



PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

**Minutes of the Public Meeting of the
Morrow County Planning Commission
Tuesday, August 25, 2020, 7:00 p.m.
Bartholomew Building, Heppner Oregon
(Also video conferenced via Zoom)**

Morrow County Planning Commissioners Present: Chair Jeff Wenholz, Vice Chair Mifflin Devin, Stacie Ekstrom, Wayne Seitz, Karl Smith, Greg Sweek, Rod Taylor, and Brian Thompson.

Morrow County Planning Commissioners Absent: Stanley Anderson.

Morrow County Staff Present: Stephanie Case, Planner II/Interim Planning Director; Stephen Wrecsics, GIS Planning Technician; Justin Nelson, County Counsel; Gregg Zody, Community Development Director, and Dianna Strong, Office Assistant.

The Pledge of Allegiance was recited.

Approval of Minutes:

Commissioner Taylor moved to approve the Minutes of July 28, 2020. Commissioner Devin seconded; and the motion carried.

Planning Commission Chair Wenholz read the Planning Commission Hearing Procedures.

Variance V-S-040-20: Donald and Judith Barber, owners and applicants. The property is described as tax lot 700 of Assessor's Map 3S 28. The property is zoned Exclusive Farm Use (EFU) and located east of Heppner on Hanna-Arbuckle Road. Request is for a variance on age requirement to install a 1999 double wide manufactured home. Criteria for approval include the MCZO Article 7 Section 7.200 Variances and MCZO Article 4 Section 4.110 Minimum Standards for a Manufactured Home

Interim Planning Director Stephanie Case presented the request. Commissioners were provided with a vicinity map and photographs.

No comments were received from agencies or nearby landowners.

Opened the testimony portion of the Public Hearing. No one spoke in favor or in opposition, nor were there any neutral comments. Closed the public testimony portion of the hearing.

Commissioner Sweek asked a question regarding p. 2, "The subject parcel is in a *residential area* ..." This is not accurate. After discussion of how to change the wording, Commissioner Taylor made a motion to approve **V-S-040-20**, with a change in the wording to read, "The subject parcel is in *an area* with several neighboring manufactured homes." Commissioner Thompson seconded the motion. The vote was taken by roll call, with all Commissioners in attendance voting in favor. The motion carried.

Conditional Use Permit CUP-N-343-20: Energy of Utah LLC, applicant, and William J. Doherty Trust, owner. The property is described as tax lots 400, 403, and 2400 of Assessor's Map 1N 26E. The properties are zoned Exclusive Farm Use (EFU) and located 12 miles NE of Lexington along Highway 207. Request is to allow by conditional use the construction and operation of an approximately 20-megawatt Photovoltaic Solar Array. Criteria for approval for CUP-N-343-20 includes the MCZO Article 3 Section 3.010 EFU and Article 6 Conditional Uses.

The Planning Department received a letter electronically from Bill Adams, Adams Planning and Development Services, representing the applicant, requesting a hearing continuance to the Planning Commission's next hearing date, due to the "lateness of the comments from the state agencies." Commissioner Seitz made a motion that we continue this action to the next Planning Commission, on September 29, 2020, at 7 pm; Commissioner Devin seconded the motion. All Commissioners voted in favor, and the motion carried.

Public Comment: None

Other Business:

RR-10 Zone Work Session Follow-Up

Community Development Director Gregg Zody presented a revised version of the Draft Rural Residential 10 (RR-10) Zone for discussion, explaining that he drew information regarding pasture management and animal densities from the City of Irrigon and Umatilla County, after reviewing information from many Oregon counties.

Chair Wenholz directed the Commissioners to start with the redline version, asking if there are any concerns. Commissioner Thompson discussed the Limitations on Use regarding livestock density, especially regarding the numbers allowed. An idea is to keep the numbers low, with the possibility of applying for a variance for more – so that neighbors would have a say in the matter. Commissioner Seitz agreed with Commissioner Thompson, envisioning residential areas that may face having a neighbor with a substantial number of animals next door.

Commissioner Sweek expressed concern over who would make the determination about pasture management, as it opens up interpretation of what is regarded as quality pasture, etc. instead of having a set number of animals allowed. Commissioner Devin asked if Mr. Zody reached out to Kevin Payne, Morrow County Soil and Water Conservation District (SWCD), to learn some of his thoughts regarding number of animals per acre, etc.

Mrs. Case suggested looking into adding some language to specify that a well-maintained pasture could have a certain number of animals; whereas dry land would be allowed fewer animals.

Commissioner Devin added information based on previous discussion with Mr. Zody, regarding an action plan for the Lower Umatilla Basin Groundwater Management Area (LUBGWMA), stating that the language was left ambiguous because there was no easy specific answer. Because of this, it would be wise to speak with Kevin Payne, SWCD, about the specifics involved in allowing more or fewer animals – irrigation, soils, confined space, etc. The determination would come from Morrow SWCD dependent on each actual piece of property.

Commissioner Thompson suggested we be more restrictive with the clause, requiring that another agency (ie: SWCD) be involved. The number of animals would be allowed to expand based on

support that proves the land can support more animals. Start on the low side, and make the applicant prove the higher number of animals would be accommodated. Commissioner Sweek agreed. Mr. Zody said he would reach out to SWCD for more input.

Commissioner Seitz asked about the location of the 10-acre areas – do they have to be next to the Urban Growth Boundary (UGB) residential areas, or are other areas allowed? Mrs. Case reminded the Commission that this change is proposed to amend the ordinance, rather than seeking to apply it to specific properties. It will be up to individual applicants who might apply for Goal 3 Exception out of farm land.

Mr. Zody pointed to the change made in Section 3.037 Purpose -- language added to the end of the first sentence (in the third line of the opening paragraph) as follows: "...rural residences *in areas contiguous to residentially-zoned properties in the County, i.e. municipalities.*" Commissioner Sweek asked about the ability to expand use, even if properties are not contiguous, specifically related to properties that are already developed. Would they be hindered from developing further? Does this updated language adequately express the intent?

Tamra Mabbott, Eastern Oregon Regional Representative, Department of Land Conservation and Development (DLCD), asked for a definition of feedlots, and if they would be allowed in this zone. Mrs. Case answered that the ordinance does not specifically define a feedlot. If the goal is to not allow feedlots, Mrs. Case suggested we should add specific language to the current ordinance, such as the Irrigon Development Code does (10-2A-5-2a) "Processing of animal or plant products, including milk, and feed lots are not allowed."

Mrs. Mabbott asked for permission to speak. Chair Wenholz granted permission. She asked if the Commission is considering adopting other standards, with the comment, "As part of the rezone, landowner would need to address OAR 660-004. It might be worthwhile to review those in addition to local zone change standards." She suggested that staff look at the compatibility of necessary changes altogether, especially when considering to justify exceptions in the future. Hilary Foote, DLCD Farm/Forest Specialist, recommended considering compatibility with the Right to Farm Ordinance.

Mrs. Case asked the Commission if they want to add any standards that apply to all rezone or plan amendments. Article 8 within Morrow County's code addresses zone changes specifically. There is the need to update many things, and this is just a piece of the puzzle. Moving forward, housing must be addressed.

Mr. Zody will research pasture management for further discussion at the October 27 hearing.

Friday, September 4, 2020 at 9 am is a special Planning Commission hearing for the appeal of LUD-N-26-20.

The next meeting of the Morrow County Planning Commission is scheduled for Tuesday, September 29, 2020 at 7:00 pm.

Meeting was adjourned at 7:50 p.m.

Respectfully Submitted,
Dianna Strong