

REPORT
COUNTY COURT MEETING
COUNTY ANNEX
IRRIGON, OREGON
May 28, 1980
SIMPLOT APPROVAL

Deane - "I've got the recorder on so I can have this typed, later for whatever purpose it may be needed, and I have the affidavit of publication as required for this public hearing, by the County Court and I'll attest to that. Most of us are familiar with the final hearing that we had in Boardman on Saturday, where the Morrow County Planning Commission recommended the approval of the feedlot as proposed by Simplot. That recommendation for approval I'm verbally giving to you at this point, and that went with the conditions that were attached to the Staff Report. There was one additional request at the time of the hearing, this was one that was brought up by Ann Spicer and also by members of the Commission....that there was one other entity involved in this and that was Boeing. I have been contacted by J. Robinson who represents the Boeing Agri-Industrial Complex down there. Jays' remark on the phone as early as this morning was.. 'Just tell me what you want, and what they want, and Boeing will write it'. I think under the Gentlemen's Agreement and knowing Mr. Robinson, that we are assured of having that question asked...in other words...he said whatever they wanted to do and whatever you want to do, it is mutually agreeable. The form of the letter, the context ..that's what we'll write..so please let us know specifically and we'll do it.

I said in listening to the tapes and looking at the transcriptions of the meetings it was that ...Boeing was in agreement with the proposal that had been presented to us and approved by the Morrow County Planning Commission. So we at that point, was the final input that needed answering. So at this point the Public Hearing is open. The representatives you already know.. are here...you have the recommendations of the Morrow County Planning Commission.. Mr. Allen and I went out yesterday and went over where their little test holes are and everything else and are working with one of their ...one of Simtags' people, Ellis Scharvet to get that up and at this point things are just progressing. The action to be taken by the Court at this Public Hearing. "

Dorothy K - "Deane how was the housing for the farm workers resolved."

Deane - "The ...this is rather interesting...this will be rather new to you gentlemen because just as late as yesterday we were discussing this with Ellis, out at the site. As a result

of some of the publicity and the newspaper articles that have transpired since we've gotten into this...the State Department of Commerce was trying to determine whether or not if this was a mobile home park. In working with Ellis and with the people out there..I said, 'well we'll lay out..so we know where the area is..we have designated it...we'll blow this up into scale.' The State has...come to the termination that maybe it is a mobile home park...and I said, 'no, wait a minute...this is not a mobile home park...this is for farm labor or whatever...this falls under. I was waiting for a call from Mr. Paul Bailey...I still haven't received it yet. Mr. Paul Bailey is with the Department of Commerce in Salem. My last conversation with him yesterday he said, 'well maybe we were a little hasty...maybe that's not really what it is. We do have State regulations that must be followed. (1) is that when you have more than three people hooked to a well....you have a water supply system...and there are some State regulations governing the distribution of water to more than three families on a single well.'

We'll be putting that together as to the game plan...in other words...this is ORS...and this is what we are required if there is a well and you are serving more than...so that would be an engineered type thing to meet the specifications. The State would be involved in that in an inspection sort of way. The other is the most economical...the most feasible way to put in a sewage system...whether it's one septic tank system for each two units and go along that way as the area progresses...you know as they reach maximum housing capacity or whether we should take a look at one single system. Now there is one out here in Irrigon in a mobile home park...is the most recent one. Whether its'fifty some mobile homes hooked to a single tank and a single distribution system. We were talking with Ellis yesterday and I informed himI'm giving him a whole set of plans on that...that's already been done...there's no sense re-inventing the wheel...that's acceptable to us...to the State...to these people...and which is most economical. He said they are going to be close to power lines...if the leach lines can go under there...by all means put them under there, because you can't use it for anything else anyway. So we are working out those details.

As to the degree of responsibility of the State agencies involved in such as the inspection...water, sewage..siting of the trailers..that pretty much predetermined by State law..and if everybodys' been working with it for a long time....so we don't see any problems.

Gene raised a question of the problem of the impact of thirty units. For example on schools...the school busing, as to whether or not it is going to be when it is going to be eventually full...there is going to be thirty families...maybe sixty kids..are they going to get a schoolbus...Of course that is going to be up to the school and school district and so on. to get these children back and forth to school. We feel that this is going to be...that this can be worked out. However, an interesting thing did come up...Gilliam County and Arlington school district would like very much to have the kids down there.

Course that's a whole other entanglement and can of worms...and I said, 'I don't want to get involved in that...between the school districts'. If that sort of thing happens I can understand some of the fellows live in Arlington..and their families are there and they'd like to see everybody going to those schools, but there are laws governing that and so on and so forth...but...we were looking at that impact. We've also looked at the possibility that with our new ordinance coming up we have something we call a plan unit development ordinance, which allows a multiplicity of uses within a confined area like this. Now I'm finding I shouldn't say that in relation to the people and a confined feedlot, but where you have a little higher density of say thirty _____, they may wish to put in something else....a recreation hall, or....at a later date. We feel that this new ordinance would give them a much greater latitude and opportunity to do things. So this is just in a sense that part of the housing is kind of in house. We've already been regulated by State law...in many instances we have to go along with that. We feel that our goal here is to assist in getting through the bureaucratic maze as quickly as possible...and getting this thing established."

Dorothy - "The two conditions that were set by the Planning Commission are agreeable?"

Deane - "Yes, well unless there was any....the one was... the last outstanding one was the getting with Boeing...this was one thing the D.A. wanted established...and that has been done."

Dorothy - "_____ the size is 300 acres."

Tom Olsen - "That was in the original agreement."

Gene A. - "The discussion on that condition was really, was to just simply to establish the requirements and I think it is well established."

Deane - "Did you have any additional input at all Mel...that you wanted to put in.?"

Larry R. - 'Can I raise a question...? I'm Larry Rew and I'm representing Simplot Industries..or excuse me...J.R. Simplot Co. in this matter and the way this matter has progressed at the present time it has been progressing under the Zoning, which is the QF zone..and it's been progressing under the application to allow a non-farm use in a farm zone. That's the specific regulation or the specific part of the ordinance that we've been processed under...this matter has been processed...and that is 3.050 of the Morrow County Zoning Ordinances, which.....it is upon the approval of the County Court. You can allow a commercial activity in conjunction with a farm use.

Our concern and I raised this to Ann Spicer again earlier last week, our concern is that by doing this we are classifying this use as a non-farm use...and it has implications tax-wise that I don't know that everyone considered at the time the initial application was made. I am not saying that we shouldn't have

gone through the hearings, because I think this determination can be made anyway...and had to be made after all of the evidence was before the parties...including the Planning Commission and the County Court and this Company would not have tried to skip by either parties in doing it. What I am asking you to consider today would be not to classify it as a commercial activity, but to classify it as a farm use...so that it is an authorized use without special classifications....so..."

Deane - "I don't think we ever considered it as commercial."

Larry R. - "Well....if you look at your....."

Deane - "Yes, I understand what you are talking about."

Larry R. - "If you look at the definition in the zoning ordinances, on farm use....it clearly talks about any cattle that is an authorized farm use...and this company, that is building this lot....will be feeding their cattle...would be using their feed to feed their cattle and they'll be marketing the cattle over in the....just across the river in Washington. ...and _____ since we talked to Ann about it and she spent a couple three days also looking at it, and I talked to her then Friday, I believe, and said what was herwhat...where does she say we should....I really don't have a position right now, that I feel very comfortable with...going into a farm use.....being classified in that fashion. Because I don't know of anything about the evidence that would indicate that it is a commercial activity. I can tell you that both Ann and I have looked at the Oregon law to determine if there are previous Oregon cases that would draw a line, because this provision you have in your zoning ordinance is also the same provision that exists in the State statute...talking about, authorizing non-farm uses in a farm zone...and there is one Oregon case and it doesn't define what the commercial activity is. We did talk to the County Assessor to inquire as to the County Assessors' initial position was to relating to how this would be classified and the County Assessor said that their initial impression was that it would be classified as a farm use and it would be....that would be the way they would value it....would be in a farm use valuation. Our real serious concern is that if you decide that it is a commercial use ...that's going to put.....the Assessor isn't going to be able to do that...they're going to have to do something else...other than that. As I feel at the present ...change... that information that you would have to have up to this time... because I believe that for this particular activity....or if they were to do something else on the adjoining site that was similar to it...they still would ask....they'd still have to come and ask you when they talk about spending that kind of money...for a ruling as to what classification it falls in...I know Mrs. Krebs was very concerned the other day that....that they were trying to find a way to skip by all these things...and that's...you know...because I know you are concerned about another industry that was trying to do that....slip by you...That's not the point at all..we would always want to come through the hearing processes...but..when we

get done...to classify it...were...if its ability to classify it as a farm use.

Judge McElligott - "Then you'd come under farm use classification for taxation?"

Larry Rew - "That's correct, yes."

Judge - "Now you are suggesting that we can defer action on that part of it?"

Larry - "I'm just saying that you can classify that in that fashion."

Judge - "I'd prefer not to do it, until consulted with an attorney on that and see...."

????? - "Where is Ann?"

Larry - "She said that she was going to be here."

Dorothy - "What is the ruling on going on farm use...is it the production of the food or the cultivation of land?"

????? - "Well this has been both...._____crops."

Larry - "Here is what says....let me present the attorneys with the impossible decision, of deciding whether we need to immediately appeal your ruling...of course we don't want to do that. "

Dorothy - My definition of a farm is something that produces food for_____,and everybody's in a commercial....."

Judge - "Unless a plain feedlot is sometimes considered non farm.....if it's not in connection with....."

Larry - "Well that would be farming....if this definition didn't just say that it was for...that is...fairly covers the feeding of animals."

Judge - "Hmmm huhh (agree) it's probably the place you've got to come under."

Larry - "Yes....and that's the definition of farm use is talking about the feeding of animals."

Dorothy - "So what do you want us to do...strike the non-use? on farm use?"

Larry - "And approve this application as being a farm use under section 3.020 of the ordinance QF farm zone."

Dorothy - "Do we have to have the Planning Commissions'?"

Ann S. - "I don't believe that would be necessary. Probably because the Planning Commission has already okayed the use and

they're not going to go back and _____"

Deane - "You.....do you find any fault in it in the legal aspects of it?.....I don't"

Ann S. - "No I don't, I think it is basically a _____ policy decision _____"

Dorothy - "I don't find any problem with -from my standpoint."

Deane - "Warren?"

Judge - "One questionis this strictly Simplots' deal or is it in connection with Tagarres?"

???? - "No."

Tom Olsen - "The lease, the cattle, the feedlot and the feed are all Simplots."

Larry - "There 's a little bit of feed going to be acquired from the Simtag operation, but it will be purchased. You'd have to do that with any feedlot, I don't think anybody can raise all the feed ingredients for a feedlot. _____"

Dorothy - "Anything else we should consider? Counselor?"

Ann S. - "They told you that they intend to go along with all of the conditions, that the Planning Commission has placed on this...so those should be included, in your decision."

Deane - "Well I've been trying to make up a motion, so that one of the members of the Court could get that in while...and we could have it for the record...and that it answers your questions..and..let's see we would move (1) to approve the recommendations of the Morrow County Planning Commission for the Conditional Use....."

Larry - "We're not in Conditional Use...."

Deane - "Yes, that's right....for the construction of... a feedlot in a Qualified.....Okay...would that cover that other question then, without having it (2) in that motion Gene?....I'm just trying to....well come up with some goodies before and I'd just thought I'd ask for your help....."

Ann S. - "What was the other question?"

Deane - "Well...the initial one that Larry was talking about...In other wordsif the motion was made... to approve the recommendations of the Morrow County Planning Commission for the construction of the feedlot...as a QF use for the

Ann S. - "subject to the conditions place by the...."

Larry - "Number 1 that you would approve the construction of the feedlot...and Number 2, that it has been determined to be a qualified farm use. And Number 3, that the construction would be subject to conditions....."

Ann S. - what should be itemized in the motion, they'll be the same ones that the Planning Commission set out."

Larry - _____ decided upon...I just want to make sure that everything we've been talking about is.....including your staff report...is a matter of the record....the public notices.....

Deane - "We're getting a motion here that is going to be three pages long...."

Larry - "No that wouldn't be part of motion, that would just be the evidence. Just to make sure that it is all marked and that is accounted _____"

Deane - "Hmmm hummm, this becomes an exhibit two and a part of the staff report...as a request by the Planning Commission at the initial meeting...second meeting, this is what arrived, this now part of the program. This is essentially the....when constructed will follow this pattern and this location.

Larry - "I just wanted to make sure that that's a part of it...is all...that it's been marked and been admitted....that it's all that is evidence... If there's anything else, we'll still be glad to provide it.....for admission."

Deane - "You probably will have to if _____"

Tom Olsen - "We'll have aplatted drawing and everything for qualifying we will _____"

Deane - "Great."

Judge - "Anything else, you want to add to that motion?"

Deane - "Not that I can think of, Ann? Gene?"

Judge - "Do you want to read that motion back....and we'll see if _____?"

Dorothy - "Approve construction of the Simplot Feedlot designated as a Qualified Farm use in a QF Zone, and the construction be subject to conditions set by the Planning Commission. (a) restrictive plans submitted (b) a letter from Boeing, giving their consent."

Judge - "Is there a second?"

Warren McCoy - "I'll second it."

Judge - "Is there discussion.....if there is no

discussion.....ready for the question...."

Dorothy - "Question "

Judge - "All in favor say aye"

Dorothy, Warren - "Aye"

Judge - "Opposed....."

MEETING
MORROW COUNTY PLANNING COMMISSION
&
BOARDMAN PLANNING COMMISSION
NOMAD RESTAURANT

BOARDMAN
May 17, 1980

12:00 noon

The Boardman Planning Commission, Boardman City Council, County Court and the Morrow County Planning Commission met at the Nomad Restaurant on May 17th, 1980 at 12:00 noon. After a lunch and social visit the group met in the conference room.

Deane S. - "This meeting is something that we have been wanting to do for some time..and not only socially, but also to look at a new joint management agreement that involves the Urban Growth Boundaries around Boardman.....in which you folks and this body are in partnership in this thing.

Dick Brown, the Planning Consultant from Morrow County, has drafted a new joint management agreement. We could start directly with that or unless you want to get...any of you have any individual comments you would like to make or some general conversation prior to that, we can do that."

Dorris - "I imagine Deane that it probably would be best just to go ahead...and go through that, and then let them comment."

Deane S. - "Okay, you want to take over then and want me to read it then...or..."

Dick B. - "I didn't plan on reading either one of them...I apologize for being short of copies, but I didn't expect this good of a crowd today....what I've done is I've prepared two proposal management agreements...One is patterned after the existing agreement that the County has now with some of the other cities in the County, and the other one is a slight redraft of what you've got existing. The two drafts are both different, one is a little shorter than the other one.....although I'm still trying to keep Georgia-Pacific going by creating lots of paperwork.

I think the important thing...at least ...what I know of the situation, is that the management agreement will really not solve a lot of the problem....management agreement will really do one thing. That our procedure by which the two jurisdictions, the city and the county, would review and process land use applications within the Urban Growth Boundary. That process would require basically,

that the city review and make recommendations on all applications processed by the County inside the Urban Growth Boundary....and require counter review and recommendations by the County, on all city proposals that occur on the fringes of the city...adjacent to the County...to the area outside the city.

There are some goals and objectives set forth in one of these agreements...Not having had a copy of the Boardman Urban Area plan, I kind of formulated these policies on my own, which are fairly common of Urban Growth Management Area agreements. I think probably that the best thing ..that the city and the county need do, is probably sit down and look ator do a comparison between the county zoning that would apply to the county jurisdictions inside the Urban Growth Boundary...and compare those with the comparable zonings that the city has. One management agreement would require that within a certain number of days from adoption of the management agreement, that the city and county, would correlate the corresponding zoning so that they were basically would be the same..

I am continually concerned about the problems that we have encountered in the past in the transition upon the city...a piece of property being annexed to the city, still retained under a residential zoning for example, but the residential zoning being intirely different under the city, then it was under the county.. it makes for a hardship for the landowner.....to comprehend what he is going to do under one jurisdiction or the other. I think it also makes it difficult for the city and the county to process the applications if those land use regulations were different. It certainly in the long run affects and makes problems for those providing services and public utilities, if the regulations are substantially different... so... I think there is probably room in all jurisdictions for improvement...in the coordination of land use actions, within the Urban Growth Boundary.

Not knowing the full intent of todays meeting, I should slow down right now and reply to anything that one might have...question or..."

Deane - "I think that the...one of the things is that...the area around here is beginning to develop..we (havn't) got the coordination or interplay, between the Commissions..or the Court or the City Councilthat probably should have taken place..I was working under the assumption that anything that went on in the Urban Growth Boundary ...all city rules and regulations applied..strictly. Some of the things...not just necessarily the technical part of having a management agreement ...that we both agree on..both want to work with, buta lot of it is...the philospny and the policy of development within the area, and establishing policies that are acceptable by both the County and the City. ...starting with lets say the Commissions the Planning Commission...the policy is adopted...staff...administration..portion of it can use as people approach us for development. That is we progress from this point...I for ...individually would appreciate having a super strong policy, that was a dual policy statement from both _____"

Dick B. - "Okay, let me refer to the second draft, for management policy...First sentence make a assumption that is normally evident and that being that the...single document, single plan, that relates to the Boardman and their growth area, has been jointly prepared and adopted by the City and the County. Is that true?"

Dorris - "As far as the Urban Growth Boundary is."

Deane S. - "Well, you mean when the Boardmans initial Comprehensive Plan was accepted by L.C.D.C.?"

Gene T. - "No that's not true."

Deane S. - "That's not true."

Dick B. - "That's the way it is suppose to be."

Deane S. - "That's the way it is suppose to be, I think there has been a gap in there...from the time...Boardman was fortunate enough in having their Comprehensive Plan adopted...very early in the game."

Dick B. - "What I am saying is, that basicaly if you have a set of twelve policies that relate to residential development, within the Urban Growth Boundary, those policies should apply uniformly, inside the city and outside the city, within that boundary. They should be exactly the same policy...And adopted jointly by both bodies. So then it becomes the responsibility of both bodies to implement the same policy. Thats the other reason for the reason that the County zoning corresponds to the city zoning...it should be as close as possible, so there is a direct correlation between those two zonings.

Gene T. - "If this is accomplished however, Dick, why should both parties have to hear it, because, your goingg to respond to the ...your ordinances and to your policy..you not going to respond to anything else but."

Dick B. - "The basic reason is that there...even though you have joint policies adopted..there's no way the county can commit the city to future potential services."

Gene T. - "I'm thinking just the reverse, I'm thinking the cities"

Dick B. - "Or visa versa."

Gene T. - "Yes, the city is the one that is more affected and the county is assuming that the Urban Growth Boundary is a good logical boundary...and the city is going to eventually going to grow into that area...they are the ones that are going to have to live with the consequences."

Dick B. - "That's correct...That's why in the proposed zoning ordinances for the County and the proposed sub-division ordinances to the County..it is mandated by ordinance that some representation of the city be involved in the inital application process...at the

very start. For example, sub-division ordinance requires that the representative of the affective city, be a member of the Technical Review Committee...in the zoning ordinance..it requires that within five days of receipt of an application, any application under the zoning ordinance, it must be refered to the city for review...they have a certain number of days to review, and that review must be considered in the process of that application."

Gene T. - "That's State mandate?"

Dick B. - "No, that's proposed in your ordinances that we're looking at now, for the County."

Gene T. - "This period of time is that going to take under consideration that, this body may only meet twice a month, or once a month?"

Dick B. - "Yes, that's why the twenty day period...which is normally long enough."

Ann S. - "Five days from when they receive it at the Planning Office, it's going to be gotten out in that length of time. "

Dick B. - "Right, within five days from....five working days from the day that Deane would receive a formal application...he must transmit a copy...a full copy of that application to the affected city, whether it be Ione, Heppner or Boardman whatever. They have twenty days from the day of receipt--of that application to review it and respond. They may also ask for an extension of time, because sometimes, you are going to get an application, which deserves more than twenty days for consideration.

Gene T. - "That's always been a concern, I think, here too.. you know...sometimes get the thing, we're holding people up, or we're not being orderly, in the way we handle our...or conduct our business...Who is the appropriate body...is the County Planning Commission the one who should hear all proposals on Urban Growth Boundaries requests?"

Dick B. - "It's handled in various ways, Gene. For example, in Grant County..in that particular case..all cities that desire jurisdiction, the County is going to give...is going to designate the City Planning Commission as the County Planning Commission for that Urban Growth area.. Any appeals will still go to the County Court..it is outside the city, but inside the Urban Growth Boundary. That's one alternative. The second alternative is something a management agreement of this type...there is a definite process set forth, where the application comes to the County, reviewed by the city as an affected party, goes to the County for the decision. The other way, is to form a joint Urban Growth Boundary Planning Commission, that Planning Commission would consitute a certain membership from the County Planning Commission overall, and a certain membership from the City Planning Commission. They as a single planning Commission would review all applications inside the Urban Growth Boundary. That's the three various alternatives that are used around the State."

Gene T. - "_____ Our first process then is to decide how we want to have it, whether we want to continue with the joint management agreement."

Dick B. - "Yes, it's your option, there maybe others."

Deane S. - "That would be a good point of beginning, too, and please if you've got an idea, or opinion, on just this particular subject, well, this is the time and place to bring it up. If you have a feel for this at all...or preference..is to get it out."

Dick B. - "The important thing is not to draw the permit process out, any longer then we have to. That's the important thing."

Gene T. - "Has State law or L.C.D.C. mandated any specific time period?"

Dick B. - "No, negative."

Cornett G. - "In the past we've never given any action without getting a report from the city that it affects anyway, have we?"

Dick B. - "Not that I know of."

Gene T. - "That's what we call for under our existing Joint Management ."

Cornett G. - "It has slowed us up, sometimes when it's brought to us and they're here wanting an answer, and we find that we havn't had an answer back from the city. So we don't know whether they... just never acted on it, or if they don't want to act on it...or what...they should reject it if they don't do anything else."

Dick B. - "You have to understand that some...management agreements go far beyond what's ...in all cases necessary. I'll give you an example... In one city Urban area, no development can be approved, that is not annexed to the city...or a consent for annexation. That means that it must be served by public sewer and water...the County cannot approve the development inside the Urban Growth Boundary, unless the city guarantees that to service it. So ultimately the city has a hand in every proposal. That maybe too far."

Each jurisdiction's option on what type of agreement you enter into. The key is to coordinate what happens inside that boundary, and at least keep the city informed and appraised of what's happening...and to take the effects on the city into consideration on every application. That's the important thing. The other important thing is...as far as I'm concerned..is that we minimize the part of public cost ratio....being a tax payer in my own County...I think it's very important that we need to minimize that ratio....and one of the keys is coordination in the action that we do.

Gene T. - "Madame Chairman, maybe what we need to do here, is each individual body look it over and make suggestions to one another and get some...you know....some time to think about it...."

what kind of an agreement we really need."

Dorris - "Well, there's one thing I would like to ask the Boardman City Council and the Planning Commission...is...what have you found about the way we've been doing that, you find restrictive or if we overlap....or we don't...agree with what you wanted to do....or...the time.?"

Jim T. - "I think the only cumbersome thing is the meeting date schedules...you meet the fourth Monday, and we meet the fourth Wednesday.... Sometimes we'd have to go a whole thirty more days..."

Dorris - "Before it could be taken into consideration, by one or the other."

Jim T. - "Yes, that proved to be....."

Gene A. - "Its the aptitude, either way....."

Jim T. - "Yes."

Dorris - "It'd work you either way, then....to a disadvantage on that."

Jim T. - "I'm not just exactly sure how to change it, but..."

Cornett G. - "The last several years, since I've been on, I can't recall one time that we have changed the plans that was submitted to us by the city. To me that is almost duplicating work...If the city does their job, why should they come to us anyway...for anything that is inside the Urban GrowthComprehensive Plan."

Gerry M. - "Yes, but we govern it..we got to police it... maintain roads."

Gene T. - "We have a responsibility."

Dorris - "Until the responsibility of the County Planning Commission, because it is in an Urban zone and it's not in the city."

Cornett G. - "Don't a considerable amount of that responsibility fall on the city then it does on the County?"

Ann S. - "Yes and no, the city is notdoes not have to provide service within the county...until such time usually as the land is annexed to the city. So basically all of the services are on the County, that's why, at this point the final decision falls on the County....because the County is the one who has to serve it, they are the one who basically govern it. That's why (traditionally) the County Planning Commission is the one who makes the final decision."

Dick B. - "That's why, really the key to the type of management agreement have....the key to that is the type of policy, that you implement."

Ann S. - "Right, and the one thing that I'd like to really stress here...that it's absolutely necessary.....is the coordination ...right now...I'm not certain that the County has a copy of the city zoning in that area...the city growth boundary area.. Zoning has got to be basically coordinated, it should be just about the same for both the city and county...so that when the land is moved into the city, it will meet the city requirements."

Dick B. - "Fact is the Urban area zoning that are _____ right now, is basically adopted the density standards of the city by reference....if that is the way that the County chooses to go."

Jim T. - "The standards of what?"

Dick B. - "Your city zoning. In other words if you've got a residential county zone, that zone would adopt the corresponding residential standards of the city zone...if such exists."

Jim T. - "The only zone that is even close to any county zone is our Farm Use of one acre, zone....that's it...the rest is all done by lot sizes of 8,000 square feet....or 3,000 square feet."

Dick B. - "That's what I'm saying here...the zoning that is proposed right now, would adopt your standards by reference, if it is inside the Urban Growth Boundary."

Jim T. - "I understand that...but we have a designated _____ possible use."

Dorris - "You mean ...like residential or commercial or where your streets might go...or"

Jim T. - "that's what I mean."

Ann S. - "That going to be a problem down in that area."

?????? - "You have a problem."

Deane - "See the zoning that exists in Urban Growth...outside the city now is County zoning...."

Jim T. - "That's right."

Deane - "There is no city zone applied to it."

Dick B. - "I understand that...but you comprehensive plan.. not having seen itshould say...should disregard city limits ...comprehensive plan within your Urban Growth Boundary of the City of Boardman...should designate the areas, to be used for residential purposes...irregardless of whether they are city or county.. What I am saying is..that in order to be in compliance with that plan...a residential zone must be assigned to areas designated for residential purposes. What I'm saying is ..that ...if that area is across the city limits boundary...the area that is designated for residential use...the zone that applies inside

the city to that area...should basically be the same as the zone applied outside the city to that same designation."

Deane - "I think that is something that we are going to have to do....that has to be done."

Dick B. - "What I'm saying is the zoning you have now that is proposed...is basically adopt the city's density status by _____ if it's under the same use designation."

Gene T. - "Well this, I think dependsone of my concerns is that...we've got such a vast unprecedented area within the...inside of the city limits that we've worked with...that..there is no question in my mind that the Urban Growth Boundary that has been adopted is very ambitious at this time. So, we're trying to get involved in too much here, and it's too ambitious for the City of Boardman to plan that entire Urban development.....at this time."

Dick B. - "That may be, I don't know."

Gene T. - "From what we're living with today...that's my concern."

Ann S. - "_____ that's the concern of a number of people, maybe that is one of the policies that you'll want to make, is that all growth...or all new building will be required within the city until such time as the city and county decide otherwise."

Dick B. - "That's why I say, the key to the management agreement is the policies that are set forth... The management agreement doesn't mean anything if you don't have agreeable policy. The common practice on Urban area zoning is to show on the zoning map itself, the county designation for that zone and in parenthesis show the appropriate city zone."

Gerry M. "The larges use that the city has iswhat did you call it...Farm Use, one acre?...so the most they could do is to show that all....all the Urban Growth as far as usage iswe'd have to show it zoned as one acre....the way it stands now."

Jim T. - "That's the minimum...that you can have in the thing...you can have anything...any amount of acres in it..you know...but..like saying that's minimum man has is one acre..in Farm Use zone...or we could call it a Farm Use zone and have whatever the county has now, without any problem...there wouldn't be any conflict there... "

Dick B. - "~~Basically~~ it becomes a holding zone."

Jim T. - "Yes...it really is bad...I don't think I like that idea really.. I'm also not sure we want to get into the position of forcing people inside the city...that's a worrisome thought."

?????? - "Well I just used that as an example of policy...

Gene T. - "To some degree that is really what land use planning is really about, isn't it?"

Jim T. - "I don't think that is what about, I'm not sure I agree with it."

Dick B. - "Well I think that is what the two bodies have to do ...is agree."

Cornett G. - "If you don't, you're going to get it more and more sprawled out further and further, aren't you?...if you don't." Nobody likes to force anything in the end run, but for the services that people require, you're going to have to do some forcing. You can't have a hollow center and have all your policing or your fire protection...putting all your sewer in two or three miles and right by something that isn't even developed...while someone is waiting back here for a sale of a better price for that....that's a heck of a thing to say,....it's going to be a hard decision, but."

Dick B. - "All land use decision are hard..but the other thing is that we want to _____while you do."

Cornett G. - "That what I say."

Gene T. - "To say ...you change the Urban Growth Boundary Jim is not to say that you're going to changewhat could possibly happen within the county... That doesn't stop you from having PUD's or sub-divisions within the County....but the close proximity to the city. But it does lessen the responsibility of future planning or trying to design development, when it maybe down the road forty years from now, or maybe never. See what my....."

Dorris - "Dick, I'd like to ask a question...when you set up your Comprehensive Plan, for your city, is it required that you have an Urban Growth Boundary?"

Dick B. - "Yes."

Dorris - "Now the size of it...they can either agree with or disagree with...the State."

Ann A. - "Depending on your _____of action."

Dick B. - "In most cases the State will disagree."

Gene T. - "You can adopt the city limits though."

Dorris - "But you can adopt your city limits, but you do ...you are required to ...at this time to have an Urban Growth Boundary."

Dick B. - "That's correct."

???????? - "Is the limit of that projected Urban Growth Boundary the projected increase land usage in twenty years?"

Dick B. - "To the year 2000."

Gene A. - "And if your Urban Growth Boundary is defined very significantly more than that...it will be challenged by L.C.D.C. as we know from Echo and others."

Dick B. - "Taking into account the number of facts...the marketing agency factors...your current vacancy factors..whatever they maybe...the type of development you permit.._____ the amount of area that is set aside for streets and other public use..so there are a lot of factors. And the ownership pattern ...you got a city that has got 200 acres of vacant land inside the city, and it is owned by one person..then you can't really count on that 200 acres as all that the city growth needs, so there are a lot of factors that you need to take into account."

Gene A. - "Does the Urban Growth Boundary in the area, under the joint management agreement, are they automatically the same.. in every place that you know of?"

Dick B. - "Yes, Now some areas have adopted the...what they call the comparative influence...which is an area outside the Urban Growth Boundary..it requires a review by the city, before the County approves it."

Gene A. - "That's the point I wanted to make. There is some discussion of the possibility that _____"

Dick B. - "It's really nothing more than a phase two Urban Growth Boundary."

Gene A. - "between the Bombing Range Road and the Tower Road or something, that the city may very well be more expert in the needs and services of you know...a larger area, then presently defined as the Urban Growth Boundary."

Dick B. - "The only thing the city has to be carefull about, is that while...on their acceptance of an Urban Growth Boundary area they are also basically committing themselves to within the same time period to being capable of serving that area. So the city has to be careful in that aspect too. Either the city serves it , or the methods that under which you approve a development, provide for those services. So there are two ways to getting it."

Gene T. - "As a matter of courtesy, it has been the practice of the County Planning Commission that commercial and industrial or anything that we feel might have an affect upon the city, regardless of itswe move ten miles from the city....we advise the city for comment."

Dick B. - "You have the option, under all the statutes to define effective persons anyway you want to."

Gene T. - "Right."

Dick B. - "For example, the statutes require , on certain applications, that you notify all adjoining property owners within

250 feet, but if you have a major development on a certain road... that may affect people down that road for a quarter of a mile... you have the option notifying those people also.

Ann S. - "_____ is worded is 'within that distance for affected persons'.

Dick B. - "Yes. The thing about the management agreement.. sets forth...that anything within the Urban Growth Boundary, whether it does, or does not affect the city...they will be notified and given an opportunity to repeal...irregardless."

Gene T. - "I really don't think that's to bad a policy, for us to adopt as a County Planning Commission....to notify all cities as to actions going on..cause this is one thing, that I think that Deane now is sending out activity reports to all cities, which helps I think. "

Dick B. - "Your other management agreement, requires that."

Gene T. - "That helps us to keep informed."

Dorris - "Well, would the city rather leave it as it is now?or would you rather_____growth pattern for that Urban Growth Boundary and then submit it to the County...and get together on that? The way it is now, there is really nothing stated anywhere as to whetherif you did happen to take in part of that Urban Growth Boundary ...whether you would prefer it to be in Commercial, or residential or anything like that."

Gene T. - "_____ I don't want to put words in your mouth but aren't you scheduled to have Dick speak to your body, and inform them...so you can be better informed as to what...the responsibilities are?"

Jim T. - "I was going to...my answer to you is..I don't think we can answer you. A firm maybe."

Dorris - "I didn't know whether you were interested in that, or whether you had gone that far in your planning....outside of the city...or looked at it that much...or...because, I think what we have in mind...that we won't have a hodge-podge for you and if we just take ...whenever somebody wants to build something in the Urban Growth...Area....and they bring it, and we send it to you for your okay...or not....and you don't have any plan that says...well that isn't that kind of an area...so..does it make that much difference to you?"

Jim T. - "Again I can't answer you...very succinctly, because I really think we got to sit down as a body...this coming Wednesday when we have our meeting after Dicks going to give us presentation and then...I think that we could probably sit down and discuss it. ...but I think we should ask the commissioners...that's just my opinion of the logistics of the thing."

Dick B. - "What these are Dewey are...draft # 1, is very similar to the agreement that the county now has with Heppner, Lone and other cities..the ones that came sometime after Boardman did their comp plan. The other draft is one that is standardly used in a lot of jurisdictions between the city and the county for an agreement in helping to manage it inside the Urban Growth Boundary. These are the first drafts..they are to be tore apart..put back together..maybe combined..whatever. They are just something to start from."

Dewey W. - "How much do they vary from the procedure now, that's being used...Cornet addressed to it a little bit..between the city of Boardman and the County..how much does this change?"

Dick B. - "I don't think they vary substantially,..from what's been occurring...there's just been no agreement to what occurs..and at least one situation..the fact that there was nothing in writing to govern the procedured and set something out...created one individual some substantial hardships...because of the continued delays.

Dewey W. - "My next question then...Ann, is this part of the problem..between the County and L.C.D.C...the fact that we have not had this written?!"

Ann S. - "There is a currently written management agreement. I don't have a copy of it with me..I haven't had a chance to read through these as yet..at all, but there's some real problems in how to interpret it...the County Planning Commission has apparently applied it somewhat differently in somewhat different situations. We had one developer come before this body..what a month..two months ago?...and was confused as to whether or not we were going by city procedures or whether we were going by County procedures. That's where the problem is right now. We need to determine what procedures..and what kind of zoning agreement we are going to use."

Dick B. - "Basically the existing management agreement says that..activities will be coordinated..that's about all it says.

Ann S. - "That's about all it says...says it provides for joint planning."

Dewey W. - "Okay, my next question is...this. I have an impression right now, based on some experience, that I've had. Now, any decision that is made within our Urban Growth Boundaries, city and county, city of Boardman, that if a person wishes to appeal it...that they stand a pretty good chance of beating the County..in an appeal. The way we're setting right now..and this is illegal.

Ann S. - "The way we're setting right now, I think that's probably true, because planning has not been taken place within that Urban Growth Boundary right now."

Dewey W. - "And this is one of the things that need to be done."

Ann S. - "Once, that is done, then it would be very difficult for a person or an attorney to start a challenge."

Gene T. - "But that would apply only in the Urban Growth Boundary, wouldn't it. That wouldn't apply to the whole County?"

Dewey W. - "Well, yes, and that brings...I understand that..and that brings up my next question. Here on this second draft, on page two...it says...down there on paragraph two...Morrow County shall retain jurisdiction over land use decisions within the incorporated Urbanizable area..and such decisions shall conform to those adopted policies. What is..an incorporated.."

Dick B. - "Unincorporated."

?????? - "That's a typographical error."

??

Dewey W. - "Well yes, there is another area there, that refers to it...but anyhow...You're saying we're going to get a chance to look at these...and this is just initiating ."

Dorris - "This is just to get some dialogue...back and forth.. on what..you people as planners and the city councilmen...want to do with that Urban Growth Boundary...and coordinate it with what the County....County coordinate it with you...whichever way you say."

Dewey W. - "I think it's great."

Deane S. - "Then it will develop the policy for guidance for the administration of it..so we have some policy coming from both sides."

Dorris - "So, somebody comes to us and ask us about doing something...and we say one thing and they go to you and you could say the same thing..it wouldn't...they wouldn't...we wouldn't do so much writing back and forth to you and you to us...so and so forth, because we would have those thing already worked out."

Dewey W. - "Yes, I think the track record between the City of Boardman and the County has really been pretty good..and I think we lucked out on a lot of things. I think we've had some people that have really been working hard to do some things right...and..I think this is just a step in the right direction..to further this."

Dorris - "As I say, we don't want to foul up your plans...that you might have...in expanding your city..out into the Urban Growth area....and yet there are certain things that are in the Urban Growth Boundary that the County has an interest in too.....that we don't want coming out into the rest of the County."

?????? - "What, our dogs?"

Laugh ????? - "I'm not sure which way they go."

Gerry M. - "I got one, you got to keep in mind though.. _____
_____ it, your sewer systems which you just put in, or

work on...or something like that...but...If you serviced all of Boardman, including the lots that aren't taken now...that's all it could handle...so as soon as this starts building up ...up in the Urban Growth Boundary, like these subdivisions and so forth, you won't be able to handle it with water and sewer....or if you extended it out there to be able to handle all the rest of the vacant lots."

Ann S. - "That's another reason for doing it...that's another reason for doing the Urban Growth Boundaries ...so that you can say...well this much will fill up within this much time..so we can expand the sewer and water at a reasonable rate..and provide for the growth that is necessary in those systems."

Gene A. - "I think at some point my must presume that they must handle it..but the point is the economic _____ is feasiblethey choose to."

Gerry M. - "Yes, well that's another reason we have to considerhow far they want to take in."

Dick B. - "In fact one of the things that is almost required now, for acknowledgement from L.C.D.C is that once you establish it ...the Urban Growth Boundary...the city sewer and water plans are adopted at that point, must alsothe boundaries over which those are designed to serve...must corespond with that Urban Growth Boundary."

Gene A. - " _____ city saying they must serve it."

Dick B. - "Within the facilities. _____"

Facility plans are always based on..bond issue..grant programs... funding programs..and those type of things. The design ..capacity of the facility...must corespond to the Urban Growth Boundary..or there be other methods in the plan to provide the services to those.. ..like...development owned facilities...until the city can perform them.

Gene T. - "As a city councilman, I'd like to say that _____ feel that we need to look at the advantages and the disadvantages of our Urban Growth Boundary and take another look at it."

Dorris - "You mean in regards to the size?"

Gene T. - "Yes mamm."

Dick B. - "If it's been in place for more than two years, I agree with you, because any kind of consultant that tells you that you can project for more than two years, is crazy."

Gene T. - "As I pointed out this morning, this original plan was done...these boundaries were set up originally by _____ and that was...I don't know...that was back in 70..."

Jim T. - "These current Urban Boundaries?"

Dewey W. - "How about '52?"

Gene T. - "Yes, '52....yes."

Jim T. - "These were set up by the Comprehensive Plan group in 1974..."

Gene T. - "They used the same basic lines as _____ had drawn out in '52...when they did the study."

Jim T. - "Except they moved it further...west...but that's about the only thing....and south."

Dewey W. - "Yes, I think that's right."

Dorris - "Now Dick or Ann, either one, am I right in saying that if we allow a subdivision in the Urban Growth Boundary,....and..it is of course not hooked up to the city sewer...and something happens that their sewer is no longer viable and the DEQ has condemned it.. and all...they can't force the city to give them service....right?"

Ann S. - "They can...and that can create some real hardships to the city if..it comes to that..so that's why you want to plan for it now."

Dorris - "That's another reason why we think you folks ought to say whether you want this or this or this in that Urban Growth Boundary, cause that is something that you might bump into...when you didn't want it where it is and weren't set up for it."

Gene T. - "That can get quite concerning."

????????? - "Dorris, Jim admitted there a little bit ago that they need to get back together with the city...but for example... we're saying here,,that....within the Urban Growth Boundary... if they were to adopt the cities land use zoning...whatever it happens to be...other than...commercial, residential...typical.... they are very limited in the present zoning ordinances to have an R1, 2, 3, 4 and a C....this sort of thing...Anything that doesn't fit that is simply a farm use..They don't have any EFU or Farm Residential or some of the mandatory type of typical rural subdivision zoning...that we can even adopt or apply to it, at this moment...So they need to expand their range of uses."

Dorris - "In terms you mean...using that ...so we'd be using similar terms.?"

Gene A. - "If we have to adopt the cities land use, within the Urban Growth Boundary, it is inadequate to even define the existing or proposed land uses, which might come up...for the problems that we have to address ourselves."

Dick B. - "...you have some new draft ordinances for the city which I will be responding to you on the 28th..."

Gene A. - "Okay...I was speaking historically."

Deane S. - "_____ specifically zone that area...
Urban Growth Boundary.."

Ann S. - "What's going to happen _____ the County Planning Commission applies the more restrictive zoning...so then..like ..for example...less density in a certain area..and then as it comes closer to being moved into the city..they had expanded the zoning to include other uses too...but that also has to be planned together..so that both bodies knows where it is going..and when."

Dick B. - "_____ conclude, the city must approve all County building inside the Urban Growth Boundary, before it is adopted, they must jointly adopt zoning ordinances that inside the Urban Growth Boundary.

Gene A. - "City and County?"

Dick B. - "Yes."

Gene A. - "I agree. And that is not being done."

Gene T. - "Let me pose another question...let's say for instance that..if we used the city limits as an Urban Growth Boundary...and we got a parcel that wants to annex to the city...this is within the County..does that pose any particular problem."

Ann S. - "Yes."

Disruption by turning of tape.....

Dick B. - "Literally you can not annex property that is not in side the Urban Growth Boundary. If it ever came into court..that will be overturned...automatically.

Dorris - "Unless you turn that Urban Growth....?"

Ann S. - "Unless you going to go through the whole process and start from scratch."

Gerry M. - "Can the city add..the city could add....zoning though couldn't they...the city could add more zoning...as far as they could change..."

Deane S. - "They could change the zoning."

Jumble of voices.....

Dick B. - "They could amend their zoning ordinances anytime. As long as they are in compliance with their comp plan..now..if you have an area in the comp plan that designated for residential use...you can not zone it industrial...nor can you zone it commercial. You may only zone..."

Ann S. - "But you can _____ up to six family residential or multi-family residential _____"

Dick B. - "You may only zone less intensive, not more intensive

than the plan designates.

Gene T. - "It would seem more than zoning _____ within that Urban Growth Boundary...the potential obligation is the city be called upon _____ in regards to services. Also it concerns me that the way the laws are stated today...that if in fact, we were forced to take in a subdivision outside of our immediate service area now...we cannot pass those costs onto those people only...that cost is spread throughout the entire community. So that obligation...burden falls back on the existing city...and not necessarily any greater portion on that portion of people out there."

Dick B. - "People in the existing city will possibly pay for the same sewer system three times..or four times....or five times."

Gene T. - "I find that quite concerning."

????? - "So do most existing residents, in most existing cities."

Dorris - "Now, before they annex a subdivision out of the Urban Growth Boundary...they can require them to pay for that installation and all, couldn't they?"

Dick B. - "Yes."

Ann S. - "You can do that as far as developing your subdivisions outside....you can require the developer to put in sewer and water systems...to extend the existing one and possibly to offset part of the costs of an existing plan."

Dorris - "But that would have to be done, before you..."

Ann S. - "That'd have to be done as part of the subdivision process."

Gene T. - "As a matter of fact, if the lines are not laid in the agreement that you get into with the subdivider...may not necessarily fall upon those the eventual owners of the _____" So you've got a problem there too...unless it's done at the time that its....."

Dewey W. - "Course that's one of the reasons we have Ann setting in on this meeting now.....lifes' getting more complicated all the time.."

Gerry M. - "Wasn't there a deal.....you said...that they could deposit with the city...a lump sum for future services to.....?"

Dick B. - "Several communities use what they call a system development charge."

Dorris - "On a subdivision out in what they call the Urban Growth Boundary...that might interfere....."

Dick B. - "Yes, or inside."

Gerry M. - "Well, it wouldn't have to be on _____ couldn't you put that on anything in the Urban Growth Boundaries?"

Dick B. - "County,I'm told by the A.G.'s office that the county cannot adopt a system development charge, without going to vote of the people to do it. The city has that authority by ordinance, the counties do not."

Gerry M. - "Yes, but the cityyou just through saying the city governs the Urban Growth Boundary."

Dick B. - "Not for that."

Gerry M. - "Just subdivisions only you can get that....."

Dick B. - "Well for a subdivision, inside the Urban Growth B. but outside the city...no...you don't have that authority..unless you go to a county service district...you can go to a county service district, but under the statutes, you cannot include roads in a county service district....only sewer and water and recreational facilities, but not roads. The County has no way to collect for roads..cause they legally cannot form a LID. In the wisdom of the Legislature, that's the way it is. We've tried twice, unsuccessfully now to get a county service district _____ that's because all county _____ receives it."

Deane S. - "Well the process, at this point then is...your going to be meeting with the city on some of their....the city still wants to take a look at this thing...This is primarily a introductory meeting anyway ..so we realize that we need to coordinate...we need to cooperate, in order to establish..so at this point it appears that the city people are going to have to kind of get some kind of an idea together, and consolidate their thinking, as to what they want to do..take a look at these drafts...tear them apart..change them.. or write a different one..and then, we can get back together. And we should get back together, prior to the Countys' going for compliance on their Comprehensive Plan, I would think."

Dick B. - "Not necessarily, the city of Boardmans' Urban area is already acknowledged, so L.C.D.C has already signed off on that portion. So it's not necessary before you go for compliance."

Deane S. - "So we don't have any time frame that we have to worry about?"

Dick B. - "No, I saw today's meeting, as nothing more than opening the door..to negotiating better procedures between the city and the county...and getting it down in more refined form so that..both sides knew what the other side was doing....so the applicant...knew what the process was..so he wasn't tossed back and forth."

Cornett G. - "The sooner the better though...the further you go down the road...every time you make a change....it doesn't make his application...."

Ann S. - "_____ you know you've got applicants for subdivisions, within that UGB area...I think we ought to go ahead and get moving on this..those people can be dealt with. We've on the table right now, and he is going to want an answer eventually."

Dick B. - "If I had been representing the client that had the problem with the county about four months ago...I'd a been so made that by the time I got through..you wouldn't have been hardly able to speak to me."

Dorris - "Well was that good or bad."

Dick B. - "Bad. Under the circumstances I think it was a poor process."

Dorris - "Yes, it was."

Dick B. - That's one of the things that really has the greatest adversities to land use planning...it's just those types of processing.not the regulation...but the fact that people are juggled back and forth....from one jurisdiction to another...to the point where the applicant doesn't think they know what they are doing...they know damn well the jurisdiction doesn't know what they're doing...and it really sours people on it."

Dorris - "That's one of the reasons why I think..we should get something worked out...but I think it'd be better PR all the way around."

Dewey W. - "I think Dorris...we need to recognize that L.C.D.C. is here...to stay. And they're going to be setting there..looking at every local government decision that we make if appeals are made... and if the processes are followed...and I think that our experiences that we've had here ...have pointed this out..pretty well here. Now we feltif anybody had told me, when we supported the Land Conservation and Development Commission program...away back...when some of us use to attend the meetings..and it looked like that we needed controlled growth...that we needed to do some things...that a state agency would be setting and telling us...at the local level... what we're going to do, and what we're not...I would have said..'you're mistaken, that can never happen in Oregon'.,,but it has happened, they're getting stronger and not weaker....so...good, let's get our house in order."

Dorris - "What bothers me now, is that they were...whenever they got the county seats and all...why then...it was more or less understood that there would be _____ out or something...and that is not going to be so...because....to justify their existence...they are beginning now to have these reviews policies that even though they have accepted your city and your county..your are still subject to a review...and that means what you said..they

will be looking for things...we have been wrong."

Dewey W. - "They are coming up with maintenance. _____"

Dorris - "And so they are not going out of existence as we thought they would....but that is a part of bureaucracy."

Dick B. - "The only way you...to reduce L.C.D.C.s' inflow, is for every community to do more on their own...and to assume the responsibility, because they're formulating in my opinion..examples right now, of why they should continue in existence...."

?????? - "Curry?"

Dick B. - "Curry County, Columbia County, Kalamath County, Deschutes County...they're documenting why they should stay in existence and continue..because there's no local jurisdictions out there that will not assume the responsibility themselves."

Dorris - "And won't do what want them to."

Dick B. - "And the same thing is true for the State Real Estate Commission...upon the acknowledgement of your Comp plan and your ordinances..the State Real Estate Commission no longer has any jurisdiction. Basically what that would say is..that if every city and county in the state had an acknowledged plan and ordinances, we'd no longer have a Real Estate Commission. Mark my word..they're sitting down there watching very closely...and they're gathering information on violation to the State statutes dealing with sub-divisions, they're coming back to the legislature next time and saying 'see what happens when you took us out; see what happened'. And they'll get their authority back. Plain simple."

Mrs. Mabel Allen - "I'd like to ask something. You started out at the first of the meeting and gave an explanation of sub-divisions in conjunction with cities next door..and the roads and all these things should be set up according to plan..would you please state what you ment by that...like existing roads?"

Dick B. - "Well basically what I'll tell you ...statutes says that no local jurisdiction can approve a sub-division unless the roads are laid out so as to conform with already approved roads and plats of adjoining plats and sub-divisions, the statutes say that. What I'm saying is we are looking at sub-division inside the Urban Growth Boundary..Every aspect of that sub-division should conform to existing patterns and standards in that area..so the city is not assuming that sub-division at a later date and having to re-do the streets, re-do the sewer and water lines or any other improvement."

Mrs. Mabel Allen - "Thank you, now in one acres parcels...in conjunction with city lots...you know.._____ together. Do we have any good ideas or good ways of placing building on a one acre lot so that it might notfor proper future development?"

Dick B. - "To be redivided?"

Mrs. Mabel Allen - "yes."

Dick B. - "In my opinion no. Now that's my opinion. "

Gene T. - "There is a way Dick, but it is not economical."

Dick B. - "Well...we're dealing with sub-divisions particularly now..where..we're actually on the plat itself...we're designing building sites...and the purchaser of that property will be restricted to building on that particular area, on that parcel. In my opinion it's not overly effective, when you get down into one acre lots and half acre lots. And I had also ...had a problem with constitutionality of when somebody buys a lot..that you tell them exactly where they can build on it...on that piece of land...or your telling them that they must redivide in the future. I don't think we have that right. We're doing it ...for another reason...not because we want the property to be redivided...we're doing this sub-division..creating hobby farms and restricting any building sites on class II and class III lands, not allowing any building to occur on those lands... ..strictly a rural sub-division..not an urban sub-division. I don't like a large lot sub-division inside the Urban Growth Boundary. We talked about that some this morning..I think your better off..to allow more of a plan unit and development type concept..allowing the developer to increase his density to a certain areas..and leave the balance open for future development..rather than putting everything on big lots. I challenge you if I one acre...you're going to come in 1985 and say..'you must redivide that lot'..I'm going to tell you to go to hell. I don't think you can do that."

Mrs. M. Allen - "Well, it seems to me that you are defeating your statement that you made about..applying it with the city..unless there is something that you can do in that manner..cause pretty soon you're going to not be able to do what you're talking about."

Dick B. - "The big problem is..if you had a city that is completely surrounded by large lot sub-divisions...When they grow to that point ...it is really costly...from the publics standpoint to service all those parcels. That's why the person on the large lot sub-divide sub-division always seem to be subsidized by the other urban residents...always."

Ann S. - "That's why you may want to retain more restrictive county zoning...like twenty acre minimums or five acre minimums... until such time as is appropriate for both the parties to sub-divide into city lot sizes....rather than one acre....make a great big one. ...so it can then be sub-divided."

Dick B. - "The other way you can do it..is to require the same level of improvements...irregardless of the lot size. Economically that forces the developer to a higher standard...so _____ . We're doing that in two sub-divisions in Redmond now..where they're not available for city services...but are required by ordinance to put sewer and water dry lines and streets to city standards. What we are doing is basically is developing half the problem...and leaving half of it undeveloped at this point."

Dorris - "Anybody else got anything else ?"

Jerry Donovan - "I had a hypothetical problem, I'd like to ...not really all that hypothetical. It's going to happen.... Say we have an owner of some property and he wants to get a sub-division approved..and he works real hard on his plat..and everything. and he matches our comp plan to a 'T'...and...is there any basis that we can deny that. Specifically, I'm thinking of..if we're concerned about developing the core of the city first. Can we first of all deny his request...to put his sub-division...I realize it is going through us..and the county?"

Ann S. - "What a sub-division in the UGB.....?"

Jerry Donovan - "Within the UGB...can we first of all..as a City Planning Commission....can we deny this...with the thinking that we don't want to get anything started in the UGB..until we start developing our core better?"

Ann S. - "You can do so, if you have a written policy in your UGB management agreement, that says that is the procedure you're going to through..and this the time schedule under which the development will be done."

Jerry D. - "You mean it would have to specifically state we will not okay any sub-divisions in the UGB until such time that this area....."

Ann S. - "Or any sub-division of greater density....."

Cornett G. - "Till you are up to any certain need...you can do it anyway...so many lots available....."

Dick B. - "Negative...the corporate structure.....policy."

Ann S. - "The need is shown by the zoning now."

Dick B. - "The _____ is said, that if you _____ conditional use, that constitutes a showing of need."

Jerry D. - "Okay, would a conglomerate speculator, within the core that has supposedly have some of the property, already tied upwould that constitute the need to develop outside...into the UGB."

Ann S. - "I'd say it would depend on alot of circumstances."

Jerry D. - "If there are speculators sitting on it right now."

Cornett G. - "If there are available lots in the UGB, they count too...as part of..."

Jerry D. - "Well a lot of them might be in like twenty acre..... right now. In fact they all are, unless they have already been sub-divided into....."

Ann S. - "Basically, under the state goals and guidelines, right now...you're mandating developed lots within the city first...if possible."

Jerry D. - "Okay, so..then....."

Ann S. - "So yes, the county could deny the sub-division."

Dick B. - "But you and I know that the free market, does not always work that way."

Jerry D. - Yes, that's right...and I would like...it would be nice if it would. It would control everything for us..but the free market doesn't.

Dick B. - "Ann's right, if you are going to deny a sub-division ...inside the UGB on land designated by the Comp plan for residential development...and zoned in that manner..you had better have some very strong policies...on how residential development is to occur in order to do that, because you do it, without those policies...they take you court, they'll beat you."

Jerry D. - "As it stands right now, I don't think we can do that."

Dorris - "If you don't have a policy stating this."

Jerry D. - "If somebody comes in right now, say at our next meeting, and requests to have his sub-division, which he has all platted out, _____"

Ann S. - "_____ because the county zoning in that area is what...one acre or five acres....mostly within the UGB _____?"

Jerry D. - "Probably twenty acre an everythingisn't it?twenty acre, and five acre..one acre."

?????? - "A little bit of everything."

Ann S. - "And they can deny a zone change, if they don't feel it is appropriate, right now."

Jerry D. - "First of all, as the City Planning Commission, can I legally....first of all say 'well I'm not going to vote for it, cause I'd like to see us develop our core a little bit better'

Gene T. - "Apart from _____ you don't have the final authority the way it sets."

Jerry D. - "I realize this, but...."

Ann S. - "You can get together with your other City Planning Commissioners, and if that is what you feel, that's the recommendation you can pass onto the County Court."

Jerry D. - "Okay, then to keep from looking like an idiot, can say....."

??????

???????? - "You can say anything you want...."

Jerry M. - "We came up with...what did we come up with... four hundred lots available in Boardman!....and the UGB...for sale?"

Deane S. - "In the UGB, there were available one acre lots

Jumble of voices

Jerry D. - "I guess that would be the statement, I would make, right....now if someone came to me, and said "well, I don't think we should....okay..let me get into the second _____"

Dick B. - "The important thing is that L.C.D.C. and the courts are saying..!you may not do that on discretionary reasons'."

Jerry D. - "Okay....."

Ann S. - "But if you can set down and itemize a reasonable factual basis for this decision, yes....you've got to be able to put it in writing, so that somebody else can understand."

Jerry D. - "Oh, afterwards you mean...after someone confronts us on it....you have to be able...."

Ann S. - "And that is why you want to do your joint management agreement, so you've got your policy in writing to start..but then do....."

Gene A. - "It's very simple, Jerry. All you have to do is look at your policy and interpret it."

??????? - "Right."

Ann S. - "Right, seven different ways...seven people interpret it seven different ways, but it's there."

Jerry D. - And the second phase...let's say for instance..we did approve this sub-division..and a week later he says...'I want to be annexed into the city'..Now, under what circumstances can we deny annexation...can we just flat out deny...say where we don't have the services?"

Gene T. - "You're saying this is in the UGB?"

Jerry D. - "Within the UGB, right."

Ann S. - "Okay, there's a lot of things required by annexation ...partly depends whether or not he adjacent to the city limits.. because you can only annex lands adjacent."

Jerry D. - "I'm assuming that."

Ann S. - "Okay, then what you got to do is...one of the things you want in the UGB agreement...you know..at this point we will have these services available...and..then we can require them to

annex it...and we can allow them to annex...That's why you want to have it in the UGB management agreement, because you are providing for a complete overall growth...when you are doing so."

Dick B. - "One of the other things that the city should have is an annexation policy of their own....."

Ann S. - "Yes."

Dorris - "Do you have one now?"

????? - 'Yes. "

Dorris - "That says definitely that you will or you won't?"

Jumble of voices

Gene T. - " _____ says they'll take anything that's _____"

Dick B. - "Most annexation policies...have one important policy in them...that they will not annex anything, except under a hazard situation, that will exceed the carrying capacity of the sewer and water."

Jerry D. - "So we are not...we're not required to allow annexation...we can just deny it flat out...to speak...cause we don't have the designed capacity."

Dick B. - "With valid findings, you can deny anything."

Deane S. - "It's the valid findings then....."

Ann S. - "Unless DEQ comes to you in an emergency situation and says 'you will take this', then you don't have any choice."

Dorris - " Because their sewage isn't working and they
.."

Dick B. - "The thing you have to be careful of and the reason you should deny these things, based on policy, is that you can'tcannot indiscriminately annex one person and tell the other person no...basically because, you don't like him. Which happens. A lot of sub-divisions are approved by local developers, if it was a California developer, he never got it approved."

Gene T. - "I think there is another thing...another point heresay for instances that..we've got somebody that wants to sub-divide in the UGB..then we have some obligations as far as the city is concerned. If it's not UGB, then the city really doesn't assume any of the obligations the county goes on record "

Ann S. - "Right."

Dick B. - "And if you approve a sub-division outside the UGByou shoulder all the responsibility. And the city is not now or in the future liable for any of those services, unless they agree

take it inside the UGB."

Gene T. - "I think that is really the key that we need to zero in on is 'what are the advantages and disadvantages to UGB'? And what is a realistic UGB? That's really what we need to touch on."

Dick B. - "That's why Gene, most UGB will correspond almost directly to the boundaries to the sewer and water facilities...in nearly all situations. Wherever such exist."

Dorris - "I think when they started these UGBs, that was never explained...and everybody had the feeling, well, that's fine, we've got a buffer..but this wouldn't explain that the cities could be liable, to have to serve these project."

Dick B. - "The biggest factor involved in taking into account, in deciding on the UGB location, is that I as an individual property owner, decide whether I want in or out of that boundary...cause I decide whether I want to be able to develop in the future, or whether I may want to have to wait ten or twenty years to develop. That's the basis on which most UGBs have been adopted. Irrespectfully to the effects on the government."

Dorris - "Did you have any more questions?"

Jerry D. - "Yes, _____ [basical] developments.. Okay, let's say for instance..you allow this annexation of this sub-division..who's account do the cost go to bring it completely up to city standards...because we have sub-divisions that are...that are approved already..?"

Ann S. - "If it was not required as part of the sub-division process, then it is up to the city."

Jerry D. - "okay, if we only required...say..certain base and dedicated road easements...then ..any sewer pipeline laying, or anything is to the city account."

Ann S. - "Any upgrading....any future upgrading...after the sub-division itself is complete is going to the city. It can be done by LIDs and other means...but it's going to be on the city."

Dick B. - "Don't you have an extension policy?"

Jim T. - "Well the extension policy we have been using is been totally afforded by the majority landowner, that is sitting right in the middle of the city, it's virtually made it useless. Yeah, we had one when we started in the Comp Plan, what good did it do, when you've got to go all away around it to get places for people to live?"

Gene T. - "That's what really screwed up our whole development, in the city of Boardman, period."

Jerry D. - "How about the use of local improvement districts? Can that come into effect?"

????? - "Yeah."

Jerry D. - "And how can we...."

Ann S. - "You can use those on any land in the city."

Deane - "Inside the city...."

Ann S. - "Inside the city."

Jerry D. - "Okay, then what you can tell is, that 'we'll annex you, however, you might form a LID."

Ann S. - Yeah, you can do that."

Jerry D. - "That would be a way of.... _____ cost away from the people, cause that is where we are going to have problems."

Ann S. - "Yes, you can condition annexation on things like that."

Gene T. - The exception is, say you've got a sub-division out there, L.C.D.C. comes in and says 'okay, we've developed the sewer and water problem, you're going to have to hook onto the city

Ann S. - "Yeah."

Gene T. - "Then you've got a problem."

??????? - "And that did happen, by the way. Dockens' Trailer Park." They put that little lagoon system out there and DEQ said, 'no way, you'll hook to the city', so Docken built 6500 lineal feet of pipeline, at his expense, with latecomers agreements."

Gene T. - "But that was not a pre-existing use."

Ann S. - " _____ looking at the same thing."

Jumble

Gene T. - "But with an already existing use..it becomes a whole different policy."

Jerry D. - "Okay, how about road dedication easements? When we do accept a sub-division...and say for instance it has a one acre zoning...or one acre lots on it. ..and we have dedicated, dotted in lines on it the plat...which split those up into four lots.. okay, say for instance, somebody builds their house right in the middle of that lot...Several years down the line, when it is annexed in the city...we want to punch streets through there...put one right through a guys house?"

Ann S. - "That's why you want to do your plan now, because what your UGB....part of your UGB plan should contain the major arterials...that you eventually will want to have go through...so

that as a condition of sub-dividing, whatever, those plans are

That's _____
You're _____ plans _____ traffic patterns,
so the arterials will be right."

Jerry D. - "We've tried to do this in...in fact in a recent sub-division, that we had come before us..and then it came before you. They had these dotted lines, and I'm wondering..if a person goes to buy that property..and he's taken out to see that..by a real estater or something...when he looks at the plat..does he see that plat with the dotted lines..or does he see the one where everything is just kind of general told that in the future,'you can break that up'?"

Ann S. - "He sees the plat with the dotted lines. If not then you have problems. What you've got to do is make that a requirement of the sub-division."

Jerry D. - "That when they are selling these lots?"

Jumble

Jerry D. - "Does the buyer have any recourse, if you come back five years later, says what's the deal here?"

Ann S. - "If it is platted on the sub-division, the buyer has no recourse. "

Jerry D. - "He's got the responsibility himself?"

Ann S. - He's got a responsibility for knowing where his easement are dedicated."

Gene A. - "And I might add one thing to that...I presume I know what sub-division you are speaking of...and in fact...because we do not have...not met certain requirements...there is a public report, from the real estate division...which is a requirement before a buyer signs anything. ...that he is aware that he understands that in case of misrepresentation....what he is speaking of...and..those facts are set out in about thirteen pages ...of the total report as you are familiar with...so his recourse..if you will...is that isn't done, at least is back to the real estate division."

Jerry D. - Yes, but Gene, you as a real estate agent...if I went out to buy property...I just moved into town..and I bought this one acre parcel..first of all...are you going to tell me that all...that there are dedicated roads there?

Ann S. - "When you get a title report on your property..it will lay out...."

Jumble

Jerry D. - "So anyway this person does put his house down and we want to punch a road through...we tell him to move it..or..lose

it or what?"

Ann S. - "If it was on his title certificate, when he got it.. when it was on the land when he purchased the land..yes..you can make him move it."

Jerry D. - "Is this something, that we as the City should be checking out...on...the nature that these people are...."

Ann S. - "Whoever okays the sub-division..should be checking that..and then after that it's on the buyer of the lots."

Jerry D. - "Whoever okays rural pieces."

Ann S. - "Whoever okays the sub-division, has got to make sure that it is on the plat of that sub-division...that it is recorded"

Jerry D. - "It was on the plat, but..."

Ann S. - "if it's on the plat, then it's recorded with the county, and you as a buyer are...the obligation is yours."

???? - "Ann doesn't this go one step further though?"
In the situation that I ...one of the situations...Jerry is referring to...there is also...with the public report..there is also a plat plan. ..that goes out with the public report..and that plat plan shows well location, sub-surface sewage location, shows all these easements and when that permit is given...for that structure...then it's not that plat also considered...for that permit...before that permit is ever issued....for that structure..so you've got a lot of _____ in this?"

Ann S. - "Yes."

Dick B. - "That's one of the criticism of the proposed county sub-division ordinance, that requires all that to be on the plat."

????? - "I think that is great, that it requires it. I know of one..the one that we were referred to a little bit ago..that there are some fairly nice plat plans that have been put out for each of those plots which show the sub-surface sewage rules, the well locations, so it is not in conflict with anybody else around ...it shows all the easements ...and there would be absolutely no reason for anybody to come in"

Ann S. - "Whoever inspects that building...they should be checking up on that when they come in..."

Jumble

Dick B. - "Let me say one thing...one of the things that is sad about this process is...is that every buyer..in a sub-division that _____ the real estate division...signs a form saying that they have read the report...but, the buyers are like most insurance buyers...you all sign...we all sign the insurance policy saying we read the entire thing...when we haven't...that's one of

the problems."

????? - "Who is critical of that requirement...is that one of the individuals...or...city planners...or?"

Dick B. - "It is just a problem with the stupid public report is so long...most of us don't read it...unless you work in land use like I do every day...you don't read that...twenty-five pages."

Cornett G. - "Most of us couldn't understand it, if we did. It was drawn up by a lawyer."

Gene A. - "I might add one thing to that, as Dick referred to much earlier...that if and when the County becomes in full compliance ...with L.C.D.C..that public report will no longer be requirement.. for a sub-division."

Gene T. - "Well I would hope the County will develop that same kind of thing.. It's not required by State law..."

Gene A. - "That's all I'm saying."

Dick B. - "Realistically every buyer in a sub-division should require a copy of the deed restrictions...if there are any...he should require a copy of the report now, if it is required..."

Ann S. - "And even if he doesn't request it, he is bound by it."

Dick B. - "And he should not sign the final agreement to buy the property, until he sees a preliminary title report, but that does not always occur...The problem that Gene is referring to is when...the State Real Estate Commission no longer would be issuing public reports...what most jurisdictions are doing is basically... adopting the same type of filing form as the Real Estate file form. ...and they're providing prospective purchasers of that application form, which has all the basic information that the public report has in it."

Gene T. - "Are we prepared to adopt....."

Dick B. - "I have a file on it now...sub-division application already drawn up, which would incorporate all the information, that is required in your ordinance."

??

Gene T. - "We really need to _____
_____ comp plan."

Dick B. - "Well the ordinance gives you the authority to adopt all...any application forms, that you should require...that's a standard requirement."

???????? - "Assuming that we're going to get approval though, we should get them established all at the same time."

Dick B. - "Makes it a lot easier for the developer to have a

five or six page application form, that already hasto fill out the blanks...much easier for him...it is much easier for Deane to do his staff report...it's much easier for you to review a sub-division...if they're all in standard format.

Gene T. - "It follows, we should be looking at same type of procedure for the city."

Dick B. - "Well this is some of the things that Jim wanted me to cover on thison the 28th...is to go through some standard applications, formats...standard filing requirements for approval or denial...and some of the other things that have been brought up here this afternoon."

Johanne - "Dick...what about down in the future...I don't know if it works this way down here in Boardman...but up in Heppner they just buy land..say Cornett has got his place up for sale... and I just buy it straight from Cornett..instead of go through a Real Estate agent..."

Dick B. - "There isn't a thing you can do about it."

Johanne - "If I'm not...is there anything that...to show me if I buy out here in this real estate from Mr. West here...he's got a piece of property out there..and he has built a house there.. or something..and I go out there and I built something...What happens to some of the things that I would build out in that neck of the woods that...maybe shouldn't be where they are suppose to be...?"

Ann S. - "No matter where you are buying your land...you are bound by any plat plans that are filed with the county....so if you went in and blow it...then you can be responsible for tear down your house, or move it...or bring it up to whatever...place it wherever required on that plat plan...if there is an easement...you may be required to pull it off the easement..but you are bound by what is recorded with the county."

Gene A. - "That would include recorded deed restrictions for example."

Johanne - "Wouldn't this also be kind of be....caught by maybe the people that are issuing the building permits?"

???? - "Not necessarily."

Dick B. - "Most jurisdictions..that have their own building department..requires a sign off from the planning department, before the permit is issued...The State Department of Commerce in those areas where they do that...may or may not do it."

Gerry M. - "Ninty-nine percent of them will be caught by the bank.....you submit a loan..he looks at it pretty close."

Ann S. - "If you are going to get a loan from the bank..the bank is going to require a title insurance...the title insurance will tell him."

Gene T. - "One other area that maybe we should air a little bit...and that is...when we're granting sub-divisions filing, platting or whatever...and these things come to record...as a matter of fact they stay there...is that correct or incorrect?"

Dick B. - "Correct."

Gene T. - "We have one in Irrigon, that has been platted all the way to Eighth Street, I believe...and all the way to the County line from Eighth Street...that direction...there's a plat that exists on all that property since the teens."

Dick B. - "Statutes gives you the authority after ten years to vacate a sub-division plat, if you can determine that it's undeveloped."

Ann S. - "Undeveloped, means basically you don't have any kind of building on it at all....."

Dick B. - "Or not one lot sold...if one lot is sold..then it's determined developed."

???? - "That's like Hardman."

Dick B. - "No, even though the legislature thought they were doing us a favor, they really didn't do us any good."

Gene T. - "The other point I'm trying to make here, is that these sub-divisions _____ regardless of what happens to them....."

Ann S. - "Pilot Rock had one that was about 35 or 40 years old that they were trying to vacate, and there was one house put on one lot, and that was it. The rest had nothing on it..they could not vacate it _____"

Dick B. - "The only way you can vacate the balance is if you ...the owner of the balance to request a vacation."

Dorris - "It goes through that way? Is there anymore questions on this...if not....I think we've come to about our two o'clock.... we set from twelve to two"

?????? - "I have a question...we heard about plan use development. ...from the planner..and I'm not sure where the two planning commissions are in working on land use development, that we could apply in our UGB."

Dick B. - "We have the proposed sub-division ordinances and we have the PUD section in it...closed county=wise."

Dorris - "Yes, our county one does..and..."

Dick B. - "Exactly word for word...the same one that is in the proposed ordinance..that I gave Jim."

?????? - "Have you had a chance to....."

Ann S. - "Most PUD zones are floating zones..so that...say for example..you've got an industrial zone, to put an industrial PUD and stick it in appropriate area...and what it does is varies the density in certain parts of it...and _____ in other parts of it."

Dick B. - "What we're doing now...contrast that Ann...we're actually saying whether in a specific zone for example....an RI zone.. whether or not a PUD is permitted period. It becomes a land use classification..like a grocery store, a service station..it becomes a land use classification."

Dorris - "And I'm not sure I like the title PUD, I keep thinking of these electric...."

Dick B. - "That's easier then spelling it out...."

Dorris. - "I agree with you. I'll get used to it."

Gene T. - "I just want to point out that at the present, we don't have a PUD in the County, until we adopt our new program."

Dorris - "They'll be in our new Comp plan....zoning ordinance."

Dick B. - "From the private standpoint..we love PUD ordinances. ...cause it gives us some flexibility."

???? - "But we're moving ahead with it...is that what you're saying?"

Dick B. - "We have one under consideration for the county ordinance."

????? - "The city has adopted one...of course."

????? - "yes, but it is not in conformance with the countys'."

Gene T. - "They will be...pretty much in conformance...once we get ours adopted."

Dick B. - "Most of these PUDs provisions...around the state are fairly standard...fairly standard."

Dorris - "And if Dick works with you..on your zoning and so forth...he's already worked with us..so..there shouldn't be too much conflict in it there."

????? - "I'm a little bit behind on it, I know that, because originally when we talked about it...there were some differences, and..in what...how the county felt about it..and how the city felt about it. I know there were some differences."

Dorris - "That's true."

????? - "Maybe we're getting by them...I don't know."

Dick B. - "Well if we're not..we'll work on it."

Dorris - "I think that by the time..Dick has talked to you.. and we all get back together again that if there is differences we ought to be able to bring them out then...after you had a chance to look at whatever you are."

Dick B. - "Well at this point..let's not look back..let's look ahead."

Dorris - "Yes."

Dorris - "Well if there are no further questions on this I would like to thank all the folks for coming."

Mrs. Mabel A. - "As a member of the City Planning Commission..... we've been wanting a meeting on this type for a long time. And on behalf of the City Planning Commission I would like to thank who ever set this meeting up and gave us this opportunity to get together."

Dick B. - "I hope it's not the last."

Dorris - "No, and I think that it is something that we do need and I think we need and I think we need to update it too....from time to time. I don't think we should just _____ and then forget it."

Ann S. - "One thing that we may want to do is, is to write a clause in the management agreement when it's done that we want a review...at least every so often."

Dick B. - "I intended to do..was give you a basis to start from."

Dorris - "Because this is something we can't just drop..I mean times are changing. So thank you very much for all of you coming.. and we will get together with you....."