



PLANNING DEPARTMENT

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**Minutes of the Public Meeting of the
Morrow County Planning Commission
Tuesday, April 25, 2023, 6:00 p.m.
Morrow County Government Center, Irrigon, Oregon
(All meetings will be offered through video conferencing via Zoom)**

Morrow County Planning Commissioners Present: Chair Stacie Ekstrom, Karl Smith, Charlene Cooley, Mary Killion, Elizabeth Peterson, Brian Thompson, Wayne Seitz, Stanley Anderson

Attendance via Zoom: John Kilkenny

Morrow County Staff Present: Tamra Mabbott, Planning Director; Michaela Ramirez, Office Manager, Stephanie Case, Planner II, Stephen Wrecsics, GIS Planning Technician., Katie Keely, Compliance Planner.

Called to Order: Meeting was called to order by Chair Ekstrom at 6:01 pm.

The Pledge of Allegiance was recited.

Approval of Minutes: Commissioner Seitz moved to approve the minutes of January 31, 2023, meeting as written. Commissioner Smith seconded, and the motion carried.

Director Mabbott asked that everyone introduce themselves as it was the first time that all the new commissioners were together in person.

Public Hearings: Planning Commission Chair Ekstrom read the Planning Commission Statement and Hearing Procedures.

Subdivision SD-N-226-23: Albert and Barbara Phillips, Applicants, and Owners. The property is described as tax lot 1901 of Assessor's Map 5N 26E 23D. The property is zoned Rural Residential (RR) and located west of Irrigon on Columbia Lane, east of the Seventh Road intersection. The request is to partition an approximately 18.62-acre parcel into seven lots. Criteria for approval included Morrow County Zoning Ordinance (MCZO) Section 3.040 RR Zone and the Morrow County Subdivision Ordinance (MCSO).

Stephanie Case, Planner II presented the current status of the proposed subdivision. There currently is a shop and approval to build a structure on the west side of the property. She informed the Planning Commission that there was a Subdivision Review Committee made up to go over the criteria and some issues that came up. Staff recommends approval of the application subject to the following conditions prior to filing the final subdivision plat:

1. It is recommended that the property owners have their water tested annually for nitrate and nitrate levels.
2. Each property will be proposed to have its own septic and drain fields installed in accordance with the Umatilla County Health approvals.
3. The applicant has each undeveloped lot have site suitability prior to signing the final subdivision plot.
4. It is listed that the applicant submits and records an agreement for road maintenance and repairs of the internal road.
5. The applicant provides proof of title or contract interest to the property as required in our ordinance.
6. Letters provided that the potential land owners will have service for each of them from utilities in the area including West Extension Irrigation District, Umatilla Electric, telephone, and internet providers.
7. The applicant is to provide a letter from the district stating that it meets the subdivision requirements for fire safety and protection requirements showing they have adequate room to turn around in the internal roadway.
8. The applicant shall work with Morrow County Public Works and receive design and construction approval and receive any access and approach permits and install signs that are required
9. The name of the roadway will have to be approved by the Planning Department.
10. The applicant and any subsequent land owner shall obtain any necessary zoning and building permits.

Planner Case summarized parts of the application.

Pages twelve-fourteen relate to design standards of the streets not applicable to this application because of its small size.

Page fifteen states Columbia Lane is a major collector and there is a proposed and internal roadway. It is not within the influence of a highway interchange or adopted interchange management area and the applicant is required to obtain appropriate access permits.

Pages 20 and 21 are precedent and subsequent conditions of approval that are recommended. The precedent conditions would have to complete before filing the final plat. Subsequent Conditions would be required afterward, before development permits are issued. Enclosed are the preliminary findings, vicinity map, and the intended plan that was provided at the time of the application. Comments were received after sending out the Public Notice to adjoining owners and agencies that were requested to be added to the record. Comments received from the City of Irrigon, which addressed nitrates.

Planner Case requested Director Mabbott to give comment on nitrates and letter from city.

Director Mabbott asked the Commission to add both letters to exhibit for the record -West Extension and the City of Irrigon

Chair Ekstrom asked Planning Commissioners for a motion to as the letters to the record.

Commissioner Cooley motioned, Commissioner Smith seconded and all voted unanimously.

Director Mabbott summarized the letter from the City of Irrigon. The City was concerned with the lot size and proposed larger lots. They based their suggestion on a study by Curt Black from the Environment Protection Agency done in 2002. In his study, he recommended two-acre lots because of nitrate levels. The city also suggested that the Planning Commission impose a condition of approval that required an alternative septic system. Currently, the County does not

have any standards for septic systems. The Planning Department does not have anything to do with septic system permitting as it is up to Umatilla County Environmental Health.

Chair Ekstrom pointed out that she didn't ask if there were any conflicts of interest, there were none.

Chair Ekstrom invited the applicant to present any testimony or evidence.

Testimony: Barbara Phillips, the applicant, introduced herself and her husband Al Phillips. She explained that their intention with the property was to subdivide. They are working diligently to follow all the county standards. Al had test holes for septic dug and inspected. They would like only allow stick-built homes with garages. They were accompanied by their surveyor and septic installer in case anyone had questions for them.

Chair Ekstrom asked if the Planning Commission had any questions.

Director Mabbott proposed to add an extra condition of approval. Director Mabbott suggested that the applicant inform the new home buyers to pick up a home buyers packet from the Planning Department. Director Mabbott and Planner Case will update the new homeowner packets with information about water quantity, quality, exempt wells.

Commissioner Kilkenny asked if this one is a one-time condition or can the Planning Department do it all the time.

Director Mabbott explained that the Planning Department does it regularly but will add the new information to the homeowner's packet.

Neutral comments: Ron McKinnis, the surveyor, commented that the existing water rights from West Extension will stay. Because of the conditions made the access road a dedication, there will be a modification on the plat for the right of way. Each lot will exceed two acres.

Chair Ekstrom asked for any additional or proponents.

Neutral comments: Brent Bradfield spoke about the applicant using irrigation water and asked if there is going to be an easement on the north side.

The applicant, Al Phillips, answered no.

Chair Ekstrom announced the commission was done with that portion and then asked if there were any opponents to testify or to present evidence.

Neutral comment: Brent Bradfield from Brace Rd commented that their well is really close to a fence that is on a slope of sand and is concerned about his septic.

Chair Ekstrom asked if there was anybody in favor or opposed.

Chair Ekstrom if there was anybody or agencies that had neutral testimony.

Director Mabbott pointed out that the Public Work's director, Eric Imes, was present and asked if he had any comments.

Neutral comment: Eric commented that he did not have any, but would like to address the surveyor about creating a hammerhead in the cul-de-sac and that the homeowners would be

responsible for the road maintenance. He will discuss the cul-de-sac with the developers at a later time.

In opposition: Carla McLane from McLane Consulting testified on behalf of the City of Irrigon. The County declared a state of emergency because of nitrates in the ground and drinking water. Having seven wells and septic would be a concern because the city is still recovering. She would like the Planning Department to consider protecting the water situation.

Chair Ekstrom asked if there were any questions, comments or rebuttals.

In favor: Brandon Brown a local well contractor commented about drilling depths and the static level of water. He explained that tightly cemented gravel is a good filtering system. He stated that the state of emergency that occurred was west of Irrigon. He went on to explain that he is not finding high nitrate levels in the wells he has drilled. He believes where he is drilling there will be no quality problems.

Commissioner Anderson commented that he was told to be concerned about radioactivity in the fish in the river.

Mr. Brown replied that we are not drinking river water and that where nitrates are found is in shallow wells. They are now drilling deeper wells and claimed water is filtered through the gravel.

Commissioner Kilkenny asked Mr. Brown if he would not expect to find nitrates in the wells.

Mr. Brown answered there would be significantly less.

Chair Ekstrom asked if they were done.

In favor: Brady Retkowski, installs septics, stated Irrigon has a valid nitrate concern but his company is following the DEQ's rules. DEQ does not require sand filters or any kind of altering treatment technology. The setup for the subdivision has been done very nicely. They are set for 450 gallons per day at its peak and they really only expect to see 250 gallons per day. If they go higher the DEQ would require a different treatment setup. Mr. Retkowski claimed that the soils in this area were high in organic matter and work well for the septic systems they are to install. He also said that the septic systems were being installed fairly shallow so that the oxygen helps the good bacteria to thrive. He will coordinate with Mr. Brown as to the location of the wells.

Commissioner Smith asked Mr. Retkowski if quite a bit of the water from the drain fields evaporate.

Mr. Retkowski replied: that is why we keep them shallow and keep them in the riff zone.

Chair Ekstrom closed the public hearing and asked if there were questions for Planning Commission. There were none. She called for motion.

Commissioner Smith motioned to approve the request Subdivision SD-N-226-23 and Commissioner Seitz seconded, vote was unanimous, motioned carried.

Chair Ekstrom opened the second hearing and asked if there were any conflicts of interest, there were none.

Presented By: Katie Keely, Compliance Planner

Conditional Use Permit Compliance Review CUP-N-337-19: Joshua and Shannon Karl, applicants and owners. The property is described as Tax Lot 202 of Assessor's Map 4N 25E 21 and is located on Kunze Lane adjacent to the intersection of Kunze Lane and S. Main Street, Boardman. Property is zoned Suburban Residential (SR) and is within the Boardman UGB. This is a review of a previously approved conditional use permit for a home occupation supporting the applicant's towing and short-term storage of vehicles. Criteria for approval are found in the MCZO Article 3 Section 3.050 SR and Article 6 Conditional Uses.

Compliance Planner Keely asked if the letter from the City of Boardman could be added to the record.

Chair Ekstrom asked to add the letter from the City of Boardman to the record.

Chair Seitz approved the motion and Chair Smith seconded, vote was unanimous, motion carried.

Commissioner Seitz asked Planning staff about the final notice of July 28, 2021, if there was any communication received from the applicant.

Compliance Planner Keely replied no, She started January 2022 and had not received any communication. Mr. Karl came in and spoke to Planner Case, but didn't know what the conversation was about.

Commissioner Seitz asked if there was any communication received after the March 27, 2023 letter.

Compliance Planner Keely responded no.

Chair Ekstrom invited the applicant to present any testimony in evidence.

Josh Karl testified that he hadn't received anything about this meeting or anything on April 7th. He went on to read from a letter that stated he had received letters continually and that the owner is Mildred Baker that has been deceased for a year now. He also stated he didn't know who was being notified. He said that he is the owner and the letter stated he lived outside the area. He and his family have lived there. When he initially submitted his application in 2019 he lived in Yakima. Lee Dockens filled out the application for him and he wasn't aware of what was written on it. Lee Dockens asked him to go along with him so he would get the application approved. He pointed out that the hours of 7 am to 11 pm didn't make sense because people don't stop crashing at 11 o'clock at night to 7 in the morning. If a policeman calls to say someone is trapped in their car or someone needs towed, we can't say no we can't tow until 7 in the morning. He hadn't noticed that detail until he read the packet.

As for the wrecking yard, there are no parts taken off the vehicles because that was one of the conditions. As for the access permit he never came to pick up an application but did discuss it with-he didn't remember who-but he came in with Randy Baker. The access was already there prior to Kunze Lane being built and it was being grandfathered in. He asked for more proof of where he had to go to get the letter for not having the access permit because there are three accesses on the property before he bought it. He currently only uses two of them, one for business and the other for personal. He is still waiting to hear back from that issue and never got a reply. He knew who to go to get the access permit as through the application but who to talk to about that he didn't need an access permit. He consulted with Randy and neither of them

was told where to get it. His son is currently running the business and no one else. Yes, he did advertise for a driver but it was not on J & S Towing's Facebook page it was on his private page, which no one had any business bringing up. He is starting up another business outside of Boardman which has no relation to the towing company in Boardman, so that is irrelevant He claimed that many of the pictures that were taken were told there were some that are current. He admitted that there is a lot of stuff there now. He went on to say he wasn't able to take care of much at the time because he has been traveling a lot to take care of a very ill sister. His reason for things accumulating on the property was that his son does not have the authority to remove anything off the property and he hadn't had time to fill out paperwork so that he can do so. He is working on getting the vehicles moved and now has the paperwork to get things going.

Chair Ekstrom asked if staff or commission had questions for the applicant.

Compliance Planner Keely commented that the county was aware that the property owner is not Mildred Baker and she has not been mailed anything in the last two years. The March 23rd letter was specifically mailed to Josh & Shannon Karl at the 70270 Kunze address.

Mr. Karl asked if that was the letter for the access permit or a request for an access permit.

Compliance Planner Keely communicated to the Planning Commission the correspondence between Public Works and Mr. Karl was included in their packet.

Mr. Karl responded that he was at the meeting when the Conditional Use Permit was approved.

Planner Case was also present.

Compliance Planner Keely read the condition where Mr. Karl was to tow cars from 7 am to 11 pm and nothing should have been moving from 11 pm to 7 am. She also pointed out that Mr. Karl was to only store cars for thirty days and that the location was not to be a full tow wrecking yard. Another condition stated that Mr. Karl was to apply for an access permit and it has now been three years and it has not been done. As for the advertisement on a public forum, the advertisement was found on a Boardman page and it was assumed that it was for Boardman.

Director Mabbott asked Public Works Director Eric Imes to clarify the access permit process for Mr. Karl because it was her understanding property owners are only granted one access per parcel.

Mr. Imes responded that accesses pose an issue when they are closer to town because they are dealing with more city-like style situations. Mr. Imes recalled visiting the location and wasn't concerned with any safety issues. He said he would have to go back to his file to look through his notes, but he did remember that the job was never completed. He stated three approaches were something they would typically not approve and maybe that's why it didn't get finished.

Planner Case commented that one of the accesses was too close to the intersection at Main if she recalled correctly.

Mr. Imes agreed.

Mr. Karl commented that it was three acres wide.

Mr. Imes reiterated that he did recall an application, going out to look at the property, noticed

there were already two approaches, and for whatever reason wasn't completed. He needs to go back and look at the file. There will not be an issue with an approach permit but there will be an issue with having three approaches.

Mr. Karl stated that only two were being used, one for the house and one for the business. He also stated that the farmer next to him also uses the business approach even though they have their own.

Mr. Imes asked if it was the neighbor to the east.

Mr. Karl responded yes.

Mr. Imes said he remembers the neighbors applied for an access permit and it also wasn't complete. He understood now it was because the neighbor used Mr. Karl's.

Mr. Karl said they began grading the approach and stopped because they were accessing the graveled access on his property. He said the West Irrigation people also use his access to get to the irrigation area.

Mr. Imes recalled that he never approved the neighbor's access because they never improved it.

Mr. Karl said the others were put in when Kunze was made, aprons were also put in, at least that is what he was told by Randy Baker and they didn't have to have an access permit.

Planner Case spoke with Kirsti Cason at Public Works after having a conversation with Josh and Randy. Kirsti and Planner Case concluded because there was a change of use in that approach they needed to obtain a permit to use it for the business.

Mr. Imes pointed out on the map where the neighbors requested access but were never finished.

Mr. Karl says the access on the east end is never used.

Director Mabbott wanted to clarify with Mr. Imes that the applicant needed to submit an access permit.

Mr. Imes said yes, that is correct.

Director Mabbott clarified that Mr. Karl needed to submit an access permit for it to be approved but it just hasn't happened, but there is a path forward.

Mr. Imes, agreed, all they have to do is reapply and he could come and take a look. The accesses to the west and east could be worked out.

Commissioner Peterson asked how long it would take Mr. Karl's son until he gets the documentation to scrap the vehicles.

Mr. Karl responded they would start it tomorrow.

Commissioner Peterson asked how long will it take to scrap the vehicles.

Mr. Karl responded a month to sixty days.

Director Mabbott asked if he was scrapping them onsite.

Mr. Karl answered no.

Director Mabbott informed him that he wasn't licensed to scrap onsite.

Mr. Karl replied that they do not dismantle any vehicles.

Commissioner Peterson noticed the correspondence in the packet where Mr. Karl was asking why he was required an access permit. It looks like the correspondence isn't complete because the staff had met with him.

Commissioner Seitz asked if Mr. Karl had commented earlier that he couldn't live with the seven to eleven which was the original condition. Is that still true?

Mr. Karl said he had no control over the drivers if he received a tow call he has to respond. He had not received any complaints from his neighbors about noise and he believes it's not a nuisance. He said he had no excuse he should have read the conditions a little better.

Commissioner Thompson replied that being the case something totally different would have to be approved. There are specific conditions that had not been accomplished not that they couldn't be. The Planning staff had put in a lot of their time. The applicant asked for thirty days to clean up but would like sixty. I know it would take some time and to get into compliance we would have to change the agreement.

Compliance Planner Keely replied that it is a rural residential zone and those conditions would not change because of the zone it is in.

Commissioner Thompson commented that he would have to do something different between eleven and seven or he would be out of compliance. Those are the rules that have to be complied with.

Commissioner Kilkenny read part of the permit- reading that the proposed shall be conducted not should be, emphasized shall, further stating that the proposed business shall abide by section 8 and shall operate seven am through eleven pm. It is not an option that is how the business shall be conducted, there is no exception.

Commissioner Peterson asked if there is another location to take vehicles outside of this area.

Mr. Karl responded that he tried to look for other properties to buy or rent for this purpose and hadn't had any luck. It's been really tough.

Commissioner Peterson asked if he had spoken to the Port to see if there was something available.

Mr. Karl responded he had not. He spoke with Karen Pettigrew from the Cemetery District so he could get some information on some properties they managed.

Commissioner Peterson advised him to talk to the Assessor's office about it.

Mr. Karl responded that the cemetery owns it but doesn't know who was renting it from them. He reached out to them and hadn't received a response. He had looked into other properties to no avail.

Compliance Planner Keely expressed to Mr. Karl that the County wants his business to stay in Morrow County it just can't be in a Rural Residential zone.

Director Mabbott asked Mr. Karl to come to the Planning Department to get some contact information for him.

Planner Case clarified that there were no noise complaints which was not the reason we were pursuing a compliance issue.

Chair Ekstrom asked if there was an opponent to testify or present any evidence, there were none

Neutral: Carla McLane-agreed that there were no complaints of noise but they had the same pictures similar to the ones in the packet. One of the conditions was to give you a year to comply but we like it to be a shorter amount of time, suggesting one hundred-eighty days but sixty sounds better.

Chair Ekstrom invited the applicant if he had a rebuttal, testimony, or any final comments.

Mr. Karl responded no.

Chair Ekstrom asked if there were anyone who would like to continue the hearing or hold the record open.

Director Mabbott and Compliance Planner Keely came up with three options. They also spoke with legal counsel Dan Kearns. His recommendation was to continue this hearing until the next meeting to be held in Irrigon. Two months is close to sixty days which would give him a chance to get into compliance.

Commissioner Killion said there is a lot on the property to clean up to get into compliance. She asked the applicant if that was possible for him in that amount of time and understood it would be a lot financially.

Mr. Karl responded that it would have to be.

Commissioner Peterson asked the Planning Commission if they would agree to ninety days. She added if that was realistic for Mr. Karl

Mr. Karl responded he had to do what he had to do.

Director Mabbott replied that she wanted to set Mr. Karl up for success. She told Mr. Karl that the business would have to be subtle so that when people pass by they see it as a home not a home occupation and that is not the case. She mentioned that she is launching other neighborhood programs offering incentives and Mr. Karl could maybe benefit from them. Director Mabbott asked Compliance Planner Keely if he would qualify for the 272 forms.

Compliance Planner Keely told Mr. Karl if he requested certain information from the Sheriff's office about the vehicles so that he could get the vehicles off the property

Mr. Karl responded that he had a private company that does that for him.

Compliance Planner Keely shared with him that form 272 may be an option for him.

Mr. Karl said he knew nothing about that.

Compliance Planner Keely advised him to speak with Lt. Braun in regards to it because he was very familiar with it.

Chair Ekstrom asked Mr. Imes what the timeline was on the permits he needed for access.

Mr. Imes responded if they were straightforward he could approve them in a week.

Director Mabbott explained the access permit process to Mr. Karl.

Planner Case pointed out that the permit is valid for ninety days.

Mr. Imes explained the process again and he could get it done as long as it meets the criteria.

Director Mabbott asked Chair Ekstrom if they wanted to make sure that he brought the property into compliance they could continue this hearing until August 29th and by then there should be no vehicles on his property, a final approved access permit with Public Works, no operating between eleven pm and seven am and not unloading at the property.

Compliance Planner Keely mentioned that that was her concern, the unloading of the vehicles at the property because that is what has accumulated over the years. There were vehicles that had been there for over fifteen months.

Director Mabbott asked how many tow trucks he had when he applied in 2019 and how many he intended for this property.

Mr. Karl answered nine altogether and he bought another in 2020.

Planner Case asked if he had a tow company before he moved here.

Mr. Karl responded yes

Director Mabbott asked the Planning Commission to go back to the original permit to see what they had originally permitted. She couldn't imagine that nine were approved for a Rural Residential Zone. If Mr. Karl has nine tow trucks it's not a home occupation it is a full-blown industrial business.

Mr. Karl said he didn't use them all.

Director Mabbott asked if they were parked on the property.

Mr. Karl responded yes

Commissioner Thompson felt it was something they didn't ask but it was not what they intended it to be. He went on to say that they had given him ninety days and go from there.

Director Mabbott stated she would like to dig further into the number of tow trucks there are.

Mr. Karl says that each truck is used for different scenarios and many would be going over to the Hermiston company.

Director Mabbott made a recommendation to the Chair about specifics of what he should be allowed to have in a residential zone for the next time we meet. She thought three would be the maximum goal. She asked Mr. Karl to reach out to the Planning Department because we can be pretty resourceful and of big help.

Chair Ekstrom would like to see him again at the August 29th meeting.

Commissioner Peterson asked if Mr. Karl would be willing to share documents of when vehicles were towed.

Compliance Planner Keely reiterated the question about the documentation.

Mr. Karl responded that he would be willing to share.

Commissioner Thompson asked to make a motion and then asked how many days does he have until the August date. Commissioner Thompson made a motion to revisit this hearing on August 29th with the thoughts laid out by staff that Mr. Karl needs to get an access permit, hours of business, thirty-day vehicle removal, and the number of tow trucks.

Planner Case pointed out it is one hundred twenty-six days until the August 29th meeting.

Commissioner Seitz seconded the motion.

It was a unanimous vote to continue the hearing to the next Irrigon meeting on August 29th at 6 pm.

Presented By: Katie Keely, Compliance Planner

Conditional Use Permit Compliance Review CUP-N-339-19: Cesar Andrade applicant, Victor Nunez owner. The property is described as tax lot 1600 of Assessor's Map 5N 26 36BC. The property is zoned Rural Residential (RR) and located southwest of Irrigon on the south corner of Wagon Wheel Loop. This is a review of a previously approved conditional use permit for a home occupation supporting the applicant's trucking business. Criteria for approval is found in the MCZO Article 3 Section 3.040 RR Zone and Article 6 Conditional Uses. Chair Ekstrom pointed out the applicants were not present and asked if there were questions for staff, there were none.

Chair Ekstrom asked if there were opponents to testify or present evidence.

Barbara Phillips is the neighbor of the applicant. She wanted to be anonymous. Ninety percent is true of the noise, traffic, and burning. She doesn't mind noise but between seven-eleven. People that live in the country should be able to do things out in the country. She explained the

business they currently run. No one is upkeeping the road but her husband. He has spent a lot of money on gas and time on the road. There should be control over the size of the business. She gets along with her neighbors.

Chair Ekstrom asked if anyone else had questions.

Commissioner Killion asked if he is being communicated with a language of his choice.

Compliance Planner Keely explained that the daughter is the one communicating with the dad. She explained after the family had received the compliance letter they contacted the Boardman officials for a permit and Boardman advised them to get in contact with us and we have not heard anything from them. With the Counsel, Dan Kearns the Planning Department approved a Zoning Permit for the shop.

Commissioner Killion asked how old is the daughter.

Compliance Planner Keely responded she is college-age.

Commissioner Killion responded that she was old enough.

Commissioner Peterson replied that she is not a certified translator.

Commissioner Peterson shared her experience with the medical field that children shouldn't be used in a legal business because they may not do it correctly.

Planner Case said we don't know what language they would need translated as a request wasn't indicated.

Commissioner Peterson commented that they might be intelligent but might not understand planning language.

Chair Ekstrom says they knew enough to apply

Compliance Planner Keely stated that they must have understood because they communicated with Boardman about the shop they had already built.

Compliance Planner Keely said that she was the one that applied for the permit.

Commissioner Peterson said that that solved her question she had about translating.

Director Mabbott suggested if she wanted to continue this to the next hearing we would get a certified translator for the next time we have a meeting in Irrigon on June 27th. We could also send a certified letter and have it translated or have it translated at the county level to make sure it's clear.

Planner Case said that could be an issue we might not know what language to translate to and we shouldn't make an assumption.

Commissioner Peterson suggested that we might want to apply this in the future and not go backwards.

Planner Case said that as of this month, our Zoom has the capability for translation and they can choose what language they need.

Commissioner Thompson asked how many times had the Planning Department reached out to them and how many times had they responded.

Planner Case said several times over the years.

Compliance Planner Keely said they hadn't responded to her since she started compliance. The communication was with Planner Case or former employee Shambra Cooper.

Commissioner Thompson asked if they understood what it was they needed to do.

Planner Case said yes, she had spoken with the daughter.

Commissioner Thompson asked if she gets it.

Planner Case responded yes, explaining that the Nunez are owners and Andrade are buying on contract, but that they do receive all the letters we sent to the Andrade's.

Compliance Planner Keely explained that she went out on medical leave and when she came back the shop was built. A stop-use order was sent out and that is when they came in and filled out a Zoning Permit in the daughter's name. Our Counsel suggested we approve it. The daughter went to Boardman for a building permit and was advised to contact Planning Department and we haven't heard anything from them.

Commissioner Kilkenny said it sounded like they were running a business in a residential zone, either they know or they don't know and they're just not complying.

Commission Peterson said that it looked like we did our due diligence and they didn't come tonight.

Director Mabbott responded no.

Commissioner Kilkenny asked if there was an opportunity for them to appeal a decision in a county court and that decision can be translated properly.

Director Mabbott responded that she would have to think about it because that would mean we are revoking a permit. She said if that is the way the Commission chooses to go or chooses to continue the meeting. If the Planning Commission revokes the permit then it could go to Justice Court as an enforcement matter.

Chair Ekstrom asked for neutral comments and have the hearing held open, there were none.

Mr. Imes commented about maintenance in that area as everyone knows the county can not maintain that loop but has great ideas of how to get it done without using county dollars. Just reach out to him and he would discuss with anyone on that issue.

Commissioner Thompson suggested a registered letter sent with a plan to take steps in order to get them in compliance in sixty days and see them back here in Irrigon at the next meeting. If there isn't compliance then we take it back up again.

Commissioner Peterson asked that we find out what language to send the letter in.

Director Mabbott responded we would do our best to find out what language.

Commissioner Thompson says that they are so far out of compliance whether they understood it or not they would have to stop business.

Planner Case was concerned that the shop was built in the BPA easement. Planning staff did reach out to the BPA to notify them and so

far, have not heard back. She would really like to coordinate with them so that they understand where their easements were.

Director Mabbott said the motion would be to continue the hearing to June 27th and summarized with a list for the next hearing:

1. identify the language of choice
2. provide written correspondence in their native language
3. Planner Case will do some research on the BPA easement and share the plan with the applicant at the meeting indicated previously.

Commissioner Thompson suggested that there needs to be a plan for the applicant.

Commissioner Thompson motioned for the hearing to continue and the motion was seconded by Commissioner Seitz, the vote was unanimous.

Other Business Director Mabbott shared information on the Monthly Update and an experience with trucking businesses in Umatilla County.

Chair Ekstrom asked for public comment

Madison Phillips from La Grande introduced herself.

Chair Ekstrom closed the meeting at 8:15 pm.