use and length of approval:

Planning Director McLane asked the Commission for its opinion concerning how or if the status of Conditional Use Permits for mining and batch plants if the use designation with DOGAMI changes as well. Commissioner Eppenbach: Conditional use means just that: Conditional. Commissioner Kegler: Doesn't recall time limit conditions but agrees with the "use or lose" condition with the CUPs. The two year barrier, and then Planning Commission pre-approval could be okay by him. Commissioner Peterson: Agrees that a Use is conditional and if the use lapses, so does the Conditional Use Permit.

Adjournment: 9:41 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, February 27, 2007 at 7:00 p.m. at the North Morrow County Annex Building in Irrigon, Oregon.

Respectfully Submitted,
Lori Timmons, Associate Planner



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**Minutes of the Morrow County Planning Commission
Tuesday, February 27, 2007, 7:00 p.m.
North Morrow County Annex Building
Irrigon, Oregon**

Members Present: Leann Rea, Betty Burns, Pamela Schmidt, Don Eppenbach, David Sykes, Jeff Wenholz, Joel Peterson

Members Excused: Roger Britt, Art Kegler

Staff Present: Carla McLane, Planning Director; Lori Timmons, Associate Planner; Ryan Swinburnson, County Counsel

Chair Rea called the meeting to order at 7:00 p.m.

Roll call was provided by Lori Timmons.

The corrected minutes of the January 25, 2007, Planning Commission Public Hearing were reviewed. Commissioner Eppenbach moved and Commissioner Wenholz seconded the motion to approve the minutes as amended. Motion passed.

Art Kegler was excused from the Hearing due to personal business.

Planning Commission Chair Rea read the Public Hearing Procedures.

Conditional Use Permit CUP-N-235: Finley BioEnergy LLC, applicant and Finley Buttes Landfill Company, owner. Property is described as tax lots 307 and 400 of Assessor's map 2N 26 and is located ten miles south of Boardman off of Bombing Range Road. The property is zoned Exclusive Farm Use. Request is to site a power generation utility facility adjacent to the Finley Buttes Landfill. Criteria for approval is Morrow County Zoning Ordinance (MCZO) Section 3.010, Section 6.020, 6.030 and 6.050

Planning Director McLane presented the Staff Report. Planning Director McLane presented the letter from Oregon Water Resources Department, which indicates that the applicant's proposal should not affect the nearby irrigation circles.

Commission questions of Staff: none

Public Comments:

Gerald Friesen: owner of Finley Bioenergy, 4088 Orchard Drive Lake Oswego, OR.

Mr. Friesen presented the project and explained that the project is proposed to use the residual methane produced in Finley Buttes Landfill. They propose to use about 28 wells each approximately 100 feet deep to collect the gas into a pipeline. The methane will be used to power a generator to produce electricity. The power users will be within the Umatilla Electric system, but the power will be sold to Pacific Corp in Troutdale. The heat recovered from engine

jacket water will be captured to be used by Cascade Specialities. The facility should be in existence as long as the landfill is in existence and even longer as the landfill will continue to produce methane far into the future (100 years plus). The current project will employ two full time employees.

Opposition: None

Close the Public Hearing:

Commission action: Commissioner Wenholz moved to approve the application as presented, Commissioner Sykes seconded the motion. Motion passed.

Land Partition LP-N-373: Diana Garcilazo, applicant and owner. Property is described as Parcel 2 of Partition Plat 2000-5 and tax lot 2000 of Assessor's map 5N 26 25A. The property is located on the southeast corner of Second Street and California, approximately one-eighth mile west of the City of Irrigon and is zoned Suburban Residential inside the Irrigon Urban Growth Boundary. Request is to divide the parcel into two parcels each meeting the one acre minimum. Criteria for approval is the MCSO Article 5.

Planning Director McLane presented the Staff Report and shared a letter from the Oregon Water Resources Department which indicates that it appears there are no ground water rights on this property.

Commission questions of Staff: none

Open the Public Hearing

Diana Garcilazo, 415 SW 2nd Street:

DEQ approval has been submitted and she has talked with WEID. A shared access is no problem and will be added to the plat as required. Commissioner Rea asked how far they are from City water. Although it is too far at the moment to receive City water, the City may be able to offer it in the future as the City grows. Planning Director McLane recommended they obtain a shared well agreement and indicate the well easements on the partition plat.

Opposition: none

Vern Gumbert 1005 E. Thomas Ave, Irrigon, owner of the adjacent property. He asked Ms. Garcilazo how many additional dwellings will be put in. Ms. Garcilazo and the Planning Director indicated that there will be a net addition of zero.

Close the Public Hearing:

Commissioner Peterson moved that the application be approved as presented. Commissioner Eppenbach seconded the motion. Motion carried.

Variance V-N-001: Shannon Plueard, applicant and owner. Property is described as Parcel 3 of Partition Plat 2006-11. The property is located approximately two miles west of Irrigon off of 8th Street on Gravel Pit Lane and is zoned Rural Residential. Request is for an 18 month extension to meet the requirements for placing a carport or garage in connection with a new manufactured home siting. Criteria for approval is the MCZO Section 4.110 and Article 7.

Planning Director McLane presented the Staff Report.

Commission questions of Staff: none

Open Public Hearing

Public Comments: none

Opposition: none

Close Public Hearing

Commissioner Eppenbach moved to approve the Variance application as presented. Commissioner Burns seconded the motion. Motion Carried.

Appeal of Planning Directors Decision: Daniel Swart, applicant and owner. Property is described at tax lot 4601 of Assessor's Map 5N 27 21A. The subject property is zoned Rural Residential (RR-2). Property is located approximately three miles east of Irrigon on Rand Road. Proposal is to allow placement of a manufactured home constructed prior to 1997. Criteria for review include Morrow County Zoning Ordinance Article 4 Section 4.110 and Article 9 Section 9.030 Appeals.

Commissioner Rea reported that she had received a few telephone calls from Mr. Swart and did not discuss any details of the appeal. Commissioner Eppenbach indicated that he had the same sort of communication with Mr. Swart. Ryan Swinburnson asked Commissioner Rea if the Commission would grant a 5 minute recess. The recess was thereby granted.

Planning Director McLane summarized the process whereby this appeal has appeared before the Commission. No recommendation was made based on the fact that this action is an appeal of the Planning Director's decision. Planning Director McLane submitted two letters to be considered to be included into the public record: 1) February 11, 2007 Oregon Manufactured Housing Association. 2) February 19, 2007 David WM. Hadley, letter to the Planning Commission which included the February 11 letter. Commissioner Eppenbach moved to admit the Attorney Hadley letter to the record as Exhibit J. This motion was seconded by Commissioner Peterson. Motion Carried.

Open Public Hearing:

Dan Swart, Rand Road, Irrigon, turned his testimony over to David Hadley, attorney.

David Hadley, 3rd Street in Hermiston, Mr. Swart's attorney. Mr. Hadley indicated that he had reviewed the Planning Commission minutes that led to the creation of the fairly recently passed Manufactured Home Ordinance. He mentioned that health, safety and welfare issues were not addressed. His research also followed federal and state laws, including Goal 10 Housing rules, concerning standards for manufactured homes in the United States. His research did not find any age limit placed on manufactured homes in other jurisdictions. His discussion brought up affordable housing required in Oregon, reduction in property values, and discrimination. He indicated that the Commission should or could probably review this Ordinance based on those issues. Ballot measure 56: He reviewed this law, which requires individual notice to the affected landowners of possible restriction of land use. He indicated that this Measure 56 notice was not properly carried out and if it had been, a more "lively" discussion would have probably taken place. He then passed out to the Commission a sample of what a Measure 56 notice would/should look like. Mr. Hadley requested of the Commission that they recommend a more thorough legal analysis be conducted, and then a legal Measure 56 notice, and to conduct further public commentary.

Susanne Kennedy 81880 Rand Road, Irrigon. She has a 1980 manufactured home and indicated that if she wanted to upgrade her home, she would not be able to sell her current manufactured home because it could not be placed in the County, although it would still be a liveable dwelling for someone. She believes that as long as it is meeting the code requirements, it should still be placeable in the County.

Gerry Kingery, 76779 Highway 730, Irrigon. He has about 40 acres in the area and would like to subdivide someday. He does not agree with the age limitation as lots of folks cannot afford a ten year old or newer manufactured home.

Clyde Redman, 76610 Highway 730, Irrigon. He voiced support of the appellant, Mr. Swart and of Ms. Kennedy and Mr. Kingery.

Staff Comments:

Ryan Swinburnson, County Counsel indicated he could respond in detail or general to questions from the Commission. Commissioner Peterson asked that he comment on Measure 56 and Commissioner Sykes wanted him to specify what the Commission needed to deliberate. Mr. Swinburnson discussed with the Commission what they were to accomplish at this hearing. The Commission does not have the authority to declare the Ordinance legal, or not legal, but the Commission should outline the next procedural steps for the Planning Staff. He recommended that the Planning Commission stay the Planning Director's decision concerning Mr. Swart until after a more thorough review of the Ordinance and further decision of the County Court.

Mr. Swart asked if he might have to remove his manufactured home if the Ordinance was determined to be valid by the Court at a later date. Mr. Swinburnson indicated that the "stay" would be permanent, and he would not have to remove his manufactured home.

Mr. Kingery asked if he can shop for an older manufactured home. Mr. Swinburnson said the present Ordinance is not affected. The County will scrutinize whether the Ordinance was legal, but there is no affect to it during this process. The Planning Commission's decision will be only to affect this one appeal of Planning Director's decision concerning Mr. Swart.

John Carter, 515 SE 15th St., Irrigon. Mr. Carter indicated that the ordinance is too general and there should be an inspection system that would meet the neighborhood's criteria. He agreed with revising the Ordinance, but to keep what is good for the citizens.

Commissioner Sykes asked if this action tonight will force a review of the Ordinance. Mr. Swinburnson told the Commission that their decision tonight is to instruct staff to review the procedures of the passage of the Ordinance. The Commission's action is purely procedural. David Hadley asked that his sample of a Measure 56 notification be entered into the Record.

Closed Public Hearing:

Commissioner Eppenbach moved to incorporate the sample Measure 56 notification as exhibit K into the Record. The motion was seconded by Commissioner Peterson. Motion Carried.

Commissioner Eppenbach moved that the Commission approve a stay of the Planning Director's Decision which denied a 1989 Marlette manufactured home on Mr. Swart's property. This motion was seconded by Commissioner Sykes. The motion was opposed by

Commissioner Wenzholz and Commissioner Rea on the grounds that the Ordinance was clear and legal at the time of the Planning Director's decision. The motion was approved by the majority.

Commissioner Peterson moved that the Planning Staff and County Counsel make a review of the law/legality and procedure of the Ordinance, seconded by Commissioner Wenzholz. Motion carried.

Other Business/Correspondence:

- The County has accepted the resignation of Kristina Gray, who will be taking a new position in Pasco, Washington. There will be cake after the hearing for all participants.
- Follow up to Randall Matthews. Mr. Matthews received a letter from the Planning Department outlining the two options he has in current Ordinance allowing him to place a single-wide manufactured home on his property.
- Letter from Theresa Penninger, ODOT . Our Ordinance does not require a traffic impact analysis for land partitions. This letter came after the appeal deadline had passed for the Port of Morrow Land Partitions in January, 2007.
- Task List – Post Acknowledgment Plan Amendments:
 - Floodplain Ordinance update and adoption of new FEMA FIRM maps
 - Codification of Comprehensive Plan
- Highway 730 Safety Corridor Project Update. Technical memo #4 recommending options to be presented at an upcoming meeting.
- Speedway - There is proposed legislation presented as Senate Bill 665. This is presented as an enhancement to the Bill from last session. There are some significant changes in the Senate Bill from what was approved two years ago.
- Gas exploration: A developer has been asking questions about exploration on EFU zoned land in northwest Morrow County.
- A budget update will be provided next month.
- Land Partition, surveying requirements on parcels 80 acres or less. Planning Director McLane asked the Commission for policy on whether to require monumentation on the parcels 80 acres and less, or surveying. The Commission discussed the issue; Planning Director McLane asked the Commission if they would like the Ordinance to be made more clear, that is, reopen the language for clarification. The Commission agreed to this suggestion.

DRAFT

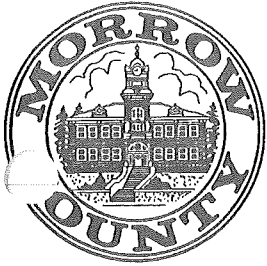
Adjournment:

The meeting was adjourned at 9:35 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, March 20, 2007 at 7:00 p.m. at the Morrow County School District Building in Lexington, Oregon.

Respectfully Submitted,
Lori Timmons, Associate Planner

DRAFT



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Minutes of the Morrow County Planning Commission

Tuesday, March 20, 2007, 7:00 p.m.

Morrow County School District Building
Lexington, Oregon

Members Present: Leann Rea, Jeff Wenzholz, Pamela Schmidt, Betty Burns, David Sykes, Roger Britt, Joel Peterson

Members Absent: Art Kegler, Don Eppenbach, both excused

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

Chair Rea called the meeting to order at 7:05 p.m.

Roll call was provided by Carla McLane.

Minutes of the February 27, 2007 minutes were reviewed and the wording in two sections were amended. Commissioner Wenzholz moved to accept the minutes as amended. Commissioner Burns seconded. Motion carried.

Planning Commission Chair Rea reviewed the Public Hearing Procedures for the benefit of the audience and Commission.

Land Partition LP-N-374 and CUP-N-236: Dan and Ashley Lindsay, applicant, and Larry and Corrine Lindsay, owner. Property is described as tax lots 303 and 305 of Assessor's map 2N 26. The property is located on Lindsay Feedlot Lane, approximately three and a half miles east of Bombing Range Road. Request is to partition 1,770 acres to create a "non-farm" dwelling parcel and approve a "non-farm" dwelling. Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.010(F); MCZO Article 6 Sections 6.020 and 6.030; and MCSO Article 5 Land Partitioning.

Associate Planner Timmons presented the staff report. Also provided was a letter from the Water Resources Department discussing the water rights on the property, that the property is in the Buttercreek Critical Groundwater Area, and the requirements for domestic wells. The letter also recommends a shared well agreement.

The staff report discussed the applicable criteria, starting with Article 3 Section 3.010(F) Requirements for a Dwelling Not Provided in Conjunction with Farm Use. Staff determined that the criteria are met or could be met through Conditions of Approval. Associate Planner Timmons discussed the Study Area, identifying the current and potential dwellings in the vicinity. There was discussion about the distance between the dwelling as currently sited and the Lindsay Feedlot and that the distance, while not quite one mile, it is not a change from the current use and distance of the dwelling. A Right-to-Farm Disclaimer Statement is required as a Condition of Approval and should serve to protect the farming operation into the future.

Discussed next was the Conditional Use Criteria found in Article 6. The application was found to be in compliance or the criteria did not specifically apply.

Last to be discussed were the Land Partition Criteria. Required as a Condition of Approval is a Partition Plat in accordance with ORS Chapter 92 and the Morrow County Subdivision Ordinance.

Commissioner Wenholz inquired about the number of acres included in the "non-farm" dwelling parcel. Planning Director McLane indicated that there are approximately 10 acres proposed in the "non-farm" dwelling parcel. Commissioner Rea requested a change in the staff report concerning the type of farming in the area and some wording relative to the dwellings in the area. There was some discussion about the Oregon Trail that traverses the subject property, but the Commission chose to not Condition the approval relative to the Oregon Trail.

Open the Public Hearing.

Larry Lindsay, P.O. Box 307, Lexington, Oregon. Mr. Lindsay spoke in favor of the application, indicating that the property proposed for the "non-farm" dwelling parcel has not been farmed for over 30 years. Based on this comment Commissioner Rea requested that the staff report reflect this fact.

Dan Lindsay, 73968 Lindsay Feedlot Lane, Lexington, Oregon. Mr. Lindsay also spoke in favor of the application, indicating that there was a desire to have a new home, but the new home required a loan, which meant owning the property.

No opponents.

Close the Public Hearing.

Planning Director McLane shared that a Zoning Permit was previously issued to Larry and Corrine Lindsay so that development could begin prior to completion of this process.

Commissioner Peterson moved to approve the application as amended by the Commission. Commissioner Wenholz seconded his motion. Motion carried.

Audience Participation:

None

Other Business:

- Planning Commission Bylaws; Planning Commission Membership.
Planning Director McLane began the process of guiding the Commission in a review of the current bylaws. The Commission mused about the perception of the need for changes in the makeup of the Planning Commission and asked the Planning Director whether or not there were perceived problems. Perceived problems with obtaining a quorum was suggested, yet the Commission did not see a historic pattern of problems with obtaining a quorum, misrepresentation, under representation, or unfairness. Commissioner Rea stated that the nine-person makeup of the Commission is her preference. Commissioner Britt indicated that the balance of the Commissioners seems to work just fine. Commissioner Wenholz shared his conversations with County Court Commissioner John Wenholz indicating that perhaps development occurring in the north end of the County cannot be fairly or knowledgeably considered by a Commission with a

majority from the south end of the County. The Commission questioned the validity of this perception and reiterated that the Commissioners believe they can fairly use the knowledge of north-end Commissioners to help them make conscientious decisions. The Commission made the determination that the wording of the bylaws concerning Planning Commission representation from geographic areas be left intact, that is, to use the language of State Statute.

The Commission agreed to change the word "Chairman" to "Chair" and to correct various grammatical errors. They also agreed to keep the yearly schedule rule as currently stated. Planning Director McLane will look at what other rural counties do concerning the State limit on similar Commissioner occupations; the County has historically had more than the limit of farmers volunteering on the Planning Commission.

- Update of Floodplain Ordinance and FEMA/FIRM Map.
Planning Director McLane explained FEMA's ongoing map modernization process. Preliminary maps for Morrow County have been finished with updated information, some areas in the County show decreased flood hazard and others show increased flood hazards. An ex-DLCD staff person has volunteered to edit our present floodplain ordinance for compliance with the updated information. The change will require review and approval through two Planning Commission hearings and one County Court hearing. The finished maps will be provided digitally. The Commission discussed the problems and issues with ambiguity in the floodplain information. Planning Director McLane explained that the new updated maps will be more accurate. The first hearings are planned to be in June and finished in August, which will meet FEMA's deadline for October.
- Comprehensive Plan Codification
In July or August the Planning Staff will be going through the work of creating an up-to-date electronic version of the Comprehensive Plan. All of the adoptions and additions have not been incorporated into a current document as of yet.
- Planning Director McLane updated the Commission on the Speedway project. No formal site plan or application has been submitted to the County. Options for proceeding are being considered by the developer.

Adjournment: 9:18 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, April 24, 2007 at 7:00 p.m. at the North Morrow County Annex Building in Irrigon, Oregon.

Respectfully Submitted,
Lori Timmons, Associate Planner



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**Minutes of the Morrow County Planning Commission
Tuesday, April 24, 2007, 7:00 p.m.
North Morrow County Annex Building
Irrigon, Oregon**

Members Present: Leann Rea, Don Eppenbach, Art Kegler, Joel Peterson, Jeff Wenzholz, Roger Britt, Betty Burns, David Sykes

Member Absent: Pam Schmidt (excused)

Staff Present: Carla McLane, Planning Director; Lori Timmons, Associate Planner; Ryan Swinburnson, County Counsel; Burke O'Brien, Public Works Director

Chair Rea called the meeting to order at 7:02 p.m.

Burke O'Brien, Public Works Director, provided a handout concerning the upcoming Road Tax Levy. Public Works and the Road Committee are asking the voters to approve a tax that would provide 10 million dollars over a five year period. The roads that would be improved are Ella Road, Lone-Boardman Road, Juniper Canyon Road, Kunze Road, Miller Road, Depot Lane and Sand Hollow Road. The cities, by law, will receive a portion of the tax collected that they can use on road projects of their choosing. Public Works will manage these funds separately with a budget of their own. The funds will not be commingled with other road funds.

For the past ten years the Public Works Department has established a road maintenance and preservation effort as outlined in the Morrow County Transportation System Plan. These four projects keep falling off the list as they are just too big or too expensive.

Planning Commission members asked several questions. Commissioner Kegler and Eppenbach inquired about traffic counts to support the projects. Burke indicated that those numbers are available and can be uploaded to the County Public Works website. Planning Director McLane asked for clarification on the money received by the cities - it does need to be used on road projects. Commissioner Britt asked if bridges are considered roads when it comes to funding - they are.

Roll call was provided by Planning Director McLane.

Minutes of the March 20, 2007 minutes were reviewed. Commissioner Wenzholz moved to approve the minutes as presented. Commissioner Peterson seconded. Motion approved unanimously.

Planning Commission Chair Rea read the Public Hearing Procedures.

Subdivision Request SD-N-221: Cecil and Nancy Swaggart, owner and applicant. Property is described as tax lot 1200 of Assessor's Map 4N 25 14. The property is zoned Farm Residential (FR) and is located approximately two miles southeast of Boardman

near the intersection of Wilson Lane and Rippee Road. Request is to subdivide 33.3 acre parcel into fourteen lots. Criteria for approval include the Morrow County Subdivision Ordinance.

Commissioner Kegler recused himself from this proceeding.

Associate Planner Timmons provided the staff report beginning with the general information concerning property location, description and some general background information. The Subdivision Review Committee was convened, as required, on March 14, 2007. Covered in that meeting were the Tentative Plat Requirements, Conformance with the Zoning Ordinance and Comprehensive Plan, Possible Effects by Natural Hazards, Quantity and Quality of Existing or Proposed Water Supply, Adequacy of the Existing or Proposed Sewage Disposal System, Adequacy of Public Services to Serve the Increase in Population to be Created by the Development, Possible Conflicts with Adjoining Property, Protective Covenants, Deeds or Restrictions, Conformance with Policies and Provisions of Local and State Regulations, Marketable Title, Agreement for Management, Construction Maintenance or Services Proposed, and Effects of the Subdivision for Continuity of Public Services and Access to Adjoining Lands. The written staff report discusses each of these items and suggests a variety of Conditions of Approvals.

Discussed next in the staff report was Compliance with the County Subdivision Ordinance. Associate Planner Timmons reviewed each of the criteria beginning with the Required Findings for Approval. The development is consistent with the Comprehensive Plan, is compatible with the area surrounding the project site, and should not have any adverse impact on natural resources. Staff did identify that the area is in the LUB GWMA designated by the Department of Environmental Quality based on water quality. Under Section 3.080 Supplemental Information Required Associate Planner Timmons reviewed the criteria and addressed additional Conditions of Approval that have been recommended by staff. This sections covers covenants, serving utilities, fire protection and ownership. Covered next was Section 3.100 Specific Approval Requirements which focuses primarily on streets and access. Discussed was Wilson Lane, Rippee Road, the internal street and accesses.

Commissioner Peterson inquired about the number of lots and what would happen if Oregon DEQ did not approve all 14 proposed lots. Planning Director McLane suggested that the Planning Commission request staff to amend the staff report to indicate a maximum of 14 lots or reduction in lots to meet the Oregon DEQ requirements.

Nancy Swaggart, testified in support briefly addressing the number of lots.

Stephen Haddock, Land Surveyor, testified in support. It was Mr. Haddock who notified Water Resources that the wrong water rights were identified in the first letter the Planning Department received. When the test holes were initially dug there was three to five feet to bedrock. After the test holes were prepared the neighbor's irrigation ran too long and filled the holes. Neighbors in the southeast corner still flood irrigate as well as neighbors to the west. Easements for water management are planned to move that flood irrigated water through and off the property. There is also an additional easement requested by the power company along Rippee Road. The staff report needs to be corrected to indicate that the internal road does not create an intersection with Downey Road. It lines up with a driveway to the east of Downey Road. The applicant is requesting a copy of a Consent to Participate Agreement to review. WEID originally approved a single delivery system, but their letter indicates a requirement for a looped system. Swaggart's are not adverse to the looped system, but would want full participation with the adjacent land owners.

Chair Rea inquired of Mr. Haddock about the irrigation easements. Discussion followed.

Commissioner Kegler inquired about the lot frontage requirement. Discussion ensued focused primarily on the requirement, which was not specific to this application.

Public Hearing Closed.

Planning Director McLane provided some additional information about the road requirements and her conversation with the County Court. The Court is willing to accept the road as part of the county road system if the applicant will construct the road to a higher standard as negotiated between the applicant and the County Court.

Chair Rea inquired about the Consent to Participate Agreement on Rippee Road. Planning Director McLane shared that Wilson Lane is currently constructed to the County Road Standard; Rippee Road is not.

Commissioner Peterson inquired about the language indicating the need for it to be amended concerning the internal road being across from Downey Lane.

Commissioner Peterson inquired about the number of lots and recommended that the staff report be amended, preferable the request specifically, to allow for a fewer number of lots.

Commissioner Britt inquired about the number of wells. Discussion followed about shared wells and community systems.

Commissioner Peterson moved approval with changes as discussed. Commissioner Eppenbach seconded. Motion carried.

Variance Request V-N-002-07: Shirley Matthews, owner and applicant. Property is described as tax lot 602 of Assessor's Map 5N 26 25B. The property is zoned SR-2A, outside the Irrigon Urban Growth Boundary and is located west of Irrigon on Idaho Lane between Third and Fourth Roads. Request is to allow a Use Variance to place a single-wide manufactured home in a Suburban Residential 2A (SR-2A) Zone. Criteria for approval include Morrow County Zoning Ordinance Article 7 Variances.

Associate Planner Timmons provided the staff report beginning with the property description, location and general background information. The criteria reviewed included Article 4 Section 4.110(B) and Article 7 Section 7.020. The applicant is requesting a variance from both the width requirement and the age requirement for siting a manufactured home which is a Use Variance. The staff report concluded with a review of the Conditions of Approval.

Commissioner Sykes inquired as to what is being approved. There is language in Section 7.020 that states a variance may be granted "unqualifiedly" or "may be granted subject to prescribed conditions." In this case we would be granting the variance "subject to prescribed conditions."

Commissioner Kegler inquired further about what events brought us to this point. Associate Planner Timmons provided some additional background information.

Randall Matthews, Waldport, testified in support. The proposed single-wide manufactured home is currently in Idaho and is being inspected. There was considerable discussion about

what the request is and what is being varied. The variance would cover both the year and width of the proposed manufactured-home.

Closed the Public Hearing.

Commissioner Peterson shared that he felt the uniqueness is that Mrs. Matthews found herself caught in the process of the recent zone change. Chair Rea inquired about the 1,000 square feet and should we address that as well. Commissioner Eppenbach shared that by virtue of amending the width the square footage would be amended.

Commissioner Peterson moved to approve. Commissioner Kegler seconded. A poll of the Planning Commission was taken. Commissioner Eppenbach - yea. Commissioner Kegler - yea. Commissioner Peterson - yea. Commissioner Wenholz - nay. Commissioner Britt - yea. Commissioner Burns - nay. Commissioner Sykes - yea. Chair Rea - nea. Motion carried five to three.

Appeal of Planning Director Decision: Patricia Hughes, owner and applicant. Property is described as tax lots 601 and 1201 of Assessor's Map 4S 29. The property is zoned Forest Use and is located approximately three miles east of the Blake Ranch Subdivision. Applicant is requesting relief from a Condition of Approval for a recently approved Property Line Adjustment, specifically to have the requirement for a Boundary Survey to be waived. Criteria for approval include the Morrow County Subdivision Ordinance Articles 5 and 12.

Associate Planner Timmons provided the staff report. Commissioner Kegler inquired as to what has been surveyed and would those surveys be appropriate. There have been surveys in years past and those may work, they may not.

Patricia Hughes, Heppner, testified in favor of granting the appeal and removing the requirement for a Boundary Survey.

Close the Public Hearing.

Planning Director McLane explained that the Property Line Adjustment was not the subject of this appeal. The specific Condition of Approval requiring the Boundary Survey was what the Planning Commission was being asked to address.

Planning Commission did discuss concerns with precedent being set as this is an identical request for appeal from a few months back. There is a pattern emerging of Property Line Adjustments being approved followed by appeals to remove the survey requirement. Article 5 of the Subdivision Ordinance is being brought back before the Planning Commission and County Court in the next few months for other changes and this can and should also be reviewed.

Commissioner Kegler moved to accept Option 2. Commissioner Eppenbach seconded the motion. Commissioner Eppenbach - yea. Commissioner Kegler - yea. Commissioner Peterson - yea. Commissioner Wenholz - nay. Commissioner Britt - yea. Commissioner Burns - yea. Commissioner Sykes - yea. Chair Rea yea. Motion carried seven to one.

Audience Participation

The was no audience left to participate!

Other Business/Correspondence

Highway 730 open house will be tomorrow, April 25. An outcome of this process will most likely be changes to the TSP. At the open house the consultant will present the alternatives that have been formulated to the public.

- **Draft Planning Commission Bylaws**
The proposed bylaw changes will be presented to the Commission next month.
- **Set meeting time for joint work session with the County Court**
The Commission agreed to a work session on May 8 if the County Court will be able to meet at this time.
- **May agenda**
Carla discussed some of the agenda items for the May meeting.

Adjournment:

The meeting was adjourned at 9:23 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, May 22, 2007 at 7:00 p.m. at the Morrow County School District Building in Lexington, Oregon.

Respectfully Submitted,
Carla McLane, Planning Director



PLANNING DEPARTMENT

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Minutes of the Morrow County Planning Commission

Tuesday, May 22, 2007, 7:00 p.m.
Morrow County School District Building
Lexington, Oregon

Members Present: Leann Rea, Don Eppenbach, Pam Schmidt, Joel Peterson, Jeff Wenzholz, Roger Britt, Betty Burns,

Member Absent: Art Kegler, David Sykes (excused)

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

Chair Rea called the meeting to order at 7:00 p.m.

Roll call was provided by Planning Director McLane.

Minutes of the April 24, 2007 minutes were reviewed. Commissioner Eppenbach moved to approve the minutes as presented. Commissioner Burns seconded. Motion approved unanimously.

Planning Commission Chair Rea read the Public Hearing Procedures.

Hardship Variance HV-N-001: Nicole Klupenger, applicant and owner. Property is described as tax lot 6000 of Assessor's Map 5N 27 21A. The property is located on Pleasant View Road approximately three miles east of Irrigon. Request is to allow the siting of a manufactured home as a hardship dwelling for Nicole Klupenger's father, who has a medical hardship and requires close-at-hand assistance. Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 4.130.

Planning Director McLane provided a letter response from the Oregon Water Resources Department indicating the standard requirements for a domestic water well. The letter also included the information that the location is within the Ordinance Basalt Critical Groundwater Area. The Commission recommended that this information about the Critical Groundwater Area as well as the LUB GWMA be included within the Staff Report. Planning Director McLane then provided the staff report beginning with the property description, location and general background information. Commissioner Rea asked the Planning Director to read the letter from the medical professional recommending the hardship variance as the packet copies were too faint to easily read. Commissioner Burns asked if the hardship variance would require the use of a single-wide that still meets the 10-year age requirement. Planning Director McLane replied that the applicant would still need to meet this part of the criteria.

Public Hearing Opened

There was no comment from the public. The applicant was not present for the hearing.

Public Hearing Closed

Commissioner Peterson moved for approval with additions to the Staff Report as discussed. Commissioner Wenzholz seconded. Motion carried.

Land Partition LP-N-375: Christie L. Sherrow, attorney-in-fact for Avery Leon Taylor, owner. Property is described as tax lot 1102 of Assessor's Map 5N 26 25. The property is located on Nevada Avenue at the southwest corner of Nevada Avenue and Third Road West outside the Urban Growth Boundary of Irrigon. Request is to partition a 6.41-acre parcel into two parcels each meeting the 2-acre minimum lot size requirement in the Rural Residential Zone. Criteria for approval include the Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning.

Planning Director McLane Provided a letter response from the Oregon Water Resources Department indicating the standard requirements for a domestic water well. Planning Director McLane then provided the staff report beginning with the property description, location and general background information. The Findings include four Conditions of Approval, which include a Consent to Participate Agreement for the improvement of West Third Road and Nevada Lane.

Public Hearing Opened

Christie Sherrow, 885 E. Kennedy, Hermiston

Ms. Sherrow testified in favor of the application. She gave testimony as to the background of the parcel and the reason why they are requesting the land partition. The portion of the property to be partitioned from the parent parcel has a current dwelling which the occupants would like to purchase. The land partition would make it possible for the occupants of the dwelling to purchase the land where they currently live.

Public Hearing Closed

Commissioner Wenholz moved to approve with various typographical errors removed. Commissioner Eppenbach seconded. Motion carried.

Land Partition LP-N-376: Pablo Madrigal, applicant, and Don and Deborah Young, owners. Property is described as tax lot 301 of Assessor's Map 4N 24 13. The property is located on Wilson Lane between Tom Camp Road and Peters Road outside the Urban Growth Boundary of Boardman. Request is to partition a 9.70-acre parcel into two parcels each meeting the 2-acre minimum lot size requirement in the Farm Residential Zone. Criteria for approval include the MCSO Article 5 Land Partitioning.

Planning Director McLane explained to the Commission that, because of an error in the application, proper notice had not been carried out. Due to this, Commissioner Peterson moved to continue this hearing to the June 26, 2007, public hearing to begin at 7:00 p.m. at the North Morrow County Annex Building in Irrigon, Oregon. Commissioner Eppenbach seconded the motion. Motion carried.

Conditional Use Permit CUP-N-237: Jerry R. And Sheryl Fisher, applicants and owners. Property is described as tax lot 100 of Assessor's Map 5N 26 25B. The property is located at the northwest corner of Highway 730 and Second Road outside the Urban Growth Boundary of Irrigon. Request is to permit a vehicle towing operation, storage yard and a single family residence in conjunction with a business in a General Commercial Zone. Criteria for approval include the MCZO 3.060(B)(24), (25) and 6.050(J).

Planning Director McLane provided a letter response from the Oregon Water Resources Department indicating the standard requirements for a domestic water well. Planning Director McLane then provided the staff report beginning with the property description, location and general background information. The criteria for Use Limitations and General Conditions for the proposed Conditional Use were reviewed.

Planning Director McLane shared a phone call that was received from Brian Cook. Mr. Cook called with concerns that the impounded vehicles may end up staying on the property and begin to look

like an auto wrecking yard. Planning Director McLane shared that the Discount Towing permit from the Department of Motor Vehicles will address Mr. Cook's concerns.

Commissioner Schmidt asked about the requirement for a handicap parking space when the parking lot will be graveled, not paved.

Public Hearing Opened

Jerry Fisher, applicant: 200 West Highway 730, Irrigon
Mr. Fisher indicated that there does exist a cement pad that would do nicely for a handicap parking space.

Eugene Wiglesworth, 210 Columbia Lane, Irrigon
Mr. Wiglesworth spoke in favor of the application. He is glad to see the subject property being cleaned up.

Public Hearing Closed

Commissioner Wenzholz moved for approval of the application as presented. Commissioner Burns seconded. Motion carried.

Other Business/Correspondence

- **Draft Planning Commission Bylaws**
The Commission reviewed the Bylaw changes. Once the Bylaws are finished they will be presented to the County Court.
- **Joint work session with the County Court**
The work session on will be held May 5 at the CSEPP Building in Irrigon. Participants will include Umatilla County Planning Department, Planning Commissioner and Board of Commissioners. There will be a presentation given by ODOT concerning the Highway 730 corridor improvements. Several other topics will be covered including the floodplain ordinance, Article 5 of the Subdivision Ordinance, the Recreation Element of the Comprehensive Plan and codification of the Comprehensive Plan.
- **Senate Bill 823.**
Planning Commissioner McLane introduced this Bill that would limit development within 100 feet of the Old Oregon Trail. She discussed several disadvantages to the proposal and the Commission recommended that she correspond with the persons involved with the Bill to possibly influence the outcome in a way that would be favorable to the protection and preservation of the Old Oregon Trail and still respect the eastern Oregon landowners who have already done much to protect it.

Adjournment:

The meeting was adjourned at 8:35 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, June 26, 2007 at 7:00 p.m. at the North Morrow County Annex Building in Irrigon, Oregon.

A joint work session with the Morrow County Court is scheduled for Tuesday, June 5, 2007, at 6:30 p.m. at the North Morrow County Annex Building in Irrigon, Oregon.

Respectfully Submitted,
Lori Timmons, Associate Planner



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**Minutes of the Morrow County Planning Commission
Tuesday, June 26, 2007, 7:00 p.m.
North Morrow County Annex Building
Irrigon, Oregon**

Members Present: Leann Rea, Don Eppenbach, Betty Burns, David Sykes, Pamela Schmidt, Art Kegler

Members Absent: Roger Britt, Joel Peterson, Jeff Wenzholz

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

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

Roll call was provided by Planning Director McLane.

Minutes of the May 22, 2007 meeting were reviewed. Commissioner Rea handed her corrections to the Minutes to Associate Planner Timmons. Commissioner Eppenbach moved the Minutes be approved and Commissioner Schmidt seconded. Motion carried.

Planning Commission Chair Rea read the Public Hearing Procedures.

Continued from May 22, 2007, Land Partition LP-N-376: Pablo Madrigal, applicant, and Don and Deborah Young, owners. Property is described as tax lot 300 of Assessor's Map 4N 24 13. The property is located on Wilson Lane between Tom Camp Road and Peters Road outside the Urban Growth Boundary of Boardman. Request is to partition a 29.7-acre parcel into two parcels each meeting the 2-acre minimum lot size requirement in the Farm Residential Zone. Criteria for approval include the Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning.

Planning Director McLane presented the staff report. Water Resources had provided their standard letter to the Commission indicating domestic well requirements and usage limits. The property is in the LUBGWMA and it is recommend that the applicants have their water tested regularly for nitrate levels.

Commissioner Kegler asked about the discussion in the staff report dealing with series partitions and if it was binding to the applicant. Planning Director McLane reminded the Commission that it was binding. She said that the applicant can only do one partition per year and yes, the requirements in the staff report are binding. Art also indicated that he had worked with the applicant and in that he never bought from him, he doesn't have any conflict.

Open the public hearing

Deborah Young, 68901 Wilson Lane, owner, spoke in favor of the application.

Public Hearing Closed.

Commissioner Eppenbach moved for approval of the application as presented, Commissioner Kegler seconded his motion. Motion carried.

Land Partition LP-S-377 and Conditional Use Permit CUP-S-240: Clayton T. Davis Jr. , applicant and Richard Ruhl, owner. Property is described as tax lot 4101 of Assessor's Map 1S 25. The property is zoned Exclusive Farm Use and is located approximately 2 miles east of Lexington on Blackhorse Canyon Road. Request is to create a "non-farm" dwelling parcel and approve a "non-farm" dwelling. Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.010(F); MCZO Article 6 Sections 6.020 and 6.030; and MCSO Article 5 Land Partitioning.

Pamela Schmidt recused herself from this hearing.

Planning Director McLane presented the staff report. She discussed the study area and indicated that at some time the Commission may want to look at the cumulative impacts to farming due to the trend for residential growth pressure in this particular area.

If Blackhorse Canyon Lane is a 40 ft right-of-way, staff requests dedication to meet TSP standards. Also, requested is a Consent to Participate Agreement. Piper Canyon Road meets the County road standard as a gravel road.

When this land partition is to be recorded the Land Partition for Financial Purposes that exists with the parcel will be nullified, and if the owner still wants it, they must reapply for it again.

No comment letters were received.

Commissioner Sykes asked if intensive farming has been defined. Planning Director McLane indicated that although there has been discussion about it, no definition has been applied. Art asked about the contaminated soil and how that has the potential to allow non-farm dwellings when they would be otherwise not allowed.

Commissioner Rea asked for a wording change in the Condition of Approval.

Open the Public Hearing

Clayton Davis Jr. , applicant testified in favor of the application

Closed the Public Hearing.

Commissioner Sykes moved and Commissioner Burns seconded the motion to approve the requests. Motion carried.

Conditional Use Permit CUP- S-239 and Variance V-S-003: Andre and Kathleen Meyer, applicants and owners. Property is described as tax lot 4500 of Assessor's Map 1S 25. The property is zoned Exclusive Farm Use (EFU) and is located just off State Highway 207/74 on the south border of the Town of Lexington. Request is to site two accessory farm dwellings for farm help who will assist in the management of the farm. An additional request is to allow a Variance to the manufactured home requirements that

the proposed manufactured homes be no more than ten years before the receipt date of the siting request and that it be a double-wide of at least 1000 square feet. Criteria for approval include MSZO Article 3 Sections 3.010(D)(3) and (E); Article 7 Variances.

Art Kegler testified that he had discussed the application casually with the applicants, but he does not feel that he is biased. Chair Rea did not ask him to step down.

Planning Director McLane presented the staff report. She indicated that the applicant stated that the domestic water will be extended from the Town of Lexington. The Town should require a Goal 11 Exception (public services) prior to allowing connection to the Town's water system. It would be the Town's responsibility to enforce compliance with Goal 11 as the County would have no way to know if the connection had been made or not. Installation of a domestic well would be allowed without a Goal 11 Exception. The primary dwelling has received its water from the Town for many years, predating Oregon's land use laws and is viewed as a pre-existing, non-conforming use.

Residential standards for the manufactured homes have to be applied in this situation because the location of the manufactured homes are within 1/4 mile from a residential area. The requested variance is from the age requirement. As temporary dwellings, the permanent dwelling requirements are being waived, such as the carport, pitched roof, and foundation.

David asked what was meant by a Goal 11 Exception. Planning Director McLane explained that the applicant should be required by the Town of Lexington to apply to the County for a Goal 11 Exception. As the County would not have direct knowledge of how the applicant would acquire water there would not be an obvious opportunity for the county to enforce this.

There was discussion about manufactured home siting standards and how our ordinance stands up to state requirements. Carla indicated, that since the population of the County is less than 15,000, we do not currently have to meet needed housing standards. But when the County population reaches 15,000 Goal 10 will need to be addressed including how the County will deal with needed housing on a variety of levels.

Open the Public Hearing

Andre and Kathy Meyer, Lexington. Mr. Meyer talked about his discussion with Lexington on the water delivery subject. The water has been historically delivered by Lexington and this continues to be the most cost effective way. Kathy Meyer indicated that they have attempted to place the manufactured homes in inconspicuous locations. They had originally bought the homes having been told they met the state requirements and were unaware of the new County ordinance. They are concerned with making sound economic decisions.

Planning Director McLane explained Goal 11 to Mr. Meyers and how it affects his request.

John Edwards, Lexington resident, spoke of discrepancies in the map. "They left the creek out" on the map that should be included on the map. Leann indicated that the DEQ will be enforcing the standards for locating the septic system and explained that the zoning approval and DEQ will enforce standards for septic location.

Steve Cox, 3043 North 25 West, Provo, Utah, spoke in favor of the application and urged the Commission to approve the application.

Close the Public Hearing.

Carla asked the Commission to indicate within any motion their position on the variance approval and why. Commissioner Eppenbach moved for approval stating that no real decision on age has been reached and the County will have to address Goal 10 and "needed housing" when the population of the County reaches 15,000.

At this point Andre Meyers corrected his statement that one of the manufactured homes is a 1997 or thereabouts. He remembered that it was a 1977 model instead.

Chair Rea reopened the Public Hearing,

Chair Rea asked the Meyer's to enter the photos of the manufactured homes into the record. Kathy Meyer showed the Commission the photographs of the manufactured homes and their location.

Commissioner Schmidt asked about what "temporary" as a use is and how long the manufactured homes could be located at this site. Based on the criteria in Statute the manufactured homes as accessory dwellings would have to be removed at the time the Meyer's sell the property. "Temporary" could still be a long time.

Commissioner Kegler indicated that he felt the manufactured homes are probably okay as far as location.

Commissioner Burns has a problem with making rules and then always applying variances for folks to get around the new rule. Commissioner Schmidt asked if the applicant could get insurance for the units. Kathy Meyers indicated that the 1976 date is triggering many agency date requirements, but they haven't talked to an insurance agency. Commissioner Kegler indicated that they are insurable. He explained to Mr. And Mrs. Meyers about the need for aesthetics of manufactured homes. It was a quality of life the county was aiming at. Commissioner Sykes commented that as a temporary unit that complies with state requirements disapproval would be arbitrary

Closed the Public Hearing.

Commissioner Eppenbach moved to approve the application along with the Variance request because the structure met the HUD criteria and the temporary placement criteria. Seconded by Commissioner Kegler. Motion carried unanimously.

Commissioner Schmidt asked about a better attempt at communicating with the public about the 10 year requirement in order to avoid the expense of purchasing units that are not sitable in the county. As there are concerns with the notice requirements for the current Ordinance and the pending amendments that will be required when the County does work under Goal 10 it was agreed that attempting this type of communication effort was better left until later.

Conditional Use CUP-S-238: Earl R. Woods Jr., applicant and owner. Property is described as tax lot 800 of Assessor's Map 4S 28 11. The property is zoned Forest Use (FU) and is located on Bluejay Road in the Blake Ranch Subdivision. Request is to site a template dwelling in the Forest Use Zone. Criteria for approval include MCZO Section 3.020 Forest Use.

Planning Director McLane presented the staff report.

Commissioner Kegler asked if all of the dwellings in the Blake Ranch Subdivision need to be approved by a Conditional Use Permit. Carla indicated that yes, they do.

Commissioner Sykes asked for clarification of the siting standards for houses in the Forest Use zone. Carla explained the lot of record, acreage test, and the soils productivity criteria.

Opened the Public Hearing

No one testified for, against, or neutral to the application

Close the Public Hearing.

Commissioner Kegler moved and Commissioner Eppenbach seconded the approval of the application as presented. Motion carried unanimously.

Break: 8:45 p.m. - 9:00 p.m.

Hardship Variance HV-N-002: Michael and Judith Gormley, applicant and owner. Property is described as tax lot 1001 of Assessor's Map 5N 26 25B. The property is located on Fourth Road between State Highway 730 and California Lane near Irrigon. Request is to allow the siting of a manufactured home as a medical hardship dwelling. Criteria for approval include MCZO Article 4 Sections 4.110 and 4.130.

Planning Director McLane presented the staff report.

Opened the Public Hearing.

Judy Gormley testified that Mrs. Ott, her mother, has been living alone and needs to be close to her daughter. She asked about the manufactured home age and quality. It was her understanding that a 30 year old home would be hard to move and insure. They are interested in acquiring a home that is at least a 1987 model. Carla indicated the manufactured home parks can be a place for older manufactured homes.

Commissioner Kegler indicated that FHA won't lend money on homes that have been moved.

The applicant was given the opportunity to request an age variance as part of this request. Mr. Gormley indicated that it would be best to have some flexibility for finding a useable and economical home for Mrs. Ott. Planning Director McLane recommended some boundaries can be applied at this time for age variances for this residence.

Tim Hellberg, Irrigon resident, registered his support of the application. He supports the process of taking care of next of kin in an economical way.

Closed the Public Hearing.

Commissioner Kegler commented on the discrepancy between the approval of a hardship variance for a manufactured home or a recreational vehicle.

The Commission deliberated an age requirement for this hardship variance situation and agreed on a 20-year age allowance for the manufactured home.

Commissioner Kegler moved to approve the application with the amendments to both size (single or double-wide larger than 745 sq ft) with a 20 year age limit. Seconded by Commissioner Burns. Motion carried unanimously.

Audience Participation

There was no audience left to participate.

Other Business/Correspondence

- **Planning Commission Bylaws** - Commissioner Rea indicated a needed language change in Article 1, Section 2. The Commission decided to send the finished bylaws to the County Court for approval after being signed and approved by the Planning Commission at the July hearing.
- **House Bill 3540 C-Engrossed - Measure 37 Fix Bill:** Planning Director McLane passed to the Commission the 24-page legislative fix to be presented to the voters this fall.
- **Land Use Planning Guide for Small Cities and Counties in Oregon:** Planning Director McLane passed to the Commission this document that provides basic land use planning information.
- **ORS 197.303 "Needed housing":** Planning Director McLane passed to the Commission the "needed housing" statute that we will have to address in the next year or two.
- **OAPA initiative for Planning Commission Training.** Planning Director McLane introduced proposed web-based training for Planning Commissioners and asked for topic feedback from the Commissioners.
- **July agenda:** The Public Hearing will begin at 5:00 p.m. with the legislative changes and then at 7:00 p.m. the regularly scheduled hearings will be held. There are four County initiated legislative items, one citizen initiated legislative item and five land use applications to be covered during the evening. Planning staff will provide dinner (salad and sandwiches).

Adjournment:

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

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, July 31, 2007 at 7:00 p.m. at the Morrow County School District Building in Lexington, Oregon.

Respectfully Submitted,
Carla McLane, Planning Director



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**Minutes of the Morrow County Planning Commission
Tuesday, July 31, 2007, 5:00 p.m.
Morrow County School District Building
Lexington, Oregon**

Members Present: Leann Rea, Don Eppenbach, Jeff Wenzholz, Pamela Schmidt, Joel Peterson, David Sykes, Art Kegler

Members Absent: Roger Britt, Betty Burns

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

Chair Rea called the meeting to order at 5:05 p.m.

Roll call was provided by Planning Director McLane.

Minutes of the June 26, 2007 meeting were reviewed. Commissioner Schmidt motioned, Commissioner Eppenbach seconded the minutes be approved with minor corrections. Motion carried.

Planning Commission Chair Rea read the Public Hearing Procedures.

Flood Hazard Overlay Zone (FP) and Federal Emergency Management Administration (FEMA) Flood Insurance Rate Map (FIRM) Adoption: FEMA, Morrow County and the City of Heppner initiated a review of the FIRM maps several years ago which is now nearly complete. Morrow County is now in a six month notice period which allows time for local adoption of the required amendments to Article 3 Section 3.100 of the Morrow County Zoning Ordinance in order to be in compliance with Federal law. This action will include adoption of both the updated Flood Hazard Overlay Zone and new FIRM maps. This is the first of two Planning Commission public hearings to be followed by at least one County Court public hearing prior to adoption. Criteria include the Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.100, Article 8 Amendments and the Comprehensive Plan chapter on Amendments.

Planning Director McLane presented the Staff Report for the proposed changes to the FEMA FIRMs and Flood Hazard Overlay Zone. A few years ago FEMA, as requested by the City of Heppner, began the process of updating the flood maps in the Willow Creek valley. The new map study revealed some changes needed to be made to the Willow Creek area FIRMs. The preliminary updated maps were introduced to the public in January and FEMA received no comments during their 90-day comment period. At this point Morrow County and the local jurisdictions are in the 6-month period for the formal adoption of the new maps.

On June 5, 2007 the Planning Commission held a workshop wherein the Commissioners requested information from Mark Darienzo, the Oregon Department of Land Conservation and Development Flood Map Modernization Coordinator. His responses and recommendations are

provided with the Staff Report. The Commission had asked for the definition of "mean sea level," which will be added to the ordinance language for the next hearing, as well as a definition of "substantial damage." Also, clarification of below grade crawl spaces was provided by Mr. Darienzo. A more narrow definition of manufactured home was recommended, which excludes recreational vehicles as part of the definition. Planning Director McLane recommended the Commission make those changes recommended by Mr. Darienzo. He also recommended the Commission include language advising citizens about the increased insurance cost associated with below-grade crawlspaces.

Opened the Public Hearing:

Jim Starr, Lexington indicated he didn't get letter but thinks he is in a floodplain because a lot of water came down the "sourdough." He asked about the average "overflow" in Lexington on the Willow Creek and was interested in whether or not his property was in a changed or unchanged flood area and how high the flood was likely to get. Planning Director McLane offered to help him find his property on the map during the break and explained how the flood maps were calculated. Judson Coppock, Heppner, commented that every drainage hasn't been mapped, but this doesn't mean his property might not flood.

Closed Public Hearing:

Commissioner Sykes wanted to know if there was a possibility of a surprise by the map changes. Planning Director McLane indicated that, no, the flood ordinance and flood insurance map structure has been in place for many years and the total affected area in the Willow Creek floodplains and floodways are probably not much changed.

The Commission considered the request about using the suggested/modified definition of manufactured home, as opposed to the existing definition. The Commission agreed to include the substantial damage definition recommended by Mr. Darienzo. Below grade crawlspace language was confirmed to be added but the Commission decided to not add the language about cost of insurance into the Ordinance.

The Commission continued this hearing to the next regularly scheduled hearing by the Commission on August 28, 2007.

Subdivision Ordinance Article 5 Land Partitions: This portion of the Morrow County Subdivision Ordinance deals with land partitions, property line adjustments and other similar land division actions. The proposed amendments would clarify language adopted in late 2005 and remove language which allows "partitions for financial purposes." This is the first of two Planning Commission public hearings to be followed by at least one County Court public hearing prior to adoption. Criteria include the Morrow County Subdivision Ordinance Article 12.

Planning Director McLane passed the West Extension Irrigation District comment letter to the Commission. She explained additional recipients of the notice letter, specifically the banks who do local lending in the area and the local surveyors.

West Extension Irrigation District is the water control district the County works with the most, and manager Bev Bridgewater worked on rewording section 5.030. Planning Director McLane recommended the Commission carefully consider the recommended wording but does not oppose it.

Commissioner Peterson commented that he would like to see the deletion of Section 10(d). Planning Director McLane indicated that deleting references to effects to natural, scenic and historical resources would not be serving due diligence to Goal 5 and the language in the Comprehensive Plan.

Planning Director McLane then reviewed the other changes to the Ordinance. Section 5.100 had been struck out for deletion and Planning Director McLane explained why. She gave some instances where Land Partitions for Financial Purposes (LPFPs) have become problematic for staff in their management and indicated that most Oregon counties do not allow for them.

Opened Public Hearing:

George Koffler, Bank of Eastern Oregon, Heppner

He testified that LPFPs create flexibility and viable alternatives for the County that would not have been available in other counties. Five of the six counties he does business in do allow for LPFPs. He encourages the Commission to leave the Ordinance the way it is.

Judson Coppock, Heppner

He said that although there are potential problems, he suggested the property owner be required to put money in escrow for the recombination. Mr. Koffler replied that it is unreasonable to require that.

Planning Director McLane indicated that an alternative to the LPFP is the non-farm dwelling option. She explained this option to Mr. Koffler and said this option creates a legal parcel in which an applicant can have a separate parcel from the farm for financial purposes.

Commissioner Peterson commented that a non-farm dwelling can only be used once on a parcel, whereas a LPFP could be used more than once on a property through time. The non-farm dwelling option will incur a tax penalty as well.

Melissa Lindsay, Bank of Eastern Oregon

She defended the use of LPFP for the use of helping the farmer get financing for houses apart from farm financing, which has higher interest rates. She said LPFPs have become an important tool for the banks to lend to farmers.

Commissioner Sykes indicated that the problems with the LPFPs seems to be with administration of the LPFP, not abuse. Planning Director McLane indicated there hasn't been abuse of the allowance. He asked if there was a way to improve the allowance, perhaps to get an understanding as to how other counties do it.

Commissioner Kegler recommended a 5-year re-application or review. The Commission seemed to think removing the provision as extreme.

The Commission continued the article 5 subdivision hearing to August 28, 2007.

Comprehensive Plan - Codification: The Morrow County Comprehensive Plan was adopted in 1980 and acknowledged in 1986. During the past twenty years amendments have been acknowledged, but the technology was not available to incorporate the changes in the document as they took place. What is available today is a paper copy of the acknowledged Comprehensive Plan from 1986 and a variety of amendments. The

intent of this action is to codify the original document and twenty years of acknowledged changes into one electronic version. No substantive changes are currently planned to the Comprehensive Plan through this process. This is the first of two Planning Commission public hearings to be followed by at least one County Court public hearing prior to adoption. Criteria include the Comprehensive Plan chapter on Amendments. Since there had been technical difficulties with the document the Commission moved and seconded that this hearing be continued to the August 28, 2007 hearing.

Comprehensive Plan - Recreation Element (Master Park Plan): Morrow County adopted a Master Park Plan in 1998 and at the same time updated the Recreation Element of the Comprehensive Plan. Since that time the County has adopted a Concept Plan for the Columbia River Heritage Trail and opened the Off-Highway Vehicle Park. The changes proposed to the Recreation Element of the Comprehensive Plan incorporates these activities and plans and also addresses issues related to the potential development of a major motor speedway in Morrow County. This is the first of two Planning Commission public hearings to be followed by at least one County Court public hearing prior to adoption. Criteria include the Comprehensive Plan chapter on Amendments.

Planning Director McLane indicated that due to Public Works scheduling the Park Plan needs to be delayed. She said it will probably be September or October before the Commission will be seeing it again. Commissioner Peterson moved and Commissioner Kegler seconded the motion that this hearing be delayed until staff is ready with it later in the year.

The Planning Commission took a dinner break until 7:10 p.m.

Leann Rea read the Public Hearing Procedures.

Conditional Use CUP-S-241: Curtis Cutsforth, applicant and owner. Property is described as tax lot 1400 of Assessor's Map 5S 28 23B. The property is zoned Forest Use (FU) and is located on Penland Lane in the Penland Lake Subdivision. Request is to site a template dwelling in the Forest Use Zone. Criteria for approval include the MCZO Section 3.020 Forest Use.

Planning Director McLane presented the staff report. She explained the siting standards and indicated the existing shed on the property needs to have anything that would make it a living quarters removed. The property does not have special assessment for forest use, setbacks will apply, no road issues since a road pre-exists, Penland lake can provide water for fire fighting, especially since this area is an area at risk for wildfires. Planning Director McLane passed out an email sent from Sarah Colvin of the State Fire Marshall's office. Her email requests a 20' driveway with a vehicle clearance of 13' 6" and she requested this be added as a Condition of Approval.

Opened the Public Hearing

Curtis Cutsforth, Heppner

He spoke in favor of the application. He questioned the requirement of a 20 ft. driveway and thinks it is way too wide as other driveways do not meet this standard. Planning Director McLane said the private roads in Penland Lake, as a community at wildfire risk, and the community can ask for support for meeting wildfire mitigation standards. Wildland fire has been under scrutiny in the State Government and there is more desire at the State Fire Marshall's office to make the code adhered to on a more consistent basis. Mr. Cutsforth said the driveway

is about 100 - 150 feet long and it serves two other lots. Commissioner Peterson asked if a 20' driveway would be a problem. Mr. Cutsforth said some large trees would need to be taken out to meet this requirement. Planning Director McLane mentioned an alternative that a local fire district could write a letter of exemption due to their present ability to fight fires on the property. There was also discussion and a question raised relative to the ability of the Game Commission to give permission for use of another access to the property across Game Commission land. Commissioner Kegler inquired if a letter from the Oregon Department of Forestry would meet the requirement for fighting fires.

The Commission agreed to create a Condition of Approval to the effect that the State Fire Marshall requirement must be met or get the sign-off from the Oregon Department of Forestry or another entity that it meets their requirements for fighting wild fires.

Closed the Public Hearing

Commissioner Kegler moved for approval with additional Condition of Approval as mentioned, seconded by Commissioner Schmidt, motion carried.

Conditional Use CUP-N-242: John Wenholz, applicant and owner. Property is described as tax lot 1300 of Assessor's Map 5N 26 25B. The property is zoned General Commercial (CG) and is located at the corner of Highway 730 and West Third Street. Request is to site a Caretaker Residence. Criteria for approval include MCZO Article 3 Use Zones Section 3.060 General Commercial and Article 6 Conditional Uses.

Jeff Wenholz removed himself from this portion of the hearing.

Planning Director McLane presented the staff report. This property has had a land partition and zone change recently. The business sited there is mini storages and the application for an on-site dwelling will be part of the business.

Opened the Public Hearing

John Wenholz, 74597 Depot Lane, Irrigon

Mr. Wenholz spoke in favor of the application. The land and parking areas will be graveled and parking will be provided as required. There will be a fence, for the length of the residence, as required on the north side as it is a residential use abutting a commercial use.

Closed the Public Hearing

Leann Rea asked for clarification about water and sewer. Mr. Wenholz said the water well has been drilled and the site evaluation by DEQ is underway.

Commissioner Peterson moved for approval as presented, which was seconded by Commissioner Eppenbach. Motion carried.

Land Partition LP-S-378 and Conditional Use Permit CUP-S-243: Tom and Judy Lentz, applicant and Roberts Land and Cattle Company, owner. Property is described as tax lot 900 of Assessor's Map 2S 28. The property is zoned Exclusive Farm Use and is located approximately 14 miles east of Heppner on Highway 74-Lena. Request is to create a "non-farm" dwelling parcel and approve a "non-farm" dwelling. Criteria for approval include the MCZO Article 3 Section 3.010(F); MCZO Article 6 Sections 6.020 and 6.030; and the Morrow County Subdivision Ordinance Article 5 Land Partitioning.

Planning Director McLane presented the staff report.

Commissioner Rea asked about the size of the non-farm dwelling parcel. Planning Director McLane indicated it will be probably between 2 and 5 acres. Commissioner Sykes asked for clarification of the removal of the new parcel from the farm deferral program and Planning Director McLane clarified this for him.

Open the Public Hearing

Tommy Lentz, applicant

He spoke in favor of the application and indicated the non-farm parcel will be about 5 acres. He also indicated that the old house located on the highway could not get a septic system approval and they would like to relocate the house away from the highway.

Ralf Shoemaker, friend.

The well has been drilled, DEQ is taken care of and the property is in the process of being surveyed. The old house will be torn down because the area has been dedicated to the trees as a natural area.

Closed the Public Hearing

Commissioner Wenholz asked if there would be a requirement for the State access. Planning Director McLane said that since they are in the process with ODOT, a Condition of Approval is not required.

Commissioner Eppenbach moved the application be approved as presented, Commissioner Wenholz seconded the motion. Motion carried.

Variance V-N-004: Marcella Aispuro and Martin Montoya, applicant and Leone N. Luna, owner. Property is described as tax lot 312 of Assessor's Map 5N 26 26. The property is located on Eighth Road between Columbia Lane and Gravel Pit Lane west of Irrigon. Request is to allow a variance to manufactured home siting standards. Criteria for approval include MCZO Article 4 Sections 4.110(B) and Article 7 Variances.

Planning Director McLane presented the staff report.

Commissioner Sykes asked why staff did not make any recommendations of Conditions to the Commission. Planning Director McLane referred to the discussions the Commission had in previous hearings regarding the problems with providing affordable housing and meeting the new standard.

Commissioner Kegler moved to approve the application and Commissioner Eppenbach seconded the motion. Commissioner Peterson yea, Commissioner Wenholz, nay, Commissioner Kegler yea, Commissioner Sykes yea, Commissioner Schmidt yea, Commissioner Eppenbach yea, Commissioner Rea yea. Application was approved by the majority. Commissioner Wenholz explained that the Commission needs to uphold the Zoning Ordinance as it has been approved.

Conditional Use Permit CUP-N-244: D.J. and Donna Edman, applicants and owners. Property is described as tax lot 600 of Assessor's Map 4N 25 18. The property is zoned Small Farm (SF-40) and is located along Wilson Lane between Peters and Skoubo Roads

west of Boardman. Request is to site a home-based business. Criteria for approval include MSZO Article 3 Section 3.042 and Article 6 Conditional Uses.

Planning Director McLane presented the staff report.

Commissioner Sykes asked for an explanation as to why and how this application got to the Commission. Planning Director McLane explained about the Planning Department review of hardship variances in the County. The hardship for which the Edmans were approved in 1992 ended and they continued to use the manufactured home as storage. This application came about as a result of conversations with the Edmans and their desire to keep using the manufactured home as a home based business structure.

Opened Public Hearing:
DJ and Donna Edman

They spoke in favor of the application. Commissioner Wenzholz asked why, when the hardship was no longer needed, they didn't remove the manufactured home. DJ indicated that folks told him that as long as taxes were being paid, no one would bother them.

Closed the Public Hearing:

The Commission had a discussion about how this got to this point. Planning Director McLane indicated that the Planning Department is working on improving checking procedures. Planning Commissioner Kegler commented that he thinks folks are not being devious and should be given the benefit of the doubt. Commissioner Sykes commented that followup is very important and needs to happen more consistently.

Commissioner Peterson motioned, and Commissioner Eppenbach seconded the motion to approve. Commissioner Wenzholz voted nay, everyone else voted yea. Commissioner Wenzholz stated that, although he is in favor of the home based business., this action creates a manufactured home storage facility, which previous Planning Commissions have not allowed yet this action effectively allows it, against precedent. Commissioner Kegler commented that recreational vehicles become storage because they aren't specifically prohibited as storage. He said this should be looked at sometime in the future.

Comprehensive Plan and Map Amendment AC(M)-N-004-07 and Zoning Map Amendment AZ(M)-N-002-07: Jedediah and Cindy Aylett, applicant and Aylett Home Place, owner. Property is described as tax lot 1100 of Assessor's Map 4N 27 28. The property is zoned Exclusive Farm Use and is located along Frontage Lane just west of County Line Road. Request is to amend the Comprehensive Plan, Comprehensive Plan Map and Zoning Map converting approximately 20 acres of the subject parcel along Frontage Lane to Rural Light Industrial (RLI). Criteria for approval include the Amendment Chapter of the Morrow County Comprehensive Plan and the MCZO Article 8 Amendments. Also applicable is Goal 2, Oregon Revised Statutes 197.732 and Oregon Administrative Rule Chapter 660 Division 4.

Planning Director McLane presented the staff report and indicated that the application and change can be considered favorably by the Commission. She passed out a letter from Umatilla County requesting consideration of the transportation network, specifically the interchange just to the east.

Open Public Hearing

John Wenholz, Irrigon

He gave some history of the transportation network at the Army Depot and indicated that the area will grow and the future will show changes in use of the area due to the re use of the Army Depot. Commissioner Peterson asked why the requested area is 18 acres. Planning Director McLane indicated that making the area bigger would have been problematic due to the a conversion of farm land. The Commission asked staff to provide an aerial map for the subsequent hearing.

Leslie Hauer, land use consultant

She spoke in favor of the application and indicated that she did not have much to add to Planning Director McLane's introduction. She indicated that the survey could indicate that the acreage would be less than 18 acres. The Transportation Planning Rule causes a jurisdiction to look at transportation network issues during land use proposals such as this. The applicants are willing to meet "their fair share" of transportation expenses. The letter from Umatilla County indicated that the proposed zone change could impact the functional classification of the interchange and requested a Condition of Approval that the applicant enter into a Road Participation Agreement with the Umatilla County Road Department.. Ms. Hauer agrees that at the point of future development when transportation impacts have changed the local scale of impacts it may trigger a change in the County Ordinance.

Commissioner Sykes asked about tax implications and Planning Director McLane said that, yes, when a landowner requests a change there is a tax implication.

Commissioner Peterson asked for a copy of the Rural Light Industrial Zone for the next hearing.

Tom Creasing: Hermiston Gun Club representative

His client expressed concern that a gun club is close to this property, just on the north side of the freeway. It needs to be understood that a gun club makes noise and they are concerned that future owners of the property be aware of that use.

Commissioner Kegler suggested the gun club be grand-fathered.

Commissioner Rea requested an aerial photograph of the property for the next hearing.

Ms. Hauer indicated that she doesn't think there will be a problem with the gun club with the zone change application. She asked if the Commission wanted anything for her to bring to the next hearing. Commissioner Rea reiterated the need for an aerial photo.

Commissioner Wenholz asked if the gun club should be included in the Recreation Element of the Comprehensive Plan update. Planning Director McLane indicated that it could be included.

The Commission continued this hearing to the next Planning Commission Hearing on August 28, 2007, at the North Morrow County Annex Building in Irrigon.

Other Business/Correspondence

- Planning Commission Bylaws - for signature of the Commission and forwarding to the County Court. Commissioner Peterson moved to approve and Commissioner Kegler seconded the motion. Motion carried.
- Speedway update: Planning Department staff wrote a letter to the developer and legal counsel indicated the time lines for local approvals. She expects a master planning process to commence with the passing of SB 665.

- OPI announcement : Planning Director McLane encouraged Planning Commission members to attend the OPI in September.
- Lane Shetterly resigned from the DLCD.
- Highway 730 corridor refinement plan is being delayed

Adjournment:

The meeting was adjourned at 9:45 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, August 28, 2007 at 7:00 p.m. at the North Morrow County Annex Building in Irrigon, Oregon.

Respectfully Submitted,
Carla McLane, Planning Director



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**Minutes of the Morrow County Planning Commission
Tuesday, August 28, 2007, 7:00 p.m.
Morrow County Annex Building
Irrigon, Oregon**

Members Present: Don Eppenbach, Jeff Wenzholz, David Sykes, Pam Schmidt, Betty Burns, Leann Rea, Roger Britt, Joel Peterson, Art Kegler

Staff Present: Carla McLane, Planning Director; Lori Timmons, Associate Planner; Ryan Swinburnson, County Counsel

Chair Rea called the meeting to order at 7:11 p.m.

Roll call was provided by Planning Director McLane.

Minutes of the July 31, 2007 meeting were reviewed. Commissioner Eppenbach motioned, Commissioner Wenzholz seconded the minutes be approved as presented. Motion carried.

Planning Commission Chair Rea read the Public Hearing Procedures.

Land Partition LP-S-379: Dave Molony, applicant and owner. Property is described as tax lots 1200, 1202, 1203, 603 and 604 of Assessor's Map 4S 25. The property is zoned Exclusive Farm Use and is located approximately 3 miles south of Ruggs on Highway 207. Request is to partition an approximate 1570-acre parcel into three parcels each meeting the 160 acre minimum parcel size. Criteria for approval include the Morrow County Subdivision Ordinance Article 5 Land Partitioning.

Planning Director McLane presented the staff report. She explained that this application deals with a Land Partition for Financial Purposes (LPFP) that was not finished at the end of the security obligation and the land partition process will correct the LPFP and the illegal partition which occurred earlier in the year. Staff is requesting the dedication of an additional 10 ft to Porcupine Lane but not a Consent to Participate since this action is in a resource zone and exempt from the requirement. Commissioner Britt and Commissioner Kegler indicated that they spoke with Mr. Molony and he will not be able to attend the hearing as he is unable to make the hearing in time.

Opened the Public Hearing

There was no one in attendance to testify regarding this application.

Closed the Public Hearing

Commissioner Wenzholz moved and Commissioner Eppenbach seconded the motion to approve the application as presented. Motion carried.

Continued from July 31, 2007, Comprehensive Plan and Map Amendment AC(M)-N-004-07 and Zoning Map Amendment AZ(M)-N-002-07: Jedediah and Cindy Aylett, applicant and Aylett Home Place, owner. Property is described as tax lot 1100 of Assessor's Map 4N 27 28. The property is zoned Exclusive Farm Use and is located along Frontage Lane just west of County Line Road. Request is to amend the Comprehensive Plan, Comprehensive Plan Map and Zoning Map converting approximately 20 acres of the subject parcel along Frontage Lane to Rural Light Industrial (RLI). Criteria for approval include the Amendment Chapter of the Morrow County Comprehensive Plan and the MCZO Article 8 Amendments. Also applicable is Goal 2, Oregon Revised Statutes 197.732 and Oregon Administrative Rule Chapter 660 Division 4.

Planning Director McLane explained that this is the second hearing for this application and the requests of the Planning Commission from the last hearing have been addressed within the Staff Report or are attached. Staff has requested as a Condition of Approval a Consent to Participate Agreement in regard to Frontage Lane that will be tied to the properties and not the present owner. She indicated that she had conversation with JR Cook, Deputy Planner of Umatilla County, and is still somewhat unclear as to what is intended by Umatilla County's request for a "Development Agreement." Morrow County would at least need to have any development agreement tied to specific impacts, not use.

Planning Director McLane pointed out some additions to the Staff Report as a result of the testimony of the Hermiston Gun Club at the last hearing. There has been no comments from DLCD nor from ODOT. Commissioner Sykes asked about the Measure 37 claim by the Ayletts. Planning Director McLane explained the County's denial of the Aylett's M37 claim and told the Commission that this request, if approved, should eliminate any need for the Ayletts to make a future M37 claim specific to this property.

Opened the Public Hearing

Leslie Hauer, Land Use Consultant for the Ayletts.

She spoke in favor of the application. She voiced concern about the request by Umatilla County for a development agreement but indicated the Ayletts would be comfortable with a development agreement tied to impacts, not use. She had a conversation with the Umatilla County Road Master, who seemed to be okay with a development agreement tied to impacts. Ms. Hauer indicated that she will try to get some more specific requests from Umatilla County.

Closed the Public Hearing

Commissioner Kegler asked about where the interchange is located in relation to the County lines. Planning Director McLane told the Commission that the interchange is completely inside Umatilla County.

Commissioner Rea asked the Commission about putting stipulations for a Development Agreement into the Staff Report. The Commission indicated that if Umatilla County fears impacts they need to outline them specifically to Morrow County. The Commission decided to forward the application to the County Court without language concerning a development agreement with Umatilla County.

Commissioner Peterson moved, and Commissioner Wenholz seconded the motion to forward the application as presented to the County Court for consideration and approval. Planning Director McLane recommended to the Commission that they amend the staff report to include language about the development agreement discussion. The Commission renewed their motions to include the change discussed. Motion Carried.

Continued from July 31, 2007, Flood Hazard Overlay Zone (FP) and Federal Emergency Management Administration (FEMA) Flood Insurance Rate Map (FIRM) Adoption: FEMA, Morrow County and the City of Heppner initiated a review of the FIRM maps several years ago which is now nearly complete. Morrow County is now in a six month notice period which allows time for local adoption of the required amendments to Article 3

Section 3.100 of the Morrow County Zoning Ordinance in order to be in compliance with Federal law. This action will include adoption of both the updated Flood Hazard Overlay Zone and new FIRM maps. This is the second of at least two Planning Commission public hearings to be followed by at least one County Court public hearing prior to adoption. Criteria include the Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.100, Article 8 Amendments and the Comprehensive Plan chapter on Amendments.

Planning Director McLane reminded the Commission that in this is the second hearing for the FEMA floodplain maps and Ordinance. If the Commission approves both need to be recommended to be forwarded to the County Court for adoption. The changes requested by the Commission at the last hearing have been incorporated.

Commissioner Sykes asked whether a person's development rights are grandfathered if they find themselves in a newly declared flood area. Planning Director McLane explained that development rights are not grandfathered and Measure 37 will not apply as it is a federal requirement.

Opened Public Hearing

No one in attendance testified regarding this action.

Closed Public Hearing

Commissioner Kegler moved and Commissioner Schmidt seconded the motion to approve both the FEMA maps and Flood Hazard Overlay Zone and to recommend them to the County Court for approval. Motion Carried.

Continued from July 31, 2007, Subdivision Ordinance Article 5 Land Partitions: This portion of the Morrow County Subdivision Ordinance deals with land partitions, property line adjustments and other similar land division actions. The proposed amendments would clarify language adopted in late 2005 and remove language which allows "partitions for financial purposes." This is the second of at least two Planning Commission public hearings to be followed by at least one County Court public hearing prior to adoption. Criteria include the Morrow County Subdivision Ordinance Article 12.

Planning Director McLane passed out the letter from Northwest Farm Credit Services stating that they do not support land partitions for financial purposes. Commissioner Sykes questioned the reason to remove the language for Financial Purpose part of the Ordinance.

The Commission discussed the pros and cons of the this section of the Ordinance.

Commissioner Peterson spoke in favor of keeping the section. Commissioner Sykes spoke in favor of keeping it. Commissioner Kegler spoke in favor to moving away from Land Partitions for Financial Purposes (LPFPs) for tax reasons in that there is an unfairness to some paying residential taxes to the County and others keeping their residences in farm deferral.

Commissioner Britt asked for clarification on the request by staff and Planning Director McLane reviewed the proposal by staff to remove the language allowing LPFPs. Commissioner Wenzholz agreed that the County should not be creating illegal parcels and banks would not be able to foreclose on a parcel that can't be claimed separately. Commissioner Rea questioned

whether the partitions for financial purposes are illegal as they are allowed in many counties. Ryan Swinburnson told the Commission that, although he can not advise the Commission as to whether a partition for financial purposes is legal or illegal, he is willing to do some research for the Commission on this subject.

Poll was taken: In favor of removing the LPFP: Commissioners Schmidt, Wenholz, Kegler and Eppenbach. And in favor of keeping LPFP on the books: Commissioners Britt, Burns, Peterson, Sykes and Rea

Commissioner Rea recommended the Commission continue this hearing to the next meeting in order to allow Ryan Swinburnson time to research the legality of land partitions for financial purposes. Commissioner Sykes asked staff to research administrative handling of financial partitions by other counties to be presented at the next hearing as well.

Commissioner Sykes moved to continue this hearing, seconded by Commissioner Kegler, to the next meeting on September 25, 2007 in Lexington. Motion Carried.

Continued from July 31, 2007, Comprehensive Plan - Codification: The Morrow County Comprehensive Plan was adopted in 1980 and acknowledged in 1986. During the past twenty years amendments have been acknowledged, but the technology was not available to incorporate the changes in the document as they took place. What is available today is a paper copy of the acknowledged Comprehensive Plan from 1986 and a variety of amendments. The intent of this action is to codify the original document and twenty years of acknowledged changes into one electronic version. No substantive changes are currently planned to the Comprehensive Plan through this process. This is the second of at least two Planning Commission public hearings to be followed by at least one County Court public hearing prior to adoption. Criteria include the Comprehensive Plan chapter on Amendments.

Planning Director McLane asked the Commission to continue this hearing to a point to be determined by staff in the future. Commissioner Peterson moved and Commissioner Eppenbach seconded the motion to continue this hearing to a time to be determined by staff. Motion carried.

Audience Participation

none

Other Business/Correspondence

- The County Court adopted the Planning Commission Bylaws.
- Speedway update: Planning staff has been involved in several meetings, mostly with ODOT and Public Works, concerning, among other subjects, the waste water treatment system, local approvals and application to make an amendment to the findings adopted in 2002. Site Development Review may be before the Planning Commission in January. There is a groundbreaking ceremony scheduled for October 18th. The Commission asked for a synopsis after the County Court amendment is accomplishment to refer to when Site Development Review comes their way.
- September agenda will have no applications but two new actions: Article 5 as continued by the Planning Commission, changes requested by the Port of Morrow to the Port Industrial and General Industrial zones use language, and a minor amendment to the Transportation System Plan.

- The Highway 730 safety corridor planning group had a meeting, mostly dealing with the Umatilla County side of the highway. The final design will most likely be a median.
- Community Planning Month. Planning Director McLane asked the Commission to recommend a Community Planning month activity. The Commission directed Planning Director McLane to do this.
- The office administration position has been filled at a full time status. The new hire will begin on September 10th.

Adjournment:

The meeting was adjourned at 9:19 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, September 25, 2007 at 7:00 p.m. at the Morrow County School District Building in Lexington, Oregon.

Respectfully Submitted,
Carla McLane, Planning Director



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**Minutes of the Morrow County Planning Commission
Tuesday, September 25, 7:00 p.m.
Morrow County School District Building
Lexington, Oregon**

Members Present: Leann Rea, Betty Burns, Don Eppenbach, Jeff Wenholz, Pam Schmidt, Roger Britt, David Sykes

Members Absent: Art Kegler, Joel Peterson,

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

Chair Rea called the meeting to order at 7:00 p.m.

Roll call was provided by Planning Director McLane.

Minutes of the August 28, 2007 meeting were reviewed. Commissioner Eppenbach moved and Commissioner Wenholz seconded the motion to approve the minutes as corrected. Motion carried.

Planning Commission Chair Rea read the Public Hearing Procedures.

Continued from August 28, 2007, Subdivision Ordinance Article 5 Land Partitions. This portion of the Morrow County Subdivision Ordinance deals with land partitions, property line adjustments and other similar land division actions. The proposed amendments would clarify language adopted in late 2005 and remove language which allows "partitions for financial purposes." This is the third Planning Commission public hearing to be followed by at least one County Court public hearing prior to adoption. Criteria include the Morrow County Subdivision Ordinance Article 12.

Planning Director McLane indicated that the reason for the continuance is the issue of Land Partitions for Financial Purposes (LPFPs). She then passed out to the Commission and audience the results of the research by County Counsel Ryan Swinburnson concerning the legal liability to the County. His research uncovered no precedents concerning LPFPs. His opinion was that County policy could allow them as there has been no legal actions concerning this policy in the State, that is, no case law was found. For the purposes of this hearing the Commission allowed the following additional staff to comment during the Commission's consideration of LPFPs: Greg Sweek, County Assessor; Judson Coppock, County Surveyor and Bobby Childers, County Clerk.

Greg Sweek explained the tax law concerning financial partitions. He indicated that conflicting language exists concerning the definitions of parcel and tax lot and that citizens' understanding is not very clear. Greg's policy is to send anyone who comes to the Assessor's office wishing to divide land to the Planning Department first. The only time he would not do that is during a foreclosure, thereby he would have to create another tax lot because it has a separate owner after foreclosure. Greg indicated that LPFPs have been done in the County and he doubts that

the tax lot created during this process will be recombined with the original parcel. He indicated that these new lots do not help the general public as they believe they are a legal parcel.

Commissioner Sykes commented that Greg speaks in general or philosophical terms, but no one can point to any specific instances where problems were caused. He asked for specific instances where problems have occurred. Greg indicated there has been no "pain and suffering" for the public as far as LPFPs. Planning Director McLane shared with the Commission a specific instance where the public was impacted by a LPFP. The Planning Department did process a lot line adjustment on a tax lot that had previously been approved by a LPFP. She couldn't say if specific hardship occurred, but there is a potential for it.

Judson Coppock, County Surveyor shared that he has mixed feelings about them and believes there are many uncertainties around them. When he can't be sure about the future of a partition such as these he is concerned with continuing them.

Bobbie Childers was asked to comment. She said that as long as a LPFP meets the requirements for recording she is legally able to record such documents.

Commissioner Britt questioned the kind of problems caused for citizens when LPFPs would be removed. Planning Director McLane indicated that an alternative means to dividing a property for financial purposes can be accomplished by the non-farm dwelling provision, which is allowed specifically by state law.

Public Hearing Opened for public comment

Tom Wolf, Heppner

He spoke in opposition to removing the LPFP provision. He reminded the Commission that the remaining property left over after non-farm dwellings have been approved are no longer eligible for further non-farm dwelling approvals. He asked the Commission to not remove a provision that does not hurt anybody.

Gary Neal, 2 Marine Drive, Boardman

He indicated that often, when getting financing, timing is an issue and partition plats do take time. He requested that if the Commission removes the LPFP provision the Commission allow land partitions to be accomplished administratively in order that the applicant be able to make a more timely financial arrangement.

Greg Sweek added that in the Assessor's office financial partitioning causes a potential financial liability change and these properties are tracked at the Assessor's office. The liability is deferred, though, because only the potential exists for liability changes.

Closed the public hearing:

Planning Commissioner Rea called for a vote on the LPFP portion of the update. A straw poll indicated Commissioners Schmidt, Wenzholz, and Commissioner Eppenbach in favor of deletion of the LPFP portion. In favor of keeping the LPFP portion were Commissioners Burns, Britt, Sykes and Rea.

Commissioner Eppenbach made a motion to approve the new Article 5 language including the removal of the LPFP portion. There was no one to second this motion. Commissioner Sykes made a subsequent motion to approve the new Article 5 language leaving the LPFP portion intact but with a tracking mechanism that would include a ministerial review every two years. Commissioner Sykes withdrew his motion when he was informed that the review fee would be \$250.00 every two years. Commissioner Sykes then made a second motion to approve the new Article 5 language leaving the LPFP portion intact with no ministerial review. This motion was seconded by Commissioner Burns. Commissioner Rea requested a roll call vote by the

Commission:

Commissioner Wenholz - nay

Commissioner Burns - aye

Commissioner Sykes - aye

Commissioner Britt - aye

Commissioner Eppenbach - nay

Commissioner Schmidt - nay

Commissioner Rea - aye

The motion carried by a 4 to 3 vote of the Planning Commission. The new Article 5 language, with Section 5.100 Land Partitioning for Financial Purposes intact, was recommended to be forwarded to the County Court for final approval.

Port Industrial Zone (PI) and General Industrial (MG) Zone use language amendments. The Port of Morrow has requested changes to the Port Industrial Zone and the General Industrial Zone use language and this is the first of two Planning Commission public hearings to be followed by at least one County Court public hearing prior to adoption. Criteria include the Morrow County Zoning Ordinance (MCZO) Article 3 Sections 3.070 and 3.073 and Article 8 Amendments.

Associate Planner Timmons presented the staff report. The request, initiated by the Port of Morrow, was driven by a variety of factors including, but not limited to, expansion of aggregate mining in the Port Industrial Zone. A number of changes were requested by the Port and further amendments are proposed by Planning staff. As part of the staff report Associate Planner Timmons reviewed the impacts to the Transportation System and compliance with the Transportation System Plan. Also covered was compliance with the Comprehensive Plan.

Planning Director McLane shared some additional information concerning the reasons for this request and some of the phone calls that have been received.

Commissioner Sykes asked about the 100 acre requirement for Site Development Review. Planner Director McLane shared that 100 acres is an arbitrary number that had been reconsidered by the Planning Commission during the last Article 5 review in 2005. The Commission decided at that time to keep the 100 acre minimum requirement for Site Development Review.

Opened the Public Hearing:

Gary Neal, General Manager, Port of Morrow, 2 Marine Drive, Boardman.

Mr. Neal spoke in favor of the request. He shared concerns about the lack of ability for aggregate mining and set back requirements.

Commissioner Sykes inquired about why a solid waste facility is being removed from the Ordinance. Planning Director McLane explained that a solid waste facility is listed twice in the Ordinance, once in the allowed outright section and once in the Conditional Use section. Planning Staff removed the language allowing in as an allowed outright use and it remains as a Conditional Use.

Commissioner Wenholz inquired further about solid waste. He indicated that if Planning Staff is working to specifically allow aggregate mining where the language has been ambiguous we should also make sure the Port of Morrow trans-load facility is also specifically allowed. Planning Director McLane indicated that Planning Staff would research language that would not conflict with the Morrow County Solid Waste Management Plan and Ordinance to allow trans-load use that does not hinder the use of the facility.

Commissioner Sykes inquired about level of use - heavy, medium and light within the industrial zones in the County. Planning staff do support those divisions and they are supposed to be incorporated within the existing zones. Port Industrial is for the heaviest use, General Industrial is for the medium level of use, and the Rural Light Industrial Zone is designed for the lightest level of industrial use.

Closed the Public Hearing:

The Commission continued this hearing until the next meeting on October 30, 2007 at the Irrigon Annex in Irrigon.

Transportation System Plan (TSP) minor amendments. The TSP requires amendments to adopt a new 5-year project list replacing the 5th year of the current list, move projects onto and off the 20-year project list, add the list of collectors and arterials to supplement the map and incorporate Speedway Policies not included in the 2005 TSP update. This is the first of two Planning Commission public hearings to be followed by at least one County Court public hearing prior to adoption. Criteria include the Morrow County Comprehensive Plan chapter on amendments and the Transportation System Plan. Planning Director McLane presented the staff report. This action is an update of the 2005 Transportation System Plan. Carla has received comment from ODOT, specifically concerning the Speedway language. There does still need to be some additions and language as to where money will come from for some specific projects. The ODOT planner was concerned with future applications and this update deals with the changes needed today and does not deal with future issues. There will be further recommendations or comment at a future date by ODOT.

Open the Public Hearing

Gary Neal, Port of Morrow Manager.

He explained that the interchanges may require an additional route onto the 730 interchange if a certain, specific project comes about. If so, the Highway 730 interchange project may need to be moved up on the STIP list. The Commission and Planning Director McLane discussed special transportation systems. The County and the Port would like to see some analysis as to van pooling or other commuting opportunities. Gary Neal indicated that transportation solutions need to make it easier for workers residing in the southern portion of the County to get to a job in the northern portion of the County, especially at the point a large project opens up in Northern Morrow County. Mr. Neal requested to have this addressed in the Transportation System Plan. The Commission discussed the necessity of having a need addressed within a plan in order to be able to obtain dollars for transportation project funding. Mr. Neal reminded the Commission that there are grant dollars available. Commissioner Rea also requested a place holder for a future Lone-Boardman Road. The Commission discussed the need for a transportation study to learn transportation issues for workers in the southern portion of the County.

Closed the Public Hearing

The Commission continued this hearing until the next meeting on October 30, 2007 at the Irrigon Annex in Irrigon.

Audience Participation

none, no audience to participate

Other Business/Correspondence

- Planning Commissioner Training: The Planning Department will download the training webcasts and they will be available at the Planning Department for anyone who wishes

to participate. Commissioner Rea asked staff to bring it in to a special session of the Planning Commission so that the Commission can talk about it afterwards.

- The signed Planning Commission bylaws are done and the resolution has been included in the Planning Commissioner packet for approval. The Commission consensus was to go ahead with this resolution.
- The local supporters of the Blue Mountain Scenic Byway announced a new sign in Cecil which will be dedicated on Thursday, September 27th. Planning Director McLane will be attending.
- Ribbon-cutting - RDO Calbee is October 3rd at 9:30 at the Port location.
- Measure 49 - the M37 response, has precipitated a town hall meeting in Pendleton. The focus will be Senate Bill 100 and how to get back to what the land use system should look like. The task force has been put on hold pending the Measure 49 outcome. This meeting is probably a good forum to talk land use planning in Oregon at this time. The location is the Pendleton Arts Center on Main Street. Date is October 23rd.
- Compost rule making will begin again. If the Commission wishes Planning Director McLane will share the outcomes of the rulemaking.
- Planning Director McLane passed out the flyers for the HHW event and the CEG event in the County. Each Commissioner received a flyer.
- The Calendar: Planning Director McLane requested the Commission consider the work sessions for the TSP highway 730 refinement work before the next hearing. There will be 5 items for the next Planning Commission hearing. The Commission decided to meet for the work session at 5:00 p.m on October 30th. Planning Director McLane requested the Highway 730 corridor hearing be in Irrigon as that action affects the residents in that area. The Commission decided to meet on November 27th in Irrigon and to move the December 4th meeting to Irrigon as well.
- Commissioner Rea brought up the need to bring the mobile home standards in line with what is legal for the County. Planning Director McLane indicated that the Commission needed to direct staff to initiate changes to the manufactured home standards in order to alleviate liability to the County, including dealing with Goal 10 now rather than later when the County reaches the population threshold that would require it. The Commission requested that staff take this action.

Adjournment:

The meeting was adjourned at 9:38 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, October 30, 2007 at 7:00 p.m. at the Morrow County Annex Building in Irrigon, Oregon. A work session will precede this meeting at 5:00 p.m.

Respectfully Submitted,
Lori Timmons, Associate Planner



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**Minutes of the Morrow County Planning Commission
Tuesday, October 30, 7:00 p.m.
North Morrow County Annex Building
Irrigon, Oregon**

Members Present: Leann Rea, Betty Burns, Don Eppenbach, David Sykes, Art Kegler, Joel Peterson

Members Absent: Jeff Wenholz, Roger Britt, Pam Schmidt

Staff Present: Carla McLane, Planning Director; Gretchen Pedersen, Office Manager; Ryan Swinburnson, County Counsel

Chair Rea called the meeting to order at 7:08 p.m.

Roll call was provided by Planning Director McLane.

Minutes of the September 25, 2007 meeting were reviewed. Commissioner Eppenbach moved and Commissioner Kegler seconded the motion to approve the minutes as corrected. Motion carried.

Planning Commission Chair Rea read the Public Hearing Procedures.

Continued from September 25, 2007, Port Industrial Zone (PI) and General Industrial (MG) Zone use language amendments. The Port of Morrow has requested changes to the Port Industrial Zone and the General Industrial Zone use language and this is the first of two Planning Commission public hearings to be followed by at least one County Court public hearing prior to adoption. Criteria include the Morrow County Zoning Ordinance (MCZO) Article 3 Sections 3.070 and 3.073 and Article 8 Amendments.

Planning Director McLane presented the staff report. The changes from last month focus on solid waste responding to comments by Commissioner Wenholz. The additions are double-underlined.

Opened the Public Hearing

Ron McKinnis, Port Engineer, Port of Morrow, PO Box 200, Boardman. Mr. McKinnis spoke about Port's approval regarding this and stated the port is open for business to all.

Closed Public Hearing.

Chair Rea suggested recommending to the Court. Commissioner Kegler moved that these changes to the PI & MG use zone language be forwarded to the County Court for adoption. Commissioner Burns seconded. Motion carried unanimously.

Continued from September 25, 2007, Transportation System Plan (TSP) minor amendments. The TSP requires amendments to adopt a new 5-year project list replacing the 5th year of the current list, move projects onto and off the 20-year project list, add the list of collectors and arterials to supplement the map and incorporate Speedway Policies not included in the 2005 TSP update. This is the first of two Planning Commission public hearings to be followed by at least one County Court public hearing prior to adoption. Criteria include the Morrow County Comprehensive Plan chapter on amendments and the Transportation System Plan.

Planning Director McLane presented the Transportation System Plan staff report. Planning Director McLane commented that Gary Neal's concerns have been addressed at various points through the document.

Chair Rea asked if we needed to discuss the new interchange (for the Speedway). Planning Director McLane said no because while it is not called out specifically, building can not take place without an interchange development plan.

Commissioner Kegler asked what triggers the implementation of this Plan. Planning Director McLane responded with triggers: rezone, large project, traffic impact analysis, or residential development. Planning Director McLane stated that different levels trigger different things relative to the Speedway project. For example, traffic levels of 3,000, 23,000, 60,000 and 80,000.

Opened Public Hearing

Teresa Penninger, ODOT Planning Manager, 3012 Island Ave LaGrande, OR. Ms. Penninger clarified her comments in the memo that was attached. She explained that she wants her comments to be exactly like the original, for comparison sake. Ms. Penninger also noted modifications to nomenclatures (reading I-84, then Tower Road).

Public Hearing Closed

Commissioner Kegler moved that these changes be submitted for adoption to County Court, complete with Teresa Penninger's language changes. Commissioner Eppenbach seconded. Motion carried unanimously.

Land Partition LP-N-380 and Replat R-N-007: Cecil and DeElva Rock, applicant and owner. Property is described as tax lot 302 of Assessor's Map 5N 26 25B. The property is zoned Suburban Residential, located outside the City of Irrigon Urban Growth Boundary and is located immediately west of Irrigon. Request is to partition a 7-acre parcel into three parcels each meeting the two acre minimum parcel size. Criteria for approval include the Morrow County Subdivision Ordinance Article 5 Land Partitioning.

Planning Director McLane presented the staff report. Stated that this property has been partitioned previously and that this was the last partition unless property became part of city limits. Site suitability will need to be obtained on Parcels #1 and #2. Bev Bridgewater said via phone call that WEID was currently working with the landowner in regard to irrigation rights.

Public Hearing Opened

No representation from audience present.

Public Hearing Closed

Commissioner Peterson moved for approval as presented. Commissioner Eppenbach seconded. Motion carried unanimously.

Land Partition LP-N-381: Port of Morrow, applicant and owner. Property is described as tax lot 100 of Assessor's Map 4N 25 2; tax lots 100 and 101 of Assessor's Map 4N 25 1; and tax lots 100 and 101 of 4N 26 6. The property is zoned Port Industrial and is located northeast of Boardman. Request is to partition an approximate 1700-acre parcel into three parcels. Criteria for approval include the Morrow County Subdivision Ordinance Article 5 Land Partitioning.

Planning Director McLane presented the staff report. Request is to support utility distribution by UEC in the Port East Beach Development Area.

Public Hearing Opened

Ron McKinnis, Engineer, Port of Morrow, PO Box 200, Boardman, OR.
Requests from Planning Commission that the easement be 30 ft., instead of 60 ft. from Columbia along Section 1 and 6 to the 3 acre parcel.

Debbie Watson, Umatilla Electric Cooperative, 203 NE Boardman Ave., Boardman, OR
Ms. Watson stated that UEC would like partition request approved, and that they are concerned with location of easement. Not in favor of public access.

Commissioner Kegler asked Mr. McKinnis to point out what he was talking about relative to Ms. Watson's map. Mr. McKinnis pointed out the location of the easement. Commissioner Peterson explained reasoning to concerns over large easement requirements because of future developments, should they occur. Lengthy discussion occurred. County Counsel, Ryan Swinburnson, quoting Morrow County Zoning Ordinance stated that the TSP is codified in zoning ordinance in Article 4 (widths). There is no provision for a 30 ft. easement. A 60ft. easement is required, and Ms. McLane stated that because there is no land action on the property to the North, the 60 foot easement is the sole responsibility of the Port.

Public Hearing Closed

Planning Director McLane recommended removal of two sentences in Section II, #2. "However there is an access easement that runs along the northern edge of the subject property," and "The location of this access easement may cause an adjustment to the location of the 3 acre parcel currently shown on the tentative plan so that the 3-acre parcel is not impacted with an access easement."

Commissioner Kegler moved to approve as amended. Commissioner Sykes seconded. Motion carried unanimously.

Appeal of Planning Director Decision: Michael Gorman, appellant. Property is described as tax lots 1800 and 1801 of Assessor's Map 5S 28 23. The property is zoned Forest Use and is located adjacent to the Penland Lake subdivision. Applicant is requesting relief from a Condition of Approval for a recently approved Property Line Adjustment, specifically to have the requirement for a Boundary Survey to be waived and remove the

requirement for an access easement. Criteria for approval include the Morrow County Subdivision Ordinance Articles 5 and 12.

Planning Director McLane presented staff report. McLane said she hoped Judson Coppock would be here as he feels strongly that the boundary survey be completed. Questions regarding legal access were addressed among the Planning Commission. Director McLane stated that we are charged that all property have legal access. Ms. McLane also responded to Commissioner Sykes question about eliminating access by stating that we are not eliminating access, but we are charged with having an access. Because this parcel does not have legal access, a buyer could be denied access if ownership changes.

Public Hearing Opened

Michael Gorman, appellant.

Requesting relief of two of the requirements (Boundary Survey and Access). Requesting relief of boundary survey because the Penland Lake subdivision is fairly recent (early 70's). The starting point is 600 feet to the west of one of the tax lots, and the caps are relatively easy to find.

If someone was to buy the other parcel, Gorman's would grant access, but they don't want to encumber tax lot 1900.

County Counsel, Ryan Swinburnson, noted from Section 5 that approval of the property line adjustment is not eliminating access because there never was access. The Ordinance does not provide for requiring access.

Because Planning Director McLane states there is a Statutory 10 acre cutoff for surveys, Planning Commissioner Kegler asked if the Commission could relieve #3 (access), but let the other requirements stand.

Public Hearing Closed

Commissioner Kegler moved to choose option 4 which requires a survey, but provides relief from access requirement. Commissioner Peterson seconded. Motion carried unanimously.

Amendment to Subdivision Request SD-N-221: Cecil and Nancy Swaggart, owner and applicant. Property is described as tax lot 1200 of Assessor's Map 4N 25 14. The property is zoned Farm Residential (FR) and is located approximately two miles southeast of Boardman near the intersection of Wilson Lane and Rippee Road. Request is to amend the Bonner Meadows Subdivision, which was approved by the Planning Commission April 26, 2007. The applicant is requesting the amendment due to their inability to gain access to the subdivision from Rippee Road. Criteria for approval include the Morrow County Subdivision Ordinance.

Commissioner Kegler declared a conflict of interest and recused himself. Planning Director McLane presented the staff report. This amendment is prompted by the adjoining landowner's refusal to grant the applicant the ability to cross their property to allow connection to Rippee Road. Proposed by the applicant and supported by Planning staff is a temporary Cul-de-Sac. Since the previous approval, site suitability has been obtained and other work continues.

Public Hearing Opened

Steven Haddock, Surveyor, Witness Tree Surveying, PO Box G, Pilot Rock, OR, 97868. Spoke to the location of the Cul-de-Sac.

Carla suggested amending language to have Cul de Sac end "near Rippee Road". It was discussed that when neighboring property is developed, there will need to be an easement to allow the Cul-de-Sac to connect to Rippee Road.

Public Hearing Closed

Commissioner Sykes made the motion to approve with minor changes as discussed.

Commissioner Burns seconded. Motioned carried unanimously.

Audience Participation

Terry Tallman, Morrow County Judge, presented actions currently being considered in U.S. Congress. The Northern Rockies Protection Act and HR 2421 which changes "Navigable waters" to "all waters of the U.S." Both acts are potentially detrimental to the economy of Morrow County and Judge Tallman will provide more information as he receives it.

Commissioner Kegler will contact the National Association of Realtors, as the Northern Rockies Protection Act is a major concern for our county.

Other Business/Correspondence

Ms. McLane talked about tentative Planning Commission dates for 08. October 28th, 2008 will be changed to Lexington.

Planning Director McLane quickly discussed upcoming meetings and agenda items: Hwy 730 Safety Corridor, RRI Zone, Aylett Batch Plant, Aylett night watchman, and Boardman Airport Layout Plan.

Commissioner Sykes asked a procedural question regarding time limits of when things are sent to County Court for vote. Ms. McLane stated that staff workload is often the determining factor.

Adjournment:

The meeting was adjourned at 9:48 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, November 27, 2007 at 7:00 p.m. at the North Morrow County Annex Building in Irrigon, Oregon.

Respectfully Submitted,
Gretchen Pedersen, Office Manager



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**Minutes of the Morrow County Planning Commission
Tuesday, November 27, 7:00 p.m.
North Morrow County Annex Building
Irrigon, Oregon**

Members Present: Leann Rea, Don Eppenbach, Betty Burns, Jeff Wenholz, Pam Schmidt, David Sykes, Joel Peterson, Roger Britt, Art Kegler

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

Chair Rea called the meeting to order at 7:05 p.m.

Roll call was provided by Planning Director McLane.

Minutes of the October 30, 2007 meeting were reviewed. Commissioner Eppenbach moved and Commissioner Burns seconded the motion to approve the minutes as corrected on the 6th paragraph on page 5. Motion carried. Later discussion about the minutes were brought forward concerning this paragraph. Commissioner Eppenbach moved and Commissioner Sykes seconded the motion to remove the entire paragraph #6 on page 5. Motion carried.

Commissioners Peterson and Britt arrived at the Planning Commission meeting at 7:10 p.m.

Commissioner Kegler arrived at the meeting at 7:30.

Commissioner Rea brought up the conflict concerning the January 15 Planning Commission hearing because the Chair and Vice Chair will not be able to attend at that date. The Commission decided that January 22, 2007 will be acceptable as well.

Commissioner Rea suggested that, because of the number of folks in attendance with interest in the Highway 730 Safety Corridor Refinement Plan, that agenda item be moved to the first place. The Commission agreed to the suggestion.

Planning Commission Chair Rea read the Public Hearing Procedures.

Transportation System Plan Amendment AC-006-07: Highway 730 Safety Corridor Refinement Plan. This refinement plan is designed to address safety concerns along Highway 730 between the cities of Umatilla and Irrigon. When adopted it will supplement the Morrow County Transportation System Plan and provide additional guidance to be used when approving land use actions adjacent to this travel corridor. Specifically outlined is a local street network that utilizes current platted streets and encourages development of an east/west roadway. This is the first of at least two Planning Commission Public Hearings to be followed by at least one County Court Public Hearing. Criteria for approval include the Morrow County Comprehensive Plan Review and Revision Process.

Planning Director McLane reviewed the recent history of the Highway 730 Safety Corridor Refinement Plan work. Because of safety issues, Umatilla County, Morrow County and the Oregon Department of Transportation initiated a study of possible fixes to the serious crash incidents along this highway corridor. Over the past year there have been four public workshop/public participation opportunities in Morrow County. At this point, the final study is being presented to the Planning Commission. After a number of alternatives have been considered, some of which have been a turn lane and frontage road system, the preferred alternatives for the Morrow County portion of the study/plan was presented to the Commission. The Plan still needs to be adopted by the Oregon Transportation Commission and the local STIP and TSP will need to be amended. The ODOT initial projects will most likely begin as consolidation of accesses and other "low hanging fruit." Most of the work of this project will be on the Umatilla side of the corridor as most of the problematic areas and accesses are in that area. The effect the Plan will have on the County is that the current road network will be enhanced to provide alternatives for accesses off Highway 730.

The Planning Commission heard the presentation of the study plan consultant: Mr. Matt Hughart, Kittelson and Associates, the consultants for ODOT. He outlined the tasks of the staffs involved in the project. He also stressed that the purpose of the presentation of the evening is the elements of the Plan having to do with Morrow County. The total area of the study is from the Irrigon city limits to the Umatilla city limits. The north and south boundaries took in areas that were impacted by the potential changes involved, which is considered north from the Columbia River to the West Extension irrigation canal south of the highway. Highway 730 in this area has been designated as a "safety corridor" since 2003. This designation allowed money for studies. A primary reason for the high crash rates has been attributed to the very high number of access points on this stretch. The study also attempts to identify the existing safety issues, provide a safe and sustainable long-term access and circulation plan, and to minimize environmental and social impacts. Based on the public feedback from the workshops, at least three phases of the project are proposed: Near-term, Mid-term, Long-term:

- Near-term
 - close non-permitted driveways.
 - purchase access rights and close driveways to properties that already have legally permitted driveways.
 - purchase access control to US 730.
- Mid-term
 - Planning and development of local transportation network
- Long-term
 - Planning and development of local transportation network
 - Potential access restrictions at 19th Street and Rand Road based on a review of highway safety performance.

In Morrow County the Plan will emphasize reducing the number of accesses and banking on the future development of the already planned-for and platted north-south network: 18th, 19th, 21st, Rand, and Pleasant View Roads. Changes for Morrow County residents will be invisible as far as physical changes, but could eventually see improvements at the intersections with the most use, such as widenings, median restrictions and turnout pockets.

Commissioner Sykes asked for further information on the fatal crashes. Mr. Hughart indicated that the fatal crashes were on the Umatilla County side. Commissioner Sykes further asked about what "redevelopment" of the parcels south of the highway was supposed to mean. Mr. Hughart indicated that through time, the owners of the property will be looking for opportunities

to develop their land through partitioning and other land use actions, and that constituted the opportunities to develop he had been discussing. Planning Director McLane added that land use actions such as partitions will require dedications and through those actions the County will utilize their options to meet the planned network through time. Subdivision planning process usually requires the developer to develop the road system within the bounds of the subdivision. Commissioner Kegler asked about the zoning of the area south of the corridor. Planning Director McLane indicated it is a mix of Farm Residential and Exclusive Farm Use. North of the corridor is mostly unzoned as federally owned land (USA Corps, etc.) Commissioner Wenzholz asked about the widened highway with raised medians indicated on the map. Planning Director McLane showed the Commission an area where accesses are being planned for that will take the accesses from the highway to an interior access. These plans will be worked on and further developed through time. Mr. Hughart indicated that the properties will always have a legal right to access and if an alternate access does not exist, ODOT will not force a property to be land locked.

Open the Public Hearing:

Tom Moore, 81692 Pleasant View Road, Irrigon

Mr. Moore asked for a clarification of the legal, platted roads that have been mentioned. Planning Director McLane indicated that the platted roads mentioned in the Study are 18th, 19th, 21st, Rand, and Pleasant View. These are platted from the original Irrigon Town Plat. They are already in the public domain and, therefore, when it is time to develop the roads they can be built. He remained concerned about access to his property if and when he partitions it. Planning Director McLane admitted that access is still problematic and, especially around Bevington Road and Rand Road, the County will need to keep working on making the planned network better. Any pre-existing, nonconforming lots will be recognized as legal and developable when they existed before the zoning regulation for the two-acre minimum lot size was imposed.

Kate Close, 76151 E. Oregon Lane, Irrigon

Ms. Close asked for clarification of continued access of the property between 18th and 19th Roads. Mr. Hughart explained that, if the owner does not make any development changes and unless there are no major extenuating circumstances, ODOT will not force any access changes.

Beth Purves, 81886 Pleasant View Road, Irrigon

Ms. Purves asked about the private property owned by Ted Sampson and what the zoning is. Planning Director McLane guessed, not having a zoning map to look at, that the property she asked about is a 2-acre zone.

Tom Moore further asked about the access arrows on Mr. Hughart's map. He did not believe that there are so many accesses in reality at Pleasant View Road. Mr. Hughart said that each arrow indicates an access or a reservation of an access, which may not show on the land. Mr. Moore further asked about the stop signs put on Pleasant View Road. Mr. Hughart indicated that this was not a part of this study. Public Works Director Burke O'Brien indicated that they are ODOT signs. Planning Director McLane told Mr. Moore that the Planning Department will follow up on his question with ODOT.

The Planning Commission closed the Public Portion of this hearing and continued it until the next meeting on December 4, 2007 at 7:00 p.m. at the same location.

Conditional Use Permit CUP-N-245: Wade and Debora Aylett, applicant, and Jedidiah Aylett, applicant and owner. Property is described as tax lots 300 and 1100 of Assessor's Map 4N 27 28. The property is zoned Exclusive Farm Use (EFU) and is located one-half mile west of the Umatilla Army Interchange with Interstate 84. Request is to allow a commercial concrete batch facility for the purpose of creating concrete products. Criteria for approval include the Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.010; Article 6 Sections 6.020, 6.030 and 6.050(l).

Planning Director McLane handed out two emails that were received by the Planning Department from Tony Justus, Water Resources Department and Tamra Mabbott, Umatilla County Planning Department. Planning Director McLane also read into the record a letter from DEQ, Tom Hack having to do with the possible requirements for an air quality permit, burning restrictions, DEQ requirements and fugitive dust abatement. She then presented the staff report.

Opened the Public Hearing:

Jack Ingram, Box 28, Arlington, OR

He is the potential contractor who would run the plant. Mr. Ingram clarified the difference between a cement plant and an asphaltic plant. They have not applied for a asphaltic plant with this application. The maximum trips they would be generating would be 100 trips per day. Most would be 30 or 40 trips, round-trip, which would be a really big day for them. Gun Club Lane is maintained by Wade Aylett as he keeps it graded. The timing requirement of the permit is not a problem for him. He expects his projects to be constant at this point in time. He says 4 months down-time maximum as a fair figure. Commissioner Wenzholz expressed concern about the water right and the water used, as a commercial well, and the need for clarification of the source of the water.

Deborah Aylett, applicant

Ms. Aylett indicated that the well log was included in the application. She said that the water has been used for industrial use and has been reviewed by Water Resources. Commissioner Rea indicated that the staff report needs to have a discussion of the source of the water as irrigation, or not, and add as a Condition of Approval that the water has been properly converted by Water Resources for industrial use. This will be added as Condition of Approval #1. Industrial water can be used for dust abatement of fugitive dust, as required by DEQ.

Closed Public Hearing:

Commissioner Wenzholz moved for approval of the application with the additional Condition of Approval. Commissioner Schmidt seconded the motion. Motion carried.

Conditional Use Permit CUP-S-246: HW and JF (Pachy) Burns, applicant and owner. Property is described as tax lot 1700 of Assessor's Map 2S 24. The property is zoned EFU and is located at 63118 Rhea Creek Road in lone, southwest of intersection of Social Ridge Road and Rhea Creek Road. Request is to allow existing building as an Accessory Farm Dwelling for use during lambing season, with limited use the balance of the year. Criteria for approval include MCZO Article 3 Section 3.010; Article 6 Sections 6.020 and 6.030.

Planning Staff had provided the Commission a memorandum asking for continuance of this hearing in order to allow the applicant time to meet the necessary requirements for accessory farm dwellings. Commissioner Peterson moved that the continuance be granted, seconded by Commissioner Kegler, that this application be continued to the December 4th meeting. Motion Carried.

Conditional Use Permit CUP-N-247: Cristina Hendergart, applicant, and John, Ellen and Cristina Hendergart, owners. Property is described as tax lot 1408 of Assessor's Map 4N 25 15. The property is zoned Farm Residential (FR) and is located at 71120 Hendergart Lane, south of Wilson Lane between Laurel and Miller Roads approximately one mile east of Boardman. Request is to allow a commercial kennel building on the property. Criteria for approval include MCZO Article 3 Section 3.041; and Article 6 Sections 6.020, 6.030 and 6.050(F).

Planning Director McLane presented the staff report. Commissioner Sykes questioned the reason for Condition of Approval #4 having to do with hours to be open for receiving clients and that it may not be reasonable to require daylight hours as it is dark in the winter around 4:30 p.m. The Commission will ask the applicant if longer hours will be more reasonable in this case.

Opened the Public Hearing.

Christina Hendergart, applicant

Ms. Hendergart spoke in favor of the application. The road access should not change since there will be only one to three non-private dogs in training. Most of the dogs will be their own private dogs but they will all be trained in their field. Hours of operation: Most of the time the dogs will be staying at their facility. She thinks 7 a.m. to 7 p.m. is reasonable.

Jeff Sak, 70772 Hendergart Lane

Mr. Sak spoke in opposition to the application. He believes it would destroy the quiet rural atmosphere of his property. The kennel would be too close to his bedroom window. Trees used for noise abatement would be ineffective especially in the beginning and would also interfere with his septic system and with his driveway as the roots would cause a problem. He believes the applicant sited the kennel far away from their own house in order to keep the dogs as far away from their bedroom as possible and therefore sited the kennel close to his dwelling. He also cited problems with escaped horses at the applicant's property. He concluded that, although he agrees with the business spirit of the applicant, a kennel would be detrimental to the quiet, rural residential quality of the area. Mr. Sak submitted his statement along with pictures for the record.

Ellen Hendergart, 71136 Hendergart Lane

Mrs. Hendergart spoke in favor of the application. The house on the property will be occupied by the applicant when she is married, and since they will be living there the applicant will be exposed to the noise of the dogs as well as their neighbors.

Mr. Sak asked if the applicant could move the kennel further away from his residence. Planning Director McLane indicated that this permit would be for the use, as a kennel, and the location of the kennel on the property is changeable. Commissioner Sykes said that noise does not seem to be enforced within the Planning Department's purview. Planning Director McLane indicated that, although there aren't any specific regulations in our ordinance, the Planning Department is still charged to uphold other County ordinances, including the Noise Ordinance.

John Hendergart: 71136 Hendergart Lane

Mr. Hendergart spoke in favor of the application. The reason for the location of the proposed kennel is because of their well, which is located at the back of their house and would be problematic for the applicant.

Commissioner Britt said that he would like to see folks doing things on a 5 acre parcel, but agrees that there is nothing more annoying than a barking dog. This would be a tough call for him. Commissioner Sykes said there is an electronic device that may be able to stop a dog from barking. Commissioner Britt indicated they are not known to be effective.

Closed the Public Hearing:

The Commission discussed the County's options in case noise became a problem for the nearby residents. Planning Director McLane said that code enforcement would be a problem as the use would be allowed by an approved Conditional Use. She suggested a look after one year at the Conditional Use and if problems exist it could be looked at, which could be part of the approval criteria. Commissioner Wenholtz moved for approval of the application with the language for the hours changed to 7 a.m. to 7 p.m. His motion was seconded by Commissioner Eppenbach. Motion carried.

Morrow County Zoning Ordinance Amendment AZ-005 and AZ(M)-006: Resource Related Industrial Zone. Greenwood Tree Farms and Collins Products, applicants and owners. Property is described as tax lot 3420 of Assessor's Map 4N 26 and is currently zoned EFU. The subject property is west of Pole Line Road approximately 3 miles south of Frontage Lane. The specific request to be considered is the establishment of a new use zone, Resource Related Industrial, and amending the MCZO to incorporate this new use zone. Additional action will be to apply the new use zone to the subject property, currently zoned Exclusive Farm Use, and amend the Zoning Map to reflect the change. This is the first of at least two Planning Commission Public Hearings to be followed by at least one County Court Public Hearing. Applicable criteria is MCZO Article 8 Section 8.050.

Planning Director McLane explained that this new use zone is not a new industrial zone. This new zone is designed to allow resource related companies to take advantage of a tax incentive offered by Oregon Investment Act. The investment incentive the Greenwood Tree Farms is seeking requires the location of the facility in industrially zoned land and the investment incentive will be allowed in the new use zone as it is an "industrial" designation. This new Resource Related Industrial zone is meant to mirror the Exclusive Farm Use Zone, with the allowance of resource related industrial use, commonly allowed as a Conditional Use, on farm land.

Commissioner Wenholtz asked if the minimum lot size will be a problem. Planning Director McLane indicated that the use can be no larger than the size needed for the use. Commissioner Sykes asked if, once the new zone would be established, would there be any controls as to location in the resource zone. There would be no other controls as long as they meet the requirements of the new zone. This new zone is simply a beneficial change to promote economic development in the County.

Opened the Public Hearing:

Todd Laitinen, Collins Products

Mr. Laitinen spoke in favor of the application and suggested needed changes in the applicant and owner information on the staff report.

Planning Director McLane brought up a question concerning setbacks on page 3 of the Yards section (double underlined). She read the requirement and asked the Commission whether the setbacks would be still reasonable. She asked the Commission to consider the setback rule because it is sometimes questionable to require setbacks between agricultural uses. The

Commission discussed the setback rules in the EFU zone and the new RRI zone. The Commission agreed to give the Planning Director the authority to modify the setback requirements in the RRI Zone on a case-by-case basis in paragraphs 2 and 3 of the Yards section. The last lines will read "... except as approved by the Planning Director."

The Commission continued this hearing to the December 4 hearing at 7:00 p.m. at the Irrigon Annex Building.

Audience Participation: none

Other Business/Correspondence:

- Speedway update - There are new documents with amended findings and conclusions of law based on the legislative fixes. The County Court will hear these in January and the appeal period should be over, barring complications, in February. A LUBA appeal has not been ruled out. Once the amendments are finished Site Development Review will be looked at by the Planning Commission.
- 2008 Meeting Dates - January hearing was changed to January 22nd in Lexington.
- There should be a quorum December 4 based on the comments of the Planning Commission. Commissioners Britt, Kegler and Schmidt will not be in attendance.
- Recognition - Commissioner Kegler - He just finished a year long stint as President of the Oregon Association of Realtors.
- Terms of Position - The terms of Commissioners Peterson, Schmidt and Britt will be ending. The Planning Department will send a formal letter to those Commissioners asking about their desire to continue on the Planning Commission.
- Aggregate and Goal 5 - ODOT project and more. ODOT will be working with us to update our ordinance in order to be in compliance with Division 23 and Goal 5 protection and to obtain permit certainty for their aggregate sites.

Adjournment:

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

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, December 4, 2007 at 7:00 p.m. at the North Morrow County Annex Building in Irrigon, Oregon.

Respectfully Submitted,
Lori Timmons



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Tuesday, December 4, 7:00 p.m.
North Morrow County Annex Building
Irrigon, Oregon**

Members Present: Leann Rea, Don Eppenbach, Betty Burns, Jeff Wenholz, David Sykes

Members Absent: Art Kegler, Joel Peterson, Roger Britt, Pamela Schmidt

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

Chair Rea called the meeting to order at 7:13 p.m.

Roll call was provided by Planning Director McLane.

Minutes of the November 27, 2007 meeting were reviewed. Commissioner Eppenbach moved and Commissioner Wenholz seconded the motion to approve the minutes as corrected. Motion carried.

Planning Commission Chair Rea read the Public Hearing Procedures.

The Planning Commission was asked to continue the Burns Conditional Use Permit application (CUP-S-246). Planning Commissioner Wenholz moved and Commissioner Burns seconded the motion to continue the hearing to the February 26, 2008, hearing in Irrigon.

Transportation System Plan Amendment AC-006-07: Highway 730 Safety Corridor Refinement Plan. This refinement plan is designed to address safety concerns along Highway 730 between the cities of Umatilla and Irrigon. When adopted it will supplement the Morrow County Transportation System Plan and provide additional guidance to be used when approving land use actions adjacent to this travel corridor. Specifically outlined is a local street network that utilizes current platted streets and encourages development of an east/west roadway. This is the second of at least two Planning Commission Public Hearings to be followed by at least one County Court Public Hearing. Criteria for approval include the Morrow County Comprehensive Plan Review and Revision Process.

Planning Director McLane passed out and presented an amended staff report. Planning Commissioner Rea asked for a short review of the Amendment for the convenience of the audience. Planning Director went over the action in general and reviewed the presentation by Mr. Matt Hughart, the consultant working on the Highway 730 Safety Corridor Refinement Plan. She reported the response from ODOT concerning the stop signs on Pleasant View Road and provided the Commission with a copy of the email from George Ruby of ODOT. The request will be continuing on to County Court if the Commission approves it tonight.

Open the Public Hearing:

Tom Moore, 81692 Pleasant View Road, Irrigon

Mr. Moore asked a question about Bevington Road and reiterated his concern about how the road will go through an area that will create lots less than the two-acre minimum lot size.

Planning Director McLane reassured him that the Plan will work toward creating the internal road network and Bevington Lane will need to eventually be extended to Pleasant View Road, but, the County has no specific plan on how this will be accomplished. Some of the options could include the County buying land, using condemnation, or other redevelopment route. The timeline is unknown at this point.

Al Phillips, 80610 Wagon wheel Loop, Irrigon

He asked about the connection to Oregon Street as he is looking at developing his property in the near future. He asked about what the time line will be. Commissioner Rea indicated that at the time he comes into the Planning Department with an application for development the transportation system will be addressed at that time.

Jerry Kingery, 76779 Highway 730, Irrigon

He is interested in seeing the wetlands remain in the about 40 acres he has. Carla told him that there is a 2-acre minimum lot designation there, but any development will be limited by the designated wetlands that are there. She reminded the audience that this plan is a vision and the actual solutions to various problems will be discovered through time in the development process.

Teresa Penninger, ODOT

She concurred with the Planning Director's comments and indicated that any development and improvement in the local road network will help alleviate pressure on Highway 730. She said that Morrow County's problems are somewhat less than Umatilla's access problems because a skeleton road network already exists in Morrow County.

Close the Public Hearing:

Commissioner Sykes made the motion to approve this request, with needed minor grammatical corrections to the Corridor Refinement Plan. His motion was seconded by Commissioner Burns. Motion Carried.

Morrow County Zoning Ordinance Amendment AZ-005 and AZ(M)-006: Resource Related Industrial Zone. Greenwood Tree Farms and Collins Products, applicants and owners. Property is described as tax lot 3420 of Assessor's Map 4N 26 and is currently zoned EFU. The subject property is west of Pole Line Road approximately 3 miles south of Frontage Lane. The specific request to be considered is the establishment of a new use zone, Resource Related Industrial, and amending the MCZO to incorporate this new use zone. Additional action will be to apply the new use zone to the subject property, currently zoned Exclusive Farm Use, and amend the Zoning Map to reflect the change. This is the second of at least two Planning Commission Public Hearings to be followed by at least one County Court Public Hearing. Applicable criteria is MCZO Article 8 Section 8.050.

Planning Director McLane reminded the Planning Commission that the changes made at the last meeting had to do with setbacks in the agricultural zones. She said that achieving clear and objective standards would be difficult without indicating actual setback standards and requested guidance as to where the setbacks should be established. The Commission discussed whether or not to take out the 100 ft. setback requirement for uses adjacent to

intensive agricultural use. County Counsel Ryan Swinburnson indicated that the issue is problematic because the Oregon Statutes do not define "intensive" agricultural use. Planning Director McLane indicated that any decision by the Planning Director could be appealed to the Commission. The Commission agreed to leave the language of the further amended staff report intact. Planning Director McLane introduced the letter from DEQ advising the applicant to meet all DEQ air and water quality requirements.

Open the Public Hearing

Todd Laitinen, 1618 SW 1st Ave, Ste 500, Portland, Greenwood Tree Farm

He would like Planning Staff to remove references to Collins Products and insert "Greenwood Tree Farms."

For the record, they have received their air contaminant discharge permits. He also thanked the County for going through this process as the new designation will save the company about \$125,000.

Close the Public Hearing:

The Commission was asked to consider two motions. The first was to approve the new zoning designation and the second was to approve the application of the new zone to the subject property. Commissioner Eppenbach moved that both actions be approved and forwarded to the County Court for approval. His motion was seconded by Commissioner Wenzholz. Motion carried.

Comprehensive Plan Amendment AC-007-07 and Zoning Amendment AZ-004-07 Boardman Airport Layout Plan: Port of Morrow, applicant and owner. Property is described as tax lot 131 of Assessor's Map 4N 24 and is currently zoned Air/Industrial Park. The subject property is located west of Boardman, southwest of the Interstate 84/Tower Road Interchange. Request is to adopt the Boardman Airport Layout Plan, amend both the Comprehensive Plan and Zoning Maps, and apply and update the Airport Approach and Airport Hazard zones. This is the first of at least two Planning Commission Public Hearings to be followed by at least one County Court Public Hearing. Criteria for approval include the Morrow County Comprehensive Plan Review and Revision Process; MCZO Article 3 Sections 3.090 and 3.091; and Article 8 Section 8.050. Planning Director McLane introduced the 2002 Boardman Airport Layout Plan. This Plan would become an appendix to the Transportation System Plan. She explained to the Commission the zones which are affected by this action and why. The zones affected are the Airport Approach Zone, the Airport Hazard Zone and the Air Industrial Park Zone. The adoption of this Plan is a Condition of Approval for the Speedway approval. Planning Director McLane also told the Commission that this Plan does not completely explore the Speedway airport issues. The FAA approved this plan in October 2002.

Commissioner Sykes asked if this Plan is geared toward the airport becoming under more than one ownership. Planning Director McLane indicated that there are about 4 parcels at the airport owned by people other than the Port. There is nothing in the Plan or Zoning Ordinance that would restrict ownership at the locations involved in this action.

Open the Public Hearing:

Michael Runyon: 2 Marine Drive, Boardman, Oregon International Speedway

Mr. Runyon spoke in favor of the action. He indicated that adoption of the Plan is necessary for further development of the airport as a Condition of Approval for the Speedway application before they can apply for Site Development Review. Additionally, there has been interest by

potential speedway users, which requires substantial improvements to the runway. This is the first in a series of many actions that need to be accomplished in the process of developing the Speedway. Mr. Runyon encouraged the Commission to approve the Plan.

Close the Public Hearing:

The Commission moved to continue the hearing to the January 22, 2008, meeting.

Conditional Use Permit CUP-N-248: Wade and Debora Aylett, applicant, and Jedidiah Aylett, applicant and owner. Property is described as tax lot 100 of Assessor's Map 4N 27 28. The property is zoned Exclusive Farm Use (EFU) and is located one-half mile west of the Umatilla Army Interchange with Interstate 84. Request is to allow a night security residence for plant security and a gradation lab for the purpose of grading aggregate. Criteria for approval include the Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.010; Article 6 Sections 6.020, 6.030 and 6.050(I).

Planning Director McLane presented the staff report. Planning Staff has worked with the Ayletts, recognizing the need for security and in achieving approval for the residence which exists at the property. The single-wide manufactured home at the property had been installed without any proper zoning approval or DEQ authority. Commissioner Rea requested Planning Staff add as a Condition of Approval that the applicant must obtain necessary Zoning and Building permits as well as DEQ requirements.

Open the Public Hearing:

Debora Aylett, 74854 Washington Lane, Irrigon

She spoke in favor of the application and the need for security at the site.

Close the Public Hearing:

Commissioner Wenholtz moved for approval of the application with the additional Condition of Approval. His motion was seconded by Commissioner Eppenbach. Motion Carried.

Variance V-N-005: Patrick and Vickie McNamee, applicant and owner. Property is described as tax lot 2403 of Assessor's Map 5N 27 20. The property is zoned EFU and is located east of Irrigon and south of Oregon Street and southeast of 18th Street. Request is to allow 50 foot setbacks for the construction of an agricultural building located on the southwest corner of the property, in order to continue usage of the current irrigated land. Criteria for approval include the MCZO Article 3 Section 3.010 and Article 7.

Commissioner Wenholtz declared he had some conversation with Mr. McNamee concerning this application, but that it will not affect his judgement and did not recuse himself. Planning Director McLane presented the staff report and indicated that Mr. McNamee and his affected neighbor did agree to a 50 ft. setback, which is asked for in the request.

Open the Public Hearing:

No one testified either for or against this application.

Close the Public Hearing:

Commissioner Eppenbach moved to approve this Variance application as presented. His motion was seconded by Commissioner Wenholtz. Motion carried.

Audience Participation:

Mr. Runyon informed the Commission that, as an Oregon Architect, he is available for providing advice concerning buildings or other structural questions.

Other Business/Correspondence:

- The Lexington School District Building will be closed during Spring Break therefore the Commission will not be able to meet there. The Commission discussed options and decided to switch locations in March and April.
- Speedway update. Nothing new from last week's hearing.
- Planning Department staff will be heading to Portland at the end of the week to attend the Legal Issues Workshop.
- Commission appointments are open and Planning Staff is still waiting to hear from the three Commissioners whose appointments are expiring as to whether or not they wish to continue on the Planning Commission.
- The Commission asked about reinstating a mileage reimbursement for Commissioner travel. Planning Director McLane agreed to speak with the Accounting Department about this. She will report back to the Commission at the January meeting.

Adjournment:

The meeting was adjourned at 8:47 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, January 22, 2008, at 7:00 p.m. at the Morrow County School District Building in Lexington, Oregon.

Respectfully Submitted,
Lori Timmons

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