



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Tuesday, January 22, 7:00 p.m.
Morrow County School District Building
Lexington, Oregon**

Members Present: Leann Rea, Don Eppenbach, Art Kegler, Jeff Wenholz, Roger Britt, David Sykes, Pamela Schmidt

Members Absent: Joel Peterson, Betty Burns

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.

Election of Officers: Commissioner Kegler moved and Commissioner Britt seconded a nomination for Leann Rea as Chair. Commissioner Wenholz moved and Commissioner Kegler seconded a nomination for Don Eppenbach for Vice Chair. The Commission approved both motions.

Minutes of the December 4, 2007 meeting were reviewed. Commissioner Eppenbach moved and Commissioner Kegler seconded the motion to approve the minutes with minor grammatical corrections submitted by Chair Rea. Motion carried.

Planning Commission Chair Rea read the Public Hearing Procedures.

A request was made to move the first item on the published agenda, which is the Boardman Airport Layout Plan, to the end of the agenda list. The Commission approved the request.

Variance V-N-006: Port of Morrow, applicant and owner. Property is described as tax lot 100 of Assessor's Map 4N 26 6 and Tax Lot 101 of Assessor's Map 4N 25 1. The property is zoned Port Industrial and is located in the East Beach Development Area off Columbia Boulevard east of the Port of Morrow Interchange. Request is to allow a reduction to the 60-foot access easement as required in Land Partition LP-N-381 from Columbia Avenue to the 3-acre Umatilla Electric Cooperative parcel. Criteria for approval include the MCZO Article 4 Section 4.010(D) and Article 7.

Commissioner Wenholz declared that he is on the Umatilla Electric Company (UEC) board. He does not believe his membership will affect his ability to serve at this particular hearing. Planning Director McLane presented the staff report. The Land Partition approved by the Planning Commission at the last hearing requires an access easement of 60 feet based on the

requirements in the Transportation System Plan. The Port would like to have the access be reduced from 60 feet to 20 or 30 feet. Planning Director McLane explained that there is a 10 foot utility easement along the access way. She recommended that the Planning Commission consider reducing the easement, but make sure the 10 foot utility is not interfered with by allowing a 30 foot easement to make room for both uses, or to move the easement alongside the utility easement and allow a 20 foot easement. Planning Director McLane also asked the Planning Commission to require a timely completion of this action, if approved. Judson Coppock, County Surveyor, indicated that this action may require a replat as apposed to an affidavit of correction. Planning Director McLane shared comments from the utility company indicated that they would like to see no interferences to the utility easement.

Opened the Public Hearing:

There were no comments from the audience concerning this action.

Closed the Public Hearing:

Judson Coppock, County Surveyor, read ORS citation 209.255, which deals with correcting errors or omissions to plats.

The Commission discussed the 20 or 30 foot options and concluded that the 30 foot easement option would best protect the utility easement. The Commission also discussed the options concerning the replat. A Condition of approval was suggested by Planning Director McLane, which required the Port to submit a replat reflecting a reduced access easement from 60 feet to 30 feet, which is to include the existing 10-foot utility easement, within 60 days of final approval. Commissioner Kegler moved to approve the variance application with the Condition of Approval added. Commissioner Schmidt seconded the motion. Motion carried.

Land Partition LP-N-382: Arnold and Shiela McClure, applicant and owner. Property is described as tax lot 100 of Assessor's Map 4N 24 13. The property is zoned Farm Residential and is located outside the City of Boardman on Peters Road, north of Wilson Lane. Request is to partition a 19-acre parcel into two parcels each meeting the two acre minimum parcel size. Criteria for approval include the Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning.

Planning Director McLane presented the staff report and then passed out a letter from West Extension Irrigation District (WEID). This letter explained the WEID conditions, which will be required to be met before the WEID manager will sign the final partition plat. The letter will become an attachment to the Final Findings. Commissioner Sykes asked the life of an approved Land Partition. The approval lapses after two years if not completed.

Opened the Public Hearing

Shiela McLure, applicant

She spoke in favor of the application.

Closed the Public Hearing:

Commissioner Wenzholz made a motion for approval of the application with minor corrections to the staff report. His motion was seconded by Commissioner Eppenbach. Motion carried.

Land Partition LP-N-383 and Conditional Use Permit CUP-N-249: John Walker and Irina Kreuger, applicant and owner. Property is described as tax lot 200 of Assessor's Map 4N 26 02. The property is zoned Exclusive Farm Use (EFU) and is located approximately

two miles south and west of the City of Irrigon, south of Depot Lane and north of the West Extension main canal. Request is to partition a 52.80-acre parcel to create a “non-farm” dwelling parcel and to allow the siting of a “non-farm” dwelling. Criteria for approval include the Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.010; Article 6 Sections 6.020 and 6.030; and the MCSO Article 5 Land Partitioning.

Planning Director McLane presented the staff report and passed out a letter from WEID explaining their requirements. The manager of WEID had spoken to Planning Director McLane concerning the language in the staff report because the usual language indicating WEID notification was missing. Planning Director McLane indicated that her request should be added, but WEID concerns in the letter had been met under item II(8) in the staff report.

Commissioner Rea asked about why the WEID letter indicated that there are more water rights than acreage in the property. Staff pointed out that the discrepancies about lot size will be resolved in the surveying process. Commissioner Wenholz brought up the issue of what constitutes “intensive” farming because he is aware that the property to the west is under organic farming. Could that qualify as intensive farming?

Opened the public hearing:

David Hadley: Attorney, 130 SE 3rd Street, Hermiston

Mr. Hadley spoke in favor of the Land Partition. He indicated that the staff report does not cause him concern. He introduced the applicants and indicated that he could answer any questions concerning this application.

There were no further comments from the audience concerning this application.

Closed the public hearing:

Commissioner Kegler moved and Commissioner Britt seconded the motion to approve the application with minor corrections. Motion carried.

Land Partition LP-N-384: River Point Farms, LLC, applicant and owner. Property is described as tax lot 115 of Assessor’s Map 4N 24. The property is zoned Air/Industrial Park (AI) and is located approximately five miles west of Boardman, south of Interstate 84 on Tower Road. Request is to partition a 27.59 acre parcel to create two parcels. Criteria for approval include the MCSO Article 5 Land Partitioning.

Planning Director McLane presented the staff report. She reviewed the recent history of this property, as explained in the background information of the Staff Report. When the property around Tower Road was owned by the State of Oregon a 150-foot access easement was given to a group of parties including BAIC and others to allow access to the south along Tower Road. In approximately 2000 the County requested a dedicated 60-foot right-of-way for Tower Road which now “floats” over this 150 foot easement. There is 90-foot of leftover easement, approximately 45-feet on each side of the dedication road, between Tower Road and the edge of the subject property as well as other properties that front Tower Road. The difficulty presented by this situation is that legally properties may be landlocked or have limited access to the portion of County managed and dedicated road. For the subject property only the northernmost portion of the property has legal access directly to Tower Road. Use to date and on-the-ground reality is that the subject property and other property on this stretch of road have had, and will most likely continue to have, physical access to Tower Road. During land use actions the Planning Department is charged with assuring legal access.

Planning Director McLane continued with the staff report. She indicated a need to amend the portion of the staff report concerning access to address the access problem discussed above. She recommended adding a Condition of Approval to ensure the property owner obtain legal

access to the proposed parcel 2 through parcel 1 in order to avoid the legal access problem. Alternatively, the applicant may work to obtain access across the easement. Planning Director McLane indicated a possible "silver lining" to this problem in that the Speedway will be requiring a 5-lane standard for Tower Road to meet the eventual traffic demands. Public Works has created the 5-lane standard and it will require approximately 120 feet. This 150 easement may allow for some expansion room.

Opened the Public Hearing

Cherie Dawn Robins, representative of Riverpoint Farms

Ms. Robins explained that Riverpoint Farms merged with American Onion. They will still need to consider their options, which may be to work with the easement holder, or to create an easement from the northernmost portion of the property to the parcels.

Judson Coppock, County Surveyor

He questioned whether the Commission has enough information in order to make a decision at this hearing. He requested the Commission find out how/whether the applicant can meet the requirement before their decision. Ryan Swinburnson, County Counsel, indicated that if the Commission would use a Condition of Approval to ensure the applicant meet the access options, this would serve to meet Mr. Coppock's concerns.

Closed the Public Hearing:

Planning Director McLane requested that the Commission give staff time to work on some of the language of the Staff Report to explain the access issues. She also recommended a Condition of Approval that the applicant execute one of two options: either work with the owners of the easement in order to obtain an access across the easement, or to obtain an access to both parcels from the northernmost portion of the northern parcel. Commissioner Kegler moved for approval with the addition of the Condition. His motion was seconded by Commissioner Wenzholz. Motion carried.

The Planning Commission directed staff to resolve the easement issue.

Land Partition LP-N-385 and Conditional Use Permit CUP-N-250: Brian and Peggy Doherty, applicant and William J. Doherty, owner. Property is described as tax lot 400 of Assessor's Map 1N 26 10. The property is zoned Exclusive Farm Use (EFU) and is located just north of Highway 207 at Sand Hollow Canyon between mileposts 13 and 14. Request is to partition a 1,986-acre parcel to create a "non-farm" dwelling parcel and to allow the siting of a "non-farm" dwelling. Criteria for approval include the MCZO Article 3 Section 3.010; Article 6 Sections 6.020 and 6.030; and the MCSO Article 5 Land Partitioning.

Planning Director McLane presented the staff report. The staff report detailed the description of the subject property and the large study area required to examine the impacts of a "non-farm" dwelling at the homestead site. Since the Doherty's have used a burning barrel and family property to dump solid waste the staff report required the applicant meet the Solid Waste Management Ordinance. This would require the applicant to contract with Sanitary Disposal for solid waste pickup or to haul their solid waste to a permitted solid waste disposal site.

Opened the Public Hearing:

Brian Doherty, applicant

Mr. Doherty spoke in favor of the application.

Closed the Public Hearing:

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

Conditional Use Permit CUP-N-251: Oregon Windfarms, LLC, applicant and Kent and Shannon Madison; and L. Franklin Mader, C. LaVonne Mader, Shannon Rust and Kirk Mader, owners. Property is described as tax lots 1100, 1401 and 1700 of Assessor's Map 3N 27; tax lots 100 and 303 of Assessor's Map 2N 27; and tax lot 700 of Assessor's Map 2N 26. The properties are zoned EFU and are located along the Morrow-Umatilla County line, west of Highway 207 and north of the Butter Creek junction. Request is to allow construction of community wind power facilities. Criteria for approval include the MCZO Section 3.010 Article 6.

Planning Director McLane presented the staff report. This proposal is for a community wind power facility that meets the criteria for approval by the County as it is for less than 105 MW. The applicant will be requested to meet the CREA standards for wind farm setbacks. Planning Director McLane passed out a comment letter from ODF&W regarding wildlife habitat and an email from John White from the Oregon Department of Energy. Mr. White had several questions for the applicant and staff to consider and a comment or two. Planning Director McLane reviewed each new correspondence. The Department of Energy letter was provided as comment only, not as recommendations. The letter from ODF&W had comments with accompanying recommendations. Planning Commission Chair Rea requested that the Planning Director read the letters into the record, which was done. Planning Commissioner Rea requested that the applicant be required to mitigate for weeds post-construction. She also informed the audience and the Commission that she was aware of this application ahead of time. Commissioner Wenholz asked Planning Director McLane about the lack of road standards in this application. Planning Director McLane explained that the roads are private roads, which are unregulated, and additionally, the roads will have to be improved to an upgraded standard in order to accommodate the transport of wind tower parts and maintenance. Access to emergency vehicles will be available because of the nature of the road improvement needed. Commissioner Britt asked about the \$4,000 figure required for decommissioning. Planning Director McLane explained that \$4,000 was the figure required for the first wind farm application. The figure was reasonable at the time and staff has simply continued to use it. Commissioner Sykes asked whether the recommendations and comments from the letters should be further considered by staff. Planning Director McLane indicated that if the Commission wishes for staff to be completely thorough, the Commission could continue the hearing to give staff time to incorporate the comments of the letters and to respond to the concerns mentioned within the letters. Planning Director McLane indicated that she feels confident with the conditions placed on the application as presented.

Opened the Public Hearing:

Bob Guertin 11035 85th Avenue NE, Kirkland, WA - Developer of the project

Mr. Guertin spoke in favor of the application. He explained that this project includes a number of owners. The roads are included within the 20-acre limit of land to be precluded from EFU land as required. He does not have a problem including the recommendations of Steve Cherry, ODF&W. He noted that there is agreement with the setbacks, but said that the nature of the site may not make specific setbacks applicable. They agree with the intent of the setbacks, but they think the wording should be careful in order to protect the neighbor. The project will cost 130 million dollars when completed. He checked the Oregon Trail and, according to his maps, they are at least 3,000 feet from the Trail. The questions of restoring and reclaiming land will be addressed within the agreements with the landowners. Revegetation and replanting to original condition will be accomplished.

Commissioner Sykes asked the number of proposed towers. Mr. Guertin said there isn't final construction financing, but as it currently looks the turbines will be 1.625 MW, which means about 30 turbines. Commissioner Britt asked whether there is a maximum load for the transmission line. Mr. Guertin responded that 60 MW will be the maximum before a major transmission line upgrade would be needed. Commissioner Rea asked about the distance from a turbine to the closest house. This would be approximately one mile to a land owner's house. The modern turbines meet strict noise requirements, based on requirements found in Europe. They do not anticipate any problems with noise from the modern turbines that would be installed. Commissioner Britt asked about the distance between the turbines. Mr. Guertin said they would be about 800 to 900 feet apart as the closest point within the clusters. The clusters may have up to three miles between them.

Stafford Hazelett, Aloha Oregon - member of the Oregon California Trails Association, but not attending as a representative. He indicated that there were certain wind tower strings that suggested the Trail was impacted (see Attachment B page 3). Mr. Guertin responded that the "A" plan was going to be implemented and the Trail would be at least 3,000 feet distant from the wind towers. The transmission lines will cross the trail, though. Mr. Hazelett then stated that his concerns were "cleared up," but he suggested the Commission take heed of Mr. White's comments (DOE staff member). He also suggested a requirement of a survey for a more precise location of the Trail within their project.

Kent Madison, Echo Oregon - Project Landowner

Mr. Madison spoke in favor of the project. He commented that he has preserved the Trail, but the Trail at this location has been farmed for many years.

John Steiner, 24597 Collett Road, Oreana, ID 83650 - Partner of Oregon Wind Farms and is the manager and planner of another project. Mr. Steiner spoke in favor of the project and invited the Commission to visit the Idaho project site he is involved with.

Brian Jackson, 2792 Desert Wind Road, Oasis Idaho

Mr. Jackson spoke in favor of the project and spoke about the reliability of the wind and how wonderful it is that the community is able to be utilizing it as a clean energy source and that the wind turbines are domestically produced. Wind power provides more jobs per watt than any other power source and wind farms preserve agricultural use. He helped write the USDA grants obtained by the land owners for this project.

Commissioner Sykes asked the completion time line. Mr. Guertin indicated that the process would last about 6 months once started. They hope to begin in the spring. Employment will be expected to be about 160 people during construction. Local labor will be utilized. After construction the employment will be 5 - 15.

Burke O'Brien, Morrow County Public Works Director, asked about the grants and some clarification. Mr. Jackson responded that there are three USDA grants.

Steve Cherry, Oregon Department of Fish & Wildlife (ODF&W)

The ODF&W has been dealing with wind power for a while now and the comments he made in his letter are very standard. The wildlife issues at this particular site are fairly benign as the land has been converted to agricultural use. His requests for surveys are minimal because the project area is large. Although the letter is a standard one, it gives a basis for the Department to work with the applicant. Post-construction monitoring is very standard with wind projects because wind power projects are fairly new in this area and folks are still gathering a body of

knowledge. The Oregon Department of Energy adopted the ODF&W mitigation policies and Mr. White's comments reflect this. The ground at this site doesn't need any mitigation as it is already fairly compromised as far as wildlife is concerned. He would like to be able to work with the applicant to assure ongoing monitoring programs. Commissioner Rea suggested staff add language in Condition of Approval 8 in order to require the recommendations of ODF&W in Mr. Cherry's letter. Mr. Guertin indicated that they have been working closely with ODF&W and will comply with their recommendations.

Closed the Public Hearing:

Planning Director McLane indicated that there could be a change in the language of Condition of Approval 5 to indicate both pre- and post- construction monitoring and an addition of Condition of Approval 8 as discussed. Commissioner Eppenbach moved and Commissioner Schmidt seconded the motion to approve the application with the mentioned changes. Motion carried.

Continued from December 4th, 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 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; Morrow County Zoning Ordinance (MCZO) Article 3 Sections 3.090 and 3.091; and Article 8 Section 8.050.

Planning Director McLane reminded the Commission that this is the second of two Planning Commission hearings for this amendment to the Transportation System Plan incorporating the Boardman Airport Layout Plan (ALP). The only change to the staff report is the addition of Chapter One Introduction and Conclusion of the ALP.

Opened the Public Hearing:

Michael Runyon - Oregon Motor Sports Speedway

Mr. Runyon spoke in favor of the application. Approval of this plan is appropriate to allow further development of the airport.

Closed the Public Hearing:

Commissioner Kegler moved and Commissioner Eppenbach seconded the motion to approve the application and forward it to the County Court for approval. Motion carried.

Audience Participation:

None

Other Business/Correspondence:

- Speedway Update. The County Court approved the changes to the decision as requested by the Speedway Developer. There will be an Ordinance reading with an emergency clause. Sometime in the next 28 days will be the next phase with the Site Development Review process probably starting in May.
- Gorman Appeal. The County Court amended the Planning Commission decision. There will be no discussion during the ongoing appeal period.

- 2008 Schedule. Note was made of the changes to the spring Planning Commission hearings.
- Zoning Ordinance Book Updates. The Commission was provided updated versions of the Zoning Ordinance and the Transportation System Plan.

Michael Runyon mentioned the changes in the roads on the Speedway sites. They will be developed in the near future. The test pits and borings for various buildings on the site indicated a lot of rock. The dirt gets thinner on the northern side.

Adjournment:

The meeting was adjourned at 10:15 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, February 26, 2008 at 7:00 p.m. at the North Morrow County Annex Building in Irrigon, Oregon.

Respectfully Submitted,
Lori Timmons



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

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

Members Absent: Jeff Wenholz, Betty Burns, Pamela Schmidt

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

Chair Rea called the meeting to order at 7:10 p.m.

Roll call was provided by Planning Director McLane.

Minutes of the January 22, 2008 meeting were reviewed. Commissioner Eppenbach moved and Commissioner Kegler seconded the motion to approve the minutes as presented. Motion carried.

The agenda had been amended in order to allow for a presentation by County Commissioner Wenholz concerning tippage fees from Finley Buttes Landfill.

Planning Commission Chair Rea read the Public Hearing Procedures.

Continued from November 27, 2007, 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 Exclusive Farm use (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 Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.010; Article 6 Sections 6.020 and 6.030.

Planning Director McLane requested the Planning Commission continue this hearing until the March 25, 2008 hearing. The intent was to allow the applicant time to meet the requirements of the Zoning Ordinance by obtaining a 2007 tax year IRS Schedule F. The applicant had signed a waiver to the 150-day land use requirement. Commissioner Kegler moved and Commissioner Eppenbach seconded the motion to continue the hearing. Motion carried.

Land Partition LP-N-386: Jedediah W. Aylett, applicant and owner. Property is described as tax lots 1100 and 1200 of Assessor's Map 4N 27 28. The property is zoned EFU and is located on the south side of Frontage Road, approximately one mile west of Exit 177 on Interstate 84. Request is to partition 11.23 acres as a condition of a 2007

zone change to allow the application of the Rural Light Industrial Use Zone. Criteria for approval include MCZO Article 5 Land Partitioning.

Planning Director McLane presented the staff report. She reminded the Commission that this land partition is a requirement of a previous zone change from EFU to the Rural Light Industrial (RLI) Zone. This action will define the actual area that will be RLI at 11.23 acres. A Condition of Approval was required that an additional 10 feet of right-of-way along the proposed 11-acre parcel be dedicated to the County for Frontage Road.

Opened the Public Hearing

Cindy Aylett, 75816 Frontage Road, owner

Mrs. Aylett spoke in favor of the application. She asked about whether the tentative plan, as submitted, could be used as the preliminary plat. Planning Director McLane assented, in that the tentative plan was adequate for this and would be considered the Preliminary Plat.

Closed the Public Hearing

Commissioner Peterson moved and Commissioner Kegler seconded the motion for approval as presented. Motion Carried.

County Commissioner John Wenholz presented the County's position concerning the ballot initiative to change the distribution of the Finley Buttes Tippage Fees. He asked the Commission and audience to vote and to support the County's position concerning the Tippage Fees.

Conditional Use Permit CUP-N-252: John, Florence and David Duncan, applicants; John and Florence Duncan, Trustees, owners. Property is described as tax lot 200 of Assessor's Map 5S 28 22D. The property is zoned Forest Use (FU) and is located on Penland Lane in the Penland Lake Subdivision. Request is to site a forest template dwelling. Criteria for approval include the MCZO Article 3 Section 3.020 (D); Article 6 Sections 6.020 and 6.030.

Planning Director McLane presented the staff report. The applicant is required to meet setback requirements and comply with applicable DEQ requirements. A forest dwelling permit also requires a Forest Disclaimer Statement. The dwelling will need to meet the fire siting standards of the Zoning Ordinance. The Penland Lake Subdivision is listed in the Federal Register for Communities at Risk in the Morrow County Community Wildfire Protection Plan.

Commissioner Sykes asked whether this is the same sort of request as those made for dwellings at Blake Ranch. Planning Director McLane responded that, yes, the standards are the same because the subdivisions are very similar. There was a discussion about how forest template dwellings are approved and Staff reviewed the Ordinance and how this and other similar forest dwellings are permitted.

Opened the Public Hearing

John Duncan, 29009 West Glen Road, owner

Mr. Duncan spoke in favor of the application. The well and septic have been installed with proper permitting from Water Resources and DEQ. Commissioner Kegler asked how Mr. Duncan proposed to get the water from the well across the public road to the property. Mr. Duncan indicated that they installed a line under the road. Burke O'Brien, Public Works

Director, indicated that actions such as this require a permit because the road is a public road. Commissioner Rea asked whether a permit was obtained. Mr. O'Brien responded that none had been obtained, but that could be rectified fairly easily.

Closed the Public Hearing:

Commissioner Eppenbach made the motion to approve the application as presented. His motion was seconded by Commissioner Britt. Motion Carried.

Conditional Use Permit CUP-N-253: Emerald Hydro-Turf, Inc., applicant; Arman and Sandra Kluehe, owners. Property is described as tax lot 2902 of Assessor's Map 1N 23. The property is zoned EFU and is located on the east side of Highway 74 approximately 1 mile north of Morgan. Request is to allow commercial activity in conjunction with farm use by placement of a modular office building. Criteria for approval include the MCZO Article 3 Section 3.010 (D) (8); Article 6 Sections 6.020 and 6.030.

Commissioner Kegler indicated that he helped the applicant acquire the property, but has no financial interest in the application and will be able to participate in this hearing. Commissioner Britt indicated that he is acquainted with the applicant and had discussed the application. He subsequently recused himself from the hearing.

Planning Director McLane presented the staff report. Conditions of Approval were applied to the application. Commissioner Sykes asked whether an expansion of the shop would require a Conditional Use Permit. Planning Director McLane indicated that an expansion would require a Zoning Approval, but if the expansion would be for the purpose of installing an office for the business, the applicant would still have to apply for a Conditional Use Permit.

Opened the Public Hearing

Mr. Arman Kluehe, PO BOX F, Lone - owner

Mr. Kluehe spoke in favor of the application. He explained his plans for his business and how he came to his decision to apply for this particular office unit. He says it is located far enough from the neighbor that he will not be able to see the office from his place.

George Griffith, Lone, 97843, neighbor.

Mr. Griffith spoke against the application. He showed the Commission the vicinity map and his property is east and north of the subject property. He was concerned with the access to the subject property. He claimed that, based on an ODOT document he brought, the access was sited illegally based on the posted speed limit at that location. He requested the ODOT document be entered into the record. He stressed that the access of 400 feet is too short for visibility according to the ODOT document. He also spoke against development of businesses and additional dwellings in land zoned exclusively for agriculture. He urged the Commission to deny the application.

Justin Nelson, 71634 Baseline Lane, Lexington

Mr. Nelson asked the Commission about how the access was allowed. Planning Director McLane indicated that the access from the Highway would have been approved at the time of creation by the Department of Transportation (ODOT). He asked the applicant about how much increased traffic would be coming onto this access. Mr. Kluehe indicated that in this case traffic would be minimally increased. He discussed residential uses as opposed to farm accesses. He thinks this might actually bring this residential use further into compliance with farm use in the area. He did not speak in support or against the application.

Sandra Kluehe, PO BOX F, lone - wife of the applicant.

Mrs. Kluehe spoke in favor of the application and indicated that there will be no additional traffic because they have been using their house as an office already.

Commissioner Kegler commented that he has been on the property many times (at least 20 times) and never noticed a traffic problem and indicated to the audience that he does not believe the traffic issue is a serious problem. Commissioner Peterson commented that this looks like a type of farming business that fits within the proper category. He reminded the audience that there used to be a lot more residents in the County than there are today and neighbors are not necessarily a bad thing.

Closed the Public Hearing.

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

Conditional Use Permit CUP-N-254: WI, Inc., applicant; Willow Farms, LLC, owner. Property is described as tax lot 1401 on Assessor's Map 2N 23 17. The property is zoned EFU and is located approximately 3 miles north of Cecil. Request is to allow a temporary concrete batch plant. Criteria for approval include MCZO Article 3 Section 3.010 (D) (11) and Article 6.020 and 6.030.

Planning Director McLane presented the staff report. This is an application for a batch plant to facilitate the construction of the Willow Creek Wind Farm. This is to be a temporary use during the construction phase of the Wind Farm. There will be no on-site water used as they are trucking it in from Arlington. The facility has a NPDES permit for the use.

Commissioner Kegler asked about where the facility lies on the flood plain map provided with the packet. Commissioner Britt questioned the fact that, since the gravel pit is visible from the highway which is a designated Scenic Byway, that it was not subject to further, or more extensive, scrutiny. He disagreed with the exemption the gravel pit has from permitting due to ORS law allowing development of a mine for on-site use, especially since the mine is extracting a lot of rock.

Open the Public Hearing

Jack Ingram, the project manager for the applicant

Mr. Ingram spoke in favor of the application. He told the Commission that he made sure he checked into all of the permits required and the mine use is indeed allowed without permitting as long as the rock is used on site, as it will be. He also indicated that 140,000 tons of rock is available at the site.

Arman Kluehe asked about hours of operation. Mr. Ingram responded that the hours would be from 5 a.m. to 7:30 p.m.

Closed the Public:

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

Audience Participation:

Sandra Kluehe asked about since that is a scenic highway, why is there so much junk in people's yards. The Planning Director indicated that there are many issues with junk, garbage and debris in the County and will work on code enforcement issues as the Sheriff's Department schedule allows.

George Griffith commented that there should be some rules for development along the Scenic Byway. He told Planning Director McLane that she should look a little harder to find something in writing that regulates this development.

Commissioner Britt requested further discussion about the scenic byway and the aggregate site. The Commission discussed the disadvantage of the situation, but was not able to offer a solution. Planning Director McLane indicated that Planning Staff will be looking into updating the County regulations concerning aggregate sites and the Commission will then have the opportunity to pursue further regulation of aggregate sites in the County.

George Griffith stated that the site is a ways from the highway, but asked whether there is a distance requirement from the Highway.

Commissioner Peterson asked staff to find out about specific requirements for development within a certain distance from a scenic byway. Carla offered to do some further research on this, especially since Commissioner Britt had said that an application for his site along the Byway had been denied based on its proximity to the Scenic Byway.

Justin Nelson commented that no one seems to know the rules around a scenic byway. Planning Director McLane said the ODOT enforces signs along a scenic byway, but the County does not have any regulations relative to a scenic byway.

Ryan Swinburnson, County Counsel: Planning Staff should not be considered the experts on all pertinent subjects for each application, which is the reason why agencies are notified in the first place. In this case, ODOT, who has some say about scenic byways, did not make comment.

Other Business/Correspondence

- Planning Commission Address List - a couple of corrections were made.
- March Agenda - the hearing will be in Irrigon again due to scheduling conflicts in Lexington.
- Aggregate Project - The County will begin a Post Acknowledgment Plan Amendment for aggregate in the Spring.
- Census Address List - the address work for the Census Bureau is ongoing at this point.
- Wind Farm Standards - late spring and early summer time frame possible in conjunction with the aggregate project
- Planning Director McLane provided the Commission with some Ethics information.

Adjournment:

The meeting was adjourned at 9:32 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, March 25, 2008 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, March 25, 2008 7:00 p.m.
North Morrow County Annex Building
Irrigon, Oregon**

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

Members Absent: Betty Burns, Roger Britt

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 February 26, 2008 meeting were reviewed. Commissioner Eppenbach moved and Commissioner Peterson seconded the motion to approve the minutes as presented. Motion carried.

Planning Commission Chair Rea read the Public Hearing Procedures.

Continued from February 26th, 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 Exclusive Farm use (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 Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.010; Article 6 Sections 6.020 and 6.030.

Planning Director McLane presented the staff report. She explained that this application came about as a code enforcement violation and that the time elapsed since the application was filed and this hearing date was due to the applicant needing time to provide information in order to meet some of the requirements for approval. The applicant will need to meet the criteria for placement of manufactured homes on EFU zoned land, except as exempted for temporary installations. The application does not state the age of the manufactured homes intended to be sited as accessory dwellings, although it is assumed the units are older than 10 years old. Commissioner Rea asked for clarification about the age of the manufactured home units. Planning Director McLane indicated that the age of the units are probably in the 1970s and their width is 14' by 70'. The Commission discussed whether or not the units can be older or newer than the date approved by the State for residential use. Planning Director McLane indicated that although there needs to be some criteria for the placement of these accessory units, if approved, they will have to be placed only as temporary units. Additionally, they will have to meet building code requirements.

Opened Public Hearing:

Pachy Burns, 63131 Rhea Creek Road, Lone

Ms. Burns spoke in favor of the application. She explained that they are fairly new to this area, since they have come from sheep operations in Montana. She explained that the only way to have an effective sheep operation is to have people attending the sheep on a constant basis. Ms. Burns testified that the units have been approved by OSHA for H2A-type visa workers from Peru. The workers are expected to be there between January and June.

H.W. Burns, 63131 Rhea Creek Road, Lone:

Mr. Burns spoke in favor of the application. He indicated that the units have wheels and are sitting on blocks. The wheels can be removed at any time.

Closed the Public Hearing:

Commissioner Kegler commented that the Conditions seem well structured to approve a temporary siting of the units. Commissioner Eppenbach moved and Commissioner Wenzholz seconded the motion to approve the application as presented. Motion Carried.

Land Partition LP-S-387 and Conditional Use Permit CUP-S-256: Gary and Suzanne Rea, applicants and owners. Property is described as tax lot 900 of Assessor's Map 2S 24. The property is zoned Exclusive Farm Use (EFU) and is located approximately 8 miles south of Lone at the intersection of Kincaid Lane and Lone-Gooseberry Road. Request is to partition a 900-acre parcel to create a "non-farm" dwelling parcel and to allow the siting of a "non-farm" dwelling. Criteria for approval include the MCZO Article 3 Section 3.010; Article 6 Sections 6.020 and 6.030; and the Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning.

The applicants submitted a letter of withdrawal to the Planning Department. Commissioner Kegler moved and Commissioner Peterson seconded the motion to recognize the withdrawal of the application. Motion carried.

Land Partition LP-N-388: Elizandro (Rosa) and Ruben Sanchez, applicants. Property is described as tax lot 801 of Assessor's Map 4N 25 16. The property is zoned Suburban Residential one acre minimum (SR-1A) and is within the Boardman Urban Growth Boundary. The property is located on Olsen Road approximately one-quarter mile south of Wilson Road. Request is to partition a 4.85-acre parcel to create two 2.42-acre parcels. Criteria for approval include the MCSO Article 5 Land Partitioning.

Planning Director McLane presented the staff report. This application meets the requirements of the Suburban Residential zone within the Boardman Urban Growth Boundary, which requires a one-acre minimum lot size. The application states that one of the single-wide homes on the property will need to be relocated and replaced in order to meet the one dwelling on one lot requirement. Planning Director McLane passed out letters received from an adjacent landowner and the West Extension Irrigation District (WEID). The letter from the adjacent landowner is in opposition to the partitioning due to possible code violations. Planning Director McLane informed the Commission that, after a staff visit to the property, there are no code enforcement issues or other strictly land use related issues that should affect the ability of this application to be approved. The WEID letter is a normal form letter informing the applicant of the steps to be taken in a normal land partitioning in their district such as this one.

Opened the Public Hearing:

Rosa Sanchez, 78702 Olsen Road

Mrs. Sanchez spoke in favor of the application. They would like to evenly divide the property and will remove one single-wide manufactured home and replace it with a newer dwelling that will meet County requirements.

Closed the Public Hearing:

Commissioner Kegler indicated that DEQ approval for septic might be a problem given the general wetness of that particular area. He suggested to the applicant that they have test holes done and obtain site suitability as their next priority. Commissioner Wenholtz moved and Commissioner Eppenbach seconded the motion to approve the application as presented. Motion carried.

Audience Participation: None

Other Business/Correspondence

- The issue was brought up concerning the new Oregon ethics rules passed by the 2007 State Legislature, which requires financial information from the Commissioners in mid-April. Commissioner Kegler mentioned that unless the rules are changed he does not intend to participate, and if he is forced to resign over this, he will. He has issues as to inconsistencies of requirements and his opinion is that it should not be information required to be disclosed. Also questions as to information security were brought up. The Commission was in agreement that the information cannot be guaranteed to be secure and there is a willingness by some Commission members to resign if they would be forced to file their information. Commissioner Kegler asked Planning Director McLane to look into what the Commission could do, including asking the legislature for a fix to this intrusive situation, which she agreed to do.
- The April agenda has three applications: the Allison boundary change in Boardman, an aggregate operation at the Port of Morrow, and a simple land partition.
- The tippage fee vote failed to remove the tippage fees from County control.
- News was shared about Planning Department Office Manager Gretchen Pedersen and her husband adopting a baby.
- Planning Director McLane sought guidance from the Commissioners concerning the Matthews variance extension request. The Commission gave Planning Director McLane authority to deny the extension to the variance.
- Planning Director McLane discussed a refresher course for the Commission on ex parte contact and other important issues for Commission members. She will find some material to present in an upcoming Planning Commission meeting.
- Speedway update: The process is going slowly forward and the next action for the Planning Department is Site Development Review, which the Planning Commission will eventually review.

Adjournment:

The meeting was adjourned at 8:27 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, April 29, 2008 at 7:00 p.m. at the Morrow County School District Building in Lexington, Oregon.

Respectfully Submitted,
Lori Timmons



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**Minutes of the Morrow County Planning Commission
Tuesday, April 29, 2008 7:00 p.m.
Morrow County School District Building
Lexington, Oregon**

Members Present: Leann Rea, Jeff Wenzholz, David Sykes, Pamela Schmidt

Members Absent: None. Five members resigned as of April 15, 2008.

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

Chair Rea called the meeting to order at 6:50 p.m.

Roll call was provided by Planning Director McLane.

Because the Planning Commission did not have a quorum the minutes of the March 25, 2008 meeting could not be reviewed or approved. The remaining Commission members agreed to continue the reading and approval of the minutes to the May 20, 2008 hearing in Lexington.

Planning Director McLane informed the remaining members of the Planning Commission that, although they could not make any final decisions, they are able to continue the scheduled hearings to the next regularly scheduled Planning Commission meeting date.

Conditional Use Permit CUP-N-255, Rinker Materials, applicant and Port of Morrow, owner. Property is described as tax lots 101 and 100 of Assessor's Map 4N 25 and a portion of tax lot 301 of Assessor's Map 5N 25. The property is zoned Port Industrial (PI) and is located in the Port of Morrow East Beach Development Area off Columbia Boulevard and Lewis & Clark Drive. Request is to allow mining operations. Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.073(B)3, and Article 6 Section 6.202, 6.030 and 6.050(I).

Commissioner Wenzholz moved and Commissioner Schmidt seconded his motion to continue this hearing to the May 20, 2008 Planning Commission meeting date in Lexington. Motion carried.

Land Partition LP-N-389: Robert and Rolinda Meakins, applicants and owners. Property is described as tax lot 3400 of Assessor's Map 5N 26 23B. The property is zoned Rural Residential (RR) and is located on the west end of Irrigon on the east side of Eighth Road between Washington Lane and Usage Lane. Request is to partition a 6.40-acre parcel to create three 2-acre parcels. Criteria for approval include the Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning.

Commissioner Schmidt moved and Commissioner Wenzholz seconded her motion to continue this hearing to the May 20, 2008 meeting date in Lexington. Motion carried.

Comprehensive Plan and Zoning Map Amendments AC(M)-005-08 and AZ(M)-007-08: City of Boardman, applicant and Mike and Carol Allison, owners. Property is described as tax lot 605 of Assessor's Map 4N 25 16, is zoned Suburban Residential (SR-1), and is within the Boardman Urban Growth Boundary. This is a county action being done concurrently with actions by the City of Boardman. Request is to apply county zoning to .77-acre that is proposed to be removed from the Boardman City Limits. This is the first of at least two Planning Commission Hearings to be followed by at least one County Court Hearing.

Planning Commissioner Rea indicated that if there appears to be the need, or a large interest expressed, this hearing should be continued a second time in order to allow the new Commissioners and the applicants an opportunity to have the hearing fully considered.

Planning Commissioner Wenholtz moved and Commissioner Sykes seconded his motion to continue this hearing to the May 20, 2008 meeting date in Lexington. Motion carried.

Other Business:

The agenda in May will have all of the continued hearings from the April hearing plus the applications that are being processed for the regular hearing in May.

Recruitment of new Planning Commission members. Planning Director McLane informed the Commission about prospective members who would be willing to complete the Ethics Commission filing requirements. The Planning Department has been busy with the process of recruitment and expects to have a quorum at the May Planning Commission meeting.

Adjournment:

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

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, May 20, 2008 at 7:00 p.m. at the Morrow County School District Building in Lexington, Oregon.

Respectfully Submitted,
Lori Timmons



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**Minutes of the Morrow County Planning Commission
Tuesday, May 20, 2008 7:00 p.m.
Morrow County School District Building
Lexington, Oregon**

Members Present: Leann Rea, David Sykes, Pamela Schmidt, Justin Nelson, Kellye Finch, Tucker Rice, Jeff Wenzholz, Mifflin Devin

Members Absent: none

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

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

Commissioner Rea greeted the new Commissioners and led a round of short introductions of each of the Commission members and staff.

Roll call was provided by Planning Director McLane.

An election of the new vice-chair was conducted. Commissioner Schmidt made the motion to elect Commissioner Sykes. Her motion was seconded by Commissioner Finch. Motion carried.

Minutes of the March 25, and April 29, 2008 meetings were reviewed. Commissioner Sykes moved and Commissioner Schmidt seconded the motion to approve the minutes for the March 25th meeting as presented. Motion carried. Commissioner Wenzholz moved and Commissioner Sykes seconded the motion to approve the minutes of the April 29th meeting. Motion carried.

Planning Commission Chair Rea reviewed the normal hearing process for the benefit of the new Commission members. She then read the Public Hearing Procedures.

Continued from April 29th, Conditional Use Permit CUP-N-255, Rinker Materials, applicant; and Port of Morrow, owner. Property is described as tax lots 101 and 100 of Assessor's Map 4N 25 and a portion of tax lot 301 of Assessor's Map 5N 25. The property is zoned Port Industrial (PI) and is located in the Port of Morrow East Beach Development Area off Columbia Boulevard and Lewis & Clark Drive. Request is to allow mining operations. Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.073(B)3, and Article 6 Section 6.020, 6.030 and 6.050(I). Planning Director McLane presented the staff report. This action is the final one concerning local approval for this particular aggregate site. It is the result of a previous County action which amended the Port Industrial Zone of the Zoning Ordinance allowing aggregate mining as a conditional use. During the discussion concerning the access points for the site. It was pointed out that the Staff Report wrongly stated that the access is from Columbia Lane. Lewis and Clark Road is the correct access and this change will be made to the Final Findings. Additionally, any new access will require an access permit issued by the Port of Morrow, which will demonstrate adherence to County access standards.

Commissioner Sykes asked why this action needed to happen when this particular aggregate site had been in place for a long time. Planning Director McLane explained that because DOGAMI requires local approval for an Operating Permit and local approval was questionable due to the fact that mining had not been listed as an allowed use on Port Industrial land and no land use approval had been able to be obtained based upon this omission, an amendment to the Zoning Ordinance had to first take place. Once this had been done the applicant was then able to apply for local approval in the form of a Conditional Use Permit for an aggregate mine. This was a long process of dotting all of the i's and crossing the t's in order to get a full, unhindered Operating Permit from DOGAMI. Commissioner Sykes also asked if this permit would include the operation as projected to include the eventual 200 acres. Planning Director McLane indicated that it would unless the need for a traffic impact analysis would be required.

Opened the Public Hearing:

Gary Neal, Manager, Port of Morrow

Mr. Neal spoke in favor of the application. He clarified the reasons the applicants have gone through this process. He is interested in making sure the mining operators can have operational use of this site. They have needed proper permitting in place in order to have the proper DOGAMI permit, which requires local permitting.

Peter Keefe, Development Manager of Cemex, the company that purchased Rinker Materials Mr. Keefe spoke in favor of the application. He affirmed Mr. Neal's comments and also reviewed the process and reasons by which the application was started. Through this process they will have full compliance concerning local approvals and will also meet DOGAMI requirement for local approval.

Closed the Public Hearing:

Commissioner Nelson asked for clarification as to when Cemex bought Rinker Materials. Mr. Keefe indicated that this spring Cemex bought the majority of the Rinker Materials stock.

Dennis Baker, Cemex.

Mr. Baker indicated that mining at the site has fluctuated. It increased in 2000 and since Cemex bought Rinker Materials business has picked up even more. He wanted it clarified that this company has not had any problem with dust or other similar issues.

Mr. Neal showed the Commission some large photographs of the site. With these photographs he was able to show the Commission the presently mined area and the future planned area that are planned to be mined. Mr. Keefe indicated that the amount they will mine will be driven mostly by the economy in the Portland area.

Commissioner Schmidt asked about how the applicant will control stagnant water. Mr. Neal indicated that there is mosquito vector control active in the area. Additionally, the area is not expected to have standing water. Commissioner Wenzholz moved and Commissioner Sykes seconded his motion to approve the application as with changes as discussed. Motion carried.

At this point in the hearing Planning Director McLane asked the Planning Commission if they would agree to adjust the agenda so that the Port's next agenda item could be heard. The Commission agreed to this request.

Land Partition LP-N-391: Port of Morrow, applicant and owner. Property is described as tax lot 100 of Assessor's Map 4N 25 01. The property is zoned PI and is located in the Port of Morrow East Beach Development Area off Columbia Boulevard and Lewis and Clark Drive. Request is to partition a 631-acre parcel into a 581-acre parcel, a 45-acre parcel and a 5-acre parcel. Criteria for approval include the MCSO Article 5 Land Partitioning.

Commissioner Wenzholz declared to the Commission that he is a director for Umatilla Electric and this Land Partition does involve this entity. This was duly noted by the Commission.

Planning Director McLane presented the staff report. This land partition will facilitate development at the Port and will also provide a 5-acre parcel for Umatilla Electric. Commissioner Sykes asked about the roads and what dedication to the public means in this instance. Planning Director McLane explained that the road would be dedicated for public use, but the Port will maintain it.

Opened the Public Hearing:

Gary Neal, manager of the Port of Morrow

Mr. Neal spoke in favor of the application. This partition came about because of an opportunity for potential development. This potential development would require a land partition and the Port will be developing the road in accordance with their planned road system. The Port will extend sewer, electric and water lines to this property as well as the road access.

Ron McKinnis, Port Engineer

Mr. McKinnis spoke in favor of the application and showed the Commission an amended Preliminary Partition Plat of the proposed partition. He indicated that there would need to be some shifting of the parcels in order to avoid conflicts with a pipeline easement. Otherwise, there have been no other changes to the tentative plan as presented in the Staff Report. Planning Director McLane recommended making a Condition of Approval concerning this change.

Mr. Neal showed the Commission the site location on the provided photographs. He told the Commission that the road extensions would be part of the Port transportation system plan and will aid future traffic flow needs.

Commissioner Nelson asked what use was going into the property and if the Commission would be able to truly know whether provisions would be adequate. He thinks the Commission would be required to know what the use would be. Mr. Neal and Planning Director McLane indicated that, since they have agreed to non-disclosure of the potential developer, they are not in a position to declare this information. Commissioner Sykes indicated that this concern puts the cart before the horse and is not a specific concern of the Planning Commission whose decisions concerning land partitions do not need to scrutinize particular uses. Mr. Neal indicated that they are putting the tools in place in order to facilitate development, whatever it might be in a general sense.

Close the Public Hearing:

Commissioner Finch moved to approve the application as amended concerning the pipeline easement. Commissioner Schmidt seconded the motion. Motion Carried.

Mr. Neal invited the Planning Commission to tour the Port facility.

Continued from April 29th, Land Partition LP-N-389: Robert and Rolinda Meakins, applicants and owners. Property is described as tax lot 3400 of Assessor's Map 5N 26 23B. The property is zoned Rural Residential (RR) and is located on the west end of Irrigon on the east side of Eighth Road between Washington Lane and Usage Lane. Request is to partition a 6.40-acre parcel to create three 2-acre parcels. Criteria for approval include the Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning.

Planning Director McLane presented the staff report. Concerns about the shape of one of the proposed parcels and the access were discussed. Commissioner Schmidt requested more information concerning water quality and quantity issues. She indicated that there seems to be a lot of actions in areas with these concerns. Planning Director McLane indicated that some time should be taken with the Planning Commission to discuss general water concerns in the northern end of the County. This discussion should take place, but not during this particular hearing discussion.

Commissioner Sykes asked for clarification over permit expirations for subdivisions and other land use actions. Planning Director McLane indicated that there is some question as to permit extension requirements and the Planning Department will be doing some research concerning extension allowances.

Commissioner Finch asked about parcel size given that the parcel is larger than 6 acres. Planning Director McLane indicated that the three parcels could be adjusted to accommodate access easements or other requirements, but they would need to meet minimum lot size requirements.

Commissioner Rea indicated that she is uncomfortable with the application as the tentative plan presents some questions. The Commission discussed the problems of the access and the lot configurations. In the end they recommended that a shared access easement be required as a Condition of Approval. They also recommended removing Condition of Approval #4 where the Public Works Department indicated the lack of need for a Consent to Participate agreement due to the fact that there will be no improvements at 8th road for the next 20 years. This application has more Conditions of Approval than usual due to the proposed lot configuration problems and the access confusion. Planning Commissioner Rea indicated that Condition of Approval #4 needs to be removed and replaced with a condition for a shared access easement.

Opened Public Hearing:

No one testified in favor or in opposition to this application.

Closed the Public Hearing:

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

Continued from April 29th, Comprehensive Plan and Zoning Map Amendments AC(M)-005-08 and AZ(M)-007-08: City of Boardman, applicant and Mike and Carol Allison, owners. Property is described as tax lot 605 of Assessor's Map 4N 25 16, is zoned Suburban Residential (SR-1), and is within the Boardman Urban Growth Boundary. This is a county action being done concurrently with actions by the City of Boardman. Request is to apply county zoning to .77-acre that is proposed to be removed from the Boardman City Limits. This is the second of at least two Planning Commission hearings to be followed by at least one County Court Hearing. Criteria for approval include MCZO Article 8 Amendments Section 8.050 Burden and Criteria.

Commissioner Rea indicated that she had an email message from Mike Allison; she will respond to his questions or concerns after the hearing. Ryan Swinburnson, County Counsel, indicated that Mr. Allison is his father-in-law and will recuse himself from this hearing. Planning Director McLane indicated that this particular application is also being heard by the City of Boardman this same evening. She gave a brief review of quasi-judicial and legislative decisions. This application is for a legislative decision. Planning Director McLane then presented the staff report to the Commission.

Opened the Public Hearing:
No one testified for or against this application.

Closed the Public Hearing:
Commissioner Schmidt moved for recommendation that the application as amended be forwarded to the County Court for approval and Commissioner Finch seconded her motion. Motion carried.

Land Partition LP-S-390 and Conditional Use Permit CUP-S-257: James and Susanne Wychules, applicants; and Donald O. Robinson Family Trust and Merlyn A. Robinson Family Trust, owners. Property is described as tax lot 3700 of Assessor's Map 2S 26. The property is zoned Exclusive Farm Use (EFU) and is located east of Heppner just south of Highway 74 along the eastern line of the Heppner Urban Growth Boundary. Request is to partition a 1076-acre parcel to create two "non-farm" dwelling parcels and to allow the siting of two "non-farm" dwellings. Criteria for approval include the MCZO Article 3 Section 3.010; Article 6 Sections 6.020 and 6.030; and the MCSO Article 5 Land Partitioning.

Planning Director McLane indicated that the applicant has requested a continuance of this hearing to the June 2008 meeting date. Commissioner Finch moved for the continuance, which was seconded by Commissioner Wenholz. Motion carried.

Other Business/Correspondence

- June Agenda. It will be a short agenda, therefore Planning Commissioner training will be conducted. Commissioner Schmidt mentioned that it would be helpful to discuss a County map. Topics for discussion were brought up to include the water quality and quantity management areas; acronyms; a tour of the Port; a tour of the Irrigon area where there are instances of poor planning and other areas where the Commissioners from the south side can be familiarized, such as Downey Lane; the Goals; ethics paperwork, etc.
- The Commission agreed to move the July hearing up a week to July 22nd.
- Planning Commission recruitment continues in the greater Irrigon area.
- Planning Director McLane introduced several planning publications to the Commission and, if they are interested, the Planning Department can order them for the Commission's benefit.

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, June 24, 2008 at 7:00 p.m. at the North Morrow County Annex Building in Irrigon, Oregon.

Respectfully Submitted,
Lori Timmons



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**Minutes of the Morrow County Planning Commission
Tuesday, June 24, 2008 7:00 p.m.
North Morrow County Annex Building
Irrigon, Oregon**

Members Present: Leann Rea, David Sykes, Justin Nelson, Kellye Finch, Tucker Rice, Mifflin Devin

Members Absent: Pamela Schmidt, Jeff Wenholz

Staff Present: Carla McLane, Planning Director; Lori Timmons Associate Planner
Ryan Swinburnson, County Counsel; Deputy Nathan Braun, Code Enforcement Officer

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

Roll call was provided by Planning Director McLane.

Minutes of the May 20, 2008, meeting were reviewed. Commissioner Rice moved and Commissioner Finch seconded the motion to approve the minutes as presented. Motion carried.

Planning Commission Chair Rea read the Public Hearing Procedures.

Continued from May 20, 2008, Land Partition LP-S-390 and Conditional Use Permit CUP-S-257: James and Susanne Wychules, applicants, and Donald O. Robinson Family Trust and Merlyn A. Robinson Family Trust, owners. Property is described as tax lot 3700 of Assessor's Map 2S 26. The property is zoned Exclusive Farm Use (EFU) and is located east of Heppner just south of Highway 74 along the eastern line of the Heppner Urban Growth Boundary. Request is to partition a 1076-acre parcel to create two "non-farm" dwelling parcels and to allow the siting of two "non-farm" dwellings. Criteria for approval include the Morrow County Zoning Ordinance Article 3 Section 3.010; 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. This action had been continued from the previously scheduled Planning Commission meeting due to request by the applicant. Planning Director McLane explained to the Planning Commission some of the non-farm dwelling statute requirements, specifically the requirement that a landowner may divide property to create no more than two non-farm dwelling parcels. The new parcels intended for the non-farm dwellings will need to have site suitability from DEQ before the Planning Director will sign the Final Partition Plat. Additionally, access to the parcels must be determined in their final form before the Planning Director will sign the Final Partition Plat. Any accesses from the State highway will have to have approval from ODOT. Commissioner Sykes asked why the Planning Department is dealing with the access in this manner, which is not the usual way of requiring a defined access. Planning Director McLane explained about the pending property line adjustment and

that the landowner is still considering different options for the access. Which option the owner chooses will need to meet access requirements and the Planning Director believes there will be no problem meeting them whichever access option the owner chooses. Commissioner Nelson asked about the requirement of site suitability and what that actually means. Planning Director McLane explained that we require it so that the County can be assured buildability of the new parcels.

Opened the Public Hearing:

Kyle Robinson - 64623 Spur Loop Road, Heppner

Mr. Robinson spoke in favor of the application. He believes that the new prospective owners are pleased with the procedure and they do believe that everything is going smoothly.

No one spoke in opposition to the application.

Closed the Public Hearing:

Commissioner Sykes moved and Commissioner Rice seconded the motion to approve the application as presented. Motion carried.

Other Business/Correspondence:

The Planning Commission commenced with a one-hour bus tour of the west Irrigon area. The tour route took the group down Columbia Avenue past the Irrigon Mobile Court and the Hellberg subdivisions to Paterson Ferry Road. From there the group toured the area around the fish hatcheries and back to Montana Lane where lots have been developed on the Columbia River. From the River the tour headed south across Highway 730 on 8th Road to Depot Lane where the group toured the older, established residential areas in the Exclusive Farm Use area south of Irrigon, including the Wagon Wheel subdivision. After touring Wagon Wheel subdivision and looking at the consequences of not requiring a higher road standard the group headed back to the Annex Building to conclude the Planning Commission meeting schedule.

After the return of the Commission members from the tour Staff discussed various Planning issues and procedures. Commissioner Nelson requested information about what a flag lot is. Commissioner Sykes requested that staff explain the role of the Planning Department and the Planning Commission on a normal basis. He asked for clarification as to which decisions the Planning Department handles administratively, which decisions the Planning Commission makes and then what happens to the requests once the decisions are made. Planning Director McLane explained that the decisions having any degree of subjectivity need to be made by the Planning Commission. Planning Staff relies on the Zoning Ordinance and the standards incorporated therein in order to decide which decisions are allowed outright and are not subjective, and decisions which are conditional and are subjective. Decisions made by the Planning Director and the Planning Commission can be appealed. Any appeal will be brought to the higher authority, which would be the Planning Commission for an appeal of the Planning Director's decision and the County Court for an appeal of the Planning Commission's decision. An appeal of the County Court's decision can be brought before the State Land Use Board of Appeals (LUBA) in Salem.

Adjournment:

The meeting was adjourned at 9:15 p.m.

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

Members Present: David Sykes, Mifflin Devin, Tucker Rice, Pamela Schmidt, Kellye Finch, Justin Nelson, Jeff Wenzholz

Member Absent: Leann Rea

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

Vice-chair Sykes called the meeting to order at 7:01 p.m.

Roll call was provided by Planning Director McLane.

Minutes of the June 24, 2008 meeting was reviewed. Commissioner Finch moved and Commissioner Devin seconded the motion to approve the minutes as presented. Motion carried.

Planning Commission Vice-chair Sykes read the Public Hearing Procedures.

Conditional Use Permit CUP-S-258: Kenneth and Lynne Franz, applicants and owners. Property is described as tax lot 900 on 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 forest template dwelling. Criteria for approval include the MCZO Article 3 Section 3.020 (D); Article 6 Sections 6.020 and 6.030.

Planning Director McLane presented the Staff Report. This application for a Conditional Use is required because the parcel does not meet the minimum lot size requirements of 240 acres for the siting of a dwelling. This approval is valid for four years and if the dwelling development does not take place by the end of four years the use will have to be re-applied for as if from the beginning. The dwelling will need to meet setback requirements, as well as fire siting requirements for a dwelling in the Forest Use Zone. Commissioner Nelson mentioned that his family has some tax lots in the area and wanted the Commission to know that he does not feel there is a conflict of interest concerning this application.

Opened the Public Hearing:

Ken Franz, 31062 Klaus Road, applicant

Mr. Franz spoke in favor of the application. He explained that he is trying to get the septic system installed at this point. The drainfield will be in excess of 150 feet from the lake. He measured the access way and it does meet the State Fire Marshall requirements. He also had the water system installed for fire suppression. He does not expect any problems with a water supply.

Closed the Public Hearing:

Planning Director McLane requested the Commission ask any questions of Staff since many had not seen an application for a Forest Template Dwelling. She explained the mechanism for allowing a residence in these residential areas in the Forest Use Zone. There has not been a lot of pressure from the residents for re-zoning the areas to another, more residential zone such as a forest recreation zone. Commissioner Rice moved and Commissioner Wenzholz seconded his motion to approve the application as presented, except for the name on the signature line changed from Leann Rea to David Sykes. Motion Carried.

Conditional Use Permit CUP-N-259: Wagon Trail, LLC, applicant; Tim and Shannon Rust, owners. Property is described as tax lot 100 on Assessor's Map 2N 27. The property is zoned EFU and is located near the eastern border of Morrow County approximately two miles north of Highway 207 on Rust-Mader Lane. Request is to allow a temporary concrete batch plant. Criteria for approval include MCZO Article 3 Section 3.010 (D) (11) and Article 6.020 and 6.030.

Planning Director McLane explained that there has been a request by Mr. Guertin of Oregon Windfarms to continue this application to the next Planning Commission meeting date in August. The Planning Staff will need to send a new public notice to fix a procedural error of notice and change the staff report and maps to reflect new access information to be provided by the applicant. Commissioner Nelson made the motion to continue this hearing to the next Planning Commission meeting date August 26, 2008. His motion was seconded by Commissioner Finch. Motion Carried.

Replat R-009-08; replat of Land Partition LP-N-381 (Partition Plat 2007-15): Port of Morrow, applicant and owner. Property is described as 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 (PI) and is located northeast of Boardman in the Port of Morrow East Beach Development Area. Request is to relocate parcel 3 of LP-N-381 (Partition Plat 2007-15). Criteria for approval include the MCSO Article 5 Land Partitioning.

Commissioner Wenzholz declared that he is on the Board of Umatilla Electric Co-op, which is involved in this action. Planning Director McLane presented the staff report. This application by the Port of Morrow is to replat a fairly recent Land Partition which created a parcel for the Umatilla Electric substation. At this point in time it is necessary that this parcel be moved further west along the access easement. Planning Director McLane has informed Gary Neal, Manager of the Port of Morrow, that series partitioning of this area may cause a subsequent application to have Subdivision rules applied. Planning Commissioner Sykes asked Planning Director McLane to review the Conditions of Approval and to explain the access easements to the new parcel. Planning Director McLane reviewed the 30' variance of the access to the substation parcel and the access to the PDX1 parcel from Lewis and Clark Drive.

Opened the Public Hearing:

Debi Watson: Representative of the Umatilla Electric Co-op.

She spoke in favor of the application. She also explained there will be two substations, one dedicated to PDX1 and the second for other uses such as Pacific Ethanol.

Closed the Public Hearing:

Commissioner Schmidt moved to approve the application with a needed change to the signature line. Her motion was seconded by Commissioner Devin. Motion Carried.

Planning Commissioner Training

Important plans and documents in Morrow County:

The Comprehensive Plan: Planning Director McLane explained the purpose of this Plan to the Commissioners. This important document is still in its original paper form from 1986 and is in dire need of updating to incorporate the many amendments to it over the years.

The Zoning and Subdivision Ordinance takes the Plan and converts the concepts within into specific regulatory criteria in order to accomplish the goals and objectives in the Comprehensive Plan.

Transportation System Plan identifies the current transportation system, the problems, needs and standards of Morrow County roads and other components of the transportation system. This plan includes the Highway 730 Highway Corridor Refinement Plan.

Pre-Disaster Mitigation Plan: This Plan is designed to mitigate for possible disasters having to do with natural hazards before they happen.

Master Park Plan, supporting the requirements of Goal 8 - Recreation. Public Works is working on the update of this Plan, which will also require an amendment to the Comprehensive Plan's Recreation Element.

Other documents mentioned were the Solid Waste Management Plan and Ordinance; the Community Wildfire Protection Plan; the Chemical Stockpile Emergency Preparedness Program (CSEPP) Plan, which deals the manmade hazards as well as some natural hazards in the County; City Plans; and the Nuisance Ordinances, which are being updated.

Planning Director McLane then reviewed each of the relevant Statewide Planning Program Goals.

Commissioner Sykes asked the Planning Director to report on her actions with the County Court. She then told the Commission that the Allison property line adjustment with the City of Boardman is being finalized. She also informed the Commission concerning the large Idaho Power transmission project that is being developed, which will move power from Morrow County to Idaho. The project developer is working on alternative sites at this time and she reminded the Commission that this action will not come in front of the Planning Commission because the Energy Facility Siting Council (EFSC) will be in charge of this particular approval. They are anticipating the Notice of Intent from Idaho Power soon and it should take until 2012 to construct the line. There is a lot of work to be done on this project and the Planning Department will be able to bill their time. Also, the Shepards Flat Wind farm final Order will be signed by EFSC soon. There was no one contesting this huge project.

Planning Director McLane will also be talking with the County Court about the Local Reuse Authority, concerning the US Army Depot. They will discuss the problem of conflicting claims for the property and the fact that there are no water rights on the property. There is a meeting coming up soon in which they will be discussing the issues with engaging with the Office of Economic Adjustment.

Other information: •The Land Conservation and Development Commission LCDC will be meeting in August. •The acreage burned by the large fire on the Bombing Range was at least 43,000 acres.

It was agreed that the tour last Planning Commission meeting was a success and Planning Staff was requested to conduct another tour of the Boardman area. It was agreed to change the meeting location from the Irrigon Annex building to the Port of Morrow and to conduct a tour.

Planning Commissioner Sykes asked Planning Staff to discuss the access for the Robinson application and whether it had been decided. Planning Staff explained that the property owners involved with the proposed property line adjustment needed to re-enter negotiations concerning where the access/property line adjustment could be located. At this point the property line adjustment application was being held until new descriptions could be obtained.

Adjournment:

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

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, August 26, 2008 at 7:00 p.m. at the Port of Morrow Riverfront Center in Boardman, Oregon.

Respectfully Submitted,
Lori Timmons



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Tuesday, August 26, 2008 7:00 p.m.
Port of Morrow Riverfront Center
Boardman, Oregon**

Members Present: Leann Rea, Tucker Rice, David Sykes, Justin Nelson, Mifflin Devin, Pamela Schmidt, Jeff Wenholz, Kellye Finch

Member Absent: none

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

Note: The Planning Commission was given a tour of the Port of Morrow conducted by Lisa Mittlesdorf, Port of Morrow Director of Economic Development and Ron McKinnis, Port Engineer. The tour lasted from 5:00 until 6:30 p.m.

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

Roll call was provided by Planning Director McLane.

Minutes of the July 22, 2008 meeting were reviewed. Commissioner Wenholz moved and Commissioner Rice seconded the motion to approve the minutes as presented. Motion carried.

Planning Commission Chair Rea read the Public Hearing Procedures.

Planning Commissioner Rea requested, based on the fact that Jeff Moore from ODOT had not arrived yet, that the Commission hear the next action first. The Commission agreed.

Land Partition LP-S-392 and Conditional Use Permit CUP-S-260: Kenneth and Julianne Nelson, applicants; and Helen Nelson, owner. Property is described as tax lot 100 of Assessor's Map 1S 24. The property is zoned Exclusive Farm Use (EFU) and is located approximately 2 ½ miles northeast of lone on Baseline Lane. Request is to partition a 600-acre parcel to create a "non-farm" dwelling parcel and to allow the siting of a "non-farm" dwelling. Criteria for approval include the MCZO Article 3 Section 3.010; Article 6 Sections 6.020 and 6.030; and the Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning.

Justin Nelson recused himself from this action because the applicants are close family relatives. Planning Director McLane presented the staff report. The Conditions of Approval require a Right-to-Farm Disclaimer Statement, a Preliminary and Final Partition Plat, the access re-permitted from farm to residential if needed and the dwelling parcel disqualified from farm deferral taxation and the taxes paid from the past ten years. Planning Staff added permit lengths and permit extension allowances and requirements at the end of the Staff Report. Staff believes this information can prove to be valuable to the permittee.

Commissioner Wenzholz asked whether the zoning of the property changes after the approval of a "non-farm" dwelling. Planning Director McLane indicated that the use changes but not the zoning. This change of use affects the Assessor's office in that it is flagged and removed from farm assessment. Commissioner Rea asked whether the applicant had been advised that this division for a non-farm dwelling will be the only one; that they will lose their right to further divide the property for a "non-farm" dwelling. Planning Staff indicated that, yes, the applicant had been advised that this will be the only "non-farm" dwelling allowed for this parcel once the Partition Plat has been recorded.

Opened the Public Hearing:

No one was in attendance to speak in favor of this application.

Ken Smouse, P.O. Box 127, Lone - adjacent land owner:

He indicated that his and his family's questions had been answered at this hearing and they are satisfied.

Closed the Public Hearing:

Commissioner Wenzholz moved for approval as presented. His motion was seconded by Commissioner Devin. Motion carried.

Conditional Use Permit CUP-S-261: Oregon Department of Transportation, applicant and owner. Property is described as tax lots 500 and 600 of Assessor's Map 1S 25 35. The property is zoned EFU and is located approximately one mile east of Lexington on Highway 74 at mile point 37.83. Request is to allow installation of a mortality composting facility that will be used to dispose of deer carcasses collected from ODOT highways in the local area. Criteria for approval include Article 3 Section 3.010 (D) (30) and Article 6.020, 6.030 and 6.050 (H).

Subsequent to the Nelson application the Planning Commission commenced to hear this request. Planning Director McLane presented the staff report. The Department of Environmental Quality (DEQ) has indicated they will issue a letter authorization for the first year for this facility; they do not think it will not require a solid waste permit. DEQ will reevaluate the facility after one year of operation. Because this facility will not trigger a DEQ full solid waste composting facility it has been found to not require a permit under the Morrow County Solid Waste Ordinance. If, after one year of operation, this facility is found to require a full DEQ composting facility permit, it would then be required to meet the Morrow County Solid Waste Management Ordinance for composting facilities as well.

This proposed carcass composting facility had previously raised some concerns by adjacent landowners in that some dead animals had been left to decompose at the proposed facility site. This concern was addressed by ODOT at that time. When approved there will be no dead animals managed other than what is allowed by this permit. This facility will cause ODOT to clean up the area and Planning Director McLane indicated that the area will look better after the facility will be finished.

Commissioner Sykes expressed concern that the facility's "plan" should be conditioned in the Findings and that staff should consider creating a condition that ODOT follow the plan submitted with the application. The Commission discussed whether they should add language to stress that if ODOT does not follow their plan they will be in violation of their conditional use permit allowed by the County.

Commissioner Schmidt expressed concern about public access to the facility to drop off carcasses not found along an ODOT road facility. Commissioner Nelson asked about flooding problems. Staff indicated that it is above the flood plain on the north side of the highway.

Opened the Public Hearing:

Jeff Moore, ODOT, Portland office, 123 Northwest Flanders, Portland 97209

Mr. Moore spoke in favor of the application. He presented an information sheet with answers to frequently asked questions about deer composting. He indicated that roadkill composting is a new idea for ODOT but since environmental rules have gotten stricter this issue needs to be better dealt with. Alternatives to previously unmanaged roadkill carcasses have been sought including working with waste management agencies, to no avail. They realized they needed to solve the problem and roadkill composting appears to be their best alternative. He indicated that the plan needs to be a working document because adjustments will probably be needed due to their lack of experience. He said there would be a berm to prevent public view from the highway but if in the future it looks like a gate or fence will be needed, they will install it. They are trying to write their plan to meet the new and old rules for DEQ composting. They will operate under a letter authorization "permit" in the first year. This "permit" will require them to measure the temperature of the compost piles and other do batch testing as required. Any changes or updates to their plan will be provided to the County. They do expect to take in about one carcass a day on average.

Commissioner Rea asked if they would support taking in County-originated roadkill. Mr. Moore indicated that this could be worked out at the local level.

Commissioner Nelson asked about the facility at Maryhill in Washington State, which seemed to be very similar. Mr. Moore indicated that facility was closed due to its less than efficient location. The facility is being planned for another location. The Washington facility was designed to meet Washington standards. The DEQ standards stress groundwater protection more than other states and the DEQ plan was changed in order to meet their stricter groundwater requirements. Commissioner Schmidt asked about access since there won't be a gate.

Casey Arbogast, ODOT, Heppner maintenance.

Mr. Arbogast addressed Commissioner Schmidt's concern about public access to the facility. He indicated that ODOT will be putting in a locked gate.

Mr. Moore indicated that the pit location may be moved a bit from where it was located on their vicinity map. Any changes will be given to the County for review.

Closed the Public Hearing:

Planning Director McLane proposed a Condition of Approval stating the requirement for a facility plan. The Commission discussed how to word this Condition so that ODOT can make needed changes to their plan and still be in compliance with their permit. Commissioner Nelson wanted it to be clear that any changes in the plan would be submitted to the Planning Department, which would then have a ministerial review. Planning Director McLane indicated that if the Commission wishes, an annual review could be presented to the Commission in one year. Planning Commissioner Rea asked for a review of the changes and the added language. Planning Director McLane re-read her proposed changes. Planning Director McLane further recommended that the Commission ask for a one-year review. Commissioner Sykes moved for approval with the recommended changes in language for one Condition of Approval without a requirement for a one-year review. Commissioner Wenholz seconded his motion. Motion carried.

Other Business

- Conditional Use for the Oregon Wind Farm Batch Plant - Withdrawn
Planning Director McLane reviewed the actions involved with the Oregon Wind Farm:
 - The windfarm needed to move some turbines due to a conflict with the Fossil radar facility.

- The transmission line in Morrow County will be running along a farm road.
 - The applicant withdrew the application for the batch plant. They will be using an approved batch plant in Umatilla County instead.
 - The transmission line in Umatilla County is having some problems because there is local opposition. The Umatilla County Board of Commission continued the hearing last week to allow for rebuttal. This could be appealed and could well derail the project altogether.
- Planning Commissioner Training:
Maps: Planning Director McLane explained several maps created in the Planning Department. The first map shows where the Planning Commissioners live in the County. The other maps the Commission reviewed were the zoning map, fire districts, parks, and the transportation system maps which show how the County and cities plan road connections within the specific areas. The last map the Commission reviewed was a DOGAMI map showing the landslide risk in Morrow County. Planning Director McLane indicated a need to plan for the landslide risks in those areas that are shown on that map.
 - Agenda for next month: There will be three land partitions in the Irrigon area.
 - Report on the Local Reuse Authority (LRA)/Water meeting held today:
The County Commissioners, Port of Morrow, Oregon Guard, Port industries, Boardman Chamber, and the City of Boardman participated. The agenda included the Local Reuse Authority for the Army Depot. The Army will designate the Depot as a surplus and the closure is to be around the year 2012. The Environmental Assessment that was done indicated the transition will most likely take at least 10 years to happen and because of this the Oregon National Guard has a strong interest in using the Depot. They would like to own the northern 70 percent of the facility. There was some conversation that there maybe should be some additional members in the LRA Committee and they asked members to look for possibilities. Currently on the 12-member LRA committee are two members from Morrow County, two from Umatilla County, two members each from the Ports of Umatilla and Morrow and four members from the CTUIR.

Planning Director McLane also presented the Umatilla County 50 year water plan. This plan represents many hours of research and has a lot of beneficial information. Although this plan includes the whole of the Umatilla Basin watershed, which includes Morrow County, the County had limited participation in the Plan.

- The 23,000-acre Conservation Reserve Area that is part of the Three Mile Canyon Farm land multi-species agreement with the Nature Conservancy has a 10-year and then a 25-year time line. Planning Director McLane indicated that there is still some time left in the life of this Plan; she did indicate that at some point the Nature Conservancy is supposed to purchase the Area.

Adjournment:

The meeting was adjourned at 9:15 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, September 30, 2008 at 7:00 p.m. at Lexington, Oregon.

Respectfully Submitted,
Lori Timmons



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**Minutes of the Morrow County Planning Commission
Tuesday, September 30, 2008 7:00 p.m.
Morrow County School District Building
Lexington, Oregon**

Members Present: Leann Rea, Jeff Wenzholz, Tucker Rice, Mifflyn Devin, Justin Nelson, Pam Schmidt, David Sykes

Members Absent: none

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 26, 2008 meeting were reviewed. Commissioner Wenzholz moved and Commissioner Schmidt seconded the motion to approve the minutes as presented. Motion carried.

Land Partition LP-N-393: Robert and Pamela Richards, applicants and owners. Property is described as tax lot 1900 of Assessor's Map 5N 26 25A. The property is zoned Rural Residential (RR) and is located south of Highway 730 on California Avenue between First and Second Streets within the Urban Growth Boundary of Irrigon. Request is to partition a 4.77-acre parcel to create three 1+-acre parcels. Criteria for approval include the Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning.

Associate Planner Timmons provided the staff report. This property is within the Irrigon Urban Growth Boundary and there are City of Irrigon requirements which apply to this application. The City Manager was consulted regarding this application. Water and sewer services are provided along California Avenue and are within the 300-foot distance required by DEQ for compulsory connection. The new parcels will need to utilize these facilities; connection will also require annexation of the parcels into the city limits of Irrigon. The City of Irrigon will require a 50-foot dedication of the driveway the entire length of the parcel in order to facilitate future connectivity to the south. The Planning Commission discussed the need for a fire truck to turn around and inquired if comment had been received from the fire department. Staff indicated that there had been no comment from Irrigon Rural Fire Protection District. Based on city requirements essentially a hammerhead turnaround will be available for turnaround purposes.

Staff indicated that the Subsequent Condition of Approval #5 needed to be added as such in the Condition of Approval list. It was listed as a Precedent Condition of Approval, which was incorrect.

Opened Public Hearing

There was no one in attendance to testify at this hearing.

Closed Public Hearing

Commissioner Wenholz moved to approve the application with minor changes as discussed. His motion was seconded by Commissioner Devin. Motion approved unanimously.

Land Partition LP-N-394: Troy Potter, applicant; and Cleaver Land, owner. Property is described as tax lot 900 of Assessor's Map 5N 26 36. The property is zoned RR and is located south of Irrigon near the corner of Division Street and Depot Lane. Request is to partition a 7.85-acre parcel to create two 3.7-acre parcels. Criteria for approval include the MCSO Article 5 Land Partitioning.

Associate Planner Timmons provided the staff report. This application and the following were submitted as two parts of one development, proposed to be accomplished over time as the applicant plans to further divide the property currently described within the subject applications into several lots and will most likely have to meet subdivision standards.

Current access to the proposed southernmost parcel is a shared access, which happens to be on the neighboring property. Planning Staff is requiring that there be legal access established for this parcel, either with a dedication on the plat or a shared access agreement to be recorded with the deeds to the properties. After discussion about the access to the southern-most parcel, width will be added to the staff report and Conditions of Approval.

Because the applicant had indicated a desire to not continue receiving irrigation water from West Extension Irrigation District, planning staff discussed the benefits of keeping irrigation on residentially zoned property as an important benefit for community development. Planning Staff strongly recommended that the applicant develop the property so that future owners of the property are able to irrigate their parcel for residential irrigation uses such as lawns, trees and gardens.

Opened Public Hearing

There was no one in attendance to testify at this hearing.

Closed Public Hearing

Commissioner Wenholz moved to approve the application with minor changes as discussed. His motion was seconded by Commissioner Rice. Motion approved unanimously.

Land Partition LP-N-395: Troy Potter, applicant; and Cleaver Land, owner. Property is described as tax lot 200 of Assessor's Map 5N 26 36. The property is zoned RR and is located on Depot Lane about one thousand feet west from the intersection of Division Street and Depot Lane. Request is to partition a 33.41-acre parcel to create two 2.2-acre parcels and a 29-acre parcel. Criteria for approval include the MCSO Article 5 Land Partitioning.

Associate Planner Timmons provided the staff report. Access to the home on the southern portion of the subject property was discussed. Access is currently being taken from the canal, but no legal access has been granted. The applicant will need to obtain legal access to the southernmost parcel property from Depot Lane.

After discussion it was agreed to amend the request to reflect two parcels meeting the two acre minimum in order to give the applicant some flexibility with parcel size considering a desired future road and the need to meet DEQ requirements for septic systems.

Opened Public Hearing:

There was no one in attendance to testify at this hearing.

Closed Public Hearing

Commissioner Nelson moved to approve the application with changes as discussed. His motion was seconded by Commissioner Schmidt. Motion approved unanimously.

Planning Commissioner Training:

- Water 101: Planning Director McLane explained the Water Rights in Oregon handout provided to the Commissioners. She provided an overview of the water quantity and quality issues we have in Morrow County. The LUB GWMA, which lays across the entire northern portion of the County, covers an area currently being managed by a voluntary action plan, with mixed results, towards improving the water quality issues in the area. The quality issues are mostly based on high nitrates in the ground water. Sources of nitrate contamination may come from land application of industrial process water, misapplication of fertilizers and other small farm management practices. The action plan has been in operation for about 12 years. There has been progress in utilizing best management practices in this regard. Planning Director McLane pointed out the expense of fertilizers cause farmers to use it more efficiently, irrigation being applied more efficiently (which causes the concentration problems to increase). There was discussion about the alluvial layers above the basalt in the northern portion of the County and the basalt layers in the south. There is concern of cross-contamination of the layers in the wells between the aquifers.

The critical groundwater areas were also discussed. These designations indicate areas of water quantity concerns. The Commission discussed domestic wells, particularly shared wells that can provide water to two dwellings. When there are over three dwellings, specific requirements for a community water system are triggered. At about 25 dwellings on a shared system a water control district must be created, such as Blake Ranch. These community water systems have almost no oversight. This requirement affects some land actions where shared water may trigger the requirement for a community water system.

Carrying capacity is a term used in our staff reports but is not well defined as to what it means. A study conducted by the EPA for Morrow County indicates that the minimum lot size for parcels in the Boardman area should be 7 acres per septic system, although Oregon law requires 2 acres. The 2-acre standard we use has not been legally challenged at this point.

Commissioner Rea pointed out that the exempt domestic wells are being looked at for regulation and the present 15,000 gallons per day limit may be reduced. There is also indications that meters will need to be installed on domestic wells to monitor domestic water use.

Planning Director McLane discussed the Umatilla County 2050 Water Plan. She informed the Commission that the County Court will send a letter to the Umatilla County Planning Commission concerning this Plan to congratulate and encourage them but to also say that Morrow County has some problems with it. Commissioner Sykes indicated that his review of this Plan showed very little Morrow County input into their Plan, despite the fact that the Umatilla Basin lies within Morrow County. He questioned its validity to the County when there was little County representation in the development of the Plan and their conclusions were never vetted in Morrow County.

- Scenic Byway

The Blue Mountain Scenic Byway has never been adequately described in the Transportation System Plan. Planning Director McLane also indicated that the Commission could discuss whether or not uses impacting the Byway should be regulated. Commissioner Sykes commented that during the discussions leading up to the Byway's designation, there were not a lot of people trying to have the Byway regulated and there isn't any now but if the County will put in restrictions on the Byway, the folks along it need to participate in the process. Planning Director McLane said that the Morrow County Road Committee discussed the Byway at their last meeting. They were concerned about regulation with impacts similar to the scenic gorge. Commissioner Sykes repeated that any regulation would need a lot of thought. When it was designated there was no intention of area preservation. It was solely for attracting tourists. Carla indicated that the only change she would recommend at this time would be to make sure all of the signs, improvements, etc. are identified.

- Letter of resignation from Chair Rea.

Her term of membership will end on October 10, 2008. Commissioner Schmidt asked about the responsibilities of the Chair. Commissioner Rea discussed her view of the Chair's responsibilities, including making sure the findings are correct and signing them, and conducting the hearings. Commissioner Rea asked the Commission to discuss whether to appoint a new chair or have the vice chair serve for the next two months. The Commission did not choose to appoint a new chair at this time. Commissioner Rea informed the Commission that the County Court has asked her to act as a liaison between the County Court and the Planning Commission, so she will be at hearings in the future.

County Court Activities

- Vacation of Deadman Hill Loop Road. The County has received a petition for vacation of a portion of this road. The County has proposed, if the vacation is approved, removing from County Road Status the balance of the road and Wyland Grade. Commissioner Rea mentioned there is an old historic cemetery on his road.
- Joint meetings with the Port of Morrow Commissioners to discuss the Local Reuse Authority and Umatilla County's 2050 Water Management Plan.
- Video Teleconference with the Navy to discuss the July burn and resulting blowing dust impacts to Bombing Range Road.
- Idaho Power transmission line project from Boardman to Hemingway, Idaho. There will be a public hearing in Pendleton on October 29th and Boardman on October 30th. The Planning Department has received the Notice of Intent from Idaho Power. There will be further reviews and the process will take 12 to 24 months. Commissioners Wenholz and Rice asked for a map of their proposed routes.

- Shepherds Flat Wind facility will be applying to EFSC for Shepherds Flat Two. Invenergy will be applying in January for their next phase. The project on the Three-mile Canyon project is under construction. Planning Director McLane indicated that work on birds and bats issues with wind facilities has produced new guidelines. The Energy Facilities Siting Council is reviewing jurisdiction issues, resulting in an interesting debate with Counties.

Other Business/Correspondence:

- Kellye Finch resigned
- October Agenda
- New Planning Commission member: Jim Key from Irrigon

Adjournment:

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

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, December 2, 2008 at 7:00 p.m. at the Heppner City Hall in Heppner, Oregon.

Respectfully Submitted,
Lori Timmons



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**Minutes of the Morrow County Planning Commission
a portion of which is a
Joint Public Hearing with the City of Heppner Planning Commission
Tuesday, October 28, 2008 7:00 p.m.
Heppner City Hall
Heppner, Oregon**

Morrow County Planning Commission - Members Present:

Pamela Schmidt, Mifflin Devin, Jim Key, David Sykes, Tucker Rice, Jeff Wenholz

Member Absent: Justin Nelson

Heppner Planning Commission - Members Present:

Jeff Bailey, Kandy Boyd, Dave Fowler, Nancy Gochnauer, Joyce Hollomon, George Koffler, Larry Mills, Les Paustian

Member Absent: None

Morrow County Staff Present:

Carla McLane, Planning Director; Lori Timmons, Associate Planner

City of Heppner Staff Present:

Steve Bogart, City Manager

Vice-Chair Sykes called the meeting to order at 7:00 p.m.

Roll call was provided by Planning Director McLane.

Vice Chair Sykes read the Planning Commission Hearing Procedures.

Planning Director McLane explained to all present the reason why the Morrow County and the City of Heppner Planning Commissions are meeting to hear the Robinson Land Partition application. The hearing is being held jointly because the subject property lies within the City of Heppner City Limits, Urban Growth Boundary and within the County. The Preliminary Findings of Fact reflect the substantive criteria of both jurisdictions. There will be two hearings at this level for joint Planning Commission review. The application will then be heard before the Heppner City Council. The appeal process for the application, if approved by the City Council, will begin upon approval.

Before the joint hearing began Mifflin Devin declared he is a distant cousin of the applicant and that his relationship with the applicant will hold no bearing on his ability to make a decision. Heppner City Planning Commissioner Nancy Gochnauer declared she is a property owner near the subject property but feels she will be able to be unbiased in this situation.

**JOINT HEARING - MORROW COUNTY PLANNING COMMISSION AND THE CITY OF
HEPPNER PLANNING COMMISSION**

County Land Partition LP-S-397: Kyle Robinson, applicant; Merlyn Robinson, owner. Property is described as tax lot 101 of Assessor's Map 2S 26 35. A portion of the property is located within the City Limits of Heppner and is zoned R1. Another portion of the property is located within the Urban Growth Boundary of Heppner and is zoned R1 and R3. A final portion of the property is outside the Urban Growth Boundary and is zoned Exclusive Farm Use (EFU). The property is located south of Highway 74, east of Rock Street in Heppner to the Urban Growth Boundary line. Request is to partition a 109.36-acre parcel to create three parcels. When complete the largest parcel will be the portion of the subject property east of the city limits line. The portion west of the city limits will be two parcels; a small acreage parcel in the northwest corner of the subject property and the balance of the subject property west of the city limit line. Criteria for County approval includes the Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning. Criteria for City approval includes the Heppner City Zoning Ordinance Title 12, Chapter 2.

Planning Director McLane presented the Staff Report. She explained the situation of the land and how it is located within the City Limits, the UGB, and the County jurisdiction. The Planning Director went through the approval criteria as discussed within the Staff Report. Tax lot 200 owned by Morrow County, but which has sited on it a reservoir belonging to the City of Heppner, does not have an identified access. As it is within the City Limits of Heppner, requiring access will be the responsibility of the City of Heppner. Domestic water will be provided by the City.

Steve Bogart, City of Heppner City Manager then presented the City's development criteria. He specifically addressed the subjects that do not repeat the County's criteria already discussed. The Public Works Director will review in lieu of engineer review. The City has agreed to waive some of the development costs, including street development. The access will be a graveled road, adequate to handle big trucks and snow plows. It will not be a dirt path, but also not a curbed, paved road at this time. Mr. Robinson has agreed to participate with meeting the requirements at a later date.

Mr. Bogart explained the notice requirement discrepancies between the County and the City. Notice was made by the County to adjacent landowners according to County requirements. Because this caused the City's publishing notice to be missed, the City will hold an additional hearing thus meeting the 20-day City publishing notice requirement. The result of this is a second hearing which is scheduled for November 12th in Heppner.

The City will require a more complete tentative plan. Mr. Robinson will develop a secondary access. There needs to be something that identifies proposed sewer connections. The primary access is in the City and the secondary access is on Fairview and the unnamed right of way which is within the UGB. The City will eventually require it be built to City standards. Commissioner Wenzel expressed concern that to require an access with no standards could create a substandard or undesirable situation. He would like to see a requirement for the access with a defined standard. Mr. Bogart said that although the proposed road is to be built to a primitive standard, in order to aid the development, city standards will be required as time goes by. The applicant has stated that the proposed parcel one, which is split between city limits and UGB, will be totally annexed within the City Limits upon development.

Opened Public Hearing Portion:

Testimony in favor:

Ryan Miller, P.O. Box 650, Heppner

Mr. Miller spoke in favor of the application. He has been working with the applicant on development potential for this property. He discussed the ability to provide utilities through the NE corner of proposed parcel one and said that for providing water, etc, things are doable. He said he believes this development will help allow for employment and residences for people who want to come to Heppner.

Kyle Robinson, Applicant

Mr. Robinson spoke in favor of the application. He believes the land partition will allow for future development and there has been some interest in development there. He believes the partition will be a benefit to the City of Heppner

Daye Stone, 160 Rock Street

Mr. Stone spoke in favor of the application. He discussed the dire need to have housing in the community as there is a shortage of housing in Heppner. He favors the development to bring people to the City and is in favor as a taxpayer, as a school administrator, and a member of the community.

Those opposed and neutral:

Terry Moore, 215 Rock Street.

Mr Moore lives on Willow Street off Rock street. He is interested in having the city pave the street into the parcels because the property has a steep inclined access. He urged the Commission consider planning for dollars to pave the access up to the subject property.

Ed Struthers, 235 Rock Street

Mr. Struthers spoke as a neutral party. He wanted clarification to the minimum lot size. Mr. Bogart clarified the City minimum lot size criteria, and Planning Director McLane indicated she will be sure that information is included. Mr. Struthers further expressed concern about the need for better access due to the potential for so many new dwellings.

Martha Doherty, 185 Rock Street

She had the following concerns: the access is too steep to be developed in a primitive standard. An unpaved city street along the back of the houses will create a dust problem and she believes it should be paved. Ms. Doherty requested the City planners require the applicant pave the road. She was concerned about whether the City can guarantee the residents will not lose water pressure with this potential further development. She would like the City to make sure water will be adequate for normal use, which means running a couple of lawn sprinklers. The street already has a problem with storm water runoff when it rains and she urged the city planners to deal with storm water runoff.

Skip Matthews, 155 Rock Street

Mr. Matthews reiterated Mrs. Doherty's concerns. He has extreme reservations about not planning for a paved access, water pressure, and storm water runoff on the access. He further explained how it is a problem now, further development will cause it to be worse.

Donald Stroeber, 960 E. Fairview Way

Mr. Stroeber has seen a lot of flooding along Fairview Way and he has reservations about the access street as he uses it every day. He has had to work to maintain the street. Another

concern is why does it have to be in that location? He asked the City Planners to plan correctly for the back road access. Also, he asked who would be liable for storm water runoff damage.

Bill West, 880 Fairview Way

Mr. West spoke with reservations about the access road. He believes there is a big problem with this. He would also like to know the setback from the property line. Mr. Bogart indicated that the setback would be between 70 and 150 feet from the property line.

Ed Struthers, 235 Rock Street

Mr. Struthers asked what is going to happen with the reservoir. Mr. Bogart referred to the Public Works Director for the City, known as reservoir #4.

Brian Harmon: City of Heppner Public Works Director

Mr. Harmon indicated that the City of Heppner owns the water reservoir and as far as he knows, Heppner has use of this water. It is not used at this time and there are no future plans to use it until the city figures out what to do with it. Mr. Harmon explained that there is the ability to elevate the pressure for the development. Ms. Doherty asked if boosting the pressure will cause problems at the houses already there. Mr. Harmon indicated that yes, this could be a problem. He further discussed potential problems with pressure. He indicated that the costs, as he understands it, will be borne by the developer/applicant. He addressed storm drainage and the developer will have to create a drainage plan, which will be forthcoming with a development plan Mr. Robinson will be required to submit.

Janet Greenup, 265 W. Baltimore Street

Mrs. Greenup spoke about the drainage problem and urged the City to deal with it before development. She mentioned some types of actions that can be taken to fix the potential problem such as catchment, diversion ditches, terraces, and culverts.

Closed the Public Hearing:

Vice Chair Sykes and the Heppner City Planning Commission Chair discussed procedures. Both Commissions needed to take action to continue the hearing until November 12th. Commissioner Schmidt made the motion to continue the County's portion of the hearing to November 12. Her motion was seconded by Commissioner Devin. Motion Carried. Heppner Planning Commission member Dave Fowler made the motion to continue the City's portion of the hearing to November 12th. His motion was seconded by Heppner Planning Commissioner Gochnauer. Motion Carried.

THE MORROW COUNTY PLANNING COMMISSION

Minutes of the September 30, 2008 meeting were reviewed. Commissioner Rice moved and Commissioner Wenzholz seconded the motion to approve the minutes as presented. Motion carried.

Land Partition LP-N-396 and Replat R-011-08: BAIC, Inc., applicant and owner. Property is described as tax lot 100 of Assessor's Map 2N 23; tax lot 100 of Assessor's Map 2N 24; tax lot 100 and 111 of Assessor's Map 3N 23; tax lots 100 and 120 of Assessor's Map 3N 24; tax lots 100 and 110 of Assessor's Map 4N 23; and tax lot 121 of Assessor's Map 4N 24. The subject property is zoned EFU and is located south Interstate 84 and west of the Boardman Bombing Range. Request is to partition and enlarge Parcel 2 of Partition Plat 2001-6 which affects and therefore causes inclusion of Parcel 1 of Partition Plat 2007-9. Criteria for approval include the MCSO Article 5 Land Partitioning.

Planning Director McLane presented the staff report. This application could bring into force a Restrictive Covenant signed by the Farm and the State of Oregon as the previous land owner, which would require the dedication of Taggares Lane upon further division of Farm property along Taggares Lane. The Transportation System Plan requires a legal guarantee that right-of-way be provided if is possible to further partition of the land and the Restrictive Covenant met this requirement of a previous land partition. Commissioner Wenzholz asked what the County is asking for as far as a dedication. Planning Director McLane responded that at this point, it could be either to the eastern or western edge of the parcel. Commissioner Wenzholz asked, as a dedicated right-of-way, who would maintain it. Planning Director McLane indicated that it would be a public road but the Farm would maintain it. It would be dedicated as a 60 foot dedication. The standard applied to it would be the gravel standard. The current width of Taggares is a 60-foot easement. The only change would be the dedication.

Opened the Public Hearing:

In Favor of the Application:

Marty Myers, General Manager of Threemile Canyon Farms

He introduced David Jensen, financial officer for the Farm, Walt Guterbach, the manager of the dairy operation, and Doug Hojem, the Farm's legal counsel. Mr. Myers identified the problems with the conversion of Taggares Lane to a public road. The partition is a financial decision for structural business changes to help with bank financing. There will be no other changes as a result of this action. Another issue is for security and bio-security, which are key to their business. They feel the need to keep people who are not authorized to be there away from the Farm. They have had "uninvited guests" looking for metal that resulted in theft and that issue remains a big one at the Farm. Taggares Lane is paved with speed bumps up to a certain point to include the dedication. They have gates on the road to enforce their security requirements. Mr. Myers requested the Commission help find a way to keep the road private because if it was to be public they would have a considerable expense to put up a fence along it. Mr. Myers mentioned that they participate with helping Morrow County with fire prevention and response as they have become part of the Boardman Rural Fire Protection District.

Ryan Swinburnson, Morrow County Counsel spoke next. He indicated that there is language in the restrictive covenant indicating that it is between the State and BAIC. He asked for Mr. Hojem's opinion about this.

Doug Hojem, counsel for BAIC.

Mr. Hojem asked Mr. Myers about the State's involvement. Mr. Myers indicated that at that time the State was the landowner. Since the State is no longer the landowner, they have no standing here and Mr. Hojem thinks the County has standing. He also said that he thinks the County has the right to waive the restrictive covenant. Mr. Swinburnson agreed. Mr. Hojem wanted to make sure the application is part of the record as well as the tentative plan and the preliminary findings. He explained to the Commission that the only action concerning the land partition are the bumping out of the heifer facility area and the division of the property between the heifer facility and the dairy. There will be no change in use at all. The Commission discussed the legal steps that would have to be taken to waive the covenant and how that could affect the County.

Walter Guterbach, Livestock Manager

Mr. Guterbach indicated that Taggares Lane gets a lot of traffic and the access needs to be controlled for the food crops they produce and also for security.

Closed the Public Hearing:

Planning Commissioner Sykes asked what Planning Staff's recommendation is. Planning

Director McLane encouraged the Commission to approve the application in this instance. She mentioned that in the previous land partition the Boardman - Cecil road was required to be dedicated and the Commission could take the position that this meets the spirit of the Transportation System Plan. She said that the Public Works Director may not agree with her position and he is not here to explain his case; nevertheless, the TSP will need to be honored. Still, application of the TSP needs to be applied in ways that make sense in each situation. Commissioner Rice asked what would happen to the Restrictive Covenant if it were not enforced in this situation. Mr. Hojem indicated that the Covenant stays in place and any future land partition would be subject to its requirements; it would just not be applied in this situation. Mr. Swinburnson said that, the way the Covenant is written, the County does not have any authority to get rid of it. The County could decide to never apply it, though. Commissioner Wenzholz asked when the County would apply it then. He believes since the Farm was responsible for the Covenant, they need to honor it now. Planning Director McLane indicated that the TSP would also apply in this case but the Farm is still under one ownership. When the Farm diverges into multiple ownerships it may be a situation to apply the Covenant.

Mr. Myers commented that the history of the partitions is important. The land use partitions were put in place so banks could serve the farm efficiently. The covenant was a result of negotiations with the County. They would not have done it but in order to comply with the County's requirement. Commissioner Sykes questioned whether or not the Commission should even address the covenant as it is not a Condition of Approval in the Staff Report and that it happens to not have Morrow County as a signatory. Mr. Swinburnson indicated the County could choose to be silent on the subject. Mr. Hojem said that if the Commission approves the Staff Report as written, Taggares Lane will not be made a public road and the County will be silent on the issue; the Covenant will not be enforced.

Commissioner Rice then moved to approve the application as presented. His motion was seconded by Commissioner Schmidt. The motion carried, but not unanimously as Commissioner Wenzholz opposed the majority.

Zoning Amendment AZ(M)-009-08: Morrow County Planning Department, applicant; and Greenwood Tree Farm Fund, owner. Property is described as tax lot 3420 of Assessor's Map 4N 26 located approximately three miles south of the Paterson Ferry Road interchange at Interstate 84 on Poleline Road. Request is to apply Rural Light Industrial zoning to the 48.60-acre parcel. Criteria for approval include the Morrow County Comprehensive Plan Review and Revision Process and the Morrow County Zoning Ordinance Article 3 Sections 3.015; and Article 8 Section 8.050.

Planning Director McLane presented the staff report. She explained that this action is to correct an oversight and it is merely to apply the RLI zoning to a parcel. This was meant to be done with the original action but was not accomplished.

Commissioner Wenzholz moved to continue this action to the December 2nd. His motion was seconded by Commissioner Rice. Motion Carried.

Other Business:

A Goal Exception application will be anticipated soon. It will be for Love's Travel Stop and Planning Director McLane indicated she will hold an informational session about the Goal Exception process.

The Commission and Staff welcomed Jim Key as a new Planning Commission member. Planning Staff is still looking for two prospective members from the Boardman area.

Discussion of the December meeting activities. The Commission agreed to have pizza and commence with the evening one hour early.

Adjournment:

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

The next joint meeting of the Morrow County and City of Heppner Planning Commissions to hear the Robinson Land Partition has been continued to November 12, 2008, at 7:00 p.m. at the Heppner City Hall in Heppner, Oregon.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, December 2, 2008 at 7:00 p.m. at the Morrow County School District Building in Lexington, Oregon.

Respectfully Submitted,
Lori Timmons



PLANNING DEPARTMENT

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**Minutes of the Joint Public Hearing of the
Morrow County Planning Commission
and the
City of Heppner Planning Commission
Wednesday, November 12, 2008 7:00 p.m.
Heppner City Hall
Heppner, Oregon**

Morrow County Planning Commission - Members Present:

Pamela Schmidt, Mifflin Devin, David Sykes, Tucker Rice, Justin Nelson

Members Absent: Jeff Wenholz and Jim Key

Heppner Planning Commission - Members Present:

Jeff Bailey, Kandy Boyd, Nancy Gochnauer, JoyceKay Hollomon, George Koffler, Larry Mills, Les Paustian

Member Absent: Dave Fowler

Morrow County Staff Present:

Carla McLane, Planning Director; Gretchen Pedersen, Office Manager

City of Heppner Staff Present:

Steve Bogart, City Manager; Bill Kuhn, City Counsel

Vice-Chair Sykes called the meeting to order at 7:05 p.m.

Roll call was provided by Planning Director McLane.

Minutes of the October 28, 2008 meeting were reviewed. Commissioner Schmidt moved to approve the minutes with a few changes. Daye Stone's name is spelled wrong and Mifflin Devin's name is spelled wrong. Commissioner Nelson seconded. Motion carried.

Vice Chair Sykes read the Planning Commission Hearing Procedures.

County Land Partition LP-S-397: Kyle Robinson, applicant; Merlyn Robinson, owner. Property is described as tax lot 101 of Assessor's Map 2S 26 35. A portion of the property is located within the City Limits of Heppner and is zoned R1. Another portion of the property is located within the Urban Growth Boundary of Heppner and is zoned R1 and R3. A final portion of the property is outside the Urban Growth Boundary and is zoned Exclusive Farm Use (EFU). The property is located south of Highway 74, east of Rock Street in Heppner to the Urban Growth Boundary line. Request is to partition a 109.36-acre parcel to create three parcels. When complete the largest parcel will be the portion of the subject property east of the city limits line. The portion west of the city limits will be two parcels; a small acreage parcel in the northwest corner of the subject

property and the balance of the subject property west of the city limit line. Criteria for County approval includes the Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning. Criteria for City approval includes the Heppner City Zoning Ordinance Title 12, Chapter 2.

Planning Director McLane presented the Staff Report with County Criteria for Approval along with the minor amendments to the staff report. Clarification was made that the current preliminary plat has different parcel numbers than the previous one. Changes in County Criteria were made in the middle of page two, in the first paragraph under Criteria 2. Clarification was made that the parcel within the city limits and UGB is proposed to be 6-8 acres. Because of the steepness of the land behind Fairview Way a large portion of the land is unbuildable. No new Conditions of Approval were added. Planning Director McLane asked for questions from the Commissioners regarding the County Criteria; there were none.

City Manager of Heppner, Steve Bogart, spoke about the City's Preliminary criteria. There are still some questions about how to finalize the findings. The Planning Commission generally recommends an action to the City Council and then develops the Conditions of Approval and Findings as a result of discussion. Mr. Bogart suggested additional language be added to reflect this requirement. It is a requirement that a definitive plat be provided at the time the City Council considers the application. The tentative plat will need to be received before the application can be presented to the City Council. The tentative plat needs to show contour lines and Mr. Robinson indicated the plat will conform in that regard based on the display he saw at the Surveyor's office.

Mr. Bogart recommended the Planning Commission consider waiving a portion of the city primary street standards, at least initially (Page 8(i)). The city street would be built to primary street standards, just not with an asphalt surface. Mr. Bogart suggested this language: waive a portion of the city street standards for current action, require that the applicant provide a letter of non-remonstrance for future local improvement district action and an assurance of street full primary development with any future development.

Under page 8(i), last paragraph, Mr. Bogart also suggested a condition of approval that the applicant either a) provide access of adjacent apartment complex or b) provide east-west street designation. Mr. Bogart's suggestion is to add *and*, not *or* in the language.

Mr. Bogart also recommended changes relative to sewage disposal on page 9(k). It was indicated on the sketch plan that sewage disposal would be provided for the north parcel (6-8 acre parcel). In the course of development a plan needs to be in place for the future extension of sewer services to the other parcels.

After the second paragraph on page 9 a provision for storm water is mentioned where storm water should not be amplified. A future storm water plan has been discussed.

On page 10, Mr. Bogart indicated a reference that the County's final partition plat be completed in two years. He reminded the City Planning Commissioners that the City's requirement is one year.

Commissioner Koffler asked why Mr. Bogart was advocating for the primitive road that runs the entire distance of the property when there is a much quicker access that has already been

approved. Mr. Bogart recommended doing both because the temporary/emergency access will not be a public access. Mr. Robinson has no objection to reserving the secondary access (east/west road) for future street connectivity. If the letter of intent (from the apartments) doesn't come to fruition Mr. Robinson will need an alternative.

Planning Director McLane added that the access proposed by the apartments is an access from private property through private property eventually to a public road. She posed the question that since it is an access easement, is it really serving that property in it's entirety? Or does it just serve the one parcel? It's not possible to build a street with an access easement to facilitate future development of the parcel. There was discussion concerning access to the new parcel from Rock Street. The proposal was that access be provided by an easement from the apartment owners just west of the subject property. Planning Director McLane reminded the Commission that it is not possible to develop a new public road with access being an easement. Because the owner of the apartments are agreeing to something limited in nature, reserving the street is important for future dedication so that the street is already shadow platted and will show an approximate location. It doesn't have to be dedicated to the public yet and probably shouldn't be so that people aren't using it for unintended purposes. The parcel in the UGB has access from Fairview Lane. The County wants to have some idea of what the street network looks like before future development occurs. The opportunity to reserve the road right-of-way should be taken. There may not be opportunity in the future. Mr. Bogart agreed by saying this is a way to provide secondary access.

Commissioner Larry Mills asked if there was any consideration to dust abatement with building an unpaved road. He was concerned where that might be addressed. Mr. Bogart informed everyone that dust abatement has been part of the discussion and that Mr. Robinson would address the issue later in the hearing.

Planning Director McLane added a few things on Mr. Bogart's behalf. The letter from Ferguson Surveying and Engineering should be referenced under Item K, page 9, second paragraph, where storm water is addressed. George Koffler asked for clarification. Planning Director McLane explained the slope of the road could be designed so water would stay on the road and then move into the barrow pit on the other side. Culverts would be installed as necessary to keep water on the uphill side of street. Oregon law addresses storm water requirements as well as City requirements and the design will be engineered as required by state law.

Commissioner Nancy Gochnauer asked about the slope on Willow Street at the back of Martha Doherty's property and if the engineer has looked at it as a possible a catch basin. Mr. Bogart said the applicant would be able to answer the questions.

Public Hearing opened.

Testimony in favor:

Kyle Robinson

64623 Spur Loop Road, Heppner.

Mr. Robinson told the Commission that parcel #2, as it is shown on map, is approximately 6-8 acres. Over half of the parcel is on a steep slope and will be unable to be developed. That portion will most likely remain in its natural bunch grass state and will provide a filter for runoff.

Mr. Ferguson has been on the property twice. He will not be able to provide any details concerning development until the survey has been completed. Mr. Ferguson conveyed to Mr. Robinson there was nothing that couldn't be handled as far as managing runoff, building the roads, ditches, etc. Mr. Robinson referred to a farm field map and spoke of the drainage canyon

located above Fairview Way. Diversion ditches were put in the field (when it was farmed) to move water to the catch basins in the canyon. When the road is built, paralleling Fairview, it will be designed so water will be delivered to the canyon which has a natural drainage. Mr. Robinson indicated that drainage under Hwy 74 would more than handle runoff and he was certain that roads and residential houses will not see the amounts of runoff as when the parcel was farmed.

As far as developing Rock Street/Morrow Street and managing the steepness of the hill and its ability to handle traffic, Mr. Robinson indicated that the engineer said it depends on what they find when they get in there. Mr. Robinson said Mr. Ferguson indicated there are options.

Commissioner Gochnauer informed the Commission that she visited the property with John Edmundson and they estimated the grade of the streets. Willow Street is 16% grade and then a lip at 22% at the top. There is an apron that comes off of Rock Street, that is about 10-12 feet, 11% (at end of curb), 13% and 17%. She is concerned that Willow Street gets closed when it snows at a 16% grade. This road would definitely get closed if the grade is not dropped, which she feels is a good idea.

Mr. Robinson also spoke on the emergency access situation near the apartments. It makes a temporary access so he won't have to dedicate and build the road out to Fairview at this time. Mr. Robinson indicated that the road will be in reserve because there will need to be additional access in the event of future development. The stub road at end of parcel 2 will also be reserved. It will run parallel to Fairview and follow the grade near the last diversion ditch which is near the property line. The ditches are shot to grade to deliver the water to the canyon, so there shouldn't be difficulty in designing the road to do the same.

Mr. Robinson has also spoke with telephone companies and they have assured him there is no problem with delivering services from Rock St. and Fairview. Heppner Television said there are several alternatives to delivering services.

Mr. Robinson talked about dust abatement. He has received bids for a dust abatement program and informed the Planning Commission that the program is normally done twice a year, though it depends on traffic and the dryness of the year. The service for dust abatement is available locally and is affordable.

Commissioner Gochnauer inquired if the gravel road would be built to city standards and Mr. Robinson assured her that the road will be finished to city standards with everything except an asphalt top, curbs and gutters. The remonstrance agreement is for when further development occurs, requiring the road to be further developed. Ms. Gochnauer was concerned that heavy equipment would damage the asphalt when moving to and from the gravel road. Mr. Robinson declined speaking on the process and asked Ryan Miller to answer the concern.

Ryan Miller
PO Box 650, Heppner

Mr. Miller has worked with Mr. Robinson concerning utility easements and emergency access. During the construction, the road will be continually maintained. At the end of construction of the first project, Parcel 2, the road will be maintained with something between black top and dust abatement. Mr. Miller said that Mr. Ferguson could pick a road surface to hold up until further development takes place.

Those opposed and neutral:

Martha Doherty

185 Rock Street, Heppner

Ms. Doherty feels she is most impacted by anything adjoining Rock Street. She is concerned with the pitch of the road as Commissioner Gochnauer addressed. If a cut in the road is made it affects her and Terry Moore's property. She requested that something be constructed to prevent runoff and erosion and to add stabilization to the bank. Currently there is no curbing along that portion of the road. If the road won't be paved in the future, Ms. Doherty is concerned how the width of the road might impact her property (traffic driving in the ditch and onto her property). Her recommendation is that Mr. Robinson comply with the City road standards.

Closed the Public Hearing:

Vice-Chair Sykes noted the County Conditions of Approval and that the County Planning Commissioners are concerned with those Conditions only.

Opened for Discussion of Morrow County Planning Commission.

Commissioner Rice moved to approve Land Partition LP-S-397. Commissioner Devin seconded. Motion carried. The portion of the Morrow County Planning Commission hearing was closed.

Morrow County Planning Commission hearing was closed. The City of Heppner Planning Commission hearing was opened.

Minutes of the October 28, 2008 meeting were reviewed. Commissioner Mills motioned to approve. Commissioner Koffler seconded. Motion carried.

Minutes of the March 3, 2008 meeting were reviewed. Commissioner Mills motioned to approve. Commissioner Holloman seconded. Motion carried.

City Deliberations, recommendations and conditions;

Planning Commission Chair Bailey raised the issue of the emergency access and if it satisfies the requirement for the secondary access. Mr. Bogart informed the Planning Commission that a secondary access is a requirement. The road needs to be reserved for future dedication upon future development. If the secondary access with the owner of the apartments falls through or should the Planning Commission feel it is inadequate then the road will need to be dedicated and a secondary access will need to be provided. Access coming through the apartments can be provided by an easement between the property owners. Mr. Bogart further explained that the road doesn't have to be dedicated to the public, but it could be transferred to City jurisdiction at which point the City would have to accept it and the road would have to be built to City standards.

Commissioner Mills brought up the issue about the curb of the stub street (Morrow Street). When further development occurs, curbing will be applied to the portion of the street that currently exists. Mr. Bogart responded by saying curbing isn't specifically addressed because the street isn't currently built to city street standards. Mr. Bogart suggested curbing and gutters be incorporated as part of the project and the formation of a local improvement district be implemented. The cost could be put on the developer but Mr. Bogart isn't aware of the legality. City Counsel and Planning Director McLane agree that those costs could easily be placed on the developer.

Planning Director McLane added that development along Martha Doherty's property likely has encroached in the ROW of the street near Ms. Doherty's property because the road is platted at 50 feet and the current requirement is only 2 feet wider than what has been platted, but the road is much narrower than that. Commissioner Gochnauer agreed that the road is narrower and it is possible that development has encroached on the right-of-way.

Commission Chair Bailey asked for clarification on the definition of "further development." Mr. Bogart responded that any further land use action such as a subdivision or another partition could trigger the development of road.

City Counsel Bill Kuhn advised the Commission that they can make the determination about what "future development" means. It could be the next house built, any construction, etc. This determination would also be helpful for the City Council as they make their decisions.

Commissioner Gochnauer asked if the Commission could demand street standards within a time frame of five years. City Counsel, Bill Kuhn, said a time line is tougher to enforce in the event of a death, etc. It would be better to make road development a condition upon further development.

Commissioner Holloman asked if it will be maintained as a city street. Mr. Bogart replied that it will be a city street and will be maintained (snow removal and gravel).

Commissioner Koffler understands the reason for not requiring curbs, gutters, and no paved streets, but is not sure that he wants a gravel road that close to him and others with that much traffic (dust concern).

Mr. Robinson re-addressed the Commission with some figures which explained his reason for choosing not to pave the road. The current partition will not bear the financial cost of it. To pave a 40-foot road costs \$99/ft. x 1000 feet of road. To install curb and gutter is \$30 a foot. Base road is \$40/ft.

Commissioner Gochnauer and Mr. Robinson visited about the distance from the property line to the internal North/South street approximately 220 feet. Ms. Gochnauer is concerned with runoff and maintaining the integrity of the Doherty and Moore properties. Mr. Robinson referred back to Ferguson Surveying and Engineering about the specifics on the road design.

Commissioner Mills said dust abatement is his primary concern, but because the process needs to be expedited, the curb, gutter and pavement should not be a pressing matter.

Chair Bailey called for further questions of Mr. Robinson and Mr. Bogart. Mr. Bogart and Planning Director McLane discussed the language change on page 8. The last section of last paragraph of I. There was significant discussion about drafting the proper wording. The following changes were suggested and added:

A street is proposed within the city limits portion of the partition as described above. The City of Heppner Public Works Director report does indicate that streets need to be dedicated at a minimum of 52 feet and have certain components (curbs, sidewalks and utility strips). The tentative plan shows an east/west road to be reserved, continuing the street network to the area of the subject property within the UGB.

The City of Heppner will waive elements of the construction of the street to primary street standards for the current action (major partition). The applicant will provide a letter of non-remonstrance for any Local Improvement District formation to develop such street to a primary street standard. The applicant will also provide a letter of assurance that identified street will be developed to a primary street standard with any future development of parcel three across which the street traverses.

Morrow County Planning staff and the Heppner City Manager would suggest as a Condition of Approval that the applicant provide both a primary and secondary access, primarily for emergency purposes. The primary access would be the north/south street. The secondary, or emergency, access can be accomplished with an access through the adjacent apartment complex or the proposed east/west street. A letter of intent is attached concerning a potential access easement through the adjacent apartment complex. Staff would also recommend requiring a reservation for the east/west street if it is not constructed as the secondary access during the first phase of development on the subject property. These are listed as Conditions of Approval.

Commissioner Koffler asked when the City will take responsibility for the north-south road. Planning Director McLane responded that once the road is shown on the plat and recorded it then becomes part of the record and is part of the City and the City can determine whether it is dedicated to the City or dedicated to the Public at the point when the plat is recorded. There is still a Condition of Approval that it be built to City Standards. City maintenance will occur once the road is constructed.

City Counsel Bill Kuhn stated that once the road is built, the city will take over all maintenance including dust abatement unless there is another understanding with the developer. This could be in the form of a private contract with Mr. Robinson where road maintenance responsibilities are spelled out. Mr. Harmon spoke about his concern if the City becomes responsible for payment of maintenance on a small street budget. Mr. Harmon recommends that no maintenance be provided by the City until the road is up to city standards including curb, gutters and sidewalks.

Commissioner Boyd asked why they were approving the minimum standard road when the City doesn't want to take over maintenance until it is up to the full City standard. Mr. Bogart replied that the street will be built to ASTM standards (a compacted base). It won't meet curb, gutter, storm-grade and sidewalk standard initially. It will be built to standard, just not have an asphalt overlay. Mr. Bogart suggested drafting a maintenance agreement, which adds an incentive to complete the road.

Commissioner Mills said that the City Council needs to come to a decision with Mr. Robinson to assure maintenance of the road (snow removal, dust abatement, maintenance). Mr. Robinson is prepared to provide dust abatement services.

Chair Bailey requested the Planning Commission make a recommendation to the City Council with conditions. Planning Director McLane asked for clarification on language changes for the findings.

Commissioner Mills moved to approve the Findings as discussed and revised by staff. Commissioner Gochnauer seconded. Motion carried.

Other Business:

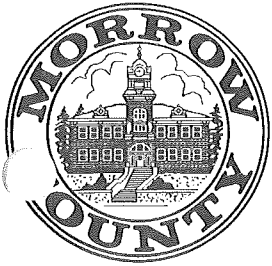
All other County business was held until the Dec 2, 2008 meeting.

Adjournment:

The meeting was adjourned at 9:06 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, December 2, 2008, at 7:00 p.m. at the Morrow County School District Building in Lexington, Oregon.

Respectfully Submitted,
Gretchen Pedersen



PLANNING DEPARTMENT

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**Minutes of the Morrow County Planning Commission
Tuesday, December 2, 2008 7:00 p.m.
Morrow County School District Building
Lexington, Oregon**

Morrow County Planning Commissioners Members Present:

David Sykes, Pam Schmidt, Mifflin Devin, Tucker Rice, Jeff Wenholtz

Members Absent:

Justin Nelson, Jim Key

Morrow County Staff Present:

Carla McLane, Planning Director; Lori Timmons, Associate Planner; Gretchen Pedersen, Office Manager; Ryan Swinburnson, County Counsel

Pizza was served one hour before the regularly scheduled hearings. During the dinner Planning Director McLane led an informational session about goal exceptions.

Vice-Chair Sykes called the meeting to order at 7:00 p.m.

Roll call was provided by Planning Director McLane.

Minutes of the November 12, 2008 hearing were reviewed by the Planning Commission. Commissioner Rice made the motion to approve the minutes as presented. Commissioner Devin seconded the motion. Motion Carried.

Vice Chair Sykes read the Planning Commission Hearing Procedures.

Variance V-S-007: John Flynn, applicant and owner. Property is described as tax lot 2700 of Assessors Map 2S 27 and is located east of Heppner on Highway 74 at Winchester Drive. Request is to allow siting of a 1981 double-wide manufactured home to replace an older model single wide. Criteria for approval include the MCZO Article 7 Variances.

Planning Director McLane presented the staff report; she directed the Commission to consider the letter from the applicant as the most pertinent part of the staff report. The letter indicated that the Flynn's old 1960 manufactured home had been demolished in a wind storm. Because it was so old the insurance company would not provide enough money to replace it. They were able to find one affordable manufactured home, a 1981 Cozy, to replace it with, but it happens to be older than the 10-year restriction in the Zoning Ordinance.

Opened the Public Hearing:

Marlinda Flynn, 67117 Highway 206, Heppner

Mrs. Flynn spoke in favor of the application. She indicated that they would like to place the 1981 Cozy and they were not aware of the 10-year age restriction at the time they purchased it. She told the Commission that the replacement, if allowed, would be a considerable upgrade to the old manufactured home that had been demolished.

Closed the Public Hearing:

Commissioner Rice moved to approve the request with some minor typographical corrections to the Staff Report. Commissioner Schmidt seconded his motion. Commissioner Schmidt posed the concern that many folks do not seem to know the requirements for placing used manufactured homes in the County. The Commission discussed the need to update the housing standards when the county population meets the population limit of 15,000. At the time of update the county citizens will be provided notice of the pending actions. County Counsel Swinburnson reminded the Commission that the Staff Report needs to meet the specific circumstances of the applicant. The manufactured home proposed by the applicant meets the 1976 HUD requirements, whereas the older one did not. Commissioner Rice made a new, amended motion to approve the application with minor changes as discussed and with findings that the applicant has shown a need, based on their October 10, 2008 letter, and the proposed manufactured home meets HUD requirements. Commissioner Schmidt amended her second of the initial motion to agree with the amended motion. Motion carried.

Land Partition LP-S-398: Ron McKinnis, applicant; and Marvin Padberg, owner. Property is described as tax lot 3500 of Assessor's Map 1S 24 and is located approximately five miles south of Lone on Rhea Creek Road and north of Morter Lane. Request is to partition a 1922.95-acre parcel into two parcels. Criteria for approval include the Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning.

Planning Director McLane presented the staff report. Commissioner Rice asked about the siting of homes on rural property. Planning Director McLane indicated the availability of a "non-farm" dwelling on this property will be removed with this action. This is because the parcels will have creation dates later than the non-farm dwelling criteria allows. Farm dwellings on 160-acre parcels will still be available to be placed.

Opened the Public Hearing:

Ron McKinnis, 79980 Prindle Loop Road, applicant

Mr. McKinnis spoke in favor of the application. He explained the option Mr. Van denBrink had to purchase part of the property. In order to exercise this option a partition is necessary. There is a water right for the dairy as it had been changed from irrigation to dairy use in the past. There had been no comment received from the Watermaster, but Mr. McKinnis indicated that he would have simply commented that there are water rights on the property; some are from wells and some from Rhea Creek. Planning Director McLane indicated that the Commission's concern should be that the applicants are aware of the water rights and that the water rights can be properly transferred at the point of land ownership change. Mr. McKinnis indicated that water right language will be part of the partition plat.

Closed the Public Hearing:

Commissioner Wenzholz moved to approve the request as presented. His motion was seconded by Commissioner Schmidt. Motion Carried.

Continued from October 28, 2008, Zoning Amendment AZ(M)-009-08: Morrow County Planning Department, applicant; and Greenwood Tree Farm Fund, owner. Property is described as tax lot 3420 of Assessor's Map 4N 26 located approximately three miles

south of the Paterson Ferry Road interchange at Interstate 84 on Poleline Road. Request is to apply Resource Related Industrial zoning to the 48.60-acre parcel. Criteria for approval include the Morrow County Comprehensive Plan Review and Revision Process and the Morrow County Zoning Ordinance Article 3 Sections 3.015; and Article 8 Section 8.050.

Planning Director McLane presented the staff report and indicated that there have been no changes from the last hearing. She asked that the Commission approve the request and forward it to the County Court for approval.

Opened the Public Hearing:

There was no one at the hearing to testify either for or against this action.

Closed the Public Hearing:

Commissioner Mifflin moved to approve the request as presented. Commissioner Rice seconded his motion. Motion Carried.

Transportation System Plan (TSP) minor amendments. The TSP requires amendments to update the Roadway Systems Projects list, bridge deficiency list, add language to support the Blue Mountain Scenic Byway, include the Forest Road Agreement Map and Forest Highway Segment Map, update the functional classifications as needed to reconcile with State information, and adopt a five lane road standard. 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. She provided the Commission an overview of the update process and the items being added or updated. Commissioner Wenholtz questioned some of the roads on the Major and Minor Collectors list. He wondered why Washington Street wasn't on the list. Planning Director McLane indicated that Washington Street functions as a local road, not a collector. The Public Works Director discovered there is a discrepancy between the ODOT functional classification data and the Public Works' functional classification data. She indicated that as ODOT and the County work through the data, the list will likely change. Other changes are the inclusion of a map of and language describing the Blue Mountain Scenic Byway; maps of the Forest Road Agreement roads and Forest Highway Segments; an update of the bridge deficiency list; and updates to the Roadway Systems Projects lists.

Commissioner Wenholtz commented that the requirement for a Traffic Impact Analysis (TIA) be done by a licensed engineer. He thought it should require the engineer be educated in traffic engineering or civil engineering at a minimum. Planning Director agreed to check what OAR says about the type required of engineer required for TIAs.

Opened the Public Hearing:

There was no one at the hearing to testify either for or against this action.

Closed the Public Hearing:

Commissioner Devin moved to continue this hearing to the next regularly scheduled Planning Commission meeting date. Commissioner Schmidt seconded his motion. Motion carried.

Audience Participation

None

Planning Commissioner Training:

Two handouts: "Ten Things to Avoid" by Ric Stephens and "The Endemic Problem of Planning" by Elain Cogan. Director McLane also handed out a series of articles about carbon trading. Information Overload."

Planning Commissioner Sykes asked that Planning Director McLane provide an overview of new state legislation at the next meeting date. At the next hearing date the agenda will include the TSP update and a possible variance application. Also coming in the future will be some work on a wind ordinance and an aggregate ordinance.

Planning Director McLane asked for Commission approval for the 2009 Planning Commission meeting dates. Commissioner Wenzholz moved and Commissioner Rice seconded his motion to approve the meeting date schedule. Motion carried.

County Court news: The week before Thanksgiving the Association of Oregon County Planning Directors held their annual conference and Planning Director McLane indicated she has been nominated as the Vice President for 2009 and President for 2010. Commissioner Sykes asked for a review of the Robinson land partition at the Heppner City Council. Planning Director McLane indicated that Heppner City Council approved the Land Partition and the appeal period will be over soon. She also mentioned the methane digester for Three Mile Canyon Farms and its new design. The methane digester itself is a farm use and is allowed outright. The electrical generation component is a Conditional Use. The old Conditional Use Permit will most likely need to be amended in the future if/when any electrical generation facility will start up. Planning Director McLane proposed providing the Commission with a Threemile Canyon Farm update on their permits and perhaps a tour in the spring. Commissioner Wenzholz brought up his concern about conditional uses if the approved use doesn't begin. Planning Director McLane indicated that our Code gives guidelines on conditional use permit limits but State guidelines are sometimes different. It is another item in our Zoning Ordinance that should be updated.

Planning Director McLane brought up the Local Reuse Authority (LRA) concerning the U.S. Army Depot. There were two critical errors in the Notice in the Federal Register, but the process has begun. Once the LRA is recognized by the BRAC, the Notice will be republished and the process will begin again; the time line for decommissioning should begin in two years.

Adjournment:

The meeting was adjourned at 8:30 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, January 20, 2009 at 7:00 p.m. at the North Morrow County Annex Building in Irrigon, Oregon.

Respectfully Submitted,
Lori Timmons