

MINUTES
MORROW COUNTY
PLANNING COMMISSION
July 28, 1980
NORTH MORROW COUNTY
ANNEX BUILDING

8:00 P.M.

Vistors Present

Bruce Nicholes.....Olympic Western
Bob Patton.....Olympic Western
Meri Lynn Hurd - Toadvin.....Citizen of Morrow County
E.S. Toadvin.....Port of Morrow
Beverly S. Kyd.....Port of Morrow
Tom McElligott.....Appraiser, Morrow County
Jay H. Robinson.....Boeing Agri-Ind.
Richard Canaday, Attorney.....Boeing Agri-Ind.
Denver Grigsby.....Boeing Agri-Ind.
J. A. Mason.....Weyerhauser Co. - Walla Walla
Warren McCoy.....County Commissioner
Jim Thompson.....City Manager - Boardman
Kent Williams.....SunRiver Farms
Gerry Peck.....Mayor - Boardman
Don Islmnum.....State E.D.A.

Commission Members Present

Deane Seeger.....Planning Director
Dorris Graves.....Chairman
Cornett Green.....
Monica Swanson.....
Gene Trumbull.....
Gene Allen.....
Gerald Murrell.....

Dick Brown.....
The meeting of the Morrow County Planning Commission was called to order by Chairman Dorris Graves.

The Chairman called for the reading of the last meeting and Director Deane explained that they were handed out at the time of our last Comprehensive Plann meeting along with the minutes from the meeting with the City of Boadman Planning Commission and their City Council members.

Chairman then called for a motion to dispense with the reading of the last meeting. Director Deane Seeger made a motion that the Commission dispense with the reading of the minutes from the last meeting and Gene Trumbull seconded it. Question was called and vote cast. Motion was passed with a unanimous vote.

The Chairman called for first order of business to be brought before the Commission to be the Kenneth Bunn application continuation.

Deane Seeger brought the Commission up to date -

Deane - "As you recall Mr. Bunn had come in to the Planning Commission on a regular meeting and after a lengthy discussion he was given ninety days in which to return with an answer. As you recall the Subdivision Committee had recommended some changes, and I had made a rather lengthy Staff Report, which I have here. The primary interest this evening is..in the interim ninety day period...Mr. Bunn's property was zoned by the Planning Commission and the County Court for one acre zoning...so in as much as it falls in an SR zone in our new ordinance...allowing one acre in UGB..so the zoning question is mute. The question we have before us now, is that of the preliminary plat that was submitted by Mr. Bunn at that time. At this point, would you like tocause we had put somewhat of the burden on you....as toif you could just address the..."

Ken Bunn - "I'm Kenneth Bunn, builder in the Boardman area. After the meeting I got together with Deane Seeger on some of the objections on the Staff Report...one of them was the line up of the road and didn't have an overlay on it.....on the end of my subdivision forso the rough plan is...on the roads that come through and they kind of tied down to the existing subdivision..so my road on the Easterly side had gone into that street. I was interested in down here in tying it in.

Dorris - "Deane, could that be put up on..... if you could move it over in front of the hallway, maybe we could see it better."

Bunn - "The existing subdivision street comes in right here..... ties into the street that I have put in the first subdivision. The engineer that I have or the surveyor had tied into here...the main objector was Krumbien...apparently I don't why that....area was involved, but when I came back to Seeger's office, they worked on a line so it would not have a sharp offset to it...and so what we'd had done was.....we'll just _____ the property. _____ so that it'd be two separate property owners....so they'll have thirty feet on each side. _____ your planning consultant said we'd probably have to curb part of the street in here...and curb this street about here _____ would be fine....we would have a thirty degree _____ We could change this and then it would line up the streets so they would all come together. There is a...on this one map.....one prior to this and I..... _____ that in time _____ work with the County here tonight...that we have put an angle half this lot and

half this lot here. And the new Sub division Ordinance that we have allows the street and arterials _____ 800 and 1200 feet...there can be a variance given. This would be about 1200 feet here...this would be 1260 here on this edge here between..... equals about 1230 the way we can change. There is about 860 feet back to this cul de sac and this interchange...and they suggest 800 feet.... plus there is a design to the property that wouldn't need it.... the property is long and narrow here and the way it lies out is...it doesn't...it puts a few feet over... _____ ordinances _____ very closely to the _____.

Gene Trumbull - "Your proposal now is for how many lot sub division?"

Bunn - "It'd be for the same amount...thirty-three one acre lot subdivision."

Gene T. - " _____ ?"

Bunn - "Yes _____
." "This street would be moved from here up to here...to align with the adjacent property....and then curve about the middle here and then curve down _____."

Gene T. - "What is to the West of your property?"

Bunn - "To the West of my property are these parcels here... This is Paul Smith Road...."

Gene T. - "Are those in private and separate ownerships?"

Bunn - "There is one, two, three, four, five,well...more than that six, seven ownerships."

Gene T. - "Ken.... _____ doesn't solve anything other than it ties you to the other subdivision...is that correct?"

Bunn - "There have been a number of people...at the city on the first hearing on this....the people were here at that meeting and Ed requested one acre a number of years ago, but they hadn't had a Comprehensive Plan at that time.....so there was an interest at that meeting of the city....the people that were there at that meeting that night had no objections, but they were wondering why when they had gone to the city a few years ago and they had requested the same thing they had been rejected. So...."

Gene T. - "Objection from the right of way on over to the Paul Smith Road is that what you mean?"

Dorris - "No the one acre zoning."

Gene T. - "The one acre zoning."

Dorris - "Now do you join in....you are in the UGB?"

Bunn - "Yes."

G. Murrell - Then you only road then...drain out from this side

to the county road _____?"

Bunn - "Well there is a road that will tie in from this sub division, when this subdivision is completed here....a road that can be tied into when these people develop this property here..... I come into Kunze Road here....and down through there."

Cornett - "At present that's the only road to get in there... you got to go and turn around there is no outs to it now?"

Bunn - "No, other than these two roads at some future date... this will surely go in because it's a planned subdivision...so there will be an out there."

Gene T. "I don't know this _____ your intent is to develop four or six lots at a time is that right?"

Bunn - "No, my intent is to develop the thrity-three lots...what I asked the city for...is that...I have agreed to put in an oil matted road...in the subdivision....I agreed to do some other things....I agreed that I would put road beautification in...I'd put in three twenty-five to thirty foot ...in front of the property....because they'd be permanantly irrigated...in front of every lot...except these two fifty foot cul de sac ones would have one and these ninty foot cul de sac would have two on _____ I'd have six on them along Kunze road each side. I....mortgage money as difficult to obtain..and I plan doing it with my own money...I asked the city if I could go six lots, before I put my oil mat on.. and they approved it at their planning commission meeting that I could.....okay me putting six parcels before I oil matted _____ doing the whole street at one time with gravel...putting my electrical...putting my irrigation...and then oil mat it after six properties were sold because _____ oil mat it."

Gene T. - "That's a little better then.....I understand it.."

Deane - "Dorris, at this time ...at which time...you feel your finished...fine..and then... _____ to the audience."

Bunn - "There is one other question which I didn't bring out in which...think I would like to bring out...I spoke to Phil Oberlander with the Water Resources Bureau...and he sent me back a letter.... (discussion with Deane)..."

Deane - "As you recall and you joined me in the content of the staff report...and there was some concern by the citizens that were here also...there is a possible depletion of the undergrand water source. I received a letter back from Mr. Oberlander..who was a little bit miffed at me...not with Mr. Bunn...but he said....(I would like to State.....content of letter from Mr. Oberlander)...Those of you that are not familiar...Mr. Ober lander is a State Hydrologist.. _____"

my were not..he just simply
misunderstanding resulting in that the use of the
Planning Department generalizing...generalization of
....generalized nature and applied to sites of specific nature. He
and I then went back and looked at the specific water tables on that
area and piece of land. He also wrote a letter to Mr. Bunn...(see
letter).

Confusion--

????? - "If that isn't a lot of double talk then I've never
heard any."

(continuation of letter)

Deane - "So as far as goal lines concernec I have talked to him
on several occasions since then on other matters and some of the
hydrology they are doing in the area...in fact the entire area...
I wouldn't say one way or the other."

Gene T. - " As a little review Deane, could you give us the
conditions that....."

Deane - "Oh that would be.....Each of you have a copy of
the letter from the city of Boardman..Mr. Thompson is here this
evening..and I'm sure there are a few....if there are any questions
about this letter that he would more than please to answer them.
(see letter)"

Dorris - "Now this...you would have a road that came off Kunze
Road?...and that would be coiled surface?"

Bunn - "Yes."

Gene T. - "After he has six lots."

?????? - "And you say the whole road will be completely surfaced
at that time...is that right?"

Bunn - "Yes, the whole road will be completely paved."

Gene T. - "To what standards...specifications?"

Bunn = "The standards is the County standards..of about eight
inches of gravel and two inches of oil mat...or the standards of what
ever they are for this area. Which I had already mentioned that I would
do in the very beginning, because I think it would be a much better
street."

Deane - "Ken you are aware of course that under our new sub

Ordinance (loud noise) _____ it establishes indirect to some of these standards....and the County has adopted since you were in a set of standards that are applied by Director of Public Works of Morrow County....makes no difference if it is two acres, one, one and a half."

?????? - "Whatever the standards are it will be a....."

Gene T. - "Is it your intent to turn this street over to the County at some future date?"

Bunn - "Yes, as a dedicated County street."

Gene T. - "Have you discussed this with the Director of Public Works?"

Deane - "I have...he said that if the street meets the standards and meets the requirements he will recommend adoption to the County road system, to the County Court. The Court has the final authority to adopt or deny."

Gene T. - "I'd like to address my previous question. What was the limitations that the City Planning Commission put upon this when we sent it back to them?"

J. Thompson - "That is answered in the letter from the City."

Deane - "This letter...included in the staff report. Here I've got it. This is directed to the Morrow County Planning Commission dated March 6, 1980....(see letter) (Conditions set -

(1) approval of D.E.Q. of septic tanks, and if four permits denied, the subdivision be brought back to the city.

(2) That a hard surface road built to County standards be required.

(3) Adequate road right-of-way be dedicated on Kunze Road (10 feet).

(4) That the master planning shown on the proposed preliminary plat be noted and held to.

(5) The streets and half streets should be named on the plat and future utility easements should be noted or explained so that permanent structures are not built on them.

(6) The developer should place in writing how the maintenance of the three party well system will be done. We would suggest that deed restrictions or covenants be considered.

(7) That plat approval be conditioned on annexation to the City of Boardman upon further partitioning or extension of city water or sewer.

(8) A plan in writing for operation of the irrigation system. An easement should be provided where the irrigation system crosses lot 8 in Block 3. Also it should be noted that upon annexation, the irrigation system will more than likely be abandoned so to prevent possible cross connections.

It should also be noted that the block lengths of 1320' and 1560'

on the north half of the subdivision are longer than the block length of 800' - 1200' "preferred" in the City's subdivision ordinance and a second street dividing Block 1 may be necessary. This street, if deemed necessary, should be located with respect to property lines and probable future street extensions to the west, which should also be shown on the plat.....and we did that with the....as you can see on the overlay..... that's the end of the letter.

Gene T. - "Do you find any problems with this... Mr. _____ ?"
?????? - "Well....."

Deane - " _____ is not written to the developer or or owner.

Cornett - "One thing that _____ me on these subdivisionsthat we've been overlooking, I think...is something to be brought out. And that is there is not an alley ever provided in any of them. We've got in our own town and it's getting worse....hour by hour, because you've got to pack out every particle of garbage and everything is costing more and more money...it's all packed out to the front of the street. Everybody parks his car out in the street, because he's got a car, a motorhome, a snowmobile and forty other things he's got to pack the garbage..and everythings going in and out from the inside... and boy I'll say it's getting to be a problem. You lay out flat ground like that on start and if you don't take care of it now, you're never going to take care of it.

Deane - "Well allies have almost become a thing of the past.... in the modern town and subdivision. There were many reasons for being excluded....a lot of it was crime, the collection of garbage in the alleyway that wasn't collected in the corporation of garbage, fire hazards, policing was the worse problem, vandalisim...people could sneak down an alley...maintenance became a problem...alleys are dedicated public ways...most of them were...repair and maintenance...these were replaced historically by underground utilities...utility easements.. and things of that sort....but they weren't paved areas, they ran down the back of the property lines,...and basically these were for sewer water and electricity to be brought down these easements. They were left where you couldn't build on them, so that equipment could get in and make repairs. And alleys were eliminated several years ago, because of the more detrimental situation, then what you spoke of...and the garbage problem was just as bad in the alley as it was in the front yard.

Cornett - "Not in our town....Heppner never worked out that way at all."

Dorris - "Is there a thirty foot easement in the back of these for a street, if it is necessary?" " _____ "

?????? - "No"

Deane - "No, these run straight on through...it showed a thirty foot road easement to the rear of the property _____ opened up".

Dorris - "That's what I mean."

Deane - "Opened up down the back.....these could be used as utility easement, but Mr. Bunn is running the utilities down the main street."

Bunn - "The utilities would run down the main street...and the building was to set no less than thirty feet and more than a thirty-five foot depth in the propertyfrom the front property line. I have a minimum of twenty five foot side yard set backs....on each propertyso it'll leave the back half of the property open for development.when the time does come when the property will be annexed with services run out there, then people can divide the back half of their property into two lots."

Dorris - "Well that is why I was asking, now that....is that easement going to be on their lot?"

Bunn - "That would be in that development...now the easement, no... ah...this easement will take....will be taken away."

Dorris - "That you have marked here?"

Bunn - "That I have marked there...so it would be....it'd be about 270 foot depth then on the property, so if this property was developed.. there could be presumably be two 75 or 74 by 135 foot lots in the back. I'll have my utilities going in...and my power will go underground... I will have an easement in that...._____ set down....it will be.... normallysix foot....utility easement in front of it....around every part and the side, and the front and the back."

Dorris - "Well, but if you put two lots in the back of this..are you talking about people being able to....in the future to sell those?"

Bunn - "yes"

Dorris - "What are they going to use for a road?"

Bunn - "If the road is put in.....if the property is _____ here...is developed...they have done the same thing between the lots here...if at some time there is a need for these properties to be developed....they can cut these lots in half...the same way here."

Dorris - "Well, where do they put the roads?"

Bunn - "The road would be...you know when this property is developed here...when the county approved this subdivision here...it required a thirty foot easement here on this side."

Dorris - "Well, if you don't have a thirty foot easement on these.."

Deane - "Excuse me...we seem to be getting ahead of ourselves... the zoning ...the county zoning with the one acre zoning...the existing zoning would not permit the division of these lots down to the city minimum until such time as there was sewer and water...then those lots could be divided."

Dorris - "Yes, but what is bothering me is that...say that..the one in one of these says - "I don't want to give it" and the next one says - "I want to give it" - and you go that way along all way down, how can you have a road?"

Bunn - "There is a dedicated thirty foot easement for a road way."

Dorris - "Well now, that will stay in?"

Bunn - "That will stay in."

Dorris - "Okay, that was all I wanted to know,"

Bunn - "There will be a dedicated thirty foot easement....so they wouldn't have to sell there lot off....but they'd have this easement all along."

Dorris - "The easement would be on this land in case it was needed so you could have a road straight through...without somebody saying, "I am not going to?"

Bunn - "Right, there will be a thirty foot on both sides of the parcels and that was one of the things that the city had in there that the master planning...that the _____"

Gene T. - "That's under the SR zoning."

?????? - "I don't see anything in the city's recommendation that's unreasonable...I think that if there is an approval....a motion for approval...it should include those requirements...And I think that secondly that both Mr. Bunn and Deane has pointed out these two future streets are to be dedicated out...they ought to have curvetures in them so the center lines are aligned rather than being an offset...because an offset is a tremendous traffic hazard...also a hazard to emergency vehicles...so to some minor curveture could be realigned so that the center line _____ I think at that point that the reserve thirty foot easement could be dedicated to the public so there would be no question....to defeat what it's purpose is."

Gene T. - "Are we to take this document a _____ subdivision plat?"

Deane - "Yes, definitely...the final plat will come back and it would encompass the recommendations of this meeting....."

Dorris - "Of the road that you spoke about?"

Jumble.....

Gene A. - "Do you intend to have any covenant in deed restrictions?"

Bunn - "Yes...the covenants will come back with the final plat...
The covenants are ...will be on the subdivision....."

Whispering.....inpossible to hear
the speaker.

Gene T. - "Nothing less than double wide housing?"

Bunn - "Nothing less than double wide housing....all of them

they'll have to have lap siding..wood siding...they'll be buried with
no skirting...there will be no more than eight inches skirting so that
the excavating will be filled back in..."

Gene T. - "Excuse me, are you saying that you are not going to
allow stick me up housing?"

Bunn - "No...there'll..... "

Dorris - "Now this will be going to be all mobile?"

Bunn - "It is going to be all mobile homes...it is going to be
all double wide..or triple wide or quad wide.....
they'll all going to have comp roofs, outside siding, no skirting
showing, buried in the ground."

Gene T. - "You would allow stick built housing in the project
then?"

Bunn - "I would allow stick built housing..you know..this ah...
you know I would allow stick built housing...I might put stick built
in myself, but I can't ah....."

Gene T. - "The covenants you speak of are for the mobile housing
only?"

Bunn - "In the covenants I'm going to haveincorporated
in the covenants becauseI'll have the
subdivision control on the housing inI have one on the
present subdivision I put in...I have...just so there isn't no flat tops
...you know...to protect the environmental...you know. Also restriction
so far as the campers, boats and broken down cars and
buildings....they have to be permanantly parked behind and
twenty-four hours...they can't be....covenants for this
subdivision....."

Dorris - "Now this will be down when you bring the final plat...
they will be written on it?"

Bunn - "yes."

?????? - "I have a question - is that going to be flood irrigated?"

Bunn - "No."

Dorris - "Is there any more question that any commission members would like to ask _____ time?"

Bunn - "The covenants would probably be very similar to this here.. quite lengthy,...ah....no lot shall be used except for residential purposes...it goes through that quite completely..and a...it has aI have easement here for all these utilities that are in it... and it has here in it the amount of livestock that it will be limited to...according to the city of Boardman...I'll also restrict it pass that to reasonable numbers."

Gene T. - "You have a substantial restriction on that in the SR zoning."

Bunn - "Fine, _____
_____ I have it broken out about cars and such
as that here _____
_____."

Dorris - "Is there any more questions that you would like to ask?"

?????? "When we had our first meeting didn't we have a bunch of people come in and say there was a water problem, and that they were concerned about water backing up?"

Bunn - "Not necessarily, I've been there...ah I talked to D.E.Q. when they came out...they didn't see any problems....there were people who lived down across Paul Smith Road, that had a little water problem as you can see with water seepage, but that can happen...ah if this property was sold in five acres...and people irrigated it to make a big garden ans such....I'm providing irrigation to people to have for lawn and maybe if they want to have a horse out there.... but they aren't going to be doing any depth irrigation for crop production...."

Jumble of voices

?????? - I'd like to make two other comments...because of the number of conditions it may be _____ if you approval is based on the city review...I would suggest that the final plat before it comes back to this body is circulated to the city for review... particularly the deed restrictions..and those statements pertaining to the three well water systems...and I think the plat itself that it contain on the plat the statement that no lot may be subdivided until the city water and sewer is available or it is annexed to the city....those should be actually on the plat....those things get lost in deed restrictions.

Bunn - "Well, I'll answer that. I volunteered to do it when I went to the City Planning Commission. I felt that having a good subdivision in would require a good street and I agreed to do that before I was even asked."

Dorris - "I think that is in our new ordinances that that stipulation that we are going to use from now on....in the ones that we just adopted."

?????? - "The county will never accept them...."

Dorris - "Not any more."

Dorris - "All those in favor of granting this preliminary plat tonight?"

Motion carried

Dorris - "Where we at now?"

Deane - "At this time now it would be appropriate, in as much as we have no more public hearings, then we would be at that point in our agenda for open discussion. We do have a contingency with us from Boeing..who wish to discuss with the Planning Commission the results of the action taken by the Commission and the County Court the rezoning of the Boeing property from the Industrial to Exclusive Farm Use. I have met several times in the last week or two with Jay Robinson of Boeing, Boardman office, been talking on the phone to Mr. Kennedy who was here this evening and....as to what this all about. Part of our discussion arise as to 'okay what is this all about'. 'what can we do to change that'. They can and I have a....."

Dorris - "Do we have a map of that?"

Deane - "Yes. We can get one...I think we are going to need a map."

????? - This is the area we are talking about, this area North of I-84....that's the whole tract..just these three sections.

????? - "There are seven one-half miles of water front that had been Industrial.....It's been called thateveryby the Corp when they had.....provided in your seventy-one plan(interspersed with another voice) it's been that way...for some reason...I don't know why you changed it this time....."

Dorris - "Did we change it?"

D. Brown - "Sure did."

Dorris - "We didn't have any attendance at our public meetings, or it probably wouldn't have gotten changed."

Deane - "The property under question is an area that runs all the way down through here, clear down into here...and it previously was zoned Industrial.....this entire area. This is where Pringle Irrigation is....etc. ...this where your Tower Road overpass is at...then they indicated some industry down in this area...I was looking for a copy of their master plan...
_____."
_____."

????? - "Would you do that again _____?"

Deane - "What?"

????? - "Stand on the back side and point it out."

There was a discussion about the locality of the land - The Planning Commission was asked why they changed their plan and why with that much of an area they were not at least notified?"

Deane - "As to the notification, they requirement of notification established by the LCDC and directed to us was 'that sufficient notification would amount to publication in a newspaper. We not only published it in the County newspaper, we published it in the East Oregonian and we also had it on the radio. The reason that individuals....ah notices were not sent out to every property owner was simply the cost. We did not have the funds and neither did the LCDC. It was their administrative ruling. Now that would answer the question as to the notification. The ah...how we got to the point of zoning it EFU, I'm going to introduce Mr. Dick Brown our Planning Consultant, the gentleman that worked on this plan and worked with the Commission for a period of almost a year, and carried us through our public hearings, and we had several at the North end and the South end, on this plan...and in the final analysis of zone property....I would be the first to tell you that our Comprehensive Plan is not yet _____ and is subject to change...and the method of changing is to come before this Commission so that they can study that request and carry their recommendations and their _____ to the Morrow County Court...who is the only body who can make the final decisions...because we would be changing the law....on what is now law in Morrow County. Do you have any comments about this Dick?"

Dick B. - "Well two or three comments...first the state policy that requires any land designated as an Industrial zone outside an UGB of the city, and that there must be an exception taken to _____ which _____.
And the reason for designating that land something other than Agricultural has to be set forth and approved by LCDC. The only area in this County for which exception was taken, at this

particular point in time, was Port of Morrow property. Is the only property for which an exception was made. Secondly, the goal required that all industrial sites, _____ industrial sites be inventoried, those were done by probably by LCDC some two or three year ago...and all of those inventoried industrial sites have been set forth in the Comprehensive Plan and _____ preserved for industrialized development. There are small acreages in each one of the cities, and also the Port of Morrow. Whether or not this property should qualify for acceptance, under state planning goals, for designation as industrial land versus Agricultural, that would be a question that would have to be answered reckoned with specifically....on this particular piece of property itself. Otherwise the state goal requires that everything outside the UGB be designated agricultural, falls under soil class VI and higher, and is not definitely, which is definable on the ground committed to a nonfarm use.

????? - "Excuse me, Mr. Brown, what soil class classification is _____ VII and VIII?"

????? - "I don't have a soil map with me."

????? - "Isn't the _____ this land to industrial use.....didn't it start in 1963....Corps of Engineers covenant?"

Dick B. - "When they were building on the dam?"

???? - "Doesn't make any difference if it is in agricultural use....."

Dick B. - "Yes it does..."

?????? - "or in industrial use. No it doesn't....the question is whether or not...that property is supposed to be used for industrial purposes. I noticed in reviewing the 1980 Plan that you prepared you did a fine job copying the 1971 _____ industrial uses, eliminating one sentence, which was the sentence of the 71 plan, that that property, and Port property an excellent waterfront industrial properties _____. And I'm just curious, just what the change in the character of the land is, since 1971 to justify the change of zoning, from industrial to agricultural... _____ soil classification."

Dick B. - "Well, the main problem, I don't think there is anything on the ground that commits it to non-agricultural use."

????? _ "What is the soil classification?"

Jumble of voices - but VII or VIII came through.

Dorris - "Would you give us your names, please?"

Richard Canaday - "Yes, my name is Richard Canaday, I represent Boeing Agri-Industrial Co."

Dick B. - "Property falls in class VI."

Canaday - "I believe the gentleman here says it falls in VII."

Tom Mc- "There is a lot of real shallow soil out there.... some places there isn't even any..basically on most of that... but you still wouldn't advise _____ on the grounds there.

Dick B. - You still have to rely on what it is being used for right now.'

Tom Mc - "Yea....I prefer that this body would entertain a formal request for exception to _____ zone change....not they could prove _____"

Canaday - "Excuse me there...the point of my small presentation is....really to think...we're not talking about an exception..taking about a state in respect to _____ and I think that makes it a little _____ then going through the full _____ program. I really do think that probably that it was an over sight.. and the land is un-improvedthere you really have to go out there and walk it...and see that it's agricultural land...once your walking on it...you can be pretty sure that it is not called prime agricultural land..not even marginal agricultural land...that is one of the reasons the Corps of Engineers ah....was able to dispose of this land to the State of Oregon with the condition in their deed that it would be developed for industrial purposes in conjunction with the Lake Umatilla project. There is a restriction in the deed from the Federal government to the State we speak of as (passe ??) _____ ...so...it's not a consistent plan since 1963...it follows... defrauding the federal and state agencies... 1963, 1971, 1974...and all of a sudden, it's important."

Gene T. - "Well there is a couple exceptions to what you are saying...number one...the Corps of Engineers does not zone property within the boundaries of _____."

Canady - "But they have an interest in the property.....under the Umatilla project....with conditions."

Gene T. - "Well, those conditions...that was even prior to zoning in Morrow County...it had nothing to do with zoning...Okay. Number two, we had a...you know...quite a lengthy discussion before this county even changed...knowing full well what Boeing intent was ...the intent was that we zoned the lands according to what they are being used today...with the intent...you people would probably come back before this body and want it changed... _____ purposes...and that we talked about to a great length, when we

_____ to this property...it wasn't with the intent to upset or disturb any responsibility that we have here."

Canaday - "I don't understand here, are you suggesting.... you took it out of the classification to be....you knew what we would want to use it for....."

Jumble -----

?????? - "We were following the mandates of LCDC."

Gene T. - "We were following the mandates of LCDC...in other words as Mr. Brown pointed out..we were committed to zone those properties according to the way they were being used today.... today those properties are being used as grazing land _____ properties. I _____we didn't go out and arbitrarily pick this piece of property to rezone...."

Canaday - "Are you suggesting that you thought your job was to zone property _____ to the way it was being used today?"

Dick B. - "There job was required to State Planning goals."

Canaday - "I ah ah was asking what his understanding was."

Gene T. - "That's correct."

Dick B. - "Now I want to ask a question. You insinuated that even in the lease of the property there was a stipulation that it not be used for anything but industrial."

Canaday - "Oh no...no...that's not right."

Dick B. - "Well that is what you said."

Canaday - "No...No...I said...we do lease a few acres other... other than that...right there...ah ...that little waterfront property is the only property that came to us by this special program...ah..it's still under the leaseno question about that..but it has special characteristics attached to it..ah.. and that _____"

Dick B. - "What do you mean by attached?...Do you mean in writing or....?"

Canaday - "Yes...in a deed.....(Mike moved and made a racket to make it unable to understand)...Secretary of the Army at that time...by federal statutes he was allowed to dispose of certain plot of lands, acquired in the National, federal reclamation project...he made certain findings..And the findings primariaily to the respective development..in a lake formed by a dam...industrial development primariaily. He named

those findings and committed the grantee in the deed, the state, to undertake industrial development....within twenty years..Now that the time limit..I don't mean to misrepresent anything..the time limit is....."

Dick B. - "Would like to provide us with a copy of that paper to us?"

Canaday - "Sure."

Dick B. - "When is the twenty years up?"

Canaday - "I...._____after twenty years, _____
_____but it is up to 98' through....."

Jumble of voices.....

Canaday - "...the original _____."

?????? - "That covenant....._____."

?????? - "That covenant has been reversed...there is no more covenant."

?????? - "There is no _____?"

Jumble of voices.....

Canaday - "a a anna...That's not our time limit...according to the deed. "

Dick B. - "Well, I don't think that this body can make a decision _____until after they have got all the facts and....."

Canaday - "Oh sure...but what I am suggesting to you is...perhaps we can help you to look at more facts..which might show that a mistake has been made..in connection with the Comp Plan and Zoning."

Dorris - "The _____of that is that you come down to it...is that you want us to do....is to say that we _____
_____....."

Canaday - "We want you to think about it....."

Dorris - "No just a minute...that we have made a mistake and we will go back to what we did in 71',....right?"

Canaday - "Yes."

Dorris - "And that is what you are asking?"

Canaday - "

Jumbled voices.....

Dorris -possible to do at this time, is it..?"

Dick B. - "I might give a word of caution on that precedent, because you rezoned the whole county....and ah..."

Dorris - "I know, but I say ...it is...but that is what they are asking."

Dick B. - "Yea...and there may be other properties...that the individual had intent of doing something else other than what it was zoned for."

Canaday - "Yea..yea..let me have a little proviso..to Mr. Browns' statement....there's a difference between about having this projected intent...then in having clear cut policy for a time of twenty years...makes a small amount of difference."

Dorris - "Well I think what Dick is referring to then is that no use was made of that during that time..."

Canaday - "Well, ...that's certainly true...no question..I'll buy that..there is a railroad through there...you probably all know that..."

Dorris - "There was a railroad there before then...."

Canaday - ".....the majority of the property is not and does not have any industrial type use..."

????? - "Railroad was moved after we got the lease...the highway built...._____years ago.....it's been there quite a while."

Dick B. - "Course you are aware that the other thing this body going to have look at is...will be the affect on...if the property was developed..what the affect would be on public facilities...and services in the county...what the economic affect would be on other enterprises in the county...and realize that there are fourteen factors that have to be looked at..outside of just the agricultural"

Canaday - "No question about that...and ...if Boeing is glad to cooperate...and participate with the Planning Commission..on a significant development...let me kind of explain why this matter has come to our attention...in the first place...Mr. Mason from the Weyerhaeuser Company is here..and they are giving some con-

sideration...some consideration.....to a plant _____
_____(interruption)..yea they're not marked on here....
(interruption)...some consideration for a plant there and asked
us what the zoning was...so we checked.....it's different than
it has been for twenty years...ah....."_____."

Gene T. - "Twenty years ago...the property wasn't zoned."

Canaday - "Well...it was under this...under this federal
government deduction that it would be developed industrial
purposes...from the grantees position ...the same as if it was
zoned."

Gene T. - "It would be my opinion that that's about the only
thing that that particular property is good for....and I don't
think that we have any problem there...ah..."

jumbled..... it certainly is not the intent of this body
to create a hardship on anybody." (I believe this is also Gene)

Dorris - "But I do believe that you will have to bring it
for a change zone..."

Canaday - "Well, ...probably so....I believe we'll come to
you formally...we are just appearing on a kind of informal _____
this evening...you know we don't intend for you to even really
think about it...it's more informational ...more than anything
else tonight...ah..oh..good...ah..thank you...So unless you have
any further questions..I think..ah..probably _____...starting this
thing up."

Dorris - "Yes I have a question..ah..what _____ do you
propose to do with it if you do you get a zone change?"

Canaday - "Well I think there will eventuallybe series
of waterfront developments there...ah... and the terrain allows
...dock facilities and...we...."

Jumble of voices....somebody is saying 'waterfront developments
...in different things that we have looked at....."

Dorris - "But you have nothing specific at this time?...."

Canaday - "Well we....."

????? - "Doesn't really make any difference I guess..."

Canaday - "Well we do have...we do have...Wheyerhouser giving
some consideration to a facility there....there are..several others
that might be interested in something...I can't _____
_____ in fact I can't even give you their names, but

...ah..the main problem we have is...this change to agricultural use...it's not usable for agriculture...and now is becoming _____ property frankly for industrial use...and we now find after twenty years it no longer even zoned right."

Dorris - "Mr. Toadvin, did you have any comments?...that you would like to make?"

Toadvin? - "Not at this time."

????? - "You could always...we could keep...now you could always _____ what the gentleman _____
_____...you could always apply for a zone change a block at a time...and we may feel that ...you know...that Wheyerhauser...that wouldn't hurt us..being out there...but you might want to put something out there that we feel is not advantageous.....(I believe this G. Murrell)"

Canaday - "yea, but I wouldn't want to get you all in trouble, though...for spot zoning or anything...I think you have to take an honest look at the character of the land..and the best use it could be put to....and it certainly isn't agricultural."

Cornett - "I don't think you'll every see them ever block you out in a whole stream like you had before...I think you're barking up a stump...and I might as well tell you that, right now."

Canaday - "Why is that, sir?"

Cornett - "Well because, we'd rather have it in blocks, and know what is going in there, than give you a blanket deal that you can spread up and down there, everythin imaginable, anything for a buck, which is about what ends up...you might as well... tell you the truth...that's my thinking on that. I don't think you'll ever get a blank up there for ten miles long, along the edge of the river, because I think you got enough other things here that's ...ah...affects that land here...I don't think we'll ever see it go back to that....They had twenty years and they didn't do anything."

Gene T. - "Well, Cornett that's not going to give a blanket _____ in the first place, because you got certain _____ right here _____ and you got ah..."

Dorris - "Even after it's been put in agriculture."

Cornett - "After you put it in agriculture, _____

"

Jumble of voice, none loud and clear enough to understand.

Dorris - "Is there any more discussion on this subject?...
If not we'll wait such time aswe receive a formal application.

Canaday - "Thank you very much."

Dorris - "Now was there anything.....Deane...is there
anything else?...at this time...that you have?...."

Gene T. - too low to understand...

Deane - "That would be the next question...we can ah...
jumble....."

Deane - ".....I got to go 21 days...21 days isn't going
to take this to....."

Dorris - "Now what happened on that?...Deane, what happened
on that?"

Deane - "Well ah....I went on the assumption...that I've always
gone on..if you have public announcements ten prior to the public
hearing...to the public hearings...it is alright...I was informed
Friday...that it had to be 21 days...and I... _____

.....I agued the point..ah..she then, of her own
volition, called the attorney for Simtag-Simplot..and advised him
of that....and he didn't come to the meeting. At that point I had
been working clear as late as Saturday morning, to make sure that
all the ends were..and all the loops were tied..and everything, and
they were ready, and I was ready."

Dorris - "Well did you check on that time with _____
or any of those down there?"

Deane - "She had already cancelled that out...and they had
indicated that they were not coming as they were not flying in
from Caldwell...so we would have had a meeting, with nobody here
but Eli or some _____....."

Gene T. - "I would wait till Dick researches that...and verifies
that..I think that we owe some....."

Dick B. - "Your ordinance _____ set for 10 days
notice."

Dorris - "I know it...I think we've been fouled up here _____
_____."

Gene T. - "I think we had better reschedule this meeting right
away...I really think so."

Agreement.....

Dorris - "I feel that we...Deane...I think that we....."

Jumble of voices.....

Dick B. - "Deane, who rescheduled that hearing _____
_____ do you have somebody here to enlighten me, where it
says twenty-one days?"

Deane - "Yea, I got that from the Assistant D. A."

Dorris - "I can't understand that."

Dick B. - "There are no state statute that ten days and your
ordinance says ten days..._____."

Dorris - "I can't understand that..."

Tom Mc. - "It takes thirty-five days for an election, I
think she may have split the difference...(laughter)"

General discussion----

Meeting was adjourned.....