



## PLANNING DEPARTMENT

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**Minutes of the Public Meeting of the  
Morrow County Planning Commission  
Tuesday, July 27, 2021, 7:00 p.m.  
Port of Morrow Riverfront Center, Boardman, Oregon  
(All meetings will be offered through video conferenced via Zoom)**

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

**Attendance via Zoom:** Stacie Ekstrom, Stanley Anderson, Greg Sweek.

**Morrow County Staff Present:** Tamra Mabbott, Planning Director; Stephen Wrecsics, GIS Planning Technician; Stephanie Case, Planner II; Justin Nelson, County Counsel; and George Nairns, Office Manager.

**Called to Order:** Meeting was called to order by Chair Wenholz at 7:04pm.

The Pledge of Allegiance was recited.

### **Approval of Minutes:**

Commissioner Taylor moved to approve the Minutes of June 29, 2021, as presented; Commissioner Devin seconded; and the motion carried.

### **Public Hearings:**

Planning Commission Chair Wenholz read the Planning Commission Hearing Procedures.

*Continued from June 29, 2021:* **Land Partition LP-N-498-21: Parametrix Applicant, Windy River LLC. Owner.** The property is described as tax lot 1700 of Assessor's Map 4N 25E 25. Subject property is dual-zoned EFU and General Industrial (MG). Property is located approximately one-mile south of the Highway 730 and Interstate 84 Interchange. Request is to partition a 640-acre parcel to create two parcels. Criteria for approval includes the MCZO Section 3.010 EFU Zone.

Stephen Wrecsics, GIS Planning Technician, presented the request, describing general information about the subject parcel which is dual-zoned Exclusive Farm Use and General Industrial and located outside the Boardman Urban Growth Boundary. Subject property currently has no development, however, there are several irrigated crop circles in place that are currently in agricultural production. No comments received in favor or in opposition.

Chair Wenholz opened the testimony for the Public Hearing.

Seth King, Perkins Coie LLP, representing the applicant, spoke in support the staff findings. No one spoke in opposition. No other comments were made.

Chair Wenholz closed Public Hearing.

Commissioner Greg Sweek moved to approve LP-N-498-21 with findings as presented; Commissioner Ekstrom seconded motion; all Commissioners voted in favor and motion carried.

**Land Use Decision LUD-N-38-21: Paramatrix, Applicant, Windy River Holdings, LLC, Owner.** The request is to confirm effective date of zoning and applicability of ORS 197.714 for tax lot 1700 of Assessor's Map 4N 25E. Subject property is split-zoned Exclusive Farm Use (515 acres approx.) and General Industrial (125 acres). Property is located one mile south of the Highway 730 and Interstate 84 Interchange.

Director Mabbott presented the request, with background information. This property is split-zoned with 126.57 acres zoned industrial and approximately 515 acres zoned Exclusive Farm Use. The applicant seeks county interpretation to confirm the effective date of the industrial zoning. By doing so, the applicant will be able to develop the property pursuant to the ORS 197.713.

Chair Wenholz opened the testimony for the Public Hearing.

Seth King, Perkins Coie LLP, representing the applicant, spoke in support of the staff Findings. Mr. King clarified that this relates to the Northern portion on the property.

No one spoke in opposition. No other comments were made.

Chair Wenholz closed Public Hearing.

Commissioner Seitz asked for clarification, that the findings support zoning for industrial? Director Mabbott replied, yes, in conjunction with the Plan and Zoning designations in the acknowledged 1986 County Comprehensive Plan. These Findings and zoning designations were acknowledged by the State as being in compliance with the Statewide Planning Goals.

Commissioner Taylor moved to approve LUD-N-38-21 with Findings as presented; Commissioner Devin seconded motion; all Commissioners voted in favor and motion carried. Vice-Chair Devin declared that he is employed by the Port of Morrow, and would like to recuse himself from the vote on the following application, LUD-N-37-21.

**Land Use Decision LUD-N-37-21: Aurora Solar, Applicant, Port of Morrow, Owner.** The property is described as tax lots 110 and 131 of Assessor's Map 4N 24. Subject property is zoned Airport Light Industrial. Property is located south of Interstate 84 and west of Tower Road. Request is to site a 120-megawatt solar energy facility. Criteria for approval includes MCZO Article 3 Sections 3.076, 3.092 and Article 4 and ORS 215.446.

Director Mabbott presented the request, with background information. Aurora Solar, LLC (applicant) is a wholly owned subsidiary of Avangrid Renewable, LLC. The solar project will generate up to 120 megawatts of generating capacity and optional 60-MW battery energy storage system located on land zoned Airport Light Industrial. Transmission line connection for the solar system includes approximately 1.3 miles of 115kV overhead line located with the project boundary. The project will occupy less than 1,920 acres of "any other land" within the meaning of Oregon Revised Statute (ORS) 469.300(11)(a)(D)(iii).

Director Mabbott provided two handouts in addition to information provided in the packets mailed to the Commission (and posted on line):

- 1.) Letter from Oregon Department of Aviation.
- 2.) Memo from Director Mabbott for consideration of the detailed public input. (Attached)

Commissioner Thompson asked for clarification on Airport Light Industrial Zone. Director Mabbott explained that code refers the use is allowed with “prescribed conditions.” That is why it was brought before the Commission for hearing.

Chair Wenholtz opened the testimony for the Public Hearing.

Brian Walsh, Avangrid; Matt Hutchinson, Avangrid; Elaine Albrich, Davis Wright Tremaine LLP; Paul Hicks, Teletech Team Marketing on project gave a presentation about what they do, including slides with information on this proposed project. They agree with staff Findings and recommendations.

Ken Nichols, Avangrid attending by Zoom, also spoke in support and agreement.

Commissioner Seitz asked about the glare analysis and noted that the study did reveal that there will be some glare at certain times of the day and asked if it meets with FAA regulations.

Brian Walsh responded with a description of the coordination efforts between developer and Kim Peacher, US Navy Liaison Officer who found the project would not conflict with Navy air traffic.

Director Mabbott asked Commissioner Seitz if his question was answered or if he wanted to know about impacts to non-military aircraft. Commissioner Seitz said yes.

Brian Walsh responded that the development team coordinated with Oregon Department of Aviation (ODA) and they do not believe ODA standards will apply. Mr. Walsh indicated the development team was willing to comply with updated conditions of approval drafted by staff and shared at the meeting which includes a standard to coordinate with ODA.

No one spoke in opposition. No other comments were made.

Chair Wenholtz closed Public Hearing.

Council Nelson provided clarification on proposed motion and conditions, advising Commission to accept the ODA letter, Memo and Applicant presentation into record as a supplement to staff report.

Commissioner Taylor moved to accept into the record the ODA letter dated July 26th, Applicant slides presented to Planning Commission on July 27<sup>th</sup>, and staff’s supplemental Memo, provided July 27<sup>th</sup>, as part of the record. Memo was accepted with corrections on pages 42 to page 52 – VII DECISION OF THE PLANNING COMMISSION; and Attachment 5 to Attachment 12.

Commissioner Seitz seconded motion, all Commissioners voted in favor of motion, motion carried to add the above additions as supplement to the record.

Council Nelson read proposed motion with added language and conditions to be met before final approval: In accordance with ORS 215.446, Planning Commission accepts the Wildlife Mitigation Plan as submitted in the application as Attachment 12, in accordance with ORS 215.446. Planning Commission approves revised Findings for Land Use Decision LUD-N-37-21 as discussed during the hearing and approves Land Use Decision LUD-N-37-21 subject to the following CONDITIONS OF APPROVAL below.

1. The applicant is responsible for restoration of adjacent agricultural lands that may be disturbed during construction. Based on the application and Findings, county does not expect measurable damage to adjacent farmland however this condition provides protection of farmland should it be negatively impacted.
2. Provide to the Planning Department both a pre-construction design of the facility and a post-construction site map.
3. Obtain permits from Environmental Health for the on-site septic system, if a restroom is constructed as part of the O & M Building.

4. Obtain permit from Oregon Department of Environmental Quality for stormwater permit or NPDES permit as required.
5. Obtain access permit and right of way permit from Morrow County Public Works Department and comply with pre-construction and post-construction requirements.
6. Comply with site retirement plan, including providing documentation of appropriate financial assurances, prior to issuance of Zoning Permit.
7. Comply with Habitat Mitigation Plan (HMP) as provided in Attachment 12 of the application. ~~approved by Oregon Department of Fish & Wildlife.~~ Minor changes to the mitigation plan, included in the Findings as an attachment, may be agreed upon between ODFW and the applicant. Provide verification that implementation of the HMP has commenced prior to or concurrent with construction of the solar project. Applicant will monitor and report pursuant to the HMP and provide documents to the county and ODFW.
8. Comply with recommendations of Oregon Department of Aviation (ODA) where applicable. Prior to construction provide the county with evidence that applicant has complied with recommendations of the FAA and ODA, if applicable.
9. Shield external lights to avoid interference with aircraft operations at Boardman Airport.
10. Regarding cultural and archaeological resources, if any significant sites are discovered during the process of construction, work must cease immediately and applicant must contact the Confederated Tribes of the Umatilla Indian Reservation and the State Historic Preservation Office.
11. Submit a Zoning Permit application prior to development.

Commissioner Seitz moved to approve LUD-N-37-21 as stated by Council Nelson with conditions to be met or agreed upon prior to final approval. Commissioner Thompson seconded motion. All Commissioners voted in favor of the motion and motion carried.

**Correspondence / Staff Comment:**

Director Mabbott shared her July 14, 2021, Planning Update to the Morrow County Board of Commissioners.

Director Mabbott included:

- Updated spreadsheet on the energy projects in Morrow County.
- 2021 Legislative update from the Department of Land Conservation and Development.
- Copy of the handout from the training offered June 23, 2021 in Heppner. Commissioners Thompson and Seitz attended the training and both responded favorably to information shared and work being done.

**Public Comment:** None

No applications or hearings are on the calendar for the August 2021 meeting. The next meeting of the Morrow County Planning Commission is scheduled for Tuesday, September 28, 2021 at 7:00 pm. The meeting will be offered via Zoom and in person at the Bartholomew Building in Heppner, Conference Room.

**Adjournment:** Meeting was adjourned at 8:38 pm.

Respectfully Submitted,

George Nairns