



## PLANNING DEPARTMENT

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**Minutes of the Public Hearing of the  
Morrow County Planning Commission  
Tuesday, January 18, 2011 7:00 p.m.**

**Morrow County Planning Commissioners Members Present:** Miffiin Devin, Jim Key, John Kilkenny, Tucker Rice, David Sykes, Rod Taylor, Jeff Wenzholz

**Members Excused:** Pamela Docken, John Renfro

**Morrow County Staff Present:** Carla McLane, Planning Director; Layne Womack, Associate Planner

Director McLane announced that Vice Chair Wenzholz and Chair Sykes were reappointed for new 4-year terms.

Election for Officers for 2011. Commissioner Taylor moved that Chair Sykes, and Vice Chair Wenzholz continue as chair and vice chair. Commissioner Rice seconded his motion. The motion carried.

The Pledge of Allegiance was recited.

### **Minutes**

The Minutes of the December 7, 2010, hearing were provided with the Commissioners' packets. Commissioner Rice and Vice Chair Wenzholz found typos on pages 2 and 3. Commissioner Wenzholz moved to approve the minutes of December 7, 2010, with changes. Commissioner Rice seconded his motion. The motion carried.

Planning Commission Chair Sykes read the Planning Commission Hearing Procedures.

**Land Partition LP-N-422: Boardman Rural Fire Protection District, applicant and owner. The property consists of Oregon Department of Transportation easements located at the intersection of Butter Creek and Highway 207 mapped on Assessor's Map 2N 27. Zoning is Exclusive Farm Use (EFU). Criteria for approval include Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning.**

Planning Director McLane presented the staff report to the Commission. The land involved is ODOT right of way being vacated or abandoned back to adjoining land owners and the County. The subject portion will be vacated to the Boardman Rural Fire Protection District instead of the County. The subject parcel is less than 160 acres, and will not meet minimum acreage requirements in the EFU zone, Oregon State Statute (ORS) allows the applicant can go below the requirements. The applicant must comply with land partitioning rules ORS 92 and the Morrow County Subdivision Ordinance. The applicant must submit preliminary and final partition plats and obtain the required access permits from ODOT along with DEQ site suitability. This is a joint effort between the area fire districts to improve delivery times of services. This action will positively affect public services, but not materially affect farming practices. The subject property

is in the Butter Creek Critical Groundwater Area; the applicant will have to work with Oregon Department of Water Resources to obtain the necessary permits. This application meets the requirements for the proposed use. A fire station is allowed outright, statutorily. This action will be completed in a timely manner.

Commissioner Rice asked what the setbacks were off of a state highway. Director McLane responded that the setback requirements were 100 feet off of the highway, and that they should have plenty of space to meet requirements.

Opened the public hearing.

No one spoke in favor, neutral, or in opposition:

Closed the public hearing.

Vice Chair Wenholz moved to approve Land Partition LP-N-422. Commissioner Devin seconded his motion. The motion carried.

**Replat R-N-017-10 and CUP-N-82(A): Donald C. Key, applicant and owner. The property is described as Tax Lots 102 and 106 of Assessor's Map 3N 27 and is located 3 miles south of the Umatilla Army Depot and I-84 on the west side of County Line Road. The property is zoned EFU. Request is to reauthorize CUP-N-82 and reconfigure the current parcels. Criteria for approval include the MCSO Article 5 Land Partitioning and Morrow County Zoning Ordinance (MCZO) Article 6 Conditional Uses.**

Commissioner Key stated that the applicant is his brother, but feels he has no problem making an educated decision with no objections from the rest of the Planning Commission

Director McLane presented the staff report, and gave background information of the subject property. The subject property has been through a land partition and a conditional use permit (CUP) to site a non-farm dwelling. The other property involved is a preexisting non-conforming parcel in the EFU zone. The applicant wishes to make the non-farm dwelling parcel much smaller and the non-conforming farm parcel a little bigger. The process will be to amend the original CUP and make the parcel smaller through a replat without a full analysis of the original CUP. Staff will require that the applicant provide a preliminary and final replat. All of the improvements are there, the action is simply to reconfigure the parcels and reauthorize the CUP. No change in use is proposed.

Commissioner Key stated that the subject properties are in the County Line Water Improvement District, but that it probably doesn't make much difference. Director McLane stated it will be noted in the staff report.

Chair Sykes asked staff what the purpose of the reconfiguration is. Director McLane stated that the applicant needed an appropriate lot size for their daughter, who has the home on the little piece, but doesn't require the extra land.

Opened the public hearing.

Testimony in favor.

Don Key, applicant. Mr. Key stated that he wanted to make sure his daughter has somewhere to live.

Wade Aylett. Mr. Aylett stated it would be good to have the daughter there to help care for the family.

No one spoke neutral or in opposition.

Closed the public hearing.

Commissioner Rice moved to approve Replat R-N-017-10 and reauthorize CUP-N-82(A) with changes to include the County Line Water District. Commissioner Taylor seconded his motion. The motion carried.

**Conditional Use Permit CUP-N-287: Harvey Childers, applicant, and Hermiston Rod & Gun Club, owner. The property is described as Tax Lot 700 of Assessor's Map 4N 27 and is zoned EFU. The property is located at 77034 Gun Club Lane, about 4 miles west of the I-82 and I-84 interchange. The request is to build a rifle and handgun range as part of a private park. Criteria for approval include MCZO Article 6 Conditional Uses.**

Director McLane presented the staff report and gave a bit of background on this application. The Hermiston Rod and Gun Club CUP was originally approved in June of 1984 as a private park. This permit was approved after the Morrow County Comprehensive Plan was approved locally, but before it was acknowledged by the Department of Land Conservation and Development (DLCD) in 1986. The original CUP approval is not attached to the staff report because it is not set up in the way the Commission is used to reading approvals. It is an analysis under the Statewide Planning Goals. The approval complies with the State Land Use Planning Goals and is a bit long and confusing. This permit will reauthorize the previous CUP and authorize the new use under the County's current code. A private park is allowed as a conditional use in the EFU zone. The subject property is not within 3 miles of an urban growth boundary and sits between the Union Pacific Railroad Mainline right of way, Interstate 84, and the Umatilla Army Depot. It also sits near a few gravel pits. There are not many farming activities near the gun club, and only a limited number in the immediate vicinity. The use would be compliant as a private park. The operational hours for the new use would be during daylight hours only, and the new gun pits would be below grade, to help muffle sound. Additional berms would be created for sound control and safety. The Planning Department has received no complaints about the gun club since it was approved in 1984, and staff does not expect that to change. Access is from Gun Club Lane, a private road and no new accesses will be needed. Gun Club Lane is somewhat problematic, it is an easement in some parts and dedicated right of way in others. The gun club is served by the Boardman Rural Fire Protection District. Safety and identification signs are present. Outdoor lighting is limited, but shooting takes place during daylight hours. The applicants will be constructing berms for the new uses. Cheat grass and thistle grow on the site, but water is limited, so no additional requirements for vegetation will be made. Staff recommends that the applicants continue to comply with the original and proposed conditions of approval.

Chair Sykes asked who came up with the specifications of the plot plan. Planning Director McLane answered that the plot plan is what the applicant is proposing to do, but that most of what is on the map is already in place.

Chair Sykes tried to figure out the dimensions of the property, and asked the applicant how the shooting at the club is regulated. Chair Sykes asked if just anybody was allowed to use the club, and who would be allowed to be out there with rifles. Planning Director McLane directed Chair Sykes to wait and ask after the public hearing is opened.

Opened the public hearing.

Harvey Childers, applicant. Mr. Childers stated that the public needs both a handgun and rifle range. He stated that a lot of unregulated shooting occurs in the aggregate pits next door to the gun club, and that they wouldn't have the problems at the club.

Chair Sykes asked the applicant whether the berm is going to be 15 feet high. If there is a age limit for shooters, and where the specifications came from. Mr. Childers said that they had talked to the operators of a range in Walla Walla, Washington, and that no problems have occurred at that range. Age-wise, whatever is legal, but a range officer present will always be present.

Commissioner Kilkenny asked if the range officer is volunteer, or someone there all the time. They can see why he is asking because it is so close to the freeway. Mr. Childers said there would be observed shooting.

Chair Sykes stated that would be different from shooting at a rock pile but wondered how it is controlled. Mr. Childers assured the Commission that it is a gated facility.

Commissioner Kilkenny asked Mr. Childers how far the range is from the freeway. Mr. Childers said that the freeway is about 400 yards from the proposed rifle range.

Director McLane said that the direction of fire is toward Gun Club Lane, the Railroad tracks, and the Army Depot, but away from the freeway.

Commissioner Taylor asked if the aggregate pit to the east is a state pit. Mr. Childers responded that it was, but it is posted.

Patty Carson, Hermiston Rod and Gun Club Manager. Mrs. Carson said that she has been with the club for 20 years and that there is a need for the rifle and hand gun ranges. The local 4H and FFA clubs will be using it, along with the Police and Sheriff's Departments, and that the State Troopers have also expressed interest. She added that the aggregate pit to the east is posted.

Chair Sykes asked Mrs. Carson if there is a membership requirement. Mrs. Carson said that it is advantageous to become a member, but you don't have to be a member to shoot at the club. The Umatilla County Fair competition uses the range for events. This would be a benefit for both Morrow and Umatilla counties. She is really looking forward to it.

Commissioner Kilkenny asked if Mrs. Carson was comfortable with the berming. Mrs. Carson stated that yes she is, and that she has been shooting for a long time. Mr. Childers said the shotgun trap and skeet does operate at night, but the rifle and handgun range would not be allowed at night.

Chair Sykes in reference to the plot plan provided, asked what the single-wide trailer is used for. Mr. Childers responded that it belongs to the Ayletts.

In neutral or in opposition:

Wade Aylett, operator of the aggregate pit next door. Mr. Aylett said he was neutral. Mr. Aylett said that he can't say he is too fond of it, and that trees were supposed to be planted for safety, and the gun club didn't do it. The gun club said they would take care of the road maintenance, but he went to the gun club for money to fix the road, and he has been fixing the road with no help from the gun club.

Commissioner Kilkenny asked Mr. Aylett if he lives there. Mr. Aylett said the trailer is there for the night watchman and since the night watchman has been there, theft from the gravel business has stopped. Mr. Aylett has always supported the Gun Club, but doesn't feel safe with rifles and he wants the Club to help maintain the road.

Mr. Childers responded and said that the trees couldn't be kept alive. As far as the road, he doesn't know about it.

Jedi Aylett, owner of the potato sheds near the gun club. Mr. Aylett said that in the spring 200 to 300 trucks go in and out of the potato shed, and that is too much traffic for high-powered rifles. And that they wouldn't let them have the high powered rifles in the original CUP.

Chair Sykes asked if there were any troubles in the past. Mr. Wade Aylett wanted to reiterate that he always supported the shotguns, but doesn't want the high-powered stuff. He also wants the gun club to do what they say will.

Commissioner Kilkenny asked where sheds were. Director McLane informed him that they were just to the west of the map.

Closed the public hearing.

Commissioner Rice asked staff about the original approval, and if there was anything in it about road maintenance. Director McLane stated that is the dedicated portion. The gun club is using a public road, not a county road because the county has never accepted it. The conditions of approval list nothing related to road maintenance. In the original CUP, the gun club asked to use the road on the Aylett property, but changed their mind. When you drive by on the freeway you can see where they are shooting from and that they are shooting to the north. The discussion at the time was that they wanted to be oriented to the north because of the where the sun comes up. There is not much on road maintenance in the original approval. They did approve night hours and a restriction on shot. The lighting meet the approval of the Department of Highways. There is no discussion on the road or improvements to the road. There is a comment about trees on the west end and south end for a wind break. Because of the issue of irrigation and watering, the trees didn't survive. The conditions of approval did not call for trees. There was no talk of a rifle range at the time of the original approval, or if there was, it didn't make it into any discussions or minutes. Planning Director McLane told the Commission that the gun club property is about 41 acres and is about 2000 feet wide by 1800 feet by 868 feet by 711 feet.

Commissioner Kilkenny asked more about the supervision on the range. Mrs. Carson said that they have scheduled days when people can come out and shoot and someone is always there. People are not allowed to shoot without supervision. People can't just drive into the property. There is a gate on the property with a lock.

Commissioner Taylor asked if there will be people for supervision on the rifle range. Mrs. Carson responded that yes, not just at the club house but on the range.

Chair Sykes asked Mrs. Carson what the structure of the Gun Club is. Mrs. Carson responded that she was originally hired to manage the gun club, but she volunteers now.

Chair Sykes asked Mrs. Carson if there is continuity in the club to make sure that her position will always be filled. Mrs. Carson responded that when her position is over someone will continue to perform her duties.

Chuck Carson, Patty Carson's husband and Range Master. Mr. Carson stated that he is retired and spends a lot of time on the range and, if he is not at the range, it will not be open to shoot, and that there is also someone from Stanfield who is there a lot.

Director McLane informed the Commission that they can certainly put in a condition that the range be supervised when open. She then read the original approval conditions. Commissioner Kilkenny stated that he would like to add to the conditions supervision to maintain security.

Chair Sykes suggested daylight hours only for rifle and handgun ranges.

Commissioner Taylor asked if there would be additional lights put up at the range. Mr. Childers the added lights are security lighting.

Mr. Wade Aylett stated that just 3 months ago, someone shot a bullet into one of the windows of his excavator. Mr. Sykes asked him where the bullet came from, because they only shoot shotguns at the gun club at this time.

Mr. Aylett asked the Planning Commission whether, if someone is shot, will the Planning Commission will be liable.

Chair Sykes asked Mr. Aylett if he is neutral. Mr. Aylett stated he wanted to see some paperwork with his own eyes, and told the Commission that this is a professional decision, and he does not want anybody hurt.

Commissioner Key asked if there are any shooting ranges anywhere in Morrow County. Director McLane stated that there is an indoor range in the Tri-Cities, and a police range in Pendleton. The Army Depot also has some facilities, but they are not open to the public.

Chair Sykes asked about where someone who wants to get a concealed hand gun license has to go. Director McLane said she would answer because she is going through the process. Currently, they take the classroom instruction at Blue Mountain Community College you can take the classroom portion and us Pendleton's Police Department range for the shooting portion.

Vice-Chair Wenholz said that there used to be a range out in the Port somewhere.

Commissioner Taylor asked if there were any state standards for a rifle range.

Director McLane stated that staff has not found any State standards. The gun community uses other standards, and Mr. Childers inquired of other ranges in an attempt to implement safety standards.

Commissioner Kilkenny asked staff what if there wasn't any supervision. Planning Director McLane stated that the club would be in violation of their permit and the CUP could be in jeopardy. The permit could be revoked or removed.

Chair Sykes asked if the whole thing would go away or just this part. Planning Director McLane said that the action is reauthorizing the whole private park, but that whichever activity caused the violation would be shut down.

Commissioner Rice reiterated that if they violate part of the conditions of approval, then that is what they violate.

Director McLane read the new conditions to be added to the final findings.

Commissioner Kilkenny said that he wants direct supervision to be added.

Director McLane cautioned not to be too specific, but simply over-arching in the new condition.

Commissioner Rice moved to approve CUP-N-287 with added conditions. Commissioner Devin seconded his motion. The motion carried.

**R-S-018-10: Geneva J. Palmer Estate, applicant and owner. The property is described as Tax Lots 2700, 1700, 1702, 1703, and 2703 of Assessor's Map 1S 24 and is located off Highway 74 2.5 miles east of Ione. The property is zoned EFU. Criteria for approval include MCSO Article 5 Land Partitioning.**

Director McLane presented the staff report. She described the activities that have happened on this property over the years. The complete history is in the staff report. Estate planning doesn't always work with land-use planning. A letter was received from Myrtle McMillan Trustee, regarding a fence line and placement of a fence. This letter is for information, because there is no request for any action.

Opened the public hearing.

Joe Rietmann, representative of the Geneva Palmer estate. Mr. Rietmann stated he is doing this on behalf of the Geneva Palmer estate, and he is just trying to accomplish what was in the will.

No one spoke neutral or in opposition:

Closed the public hearing.

Vice Chair Wenholz moved to approve Replat R-S-018-10. Commissioner Kilkenny seconded his motion. The motion carried.

**LP-S-423: Geneva J. Palmer Estate, applicant and applicant. The property is described as Tax Lot 4000 of Assessor's Map 6S 25 and is located off Highway 207 south and east of the Morrow County Off-Highway Vehicle Park. The property is zoned Forest Use. Criteria for approval include MCSO Article 5 Land Partitioning.**

Director McLane presented the staff report. She said the same thing regarding estate planning. The subject property is surrounded by the Morrow County OHV Park property. The minimum acreage for a buildable parcel is 240 acres. The other two parcels will be 160 acres, but they will not be eligible for a dwelling. The larger parcel will contain the two cabins. The applicant will be required to provide preliminary and final partition plats. No uses are proposing to change. As staff gets to the plats, they need to make sure the easements are in place with the county. Services are available along Highway 207. The subject property is within the the Fire Patrol District which is maintained by the Oregon Department of Forestry, so no fire protection is available for dwellings, just for the forest.

Opened the public hearing.

Joe Rietmann, representative of Geneva Palmer estate. Mr. Rietmann stated he was still there and if there are any questions he can answer.

No one spoke neutral or in opposition:

Closed the public hearing.

Commissioner Key moved to approve LP-S-423. Commissioner Taylor seconded his motion. The motion carried.

**LP-N-424: Dana and Tonya Heideman and Loren and Della Heideman, applicants and owners. The property is described as Tax Lot 900 of Assessor's Map 1N 23 and Tax Lot 3500 of Assessor's Map 2N 23 and is located west of Cecil, Oregon, off Cecil Road and Four Mile Canyon Road. The property is zoned EFU. Criteria for approval include MCSO Article 5 Land Partitioning.**

Planning Director McLane presented the staff report. The subject parcel meets the minimum acreage. The parcels are developed already as farm uses. The plats will reflect 60-foot dedications for the roads. There are no proposed new dwellings. There will be no impacts.

Associate Planner Womack added that the subject property was in the Ella Butte Classified Groundwater Area, which needed to be added to the staff report.

Planning Director McLane stated that would have no impact on the decision, and that it will be added to number 4 in the Staff Report, which addresses Natural Resources carrying capacities.

Opened the public hearing.

Loren Heideman, owner and applicant. Mr. Heideman stated that when he and his brother split the property, they hired lawyers and thought everything was fine, then he got an email message from Planning Director McLane saying they had done an illegal partition. He stated that the split was all along section lines and had been farmed that way for a long time.

No one spoke neutral or in opposition.

Closed the public hearing.

Commissioner Taylor moved to approve LP-N-424. Commissioner Key seconded his motion. The motion carried.

**Other Business or Correspondence:**

**Transportation System Plan (TSP) Update:** Planning Director McLane announced that the TSP update will be starting and that the County Court appointed an Advisory Committee. Vice-Chair Wenholz will be a member of that committee. Staff hopes to have a draft for the Commission in March or April.

**Transmission Line Update:** Idaho Power's Boardman to Hemingway and Portland General Electric's (PGE) Cascade Crossing are both going through the *National Environmental Protection Act* (NEPA) compliance process at this time. PGE will be following existing transmission easements, so the process will be easier for them. The Bureau of Land Management (BLM) will be taking a phased study approach with Idaho Power's project, which causes concern because the NEPA process and the Energy Facility Siting Council (EFSC) process don't work well together. The County Court sent a strong letter advising the BLM of their concerns.

A Boardman to Hemingway meeting is scheduled in lone, because the routes have changed, the southern route will now be the primary route and the northern route will be the alternative route. Many people perceive that these transmission lines are being built to accommodate wind energy. In reality, the project has been in the planning stage for more than 15 years, which



predates the wind boom, but tOregon hasn't sited a transmission line project in close to 30 years, and the whole game has changed in that time.

**Noise Complaint:** The County Court final hearing upheld some, but not all, of the Planning Commission decision. Carla and the County's attorney, Ryan Swinburnsen, will be working on the findings document. The part that is unclear is where the appeal goes from here, if this decision is appealed. It could go to the Land Use Board of Appeals (LUBA) or to the Court of Appeals as a civil action. It would be interesting to see what LUBA says..

**Health Impact Analysis:** The meetings seemed to be biased toward there being health impacts, and Planning Director McLane is concerned about what this can lead to. She said that she will be meeting with our own Health Department staff to fill out a survey.

**Love's Appeal:** Devin Oil has appealed the last decision and the County is in the briefing process. Oral arguments are scheduled for February 4.

**Ford Family Foundation:** Planning Director McLane has been accepted into their leadership project. She explained what that is and what it might entail.

**Water Commission:** To alleviate water quantity issues, the Water Commission has been working with others on aquifer recharge strategies. For water quality issues, in the Lower Umatilla Basin Groundwater Management Area (LUBGWMA), everyone has had to participate for the last 12 years in the LUBGWMA. If anyone is interested in the Citizens Advisory Board, please volunteer. The U.S. Environmental Protection Agency has said they will not regulate yet. A LUBGWMA meeting will be held at 10 a.m. on February 4 at the Experimental Station in Hermiston.

**Speedway:** The speedway barely has a pulse. The developers owe money and back taxes, so the project is essentially on life support until July 1. If this developer does not complete the project, maybe someone else can step in. The Port of Morrow is owed back rent and they have placed a lien on the property. The Port is liable for what the developers owe, including the property taxes, and still has to pay these bills

**Adjournment:**

Meeting was adjourned at 9:36 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, February 22, 2011 at 7:00 p.m. at Port of Morrow Riverfront Center in Boardman, Oregon. However, no applications have been received and the meeting may be canceled. The following meeting is scheduled for Tuesday, March 29 at the Heppner City Hall, Heppner, Oregon.

Respectfully Submitted,  
Layne Womack

**Minutes of the Public Hearing of the  
Morrow County Planning Commission  
Tuesday, March 29, 2011 7:00 p.m.**

**Morrow County Planning Commissioners Members Present:** Mifflin Devin, Pamela Docken, Jim Key, John Kilkenny, John Renfro (came in late, not present for the action item), Tucker Rice, David Sykes, Rod Taylor

**Members Excused:** Jeff Wenholz

**Morrow County Staff Present:** Carla McLane, Planning Director; Layne Womack, Associate Planner

The Pledge of Allegiance was recited.

**Minutes**

The Minutes of the January 18, 2011 hearing were provided with the Commissioners' packets.

Commissioner Rice moved to approve the Minutes of January 18, 2011. Commissioner Docken seconded his motion. The motion carried.

Planning Commission Chair Sykes read the Planning Commission Hearing Procedures.

**Replat R-S-019-11, James D. and May Ward , applicant, and James L. Kirkpatrick, owner. The property is described as Tax Lots 3901 and LP-S-340 of Assessor's Map 5S 26 and is located south of Sunflower Flat Road and approximately 2 miles east of Highway 207. The property is zoned FU. The request is to replat Tax Lots 3091 and LP-S-340 to transfer 1.52 acres from LP-S-340 to Tax Lot 3901. Criteria for approval include MCSO Article 5 Land Partitioning.** Director McLane presented the staff report to the Commission. The Director explained to the Commission why this is a Property Line Adjustment by Replat. The 5 acre property owned by the Ward's is a pre-existing non-conforming parcel. The large property was created by Land Partition in 2004 by boundary survey. Staff has applied criteria from Article 5 of the Morrow County Subdivision Ordinance. There was not a dwelling request that accompanied this application. The appropriate access permits will be needed from Morrow County Public Works if new access or changed access is required. The properties are in the Fire Patrol Zone which is serviced by Oregon Department of Forestry. This application would not be considered a series partition. Based on our review staff recommend approval with conditions.

Chair Sykes asked staff when the cut off would be for a pre-existing use. Director McLane responded that there is no date really, the previous approval was a Lot of Record forest dwelling. There are some dates out there for different statute changes, one in 1993 and one in 1987, but stated that neither of these dates have much to do with this. There was more discussion pertaining to this.

Opened the Public Hearing.

In favor:

James Ward, applicant. Mr. Ward stated that no one else was involved with the land transfer just himself and the Kirkpatricks. There will be no new road or anything else. The property has been surveyed.

No one spoke in neutral or in opposition:

Closed the Public Hearing.

Commissioner Rice moved to approve Replat R-S-019-11. Commissioner Devin seconded his motion. The motion carried.

**Audience Participation:** None

**Other Business or Correspondence:**

Director McLane handed out to the Planning Commission a new list of Commission contacts, and a record of terms of the Planning Commission positions.

The Director mentioned to the Commission that the progress of the Comprehensive Plan Update has been a bit slow, and has been set aside for more pressing projects, but should have something soon.

There were several handouts from Portland General Electric (PGE) on Cascade Crossing, Biomass and Giant Cane, the proposed Carty Generation Station, and the PGE Foundation giving a grant to the Columbia River Community Health Services for Boardman Health Clinic construction.

The Director updated the Commission on Wind Energy activity including the issuance of zoning permits for met towers. During discussion of met tower data, Director McLane mentioned that Chris Mason, one of the first in the county to install a met tower, that his met tower data was actually public information because the startup money for the towers was from the Oregon Energy Trust. The other Wind Energy companies guard their met tower information very tightly. There was discussion on how there seems to be a more consistent resource for wind in the middle of the county as opposed to in the gorge where it can be very volatile.

The Director updated the Commission on the Love's appeal. The Court of Appeals has affirmed LUBA's decision without opinion. Some of it has been remanded back to the County, and will go back in front of County Court May 18.

The Commission was updated on the Transportation System Plan (TSP) Project. The technical advisory committee has met twice. Just about to a draft that will be sent to DLCD for 45-day notice requirement, and the TSP hearings will be in May and June. Next month we will have a work session on the TSP.

There was also an update on the IAMPs Project. The two IAMPs are the Port Of Morrow/Interstate 84 interchange and Interstate 84/Highway 730 interchange. There are copies available of the tech memos for Planning Commission or they can wait for a draft. There will be

an open house on April 7. The Director asked the Commission to attend if possible.

The Director updated the Commission on the Umatilla Basin Water Commission (UBWC) Project. The UBWC is made up of representatives from Morrow County, Umatilla County, West Extension Irrigation District, CTUIR, and County Line Irrigation District once they have finalized their formation. This project will be implementing part of the Umatilla Sub-Basin Water Management Plan for recharge. Commissioner Key stated that the pipes are in the ground and are going to start bubbling very soon. Both the previous Governor and the latest, have been very supportive of this project. Commissioner Key went on to explain the project to the Commission.

The Director mentioned that she had sent an email to the Planning Commission with a link to read the Navy's Integrated Water Resources Strategy, and asked for questions or comments.

Director McLane handed out an article about a study on why no jobs or job growth in Portland, basically because they had regulated themselves to death.

There was also a Columbia River Treaty handout with information for the Commission.

The Director also had a handout entitled "Forest, Farms and People", which is about land use change on non-federal land in Oregon from 1974-2009, which will be beneficial information for when we update the Comprehensive Plan.

The Director updated the Commission on the Navy EIS which is currently being prepared for the Bombing Range. The scoping report is out now; the draft EIS not for about a year. The Navy is also working on an Integrated Natural Resources Management Plan at the same time. Representative Greg Walden asked for a Joint Land Use Study between the Navy and Morrow County to look at the restrictions in place that DOD has on military airspace, outside of bombing range property.

Chair Sykes asked the Director if it may be harder to get things approved because of lack of funding for the state. Director McLane responded that most state fees have been tripled in the past year or so. There have been no specifics on ways and means and budget issues.

Adjournment:

Meeting was adjourned at 8:54 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, April 26, 2011 at 7:00 p.m. at Port of Morrow Riverfront Center in Boardman, Oregon.

Respectfully Submitted,  
Layne Womack



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### **Minutes of the Public Hearing of the Morrow County Planning Commission Tuesday, April 26, 2011 7:00 p.m.**

**Morrow County Planning Commissioners Members Present:** Mifflin Devin, Pamela Docken, Jim Key, John Kilkeny, John Renfro, Tucker Rice, David Sykes, Jeff Wenholtz

**Members Excused:** Rod Taylor

**Morrow County Staff Present:** Carla McLane, Planning Director; Layne Womack, Associate Planner

The Pledge of Allegiance was recited.

#### **Minutes**

The Minutes of the March 29, 2011 hearing were provided with the Commissioners' packets.

Commissioner Rice moved to approve the Minutes of March 29, 2011. Commissioner Devin seconded his motion. The motion carried.

Planning Commission Chair Sykes read the Planning Commission Hearing Procedures.

**Variance V-N-018: Boardman Rural Fire Protection District, applicant and owner. The property is described as the Highway 207 right of way on Assessor's Map 2N 27 and is located at the junction of Highway 207 and Butter Creek Road. The property is zoned EFU. The request is for a variance to setbacks stipulated in Morrow County Zoning Ordinance (MCZO) Section 3.010H setback requirements so that a fire station may be sited on the parcel. Criteria for approval include MCZO Article 7 Variances.**

Planning Director McLane presented the staff report to the Commission. The site design of the fire station, ran into setback issues. There were conversations with ODOT, as long as not impeding on the right of way, they don't care. They will need about 30 feet in the front and the rear yard about 10 feet, even though not meeting the setback there is a natural barrier between the use of the fire station and the adjoining agricultural use. This parcel is this small because of the little pieces of right of way put together. No conditions of approval, we didn't want to lock them into specific standards. We are willing to work with applicant. The Planning Department has heard from Marilyn Holt of ODOT who reviewed the planning notice, they have no concerns.

Commissioner Rice asked staff what is considered the front and what is the back.

The Director explained where and that it was from the edge of the right of way.

Opened the Public Hearing.

In favor.

Ron McKinnis, Port of Morrow Engineer. Working with the Fire Department. This is the abandoned area based on realignment of the highway. It is an odd configuration, long and skinny. Some part of it created by deed to BRFPD from ODOT, and some abandoned to BRFPD from ODOT. In siting the building, he tried to get optimum amount of front yard for the fire trucks and emergency vehicles. There is about 31 feet in the front and about 15 in the back. The building will be situated with optimum amount of front yard. There was also talk about having the building next to the "s" curve. This does meet the needs of the fire district.

Commissioner Kilkeny asked Mr. McKinnis if the building could be pushed back any further.

Mr. McKinnis said that we can decrease the back to increase the front, but you do need circulation around the building. There is a physical limitation to the property. They may talk to the other property owner to see if they can acquire the little sliver of land in the back for more area.

Chair Sykes asked if the piece shaded on the map is the other landowner.

Director McLane said that we wouldn't be opposed to encroaching on back setback, but do need circulation, and there is a natural barrier.

Commissioner Renfro asked if the adjacent property owner has any interest in giving up their property.

Mark Rogelstad, BRFPD. We don't know if we could acquire the extra property, need to try to make contact with the property owner. We have been working with ODOT on this for about 6 years. The part in the back is part of the Little Butter Creek drainage, so probably wouldn't be able to develop it. It is a natural drainage area. This has been a long process to get this. This fire station will serve three districts.

Commissioner Renfro asked if they did acquire the property then it would give them an extra 30 feet.

Director McLane said that there are still natural barrier issues even if they do acquire the extra land, but would still need the variance because of the 100 feet setback.

Mr. Rogelstad said that property was an old gravel stock pile site for the winter. The access will be granted from ODOT on the north end of the property, for visibility purposes.

No one spoke in neutral or in opposition:

Closed the Public Hearing.

Commissioner Kilkeny stated the he would be more comfortable with 40 feet in the front.

Commissioner Rice stated that we weren't approving a specific setback distance.

The Director stated that the reasoning for no Conditions of Approval was so that BRFPD would have greater flexibility in siting the fire station. Should they acquire the property from Mr.

Hawkins, that too will give them some flexibility and benefit.

Commissioner Key asked staff how much of the property is owned by BRFPD.

Director McLane explained that the map is attached to the staff report.

Commissioner Key inquired if the setback is from the right of way or pavement.

Mr. McKinnis said that its from the right of way and that the most dangerous direction on the road is coming from Hermiston.

Commissioner Key suggested that they could put in a berm or some kind of physical barrier.

Director McLane wanted to remind the Commission that ODOT hasn't asked for anything, like a barrier. So they do not think there is a hazard.

Commissioner Renfro wanted to encourage them to talk to the other property owner, and that they could use it as a parking lot or storage or something.

Director McLane asked Mr. McKinnis the distance from the property line to the drop off on the edge of the property.

Mr. McKinnis said about ten to fifteen feet between the property edge to the drop off.

Director McLane said that if they can acquire the extra property, then the setback can be an extra ten feet. They would still need a legal setback from the property lines. They could make a motion stating that the facts may change.

Mr. Rogelstad said that they would put it back as far as possible.

Commissioner Wenzholz moved to approve Variance V-N-018. Commissioner Rice seconded his motion. The motion carried.

### **Work Session:**

Morrow County Judge Terry Tallman was present for this work session.

The Director announced that Commissioner Rice will be leaving us and his potential replacement Mr. Blair Purcell was present to listen in.

This joint work session of the Planning Commission and the County Court will review the draft sent to the Department of Land Conservation and Development for a major update of the Morrow County Transportation System Plan. This major amendment is driven primarily to update the 5- and 20-year project lists. It will also incorporate two Interchange Area Management Plans, a Corridor Refinement Plan, and the Port of Morrow Rail Plan. Also to be updated are multiple tables and text to reflect 2011 conditions.

ODOT comments have not been incorporated into this draft yet. The next meeting there will be more comments and changes to be made. ODOT has agreed to update our crash data and the analysis to go with it, but we will not have it until the June Planning Commission hearing. Hopefully all the changes will be made and good for the July County Court Adoption Hearing.

Port of Morrow rail development, rail loop done and the new siding, we do need to enhance the rail piece. Technical Advisory Committee suggested we reduce and minimize the utilities part of the TSP and make a separate Utilities Plan. The road and rail component is fairly static, but the utility component has more activity and changing faster, will be good in the short term, maybe later it can be put back in the TSP document.

The holdovers from the older 2005 TSP version, the consultant maps are going away because Planning and Public Works have done most of the work on the new maps, and the Consultant's maps are going away. In the draft, the purple text is the Planning changes, the red text is Public Works and Teresa from ODOT will have her own color, the hi-lighted text are comments.

The Director then went through the introduction to the TSP and moved through the whole TSP document section by section.

With regards to the Speedway, don't know where it is, will not know until July. We don't want to undo the approvals just in case some other developer comes in to do the project. The Port doesn't want to lose the approval.

Chair Sykes asked staff if they think some of the land will be sold differently now, like with "x" amount of towers on it, instead of "x" amount of acres of wheat.

Planning Director McLane stated that landowners would still have to go through the land partition process and meet minimum acreage. But for a land partition, you can only do three parcels, unless you subdivide then you have to meet subdivision requirements. That was a really good question for a whole new income model.

In Chapter 3, Conditions and Inventory, we took out the 2005 Open House process, not relative to 2011 Plan. We will add in there how we got to the 2011 TSP. How to make it current and not use a consultant, because they are expensive.

Existing land use and population update. Land use has not changed but population numbers not published yet for 2010 Census.

Judge Terry Tallman asked about the training facility for Oregon Guard on the Bombing Range.

Director McLane responded that will be included and that the IAMPs will be adopted on the heels of the TSP, but will be reflected in the TSP. The issues important to the County need to stay in and be current. Map or Graph 3-24 crash history, this will be updated from ODOT, the map will need to be updated as well. New map for lone-Boardman Road maybe in Chapter 3 or 4. Horseshoe Bend has been identified and is in the document. We have added language about East Beach in the Port, and added language from the Rail Plan. Will be adding language for the new activities at the Bombing Range and the changeover at the Army Depot. We will also add in the lone-Boardman map.

Judge Tallman commented on page 3-37 electricity where it is crossed out, want to add all the PGE Coal Plant and the new Carty stuff there.

Director McLane answered that the Utility Plan that will be brought out will be where that goes. She went on to discuss the update. The pedestrian, bicycle, and equestrian facilities have not changed much, we only do these facilities where they make sense. We will add to the para-transit piece later. Public and private transit, we don't really know of any, if any body knows



please let us know. It might be Blanca Estrella.

Judge Tallman said that Blanca Estrella might stop in Hermiston.

Director McLane went on to state that no passenger rail since mid 90's, airport facilities continue to add additional language to that. Airport layout plan for Lexington, will be updated soon.

Chapter 4 is the future opportunities update relative to the 20-year planning horizon.

Future connectivity maps and text to be updated.

Access Management standards, if changed then it will be based on ODOT requirements.

Chapter 5, not much yet, mostly from Bob Nairns in Public Works, the projects lists and stuff to do, but not programmed or budgeted yet.

Chapter 6 System Plan, not much yet.

Judge Tallman commented that ODOT spending compared to revenues are 30 percent beyond, and we need to be aware of that. There are not many projects going on east of the Cascades.

The Director said that we will be adding more maps and deleting some maps.

Judge Tallman informed the Commission that there is some brand new money for Willow Creek to be chip sealed from some Forestry grant.

Director McLane went on to say that in Chapter 7, we tried to take out the date specific stuff, and tried to make it more general. For example we are putting all the lists in the appendix so that we can amend the appendix instead of the Plan. This is more of an informative chapter plus talks about revenue sources.

Chapter 8 and 9 we want to collapse into one chapter. No ordinance modifications proposed. We will delete the current appendices, because its never referenced in the document and then we will change the appendix number. The TPR and how we comply with it. Traffic Impact Analysis. Take note of it, ask what they do at ODOT with regards. Appendix E all deletes, not relevant today. Appendix F all ODOT info and remove it all. Can go to ODOT specifically.

Vice chair Wenzholz and The Director had a discussion regarding the Traffic Impact Analysis statement, at the end when it calls for an engineer, should the language be more to a specific engineer. We do need to balance how to make it more specific without not allowing the Port to do the engineering.

Chair Sykes inquired about a change to the language for the opening statement.

Judge Tallman and The Director agreed that the Zoning Ordinance needs to be changed in Article 9. It does indicate it is subject to the record but not limited to. We need to change so that there is a standing requirement, need to change the opening statement so that it matches and reflects the code accurately.

**Audience Participation:** None

**Other Business or Correspondence:**

Cascade Policy Institute Commentary- Just some information for the Commission  
Boardman to Hemingway Update- Just an update  
IAMP Concept Sketches- More information available  
Update on Bombing Range draft EIS, and Integrated Draft Resource Management Plan.

**Adjournment:**

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, May 24, 2011 at 7:00 p.m. at Heppner City Hall in Heppner, Oregon.

Respectfully Submitted,  
Layne Womack



## PLANNING DEPARTMENT

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**Minutes of the Public Hearing of the  
Morrow County Planning Commission  
Tuesday, May 24, 2011 7:00 p.m.**

**Morrow County Planning Commissioners Members Present:** Mifflin Devin, Jim Key, John Kilkenny, John Renfro, Tucker Rice, David Sykes, Rod Taylor

**Members Excused:** Pamela Docken, Jeff Wenholz

**Morrow County Staff Present:** Carla McLane, Planning Director; Layne Womack, Associate Planner

The Pledge of Allegiance was recited.

**Minutes:** The Minutes of the April 26, 2011 hearing were provided with the Commissioners' packets. Commissioner Taylor moved to approve the Minutes of April 26, 2011. Commissioner Devin seconded his motion. The motion carried.

Planning Commission Chair Sykes read the Planning Commission Hearing Procedures.

**Transportation System Plan Major Update: Morrow County, applicant. This will be the first of at least two hearings to consider changes to the Morrow County Transportation System Plan (TSP). Updating the TSP ensures that the County's transportation network will be able to serve the entire County over the next 20 years and that the County is consistent with the requirements of the State of Oregon Transportation Planning Rule. Criteria for approval include the Morrow County Comprehensive Plan and the TSP. Final approval of this revision will be granted by the Morrow County Court.**

Director McLane informed the Commissioners that there would be more figures and maps at the next hearing. Most of the changes this go around are in chapters 5 and 6. The strike out wording from the appendices was not printed to save trees. We are working to shortening this plan significantly, much of this by removing significant portions in the appendices that referenced activities during the 2005 update. Chapters 8 and 9 are being combined.

The Director went through the TSP chapter by chapter for all the changes that have been added and taken out. We have added references for the IAMPs and Corridor Refinement Plan. There is new Port of Morrow East Beach rail stuff. Trying to bring in 2010 Census numbers. We will be moving some stuff to Chapter 4. There will be minor changes in the tables. We do still need figure numbers for maps that don't have them. Needed to change the tense in some to either past or current. We took some outdated Public Works language out of the TSP, but you can find the updated language in the Public Works office. We have added the five lane standard. Will have the appendices renumbered. The repaired bridges will be left in the table. Crash history will change a lot, because we will get new numbers from ODOT for the June meeting. We will need to update the crash history map too. In the connectivity part, the Lone-Boardman Road will have a map. The Port transportation system, predominately rail will be expanded. The section on para-transit still needs to be updated. We have learned a bit about private transit and amended the Greyhound and Estrella Blanca information. There is ongoing discussion about moving Utilities to a section or

plan of its own. Volume to capacity ratios may not change at all. Local street network improvements for growth need new maps; one new one for the Army Depot to be added. Access standards not changed because the Transportation Planning Rule hasn't changed. State facilities suggested for improvements, all were done except Horseshoe Bend. Need to assure that the 5-lane and gravel standards are consistent within the plan.

Commissioner Rice suggested we add something about the wind farms on the impact of wind on roads. Chair Sykes asked about the impact of the wheat farmers on the wind.

Director McLane went on to discuss the changes in this version of the TSP. Trying to make the plan less specific and more general and less date specific.

Opened the Public Hearing.

No one spoke in neutral or in opposition.

Closed the Public Hearing.

Commissioner Rice moved to continue the hearing to June 28, 2011 . Commissioner Taylor seconded his motion. The motion carried.

**Audience Participation:** Mr. George Griffiths made comments about fixing horseshoe bend. Staff and the Planning Commission told him that it is included in the TSP, and since it is a State Highway, that is all the County is required to do.

**Other Business or Correspondence:**

Carty Lateral Pipeline: proposed gas line to the proposed Carty generating station.

The Water Report had an article about the Umatilla Basin Water Commission project.

Handed out all the new zoning ordinance sections for the Planning Commission to put into their Zoning binders.

Director McLane shared with the Commission an interesting conversation with Scott Smith who is with the Navy. About a year ago, The FAA stopped analyzing airspace for the military, now it is only for the airports. The Navy didn't find out until now. The County just found out about this too.

Chair Sykes went to a Land Use forum for training, and explained what he learned about ex-parte contact.

The Director is in the Ford Family Foundation leadership training program. They will be raising money and building a picnic shelter at the fairgrounds.

Adjournment:

Meeting was adjourned at 9:05 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, June 28, 2011 at 7:00 p.m. at The Port of Morrow Riverfront Center in Boardman, Oregon.

Respectfully Submitted,  
Layne Womack



## PLANNING DEPARTMENT

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### **Minutes of the Public Hearing of the Morrow County Planning Commission Tuesday, June 28, 2011 7:00 p.m.**

**Morrow County Planning Commissioners Members Present:** Mifflin Devin, Pamela Docken, Jim Key, John Renfro, David Sykes, Rod Taylor

**Members Excused:** John Kilkenny, Jeff Wenholz

**Morrow County Staff Present:** Carla McLane, Planning Director; Layne Womack, Associate Planner

The Pledge of Allegiance was recited.

**Minutes:** The Minutes of the May 24, 2011 hearing were provided with the Commissioners' packets. Corrections to the minutes were discussed.

Commissioner Taylor arrived to the Public Hearing.

Commissioner Renfro moved to approve the corrected Minutes of May 24, 2011. Commissioner Key seconded his motion. The motion carried.

Planning Commission Chair Sykes read the Planning Commission Hearing Procedures.

**Transportation System Plan Major Update: Morrow County, applicant. This will be the second of at least two hearings to consider changes to the Morrow County Transportation System Plan (TSP). Updating the TSP ensures that the County's transportation network will be able to serve the entire County over the next 20 years and that the County is consistent with the requirements of the State of Oregon Transportation Planning Rule. Criteria for approval include the Morrow County Comprehensive Plan and the TSP. Final approval of this revision will be granted by the Morrow County Court.**

Director McLane provided a memo explaining the fact we have been short staffed. She asked the commission to continue the Hearing to the July 26, 2011 at 7:00 pm meeting at Heppner City Hall. Commissioner Taylor moved to continue the hearing to July 26, 2011, 7:00 p.m. at the Heppner City Hall. Commissioner Key seconded his motion. The motion carried.

**Replat R-N-020-11: Robert McLaughlin, applicant and owner. The property is identified as Tax Lot 500 of Assessor's Map 4N 25 20B and is located 1/4 mile southwest of Boardman at the intersection of Paul Smith Road and Kunze Lane within the City of Boardman Urban Growth Boundary. Zoning is Suburban Residential (SR-1). Request is to partition by replat the 2.71-acre parcel into one 1.6-acre parcel and one 1.11-acre**

**parcel. Criteria for approval include Morrow County Subdivision Ordinance (MCSO) Article 5 Replatting and Land Partitioning.**

Director McLane presented the staff report and background information. This is replat of a previous Partition Plat. Based on concerns about high water in the area Planning staff did require site suitability before Mr. McLaughlin applied for the land partition. This is usually a condition of approval, but in this case it has already been received. The WEID did provide comments regarding the proposed action indicating that the applicant has requested that the water rights and associated easements be removed from the property. The District is working with Mr. McLoughlin to achieve those results.

Chair Sykes asked why he would give up water rights. Director McLane answered that on a domestic well, you can irrigate up to one half acre, but on a one acre parcel, after the house, driveway and other buildings are built, you are only left with about half an acre to irrigate. The Director thought it might be a mistake to sell off the water rights, but it is certainly his right to do so. As an absentee landowner he may not fully understand the benefit of what he has.

Opened the Public Hearing.

No one spoke in favor.

Neutral or in opposition:

Mr. Theron Thomas, East on Kunze Lane, 2 lots over from McLaughlin. Mr. Thomas wanted to inform the Commission that any time there is a problem on the canal, the subject property becomes flooded.

Director McLane informed the Commissioners that they could deny the request, but he meets the requirements. The findings would need to be established to justify the denial. He does meet all requirements. Chair Sykes clarified that they must follow certain rules, and that there must be a compelling reason.

Commissioner Renfro asked Mr. Thomas if it flooded his property or Mr. McLaughlin's. He said he is not affected and that it only flooded Mr. McLaughlin's property, not his. Commissioner Renfro asked Mr. Thomas why does he have concerns about this development. Mr. Thomas answered that Mr. McLaughlin plows and harrows and stirs up the dust, and that he eats a lot of dirt because of him. Commissioner Renfro asked if that will change after the Land Partition.

Director McLane informed the Commission that there is currently a house that has been approved on the south portion of the property.

Mr. Thomas has said that he is concerned with the dust problem. The Director said again that the land owner is absentee and is in Benton City Washington, but that they have the same issues there, so he should know.

Discussion ensued regarding irrigation and domestic well. The domestic well will still meet the needs for how small the acreage is. Chair Sykes asked staff if the water rights have much to do with the approval. The Director told the Commission that there was no indication of removal of water rights in the application. Commissioner Taylor stated that whether he has the water

rights or not, he doesn't use them. Commissioner Renfro asked what the advantage to get rid of them would be. Director McLane stated that you have to pay for the right even when you don't use them and you have to pay for the water too.

Closed the Public Hearing.

Commissioner Renfro moved to attach the WEID letter to the staff report, Commissioner Devin seconded. The motion carried

Commissioner Taylor moved to approve Replat R-N-020-11. Commissioner Devin seconded. The motion carried.

**Audience Participation:** None

**Other Business or Correspondence:**

The Carty Lateral meeting was tonight during our Commission meeting. They will need our comments soon for the Environmental Assessment or Environmental Impact Study.

The Director sent the Carty Generating Station comment letters out today.

The Director explained a little bit about Flood Plain Development permits and what was going on at the fairgrounds.

The Director can email a link to the LUBA decision about the wind noise stuff if anyone is interested.

Some information on the Loves decision, LUBA remand. Should be seeing the application for what was remanded back pretty soon.

Commissioner Renfro asked about the location of the Oregon Trail. The Director informed the Commission that there are maps from 1950's made from ruts and surveys and journal entries.

Adjournment:

Meeting was adjourned at 8:12 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, July 26, 2011 at 7:00 p.m. at Heppner City Hall in Heppner, Oregon.

Respectfully Submitted,  
Layne Womack



## PLANNING DEPARTMENT

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**Minutes of the Public Hearing of the  
Morrow County Planning Commission  
Tuesday, July 27, 2011 6:30 p.m.**

**Morrow County Planning Commissioners Members Present:** Mifflin Devin, Pamela Docken, Jim Key, John Kilkenny, David Sykes, Rod Taylor

**Members Excused:** John Renfro, Jeff Wenholz

**Morrow County Staff Present:** Carla McLane, Planning Director; Layne Womack, Associate Planner

The Pledge of Allegiance was recited.

Before the Public Hearing portion of the meeting Bruce Sorte, an Oregon State University Economist led a presentation and discussion to the Planning Commission. Mr. Sorte was asked by the Planning Director to discuss the economic impacts to our county and rural Eastern Oregon in general, of wind energy on family farms and the greater economic impact to the area and farming community. Mr. Sorte referenced a study that was completed in 2006 about Umatilla County, but the wind farms were only just starting to become developed. Mr. Sorte said that more information was needed on the long term effects of the economy and did point out that wind development benefits seem to be less to the communities than other industries of the same size or investment. Mr. Sorte said that now more information is more readily available and can be analyzed through more studies.

Planning Commission Chair Sykes read the Planning Commission Hearing Procedures.

**Conditional Use Permit CUP-S-288: Rich Ruhl applicant and owner. The property is described as Tax Lot 600 of Assessor's Map 2S 24. The property is located on Brenner Canyon Road and Rhea Creek Road approximately 7 miles south of Lone and is zoned Exclusive Farm Use. Request is to approve an aggregate quarry that will process less than 500,000 tons of aggregate material. Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.010(D)(11) and Article 6 Conditional Uses.** Director McLane presented the staff report to the Commission.

Chair Sykes asked where the closest residence was located, staff showed the Commission the general vicinity on the map attached to the staff report.

Opened the Public Hearing.

No one spoke in favor, neutral or in opposition:

Closed the Public Hearing.



Commissioner Taylor moved to approve CUP-S-288. Commissioner Key seconded his motion. The motion carried.

**Comprehensive Plan Amendments AC-048-11 and AC(M)-049-11: Rich Ruhl applicant and owner. The property is described as Tax Lot 600 of Assessor's Map 2S 24. The property is located on Brenner Canyon Road and Rhea Creek Road approximately 7 miles south of lone and is zoned Exclusive Farm Use. Request is to amend the Comprehensive Plan to include a locally significant aggregate site to Morrow County's list of significant aggregate sites and to amend the Comprehensive Plan map to include the aggregate site location. Criteria for approval are found in the Morrow County Comprehensive Plan (MCCP) Review and Revision Process.**

The Director presented the staff report to the Commission.

Opened the Public Hearing.

No one spoke in favor, neutral or in opposition:

Closed the Public Hearing.

Commissioner Taylor moved to recommend approval to County Court . Commissioner Devin seconded his motion. The motion carried.

**Conditional Use Permit CUP-N-169(A): TMF Biofuels, LLC applicant and Threemile Canyon Farms, LLC owner. The property is described as Tax Lot 112 of Assessor's Map 3N 23. The property is located south of Interstate 84 off Threemile Road and is zoned Exclusive Farm Use. Request is to amend CUP-N-169 to increase the generating capacity of the approved power generation facility from 3.5 Megawatts to 9.6 Megawatts through a phased development. Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.010 and Article 6 Conditional Uses.**

Commissioner Taylor stated to the Commission that he leases land from Three Mile Canyon Farms.

The Director gave background info on the subject Conditional Use Permit to be amended. Director McLane presented the staff report to the Commission.

Chair Sykes asked if it will change how they handle their waste.

The Director responded that the Confined Animal Feeding Operations (CAFO) permit governs their waste management plan. The methane digester will be incorporated into that plan.

Opened the Public Hearing.

In favor:

Elaine Albrich, Stoel Rives, Portland  
Marty Meyers, General Manager of Three Mile Canyon Farms, Boardman  
Bill Eddie, One Energy Renewables, Consultant, Portland

Ms. Albrich thanked the Director for a thorough staff report.

Mr. Meyers said they are happy to move forward and that they have all types of incentives to conclude this. Chair Sykes commented that this sounds like its similar to Finley Buttes. Mr. Meyers showed a diagram of the facility to the Commission. He explained that the digester creates methane and digested fiber for bedding material for the cows. There is an economic benefit to this system.

Chair Sykes asked about the marketing of the power, and possibly selling to off set the California carbon market. Mr. Meyers responded that is a very fickle market, and they elected to eliminate from the project offset carbon market. Mr. Eddie answered that this is the same regulatory and contract path that Finley uses. The Public Utility Commission (PUC) has approved the rates, and all goes to PacifiCorps. Director McLane commented that they can connect right to the power line, no substation is needed.

Mr. Meyers showed the Commission some schematics, and assured the Commission that it would not be taking any EFU land out of production.

Commissioner Kilkenny asked how the methane is collected in the building. Mr. Meyers showed the Commission the diagram, and explained to the Commission that the building is really big, the manure slurry goes through and all the methane goes to the top. There are many installations of these at dairy farms all across the US.

No one spoke in neutral or in opposition.

Closed the Public Hearing.

Commissioner Key moved to approve CUP-N-169(A) . Commissioner Taylor seconded his motion. The motion carried.

**Transportation System Plan Major Update: Morrow County, applicant. This will be the third of at least three hearings to consider changes to the Morrow County Transportation System Plan (TSP). Updating the TSP ensures that the County's transportation network will be able to serve the entire County over the next 20 years and that the County is consistent with the requirements of the State of Oregon Transportation Planning Rule. Criteria for approval include the Morrow County Comprehensive Plan and the TSP. Final approval of this revision will be granted by the Morrow County Court.**

Director McLane presented the staff report to the Commission.

Commissioner Taylor moved to continue the hearing August 30 in Boardman. Commissioner Devin seconded his motion. The motion carried.

### **Minutes**

The Minutes of the June 28, 2011 hearing were provided with the Commissioners' packets. Commissioner Key stated that you can irrigate up to one half acre of land. Commissioner Devin moved to approve the Minutes of June 28, 2011 with changes. Commissioner Key seconded his motion. The motion carried.

**Audience Participation: None**

**Other Business or Correspondence:**

LUBA remand for Loves back in front of County Court in Boardman, hearing September 7, at 10 a.m. The LUBA Invenergy Noise remand will also be in Boardman, August 24 at 1:15 and also the Aggregate action will be in front of County Court same day, August 24 at 10 a.m. There is a Road Vacation request for Road Canyon Road, County Court hearing for that will be September 28.

BPA and wind energy conflict. There are wind energy developers who are suing BPA over this. If we had reliable markets where the energy could go, need to work on transmission. They have been siting wind where transmission lines are, not where the best wind is. Transmission makes it constrained.

Umatilla County decision on siting standards and setbacks. One active appeal to LUBA so far, and probably a group of developers to appeal the County decision to LUBA. The 2 mile setback from any residence. Makes the county seem like they are not interested in wind in Umatilla County.

Chair Sykes went to a meeting hosted by Oregon APA, on Urban/Rural Sustainability.

**Adjournment:**

Meeting was adjourned at 8:41 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, August 30, 2011 at 7:00 p.m. at the Port of Morrow Riverfront Center in Boardman, Oregon.

Respectfully Submitted,  
Layne Womack



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### **Minutes of the Public Hearing of the Morrow County Planning Commission Tuesday, August 30, 2011 7:00 p.m.**

**Morrow County Planning Commissioner Members Present:** Pamela Docken, Jim Key, David Sykes, Rod Taylor, Jeff Wenholz

**Members Excused:** Mifflin Devin, John Kilkenny, John Renfro

**Morrow County Staff Present:** Carla McLane, Planning Director; Layne Womack, Associate Planner

The Pledge of Allegiance was recited.

**Minutes:** The Minutes of the July 26, 2011 hearing were provided with the Commissioners' packets. Commissioner Key moved to approve the corrected Minutes of July 26, 2011. Commissioner Docken seconded his motion. The motion carried.

Planning Commission Chair Sykes read the Planning Commission Hearing Procedures.

**Replat R-S-021-11: Kyle Robinson, applicant and Merlyn Robinson, owner. The property is identified as Tax Lot 3700 of Assessor's Map 2S 26 and is located just east of the City of Heppner's Urban Growth Boundary on Highway 74-Lena. Zoning is Exclusive Farm Use (EFU). Request is to partition via replat Parcel 1 of Partition Plat 2010-8, approved via Land Partition LP-S-390 and CUP-S-257, into three parcels. Criteria for approval include Morrow County Subdivision Ordinance (MCSO) Article 5 Replatting and Land Partitioning.**

Director McLane presented the staff report to the Commission. The Director provided a letter that was received from an adjoining property owner. After staff review it was determined that it does not directly impact this proceeding, but related to Fairview Road and an access easement from a previous action. Contact should be with Mr. Robinson to address the concerns raised.

Chair Sykes asked if the adjoining property owners if it was a distance from the property. The Commission members asked where the city limits were in proximity to this property.

Opened the Public Hearing.

No one spoke in favor, neutral or in opposition:

Closed the Public Hearing.

Commissioner Wenholz moved to approve Replat R-S-021-11. Commissioner Taylor seconded his motion. The motion carried.

**Transportation System Plan Major Update: Morrow County, applicant. This will be the fourth of at least four hearings to consider changes to the Morrow County Transportation System Plan (TSP). Updating the TSP ensures that the County's**

**transportation network will be able to serve the entire County over the next 20 years and that the County is consistent with the requirements of the State of Oregon Transportation Planning Rule. Criteria for approval include the Morrow County Comprehensive Plan and the TSP. Final approval of this revision will be granted by the Morrow County Court.**

Director McLane informed the Commission that the new ODOT crash data has not been incorporated in this draft. The Director went through this final version of the TSP, with all redlines and strikeouts taken out, chapter by chapter. Any changes at this point forward would need new redlines and strike outs. The Commission pointed out little mistakes and grammatical errors. Chair Sykes had a comment about the Blue Mountain Scenic Byway and the preservation language that is in the TSP. Chair Sykes said that the community would like the term "promote" not "preserve", or at least that was the consensus at an earlier date. The Director asked the Commission about the Speedway stuff included in the TSP, and what to do with it. Maybe add a caveat so that we don't lose all the work that had been done. There was a question about Chapter 7 funding, what about PILT or SIP or Enterprise zone funds in the funding. The Director said she would look into it. The Director indicated the new appendices will be included. Director McLane is leaning towards removing the ODOT standards in Appendix D as we don't need their standards stated in our TSP.

Opened the Public Hearing.

No one spoke in favor, neutral or in opposition:

Closed the Public Hearing.

Commissioner Taylor moved to approve and forward to the TSP to County Court .  
Commissioner Key seconded his motion. The motion carried.

**Audience Participation:**

Commissioner Rea attended a LUBGWMA meeting and is looking for volunteers for a subcommittee to represent rural landowners with small acreage for education about the nitrates and nitrites in the LUBGWMA area. Vice Chair Wenholz and Commissioner Docken showed preliminary interest in the subcommittee.

**Other Business or Correspondence:**

The County Court has met on the noise decision remand from LUBA. Director McLane fully anticipates it to go back to LUBA. The Love's LUBA remand is next Wednesday, September 7. A Road Vacation is scheduled for late in September.

There will be a moderate agenda for the September Planning Commission meeting. The Director is still looking to fill the open position for Planning Commissioner. Our intent is for the appointee to represent the greater Boardman area.

**Adjournment:** Meeting was adjourned at 8:53 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, September 27, 2011 at 7:00 p.m. at Heppner City Hall in Heppner, Oregon.

Respectfully Submitted,  
Layne Womack



## PLANNING DEPARTMENT

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### **Minutes of the Public Hearing of the Morrow County Planning Commission Tuesday, September 27, 2011 7:00 p.m.**

**Morrow County Planning Commissioners Members Present:** John Kilkenny, David Sykes, Rod Taylor, John Renfro, Jeff Wenzholz

**Members Excused:** Jim Key, Mifflin Devin, Pamela Docken

**Morrow County Staff Present:** Carla McLane, Planning Director; Layne Womack, Associate Planner

The Pledge of Allegiance was recited.

#### **Minutes**

The Minutes of the August 30, 2011 hearing were provided with the Commissioners' packets. Vice Chair Wenzholz moved to approve the Minutes of August 30, 2011. Commissioner Taylor seconded his motion. The motion carried.

Planning Commission Chair Sykes read the Planning Commission Hearing Procedures.

**Hardship Variance HV-N-019-11: Maynard and Janet Blum, applicant and owner. The property is described as Tax Lot 1309 of Assessor's Map 5N 26 25C. The property is located near the intersection of West Second Road and West Nevada Avenue outside of Irrigon's Urban Growth Boundary and is zoned Rural Residential. Request is to approve a hardship dwelling to allow relatives to care for the infirm applicants. Criteria for approval include Morrow County Zoning Ordinance Article 4 Section 4.130 Hardship Dwellings**

Director McLane presented the staff report to the Commission.

Opened the Public Hearing.

No one spoke in favor, neutral or in opposition:

Closed the Public Hearing.

Commissioner Renfro moved to approve HV-N-019-11. Vice Chair Wenzholz seconded his motion. The motion carried.

**Replat R-N-022-11 and Land Partition LP-N-425: Port of Morrow, applicant and owner. The property is described as Tax Lots 100 and 119 of Assessor's Map 4N 25 2. The property is located in the Port of Morrow near Rail Loop Drive and is zoned Port Industrial. Request is to replat and partition Parcel 2 of Partition Plat 2006-9 in to three**

**parcels. Criteria for approval include Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning.**

The Director presented the staff report to the Commission.

Chair Sykes asked if this was for the Land Partition for Financial Purposes (LPFP).

The Director answered that they are now requesting a Land Partition. With a LPFP it is only a tax lot that is created, not a parcel. The defined 5-acre area was only for the original lease.

Opened the Public Hearing.

In favor:

Ron McKinnis, Port Engineer for the Port of Morrow.

Mr. McKinnis stated that the Port needs to divide this property in a legal manner now instead of a LPFP. It will be replatting an existing plat. They need to do this when there is a potential client who wants to own the land and accomplish it through the legal partition process.

No one spoke in neutral or in opposition.

Closed the Public Hearing.

Vice Chair Wenzholz moved to approve R-N-022-11 and LP-N-425. Commissioner Renfro seconded his motion. The motion carried.

**Property Line Adjustment by Replat R-N-024-11: Port of Morrow, applicant and owner.**

**The property is described as Tax Lot 100 of Assessor's Map 4N 25 1 and Tax Lot 101 of Assessor's Map 4N 26 6. The property is located in the Port of Morrow East Beach Industrial Park and is zoned Port Industrial. Request is to reconfigure Parcels 1 and 2 of Partition Plat 2008-8. Criteria for approval include MCSO Article 5 Land Partitioning.**

Director McLane presented the staff report to the Commission.

Opened the Public Hearing.

In favor:

Ron McKinnis, Port Engineer for the Port of Morrow.

Mr. McKinnis stated that the reason for the original plat was to segregate a small parcel for Umatilla Electric (UEC). They went ahead and created three lots because they thought it would make it easier. This is just the first step to get the end result.

Commissioner Renfro verified with Mr. McKinnis that this was the first step.

Commissioner Taylor asked what the little square on the partition plat was. The Director answered that is the VA Data parcel that was created with the previous plat, and the other one is the UEC parcel.

No one spoke in neutral or in opposition.

Closed the Public Hearing.

Commissioner Taylor moved to approve R-N-024-11 . Vice Chair Wenzholz seconded his motion. The motion carried.

**Replat R-N-023-11 and Land Partition LP-N-426: Port of Morrow, applicant and owner. The property is described as Tax Lot 101 of Assessor's Map 4N 26 6. The property is located in the Port of Morrow East Beach Industrial Park and is zoned Port Industrial. Request is to replat and partition R-N-024-11, into three parcels. Criteria for approval include MCSO Article 5 Land Partitioning.**

Director McLane presented the staff report to the Commission.

Opened the Public Hearing.

In favor:

Ron McKinnis, Port Engineer for the Port of Morrow.

Mr. McKinnis stated that there is a timing issue, and he must record the first one first so that we can have a proper legal description. The Port wants to divide the property into 3 parcels, and have dedicated the right-of-ways on Lewis and Clark Road to Highway 730, and Gar Swanson Drive to connect to Lewis and Clark. These actions need to be done anyway because of the Interchange Area Management Plan for the Port accesses. These roads will encompass these potential parcels and be bounded by roadways.

Director McLane stated to the Commission that road dedications are not a requirement, they have direct access to a road so they have legal access. The plat is an appropriate mechanism to dedicate these new roads at this time.

Chair Sykes asked if there were issues around the easement to the UEC parcel. Mr. McKinnis said that it is an access easement out to the UEC property. During the previous action, when the parcel was created, the action did not trigger the road dedication requirement.

Chair Sykes asked that if there were more development in that area, will it change the use of that access. Mr. McKinnis responded yes, potentially. If further dedication would be required by future development the Port would accomplish the necessary dedications.

Commissioner Taylor asked Mr. McKinnis about the 2 Lewis and Clark Drives represented on his map. Chair Sykes asked if the location of the roads and interchanges affect the economics of what happens out there and will this make a difference. Mr. McKinnis responded yes, the Port is quickly approaching the amount of traffic allowed into just one interchange. They will need to improve the level of service, over time, at the Port interchange. The proposed access to the East Beach Industrial Area along Highway 730 accomplishes that and provides the Port with reasonable level of service at both access points well into and beyond the required planning time frame.

The Director commented that the other positive impact will be with Zeachem, because much of their bio-mass will be coming from Greenwood Resources, they will not have to use I-84 at all. They can just use the new connection to Highway 730 into the Port.

Mr. McKinnis stated to the Commission that this is more than what is required on the plat with all the new dedications.

Miles Conway, Boardman Acquisitions

Mr. Conway stated that they do intend to create another parcel or two in the near future, because they will need some more parcels.



Director McLane responded that we look at the Land Partition approval date, not the recorded date of the final plat and that we use the calendar year.

Mr. McKinnis said that one parcel they would immediately acquire, then the other would be for a future option.

Closed hearing

Vice Chair Wenholz moved to approve R-N-023-11 and LP-N-426. Commissioner Taylor seconded his motion. The motion carried.

**Audience Participation:**

Dean Kegler gave an update on Zeachem, they will be starting with the bio-chemicals first and not bio-fuels yet. They will use 10 tons a day of bio-mass in the demonstration plant, and they are on target and on time and under budget. Zeachem has donated 500 dollars for the Ford Foundation picnic shelter project.

Chair Sykes asked Mr. Kegler how the end product will be shipped. Mr. Kegler answered that the Ethanol will go by barge on the river.

Mr. McKinnis informed the Commission that the rail siding project is almost done, and the Port is a transportation manager for the area.

**Other Business or Correspondence:**

The draft calendar for Planning Commission 2012 meetings was presented to the Commission for approval. The Planning Commission approved by consensus the draft calendar.

There are vacant positions on the Commission and terms will be expiring. Commissioner Renfro, Commissioner Kilkenny and Commissioner Rice's position is still vacant. We will be sending out letters soon for the terms expiring.

**Adjournment:**

Meeting was adjourned at 8:28 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, October 25, 2011 at 7:00 p.m. at the Port of Morrow Riverfront Center in Boardman, Oregon.

Respectfully Submitted,  
Layne Womack



## PLANNING DEPARTMENT

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**Minutes of the Public Hearing of the  
Morrow County Planning Commission  
Tuesday, October 25, 2011 7:00 p.m.**

**Morrow County Planning Commissioners Members Present:** Mifflin Devin, Pamela Docken, John Kilkenny, Jim Key, David Sykes, Rod Taylor

**Members Excused:** John Renfro, Jeff Wenzholz

**Morrow County Staff Present:** Carla McLane, Planning Director; Layne Womack, Associate Planner

The Pledge of Allegiance was recited.

**Minutes:** The Minutes of the September 27, 2011 hearing were provided with the Commissioners' packets. Commissioner Docken commented that she was not present for that meeting.

Commissioner Taylor moved to approve the amended minutes of September 27, 2011. Commissioner Docken seconded his motion. The motion carried.

**Public Hearings:** Planning Commission Chair Sykes read the Planning Commission Hearing Procedures.

Commissioner Docken asked Director McLane why we have to read this summary before every hearing, even if there are not any citizens in attendance. Director McLane said the we are required by State Statute to provide this information to the public.

**Conditional Use Permit CUP-N-289: Wade Aylett applicant and owner. The property is described as Tax Lot 800 of Assessor's Map 4N 27 28. The property is located on the north side of Interstate 84 approximately 2.5 miles west of I-84/I-82 interchange and is zoned Exclusive Farm Use. Request is to approve mining operations. Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.010(D)(11) and Article 6 Conditional Uses.**

Commissioner Key informed the Commission that he knows the applicant and the family, and that should not bias his judgement.

Director McLane provided the staff report to the Commission.

Chair Sykes asked the Director how long ago the pit had been mined. The Director said that she was not sure, but the last time any large amount was when they used it for the construction of Interstate 84. Mr Aylett said at least 40 years ago.

Opened the Public Hearing.

In favor:

Wade Aylett, applicant. Mr Aylett said that this mining operation would make a better deal to separate the family operation.

Gary Neal, Port of Morrow General Manager. Mr Neal commented that the Port has been in business with Mr. Aylett in the past, and wanted to speak favorably towards the action.

No one spoke in neutral or in opposition.

Closed the Public Hearing.

Commissioner Taylor moved to approve Conditional Use Permit CUP-N-289. Commissioner Key seconded his motion. The motion carried.

**Comprehensive Plan Amendments AC-050-11 and AC(M)-051-11: Wade Aylett applicant and owner. The property is described as Tax Lot 800 of Assessor's Map 4N 27 28. Request is to amend the Comprehensive Plan to include a locally significant aggregate site to Morrow County's list of significant aggregate sites and to amend the Comprehensive Plan map to include the aggregate site location. Criteria for approval are found in the Morrow County Comprehensive Plan (MCCP) Review and Revision Process. Director McLane provided the staff report to the Commission.**

Opened the Public Hearing.

In favor:

Wade Aylett, applicant. Mr. Aylett said that the location of the mining operation would be a lot better down there, less traffic.

Gary Neal, Port of Morrow. Mr. Neal says that he supports the request.

No one spoke in neutral or in opposition.

Closed the Public Hearing.

Commissioner Taylor moved to approve and forward to County Court Comprehensive Plan Amendments AC-050-11 and AC(M)-051-11. Commissioner Devin seconded his motion. The motion carried.

**Land Partition LP-N-427, Replat R-N-025-11 and Variance V-N-020-11: Richard Skoubo, applicant and Ralph and Myra Skoubo owners. The property is described as Tax Lot 100 of Assessor's Map 4N 25 14C. The property is located on the SE corner of Wilson Lane and Downey Road and is zoned Farm Residential. Request is to replat and partition Parcel 1 of Partition Plat 1992-2 in to three parcels and apply an area variance. Criteria for approval include Morrow County Subdivision Ordinance Article 5 Land Partitioning and MCZO Article 7 Variances.**

Director McLane read the staff report.

Chair Sykes asked for clarification on the 10 percent or the associated Oregon Administrative Rule (OAR). Director McLane answered that the 10 percent comes from our Ordinance, the Goal 14 portion comes from OAR, the result being we can grant the Variance.

Opened the Public Hearing.

In favor:

Richard Skoubo, applicant. Mr. Skoubo told the Commission that some things didn't get done in the contract with the Downey's and they just wanted to accomplish some estate planning. This will also assist with the Frederickson's Subdivision.

In neutral or in opposition:

Ron McKinnis, Surveyor. Mr McKinnis stated that this does not need to be dedicated on both plats, and that there will be a timing issue with recording the plats.

Closed the Public Hearing.

Commissioner Devin moved to approve Land Partition LP-N-427, Replat R-N-025-11 and Variance V-N-020-11. Commissioner Key seconded his motion. The motion carried.

**Audience Participation:** Gary Neal, Port Of Morrow General Manager. The Port was awarded substantial funding by the Oregon legislature, but as part of that funding there was a requirement that the Port complete Interchange Area Management Plans (IAMPs) for both the Port interchange and the Interstate 84/Highway 730 interchange. The work by the technical advisory committees is nearing completion and the draft Plans are ready to start the hearings process. To facilitate initiating construction in the spring the Port would like to ask the Planning Commission to hold a special hearing to consider the draft Plans. Would the Planning Commission consider a December 20 hearing date, or maybe January 31 if that works better?

After a short deliberation it was agreed to hold a special Planning Commission public hearing on December 20, 2011, starting at 6:00 p.m. here at the Port of Morrow. The only two items would be the IAMPs.

**Other Business or Correspondence:** County Court adopted the findings on the Invenergy noise complaint remand. Tomorrow County Court will adopt the Loves remand. And we will probably see further appeals on both.

The TSP hopefully will be mailed to County Court soon for adoption; the first County Court hearing is scheduled for November 9.

Pre-Disaster Mitigation Plan (PDMP) update: The PDMP was adopted in 2006 and outlines natural hazards that could impact our communities. As part of the County plan there are annexes for the five cities and eight different natural hazards. The County must adopt this plan to be compliant with the Disaster Mitigation Act of 2000, however it is non-regulatory.

Planning staff are, once again, working on updates to our zoning ordinance and comprehensive plan relative to aggregate requirements. We will keep you posted. Also on the internal work plan are updates to the Code Enforcement Ordinance.

Reappointment letters are going out. We still have a vacancy for the Boardman area.

**Adjournment:** Meeting was adjourned at 8:32 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, December 6, 2011 at 7:00 p.m. at Heppner City Hall in Heppner, Oregon.

Respectfully Submitted,  
Layne Womack



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### **Minutes of the Public Hearing of the Morrow County Planning Commission Tuesday, December 6, 2011 7:00 p.m.**

**Morrow County Planning Commissioners Members Present:** Jim Key, John Kilkenny, David Sykes, Rod Taylor, John Renfro, Jeff Wenholz

**Members Excused:** Mifflin Devin, Pamela Docken

**Morrow County Staff Present:** Carla McLane, Planning Director; Layne Womack, Associate Planner; Ryan Swinburnson, County Counsel

The Pledge of Allegiance was recited.

**Minutes:** The Minutes of the October 25, 2011 hearing were provided with the Commissioners' packets. Commissioner Key moved to approve the Minutes of October 25, 2011. Commissioner Renfro seconded his motion. The motion carried.

Planning Commission Chair Sykes read the Planning Commission Hearing Procedures.

**Property Line Adjustment by Replat R-N-026-11: Threemile Canyon Farms, applicant and owner, and City of Boardman, owner. The property is described as tax lot 119 of Assessor's Map 4N 24 and Parcel 1 of Partition Plat 2011-12. The city owned property is located along the east side of Tower Road and the Threemile Canyon Farms property is predominately south of Interstate 84 in the northwest corner of Morrow County. The zoning of the city property is Space Age Industrial (SAI); the zoning of the Threemile Canyon Farms property is zoned SAI, General Industrial and Exclusive Farm Use (EFU). Request is to move a common boundary line north, reconfiguring Parcel 1 of Partition Plat 2003-4 and Parcel 1 of Partition Plat 2011-12. Criteria for approval include Morrow County Subdivision Ordinance Article 5 Land Partitioning. Director McLane presented the staff report to the Commission.**

Opened the Public Hearing.

In favor:

Barry Beyeler, City of Boardman Community Development Director. Mr. Beyeler informed the Commission that during survey work for an internet line it was found that the 84 acres being farmed was actually on city owned property, the city supports this action.

No one spoke in neutral or in opposition.

Closed the Public Hearing.

Commissioner Renfro moved to approve Property Line Adjustment by Replat R-N-24-011. Vice Chair Wenholz seconded his motion. The motion carried.

**Conditional Use Permit CUP-N-290: Mariah Wind LLC and Orem Family Wind LLC, applicants and Bert Mason, Janet Switzer and Eric and Brandi Orem, owners. The property is described as tax lots 4300 and 4400 of Assessor's Map 1N 26. The property is located in central Morrow County, south of Highway 207, between Sand Hollow and Kilkenny Roads. The property is zoned EFU. The request is to site community wind power facilities with a nameplate aggregate capacity of approximately 20 MW and would include the turbines, collection and transmission lines, and a collector substation. Criteria for approval include MCZO Article 3 Section 3.010 and Article 6 Conditional Uses.**

Commissioner Kilkenny stated that the wind project property is adjacent to his fathers residence and property. Commissioner Kilkenny contacted Chris Mason, applicant, prior to the hearing for an objection on behalf of his father. Commissioner Kilkenny recused himself from this issue.

The Director presented the staff report to the Commission.

There has been some alternative turbine placement proposed after the preliminary staff report was written. There are also alternative routes for the turbines to be moved onto the wind farm project. Received a letter of coordination from Steve Cherry, ODF&W. Received some correspondence, a letter from Robert Kilkenny, a response email from Mr. Mason saying that they would move the specific turbine to a new location, including a revised map. Letter from Mark and Shannon Miller, in support of the project but are concerned about noise from the turbines. A new map showing the preferred and alternative routes for hauling the turbines, and a new map showing the project boundary and land ownership, have also been submitted by the applicant.

Chair Sykes asked staff about how the permit gets transferred to a developer. Director McLane informed the Chair that we work with the current permit holder, so if the permit is transferred to someone else, like a developer, then they are the permit holder and we work with them. Chair Sykes also asked about the acoustic study. The Director answered that there is a very limited initial acoustic report. The study included with the application showed the larger project at 46 turbines. Prior to construction permits, we will need a noise study just for the 8 turbines in the influence area. Chair Sykes asked if using the assumed dBA or the measured dBA on the whole project or each individual towers. Director McLane responded that it's on the whole project, not the turbine. It is the property that is measured, not the turbine itself. It will also be based on the construction of the turbine and also the turbine manufacturer.

The Director told the Commission that they will be approving or denying 8 turbines tonight and they will be pretty close to where they will end up, on the site plan.

Opened the Public Hearing.

In favor:

Chris Mason, General Manager Mariah Wind. Mr. Mason informed the Commission that he is a third generation landowner, they started in 2005 with wind studies, and decided to do a community wind project. They are the owners and developers and may bring in a co-developer. They have completed all the pre-development on their own. It was decided to invite Eric Orem in on the project for his close proximity to the transmission point and that he is pretty isolated from other prospective projects. Potentially the only way for Mr. Orem to be able to develop was to go in with Mr. Mason. Mr. Mason is a strong proponent of community wind development

which allows for more local control, and can make changes to the project easier than the big corporations can. Mr. Mason changed the Kilkenny turbine instantly. He wants this project to be an example of community wind development. They have the ability to control access and easements to get into the power grid. After speaking to Commissioner Kilkenny they decided to change the turbine location and after speaking to their meteorologist, that the net gain of all the turbines is still the same, only the power output of the one turbine will change. Daly Standley and Associates said that they will still be within the 26 dBA limit, and they could get a noise easement for that property if need be. The engineers have also said that a 20 foot wall would cut down on some of the noise. The substations themselves make noise also, and that you cannot isolate individual components of the project, there is a cumulative effect.

Commissioner Renfro commented to Mr. Mason that when made aware of the problem, it was immediately changed. Mr. Mason sounds like he is in a position to make this happen and keep people happy. Mr. Mason responded that yes, we have the ability to make these decisions, and to take responsibility as the land owner of this project. Commissioner Renfro asked if the noise question is close to the limit. Mr. Mason responded that it is just there almost. Commissioner Renfro asked Mr. Mason that if there is a problem than he would do what was necessary to correct the problem. Mr. Mason said yes, then there would be a high probability that they would need to request a noise easement.

Director McLane went on to explain that a noise easement is an allowable action under the noise rule. To date we have not received one under a locally approved CUP. With a noise easement a project could conceivably go up to 55 dBA daytime/50 dBA nighttime.

Chair Sykes wanted to make clear that this easement is between the resident and the project. Commissioner Renfro asked if we would deal with it when it came up. Director McLane answered that predominantly the easements arise during the EFSC process, and they are not land owner specific but run with the land.

in neutral:

Joel Peterson, lone resident. Mr. Peterson asked when the applicant is doing the noise studies and then builds and then the noise is over the threshold, how does that work. If it is over the noise limit, do you have to get an easement. Director McLane answered that according to the noise rule the project developer chooses which threshold to use, then looks at the modeling and if on one side then they need to work with noise sensitive properties to try to obtain a noise easement. If they cannot get the easement, we still need to protect the land owner and the decision.

Chair Sykes asked if staff should explain enforcement, and that the County is not the enforcing body. The Director explained that the Oregon DEQ rule, which is valid, but that has been defunded, is the applicable law. When permitting is done by EFSC, they enforce. If the permitting is done by the county, it has been determined that we do not have the funding or the experts to enforce the DEQ noise rule.

Vice Chair Wenholz asked if the Commission could make that a Condition of Approval, that if an affected resident could show that the project was out of compliance then the County would be the pipeline for compliance and the developer pays for it. The developer needs to prove that they are in compliance. Director McLane said that she doesn't disagree that the developer should carry that burden. They have, in current actions the county is working on, but not sure if

that worked well either. Chair Sykes commented that the Commission doesn't want to go back to where we were before, with appeals on the Invenergy noise issue. Director McLane responded that is why the Condition now says you can be compliant or get a noise waiver.

Mr. Peterson commented that the Commission has come a long way now in the decisions process than what was before, as far as studies are concerned.

No one spoke in opposition.

Mr. Mason said to the Commission that proper permitting, including noise, are important components that any bank would consider. They wouldn't give money just assuming that it would be ok. He also shared that the completed studies have been performed to EFSC requirements. Chair Sykes reiterated to Mr. Mason, that the reason for all the questions was that they do not want to go through what they had to with the developer and residents about the noise issue. Commissioner Taylor commented that we have seen this with Shepards Flat; they are getting easements and taking care of the landowners, since the Willow Creek Project, and doesn't think the Commission will be back in the same situation. Director McLane commented that the easement is the protection.

Closed the Public Hearing.

County Counsel Ryan Swinburnson said that from a legal standpoint, by eliminating the Condition about the noise rule altogether, the project developer will still have to abide by the noise rule, it just takes the County out of the enforcement process. The project developer is still bound by the requirements, it can be gone after on a civil nuisance claim instead of the County pulling the Conditional Use Permit. It will still be protecting the public. This would be a viable alternative for the Commission. Vice Chair Wenholz asked staff that if EFSC can say the developer will pay for it, why can't the County just say that too. Counsel Swinburnson said that the Commission could do that, this is just another option. EFSC has the ability to oversee that process, here at the County we do not have staff to make sure an independent third party is doing it and we do not have the resources to make sure the investigations are in place. Commissioner Renfro asked where does the County's responsibility end and begin, and where is the responsibility to protect the residents. Counsel Swinburnson replied that is a public policy question, and the state has said they will not be enforcing these rules. Director McLane said that we just don't have the mechanisms in place to manage enforcement. Chair Sykes asked staff how striking Condition of Approval number one from the Conditions will impact the County in the future. Counsel Swinburnson replied that all we are doing is restating the OAR in the Conditions. Whether it is in the conditions or not, the rule still must be abided by. Director McLane commented to the Commission that striking the Condition of Approval does not amend the language in the staff report.

Commissioner Key moved to approve CUP-N-290 without Condition of Approval number one. Commissioner Taylor seconded his motion. Roll call taken: Wenholz nay; Taylor yea; Renfro nay; Key yea; Chair Sykes yea. Motion passed by 3 to 2 vote. The motion carried.

**Conditional Use Permit CUP-N-291: 2Morrow Energy LLC, applicant and Ruby Rohde, Victor Rietmann Trust, Betty Rietmann, and Crum Enterprises, owners. The property is described as tax lots 2000 and 2100 of Assessor's Map 2N 24, tax lot 2400 of Assessor's Map 1N 25, tax lot 300 of Assessor's Map 1S 24 and tax lots 301, 400, 402, 403, 404, 2001, 2002, and 4600 of Assessor's Map 1N 24. The property is located in central Morrow**



County north of the City of Lone and Highway 74. The property is zoned EFU. The request is to site a wind energy generation facility with a nameplate capacity of 104 MW and would include the turbines, collection lines, a substation, meteorological tower(s), and an operations and maintenance facility. Criteria for approval include MCZO Article 3 Section 3.010 and Article 6 Conditional Uses. Director McLane presented the staff report to the Commission. The Director pointed out a couple of errors in the staff report. There is a coordination letter from Steve Cherry of ODF&W. Ed Martin sent in a letter of support. A revised noise modeling map has been included. The Director discussed with the Commission some other changes for the staff report to include additional turbines added on the new noise map, and some will have to come out to keep it under 104 MW. The applicants can pick the 52 turbines. We received one letter in opposition that was in the original packet the Commission received.

Chair Sykes asked staff at what point does the applicant show that they have the noise easements. Director McLane responded before zoning and building permits are issued. The Department has not seen any as of yet.

Commissioner Kilkenny addressed staff and the Commission to let them know he doesn't think he has issue, but he has talked to the developer on this project about a transmission easement. The transmission is not being approved at this time. Commissioner Kilkenny is involved in another wind project that the developer Andrew O'Connell is also involved with. Counsel Swinburnson asked Commissioner Kilkenny if money will be involved in the easement, than you should recuse yourself. Commissioner Kilkenny recuses himself from this action.

Vice Chair Wenzholz asked staff how the reclamation bond is figured out for this. The Director said that she is not sure how it is written. She does not remember the specifics. Vice Chair Wenzholz asked why is the County getting into the de-commissioning process. He thought it would be between the landowner and the project. Director McLane thinks we could potentially remove that condition, because in the easements with the landowners there is language that is already spelled out that protects the landowner. The criteria in the MCZO which requires the performance bond is the mechanism which the County can use to work with the landowner to achieve removal should the project fail and the developer be absent.

Opened the Public Hearing.

In favor:

Andrew O'Connell, applicant, 2Morrow Energy. Mr. O'Connell wanted to speak to the Commission about the noise modeling that had been done, and explained the memo that came about infrequent events. As far as the de-commissioning security, the landowners have protections in their leases, and as far as the County having the bond, it is just added protection. Mr. O'Connell thinks this is a good wind project, started for local economic benefit, and tapping in to a Morrow County resource that has been here for a million years. This is a good place for the project, no impacts to animals, and the turbines at least one mile from homes. Partner is Gamesa Energy who manufactures the turbines.

Commissioner Taylor asked Mr. O'Connell about in the noise model and how many people are non-land owners in the study area. Mr. O'Connell replied that three homeowners are expected to need noise waivers in the project. Chair Sykes asked him to repeat what was said on the courts defining infrequent events. Mr. O'Connell was talking about the Commission, and Director McLane said that the applicant was also relying on the decision of County Court, and

how they interpreted the infrequent noise definition. Counsel Swinburnson said the County Court did agree that there were violations (at the other project) but not significant enough to act upon. Unusual or infrequent event would actually exempt the project owner from a violation.

No one spoke in neutral or in opposition.

Closed the Public Hearing.

Commissioner Key asked staff if the letter of opposition was the only one. Director McLane reminded the Commission there was also a letter of support.

Commissioner Renfro stated that if the Commission took the Condition of Approval off one we should take it off all of them.

Commissioner Taylor moved to approve CUP-N-291 striking Condition of Approval number one. Commissioner Key seconded his motion. The motion carried by a four to one vote with Commissioner Wenholz dissenting.

**Audience Participation:**

Mr. Joel Peterson thanked the Commission and stated that the Commission usually only gets comments when you make someone mad.

**Other Business or Correspondence:**

The Planning Department is saving some mailing costs. The IAMP draft plans are being provided this evening; look for the staff report next week.

The County Court will act on the Aylett aggregate application tomorrow. Two recent actions by the County Court - Love's and Invenergy - have been appealed and are going back to LUBA.

The Director will be attending an EFSC meeting in Hood River on Friday. Look for a future discussion on renewable energy and the need to do work under Goal 5.

It is hoped and anticipated that the December 20 meeting will be fairly quick. That being the case staff think we should have a Christmas celebration post meeting. Bring your favorite Christmas goodie to share.

The January meeting agenda will include the second IAMP hearings and a CUP for a forest template dwelling.

**Adjournment:**

Meeting was adjourned at 9:49 p.m.

The next meeting of the Morrow County Planning Commission to hear special business is scheduled for Tuesday, December 20, 2011 at 6:00 p.m. at the Port of Morrow Riverfront Center in Boardman, Oregon.

Respectfully Submitted,  
Layne Womack



## PLANNING DEPARTMENT

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### **Minutes of the Public Hearing of the Morrow County Planning Commission Tuesday, December 20, 2011 6:00 p.m.**

**Morrow County Planning Commissioners Members Present:** Mifflin Devin, Pamela Docken, Jim Key, John Kilkenny, David Sykes, Rod Taylor, John Renfro, Jeff Wenholz

**Members Excused:**

**Morrow County Staff Present:** Carla McLane, Planning Director; Layne Womack, Associate Planner; Diana Thompson, Office Manager

The Pledge of Allegiance was not recited due to no flag.

Planning Commission Chair Sykes read the Planning Commission Hearing Procedures.

**Amendments to the Transportation System Plan (TSP), Comprehensive Plan (MCCP), Zoning Ordinance (MCZO) and Map, and Subdivision Ordinance ATSP-052; AC(M)-053; AZ-054; AZ(M)-055; AS-056: Applicant Port of Morrow. Morrow County is proposing to adopt the Port of Morrow and I-84/730 Interchange Area Management Plans (IAMPs) as amendments to the adopted Morrow County TSP. The IAMPs provide transportation improvement plans and Access Management Plans for areas in the vicinity of the two I-84 interchanges serving the Port of Morrow. The County is also proposing to amend the Zoning and Subdivision Ordinances to include notice and access management requirements. Criteria include the MCCP Review and Revision and Article 8 of the MCZO.**

Commissioner Devin stated to the Commission that he is employed by the Port of Morrow but is not directly involved in this project.

Director McLane presented the staff report to the Commission, and explained that these Interchange Area Management Plan's (IAMP) become part of the Transportation System Plan (TSP) which by reference are part of the Morrow County Comprehensive Plan. The Director said that she would let Mr. Foster make his presentation to the Commission.

Opened the Public Hearing.

In favor:

Gary Neal, General Manager for the Port of Morrow. Mr. Neal stated that the Port received funding and in order to use the funds had to complete the IAMP's with the City of Boardman, the County, the Port and ODOT.

Nick Foster, Kittelson and Associates. Mr. Foster presented a power point to the Commission. (Power Point presentation can be found as part of the record).

Chair Sykes asked staff about how developments at the Port going into Washington would add to the number of trips on Highway 730. Mr. Foster said a lot of traffic patterns were taken into account for the plan. Ron McKinnis said that actually people may use the I-82 to I-84 even more so than I-82 to Highway 730, so not much of an affect on Highway 730 traffic. Mr. Foster commented that most truck traffic getting off the I-82 at the Port of Entry, do get back on the Interstate instead of traveling down Highway 730.

Commissioner Renfro commented that this looks to be about 20 years premature, and what prompted all the planning and development. Mr. Foster stated that the reason these plans are being put in place is the Lewis and Clark Drive extension, and that this is indeed a 20 year plan for the future. Director McLane also answered that the Port does have funding for this and will be initiating the construction process after this. These plans are for necessary protections for ODOT infrastructure.

Mr. Neal said this plan looks at a lot of transportation volumes on the roads and highways, and hopefully the study can answer a lot of questions on traffic impacts of new and existing businesses.

Chair Sykes asked who monitors the trips per hour.

Director McLane stated that the one on Laurel Lane would be triggered by new commercial business development but probably not just a subdivision. Mr. Foster added it would have to be a large commercial development that the city or county would require a traffic study for. Director McLane stated that this study is the Traffic Impact Analysis (TIA) for the Port for the next twenty years, unless a business comes in that is way out of the normal scope of what the Port sites.

Mr. Mckinnis wanted to add that when you do a TIA, it all comes down to a level of service on those roadways. When these roads get to a certain low level of service, these are the triggers that Mr. Foster is talking about.

No one spoke in neutral or in opposition.

Mr. Neal said that we went through quite a process to figure out where the intersection should or could be for the new Lewis and Clark. Hopefully some day the plan could be amended to better suit the Port's purposes. There were just differences in opinions between us and ODOT.

Chair Sykes asked Mr. Neal about when he is talking about traffic, is it always just truck traffic. Mr. Neal answered that it could be any kind from trucks and cars. Chair Sykes asked about the increase in rail traffic and if it would increase from Washington. Mr. Neal said no, not from Washington, but just an increase from our region. The Director said that there is an increase in multi-modal transportation in East Beach, from rail, barge and trucks. Mr. Neal told the Commission to keep in mind that the Port has made 54 million dollars of infrastructure investment, and will continue in that trend. So this plan is very important to the Port.

Kevin Taylor, member from the audience, stated that the audience has had several opportunities to hear what is going on and ask questions.

Commissioner Renfro moved to continue the public hearing to January 17, 2012. Vice Chair Wenholz seconded his motion. The motion carried.

## **Minutes**

The Minutes of the December 6, 2011 hearing were provided with the Commissioners' packets. Commissioner Key moved to approve the Minutes of December 6, 2011. Commissioner Taylor seconded his motion. The motion carried.

**Audience Participation:** None

### **Other Business or Correspondence:**

The Director shared with the Commission that at County Court on December 21 they will be signing the Aylett Ordinance and the Boardman/Allison Order, and adopting the TSP. The Loves remand and noise remand are going back to LUBA. The County Court is considering a Mineral Depletion Fee Ordinance on January 4 in Heppner.

Vice Chair Wenholz asked how this would be enforced and monitored. The Director said that was a good question and that is one part of this Ordinance that the County Court will be discussing.

Commissioner Key would like to have a conversation and include County Court about last hearing about the two approved wind farms and striking Condition of Approval number 1 regarding state statute on industrial noise standards. The Director said that she would ask County Court if they would like to join next Planning Commission hearing to discuss the industrial noise standards.

Director McLane introduced the newest Planning Commissioner Russell Seewald to the rest of the Commissioners and staff.

### **Adjournment:**

Meeting was adjourned at 8:00 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, January 17, 2012 at 7:00 p.m. at the Port of Morrow Riverfront Center in Boardman, Oregon.

Respectfully Submitted,  
Layne Womack