



## PLANNING DEPARTMENT

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**Minutes of the Public Meeting of the  
Morrow County Planning Commission  
Tuesday, September 28, 2021, 7:00 p.m.  
Bartholomew Building, Heppner Oregon  
(All meetings will be offered through video conferenced via Zoom)**

**Morrow County Planning Commissioners Present:** Chair Jeff Wenholz, and Rod Taylor.  
**Attendance via Zoom:** Stanley Anderson, Wayne Seitz, Vice Chair Mifflin Devin. Joined after meeting was called to order Stacie Ekstrom.

**Morrow County Staff Present:** Tamra Mabbott, Planning Director; Stephen Wreccsics, 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 7:02pm.

The Pledge of Allegiance was recited.

**Approval of Minutes:**

Commissioner Taylor moved to approve the Minutes of July 27, 2021, as presented; Commissioner Seitz seconded; and the motion carried.

**Public Hearings:**

Planning Commission Chair Wenholz read the Planning Commission Statement and Hearing Procedures.

**Land Partition LP-N-499-21 and Land Use Decision LUD-N-39-21: Umatilla Electric Cooperative, applicant; and Anacapa Land Company, LLC, Owner:** The property is described as tax lot 100 of Assessor's Map 5N 27E 31. The property is zoned Exclusive Farm Use (EFU) and located approximately 1 mile south of Irrigon on Division Road. The request is to divide approximately 4.66 acres from the parcel and allow a Utility Facility Necessary for Public Service at the site. Criteria for approval includes Morrow County Zoning Ordinance (MCZO) Sections 3.010(B)(25), 3.010(D)(10), and 3.010(L) and Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning.

Chair Wenholz stated for the record he is a director for the applicant (Umatilla Electric Cooperative) and will not receive and financial gain or loss from this application and can make an unbiased decision.

Stephanie Case, Planner presented the request, describing general information about the parcel for the new substation, which is intended to support energy needs in the Irrigon area. The subject parcel is zoned Exclusive Farm Use (EFU) and is presently developed and utilized for agricultural use. The Applicant is proposing to partition an approximately 4.66-acre parcel. The Land Partition authorizes the division of the property for the proposed substation which is supported by the Land Use Decision, which authorizes the use as a Utility Facility Necessary for Public Service.

Stephanie Case, Planner II, addressed conditions of approval for this application: submitting preliminary and final partition plat to be following Article 5 of the Morrow County Ordinance and ORS Chapter 92, disqualify the 'non-farm' parcel from farm deferral and pay taxes from previous 10 years, restoration of adjacent lands that is disturbed, obtain any required access permits from Morrow County Public Works, all easements existing or proposed be shown on the final Partition Plat and, applicant will provide information about how water rights will be conveyed from WEID.

Stephanie addressed an agency comment letter received from WIED. WEID letter stated that, after reviewing the application, they provided comments and conditions. In summary, the letter stated that he land is within WEID boundaries and has water rights. The bridge is owned by the County, permit for the bridge was issued in 1955, for 50 years. This permit is expired. WEID is requesting that this bridge needs to be permitted and brought up to ODOT standard.

After review of WEID's comments staff recommends that condition #6 of the Conditions of Approval be revised to read:

*This property is within the West Extension Irrigation District (WEID) who was provided a notice of this application. The applicant will provide information to verify whether the property receives services from WEID.*

Chair Wenholz called for questions from Commissioners for staff.

Chair Wenholz requested correction on page 7 (page 14 of packet), #3: Strike the first sentence that refers to a wind energy production facility. This application is for replacement of a substation, not a wind energy project. Then on page 8, #8: 'This property is within the West Extension Irrigation District (WEID) and were provided a notice of this proposal. To read: 'This property is within the West Extension Irrigation District (WEID) and *they* were provided a notice of this *application*.'

Commissioner Anderson indicated he was having difficulty hearing the full presentation; Council Nelson reviewed the three suggested amended changes in the findings of **Land Partition LP-N-499-21 and Land Use Decision LUD-N-39-21:**

Page 9 of 9 a change to Condition #6: *This property is within the West Extension Irrigation District (WEID) who was provided a notice of this application. The applicant will provide information to verify whether the property receives services from WEID.*

Page 7 of 9 #3: Strike the first sentence that refers to this being a wind energy project. This was a staffing type error.

Page 8 or 9 #8: 'This property is within the West Extension Irrigation District (WEID) who was provided a notice of this *application*. *The applicant will provide information to verify that the property receives services form WEID*'

Director Mabbott requested that the letter from WEID be entered into record as exhibit #1. With no objections letter from WEID was added into the record as exhibit #1.

Chair Wenholz opened the testimony for the Public Hearing.

Wendy Neal, representing the applicant, Umatilla Electric Cooperative, spoke in support of the staff findings. UEC did recognize the weight limitations of the Bridge, and UEC has an agreement with Army Depot to gain access to this parcel through the Army Depot for construction of the Sub-Station. Ms. Neal also stated this application is to replace an aged sub-station that was built in the 60's; and the new location is under existing transmission lines.

Randy Bentz, with the Oregon Military Department, spoke in support of the application, and the agreement with UEC to gain access to this parcel, for construction of the new substation. He stated, 'in the design phase we see this as an opportunity to build in some redundancy for electrical power into Camp Umatilla, for a back-up purpose. We are working with UEC now and would like to continue to do so throughout the design phase.'

Keith Ellis with the Oregon Military Department, spoke in support of the application. Mr. Ellis said "as far as access for construction vehicles the south access point does have a height restriction of 15' because of the rail bridge. If there is a need for more clearance a different access will need to be used. We will continue to work with UEC for the same reason stated by Randy Bentz. The timing of this project is also of interest to Camp Umatilla."

Mr. Bentz also added that because this sub-station is within the Military use area, within a mile of the perimeter there are some restrictions on the land. He indicated that OMD does not believe that substation is going to be a problem. The restrictions are for no permanent dwellings, within that exclusion zone, due to the dangerous presence of live ammunition.

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

Director Mabbott wanted to clarify about the use of the bridge that WEID had brought up. Planner Stephanie Case worked with Wendy Neal of UCE and reported that UEC recognized the bridge would not withstand the loads and UEC worked out an alternative access route with Oregon Military for construction of this sub-station. UEC did respond to WEID, that there will be no impact to the bridge on Division Road. We believe the County understands there is some work to be done there. The applicant has done what they needed to do to access the property without crossing the bridge.

Chair Wenholz asked for clarification whether the applicant will have to get signoff from WEID for use of the bridge, before Planning Department signs off?

Director Mabbott stated that is what they (WEID) have requested.

Commissioner Taylor asked if UEC will have permanent access through military property to this substation?

Mr. Ellis responded that it is his understanding that access is for construction only.

Counsel Nelson will be working on the bridge use agreement with WEID. It is not directly related to this application with the Planning Department.

Chat via Zoom Meeting was noted at this time: Tia McNamee 'Did you receive my email' Director Mabbott checked her email and an email was received at 4:49pm today (9-28-21). Email had 2 attachments, a letter addressed to Planning Department with comments for the record for application LP N 499-21 & LUD N 39-21; and a Map that includes the proposed site of the sub-station and most of the City of Irrigon.

Planner Stephanie Case read the letter received, with request to place these comments into the record for; LP N 499-21 & LUD N 39-21.

Director Mabbott requested that the letter from Abe McNamee be entered into record as exhibit #2. With no objections letter and map received from Abe McNamee will be added into the record as exhibit #2.

Tia McNamee was in attendance via Zoom. Chair Wenholz asked if she had any further comments. She responded through Zoom chat 'No Thank you'.

Counsel Nelson addressed the receiving of Zoom Chat during a time of receiving public comments, in regards to an email that was sent. The email was received before the 5pm deadline and presented, shared and entered into the record. Miss McNamee was given the opportunity to give any oral testimony and she declined.

Chat received from Tia McNamee request to have the record remain open.

Director Mabbott responded to the substance on the letter, as follows:

- Most of the letter recites standards from our Ordinances. The Commission can decide if there is ample evidence for the need of this facility, that is provided by UCE in the application.
- The second part, regarding the technical and feasibility study, we could come back and ask UEC for further information, however there is some information in the application.
- The third part, regarding an alternative location, UEC did not provide alternatives, the application did reference that there might be alternative locations. Planning would not be required to explore alternative locations if they are not provided. The opponent would need to identify alternative locations if they would like the applicant to evaluate.

Counsel Nelson and Director Mabbott addressed the difference between 'Continuation of the hearing' and 'having the record remain open'. The request is to have the record remain open.

Hearing was recessed at 7:47pm for Counsel Nelson and Director Mabbott to discuss and provide a recommendation to the Planning Commission.

Hearing reconvened at 7:53pm Counsel Nelson and Director Mabbott recommended that the Planning Commission not make a decision tonight and this record will remain open and continue the hearing to the next scheduled Planning Commission Meeting on October 26, 2021 at 7:00pm. The location will be both via Zoom and in person at Port of Morrow, in Boardman.

Following ORS 197. 763, the record will remain open to receive comments from those in favor and in opposition.

Planning Commission will adjust procedures to address the attendance and receiving comments via Zoom during meetings.

Wendy Neal entered comments in the zoom chat. "Did staff change the wind facility or the applicant?" Wendy then entered into chat: "this is a substation, not a wind facility". A new chat was received "request the hearing to remain open." Ms. Neal then entered into chat "UEC is happy to send additional documentation showing that this was the best choice UEC could make. UEC cannot rebuild the current substation in the exiting foot print, there is not ample space to put up new equipment with hot substation, it is not safe." Wendy did address the reasons why the new location was chosen.

Chat received from Tia McNamee "request a continuance and to leave the record open."

Planner Stephanie Case confirmed that this application was to replace the existing substation for the city of Irrigon and it is not a wind facility. Stephanie will correct typing errors in the findings.

Chat received from Tia McNamee: "thank you for clarification."

Chair Wenholz closed Public Hearing.

Chair Wenholz called for questions from Commissioners for Staff.

No further questions from Commissioners. Record for **Land Partition LP-N-499-21 and Land Use Decision LUD-N-39-21** will remain open and Planning Commission will continue this hearing at the October 26, 2021 meeting. Public comment will be received until 5:00pm on October 26<sup>th</sup> and in person during the hearing.

**Land Partition LP-N-500-21 and Replat R-N-069-21: Calcagno Fresh Farms LLC. Applicant and Owner.** The property is described as tax lot 104 of Assessor's Map 4N 25E 01. The property is zoned Port Industrial (PI) and located approximately 2 miles east of Boardman within the Port of Morrow. Request is to partition a 555-acre parcel to create two parcels. Criteria for approval includes the Morrow County Zoning Ordinance Article 3 Section 3.073 Port Industrial and Morrow County Subdivision Ordinance Article 5 Land Partitioning.

Stephen Wrecsics, GIS Planning Technician, presented the request, describing general information about the subject property zoned Port Industrial and is located outside the Boardman Urban Growth Boundary. This is a Replat of Partition 2021-11 to create 2 parcels to facilitate industrial development. Proposed Parcel #1 will be approximately 11 acres and proposed Parcel #2 will be approximately 3 acres in size. No comments received in favor or in opposition.

Planning Department Staff recommend approval of the land patrician subject to the following Conditions.

1. Submit both a preliminary and final Partition Plat in conformance with Oregon Revised Statute Chapter 92 and Morrow County Ordinance.
2. All easements, existing or proposed, to be shown on the Final Plat.

Chair Wenholz called for questions from Planning Commission. No questions at this time.

Chair Wenholz opened the testimony for the Public Hearing.

No one spoke in support of the application or staff Findings.

No one spoke in opposition. No other comments in person or via Zoom were made.

Chair Wenholz closed Public Hearing.

Commissioner Rod Taylor moved to approve Land Partition LP-N-500-21 and Replat R-N-069-21: Calcagno Fresh Farms LLC with findings and conditions as presented; Commissioner Seitz seconded motion. Called for vote by roll call: Voting in favor of motion, Commissioner Stanley Anderson, Commissioner Wayne Seitz, Vice Chair Mifflin Devin, Commissioner Stacie Ekstrom, Commissioner Rod Taylor. No votes in opposition. Motion carried.

### **Correspondence / Staff Comment:**

Director Mabbott shared her August & September Planning Update to the Morrow County Board of Commissioners.

Director Mabbott provided 2021 Land Use Legislative Report Summary and reviewed each item with information of how these changes will affect Morrow County, highlighting the changes that will affect the work of the Planning Department, and may require updates to forms and code amendments. SB391 allows Counties the option to approve Accessory Dwelling Units (ADU) in Rural Residential Zones. Stephen made maps to show where ADU's may be permitted in Irrigon and Boardman, and where they would not be permitted due to ground water limited areas. This can be a topic for a future Planning Commission work session to review in depth.

Received a letter of Conditional Letter of Map Revision from Field Emergency Management Agency (FEMA) That address's mitigation work to begin on the old Kinzua mill site outside of Heppner, owned by Port of Morrow. This will open up for changes to the Flood Zone and opportunity for future growth. Stephen shared a map of the site.

A letter written by the Board of Commissioners for the Boardman Solar Facility.

**Public Comment:** None

The next meeting of the Morrow County Planning Commission is scheduled for Tuesday, October 26, 2021 at 7:00 pm. The meeting will be offered via Zoom and in person at the Port of Morrow Riverfront Center, Boardman, Oregon

**Adjournment:** Meeting was adjourned at 8:56 pm.

Respectfully Submitted,  
George Nairns