



PLANNING DEPARTMENT

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**Minutes of the Public Meeting of the
Morrow County Planning Commission
Tuesday, June 27, 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: Vice Chair John Kilkenny, Charlene Cooley, Mary Killion, Elizabeth Peterson, Wayne Seitz, Stanley Anderson

Attendance via Zoom:

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 Vice Chair John Kilkenny at 6:05 pm.

The Pledge of Allegiance was recited.

Approval of Minutes: Commissioner Seitz moved to approve the minutes of April 25, 2023, meeting as written. Commissioner Cooley seconded, and the motion carried.

Public Hearings: Vice Chair Kilkenny read the Planning Commission Statement and Hearing Procedures and asked if there were any conflicts of interest on part of the Commissioners, there were none.

Presented By: Compliance Planner Katie Keely

Continued from April 25th meeting-Conditional Use Permit Compliance Review CUP-N-339-19: Cesar Andrade applicant, Victor Nunez owner. The property was 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.

Vice Chair Kilkenny invited applicants to give testimony or evidence.

Selene Andrade commented that they were just made aware of the zoning and the technical rules. They thought by obtaining a home permit they would be ok but through the letters they'd received they discovered that wasn't the case. They were in attendance tonight because they

wanted to make amends and obtain information for their next move. She explained that they had run their business now for a couple of years on the property and they have neighbors and friends that also have businesses.

Vice Chair asked the Planning Commission if they had any questions.

Commissioner Seitz asked if they were looking for a different property and if they felt that was the direction they needed to go.

Selene responded yes, they felt they needed some commercial property or light industrial so they don't run into any more problems but would appreciate having more time. She also explained that getting a loan would take time to purchase or lease.

Commissioner Seitz asked how much time they were thinking.

Selene responded they were not exactly sure, but in the meantime, they had been looking for other properties and would definitely let the Planning Department know.

Vice Chair Kilkenny expressed that he understood the business is their livelihood but they needed to understand the criteria for a Rural Residential Zone is not intended to have a business of that nature in that area.

Selene responded that they purchased the property and didn't really know what it was for. She also said they could have come to the Planning Department to get more information. She now understood the limitations of the Zoned area. When they bought the property they weren't aware they couldn't have semi-trucks because many of the neighbors had them.

Director Mabbott pointed out to Vice Chair that the Andrade's had been very cooperative with the Compliance Planner. Director Mabbott wanted to make a recommendation that if they could not meet the conditions of the Conditional Use Permit, the staff would like to ask that the permit be revoked and defer to our Compliance Planner and the Code Enforcement process. Our standard operating procedure is to give them as much time as they need so they don't have to come back to the Planning Commission.

Commissioner Killion asked if they could still run their business without the permit.

Director Mabbott responded yes, as long as they were showing they were making progress.

Compliance Planner Keely also responded as long as they show they were attempting to relocate the business.

Commissioner Killion asked if they could get reassurance from the Planning Department.

Director Mabbott said it was made clear that they could and then asked Selene if her father understood.

Selene responded yes, he understood.

Vice Chair Kilkenny expressed his concern with how open-ended something like this was and he didn't want it prolonged.

Compliance Planner Keely responded that this was the first time she had had to deal with something like this and she also didn't want to see it prolonged over two years or else it could end up in Justice Court.

Commissioner Killion pointed out that if they weren't allowed to continue running the business they wouldn't be allowed to borrow money for property. So, it needs to be reassured that they met the conditions of the permit.

Compliance Planner Keely responded that in regards to the BPA, they would have to move the business because the shop encroaches on the tower's easement on their property. It may be that they have to take the shop down and move the trucks off the property because of safety reasons. She also stated that the Planning Department really would like to help the Andrade family so that they could make a living.

Vice Chair Kilkenny asked if the Port would have property available to help with something like this.

Director Mabbott said that she had spoken with the Port Director and set up some time to look at commercial property but in the Boardman area, Irrigon has almost none. There is a large industrial property in Irrigon but it would be a huge challenge. As to Commissioner Killion's concern as long as they continued to show progress and as long as it continued they would be good. If they do not show progress it could end up in Justice Court but they do not want to do that; it would take a lot of time and resources.

Commissioner Killion commented that she didn't want to be on the board which discouraged an enterprising person that puts them out of business.

Vice Chair Kilkenny responded on the other hand they did want to be sensitive to other people that lived in the area and had bought property with the expectation that it's a Rural Residential area, not a commercial area. He asked Selene if she understood that.

Selene responded yes.

Commissioner Cooley asked the applicant if the conditions were going to be followed during the time period. No truck traffic at night keeping the conditions in mind and giving them more time to find property to move their business.

Vice Chair Kilkenny pointed out the hours that there should not be any traffic, eleven PM to seven AM.

Compliance Planner Keely reiterated that there can't be any loud noises in the shop or having truck traffic in the middle of the night or dumping of waste.

Commissioner Killion asked about a shop that is in Boardman if it was being occupied. She thought there was a location available.

Director Mabbott responded that it may be an option and that the Boardman Chamber Director is very involved with commercial and industrial property. We have shared names and phone numbers of some possibilities. They are actively looking.

Commissioner Killion asked Selene if they were aware of the hours of operation.

Selene responded she didn't at first but now they did and gave examples of some of the conditions.

Director Mabbott suggested the Planning Commission might want to pass a motion to revoke the permit and advise staff in the next compliance letter the Planning Department could state that they were giving them adequate time to relocate without closing the business.

Commissioner Killion asked if the Planning Department could give them a specific date.

Director Mabbott suggested 6 months.

Vice Chair Kilkenny asked the applicants if they had anything further to add.

Selene responded that they wanted to thank the Commission for giving them the opportunity to have their side heard. Now that they know more about the rules they wanted to be more compliant. They also had done some things to help their neighbors. They put gravel down and hired help to clean up the road.

Director Mabbott assured the Andrade family the Planning Department would be happy to help.

Vice Chair Kilkenny asked if there were any neutral comments.

Johnathan Tallman commented that he had attended the previous meeting. He stated he owned commercial property in Boardman and would like everything across the board to be equal from small businesses to the big ones. He commented about unethical behaviors in the county.

Vice Chair Kilkenny asked that he not get off subject.

Johnathan Tallman wanted to make sure that everything was addressed because many say that it is not their problem and that they were just doing their job. He went on to say that it was his job as a citizen to speak up and say that things had not been fair because he loves the area and plans to stay and be involved.

Vice Chair Kilkenny asked if there was anyone else with neutral comments

Laura Pagano from the BPA wanted to defer to Luke Kinch the Property Specialist who had been assigned to the case and could give more detail. The BPA's main concern was securing and mitigating any safety risk to its transmission assets. She referred to the photos and pointed out the safety hazard with the equipment surrounding the tower.

Luke Kinch BPA's Realty Specialist pointed out that they would like to preserve life safety for the land owners, the maintenance crew, and the reliability of their system. He also pointed out items in the photo that would be infringements on the tower. Buildings of 1,000 cubic feet or 8 feet in height would be considered prohibited from the easement right of way because they were considered a fire hazard. Bonneville works with the landowner in these cases. Luke asked the Planning Commission if there were any questions for the BPA.

Vice Chair Kilkenny asked if these issues involved the Planning Commission or the landowner.

Director Mabbott replied that it would be between the BPA and the landowner. She also pointed out to the Planning Commissioners that they could take us to task and ask why the Planning Department issued a permit to build under a transmission line. The Planning Department did not issue the permit intentionally so that they could build under or around a tower. She went on to explain the permitting process and that the applicant built the shop without a permit. The tower

situation would be between the BPA and the owner. The Andrade's purchased the property through a private contract and weren't informed about the zone. They were just trying to run a good business. Hopefully, the BPA would take that into consideration and we would be patient with them to get them in compliance.

Vice Chair Kilkenny commented this would be a good learning opportunity for the Planning Commission staff to be more aware of BPA locations.

Director Mabbott responded that the county is not aware of where all the easements are located. When the Planning staff pulls accessor maps the BPA easements are not always indicated and it is the responsibility of the landowner and acknowledged that this was a really tough example and that staff will be more careful to look where they are.

Luke Kinch said he emailed Katy that the BPA has established good relationships with other cities and counties normally those municipalities will routinely send notices and notify Bonneville any time a Land Use or building approval is made. If they send us the notice it would take the effort out of your hands and put it on us and we could proceed accordingly.

Vice Chair Kilkenny commented to the BPA that the Commission would let them communicate with the landowners.

Vice Chair asked if there weren't any other testimony in neutral or in opposition, there were none, and the motion was carried. The Planning Commission had no more questions. He asked the applicants if they had anything else to say.

Selene responded that they apologized for the bother and that they would be more aware of following the conditions.

Vice Chair Kilkenny asked if anyone wanted to continue or hold the record open, there were none, and closed the public hearing.

Director Mabbott responded that the staff outlined a couple of options and one was to revoke the permit, that's what the Planning Department recommends, and if Planning Commission wanted the Planning Department to come back and the applicant could report to the Planning Department in 6 months.

Commissioner Killion commented that she would worry about them the whole time and wouldn't want to discourage the business because they were critical to our area.

Director Mabbott assured Commissioner Killion that her comments were on record and we understood her point.

Vice Chair Kilkenny called for a decision.

Commissioner Seitz motioned to revoke the **CUP-N-339-19** and staff will revisit this in 6 months and let us know where it's at.

Commissioner Cooley seconded the motion to the original conditions of the operational hours.

Commissioner Seitz amended his original motion and accepted the motion for the original operational hours.

Vice Chair Kilkenny called to revisit in six months and then for a vote, it was unanimous, motion carried.

Commissioner Killion was confused about how could we revoke the permit and whether they would still be able to run the business. Would that impact their business license in any manner.

Director Mabbott responded the Planning Department doesn't have anything to do with the business license that would be addressed with the Secretary of State and they said they could continue. The Andrade's would have to move the business off the property.

Commissioner Killion responded that is not a condition of the Secretary of the State.

Director Mabbott answered no, it is not. This would not put them out of business this would just give them time to find a property.

Vice Chair Kilkenny asked Selene if she understood.

Selene responded yes.

Vice Chair Kilkenny pronounced that the motion would carry and announced the second hearing. He also asked if there were any conflicts of interest, there were none.

Presented By: Tamra Mabbott, Director
AC-145-23; ACM-146-23; AZM-147-23 Comprehensive Plan and Map Amendment. Rowan Percheron, LLC, Applicant. The property is located approximately 9 miles south of I-84 on Tower Road. The application proposes to amend the Comprehensive Plan to allow for rezoning approximately 274 acres from Exclusive Farm (EFU) Use to General Industrial (MG) and adopt a Limited Use Overlay Zone to limit MG uses to a data center only. The application also includes an exception to Statewide Planning Goals 3 Farmland, Goal 11 Public Facilities, and Goal 14 Urbanization. Applicable Criteria include Morrow County Zoning Ordinance (MCZO) Article 8 Amendments, Oregon Administrative Rules (OAR) 660-004-0010.

Director Mabbott noted that there was an extra packet of materials submitted after the packet was sent out to the Planning Commission and asked for a motion to add the packet of exhibits to the record.

Commissioner Peterson motioned to accept exhibits A through L into the record.

Commissioner Seitz seconded the motion.

Vice Chair Kilkenny asked for a vote, it was unanimous, motion carried.

Director Mabbott explained the exhibits to the Commission. She then went on to summarize forty pages of findings and advised not to rush to a decision. She pointed out that if the commission found that the application didn't meet the standards that would be ok; if the commission found the application did not meet the standards that is also ok. The commission will make a recommendation that will go to the Board of Commissioners on August 16th. By the end of the night, it has to be decided whether they (applicant) met the County Ordinance section 8.040 which are legislative decisions. There are two significant findings that would need be

adopted to approve the legislative action (MCZO 8.040) - one: if local conditions had been changed, two: to identify public services and make a determination whether or not they are sufficient enough to support the change. That would entail looking at stormwater, water supply, police, fire, emergency response and transportation facilities. The second part, item four in the packet, is to address the exception to Statewide Planning Goals 3, 11 and 14. Director Mabbott explained when farm ground is taken out of production the applicant must take an exception to statewide planning goal 3 and address by addressing the applicable criteria 9 OAR 660-004-0010. Because the applicant is taking water from a municipal source they also have an exception to planning goal 11. She read on summarizing findings.

Dan Kearns comments that Director Mabbott had summarized well.

Vice Chair Kilkenny asked if there were any questions and invited the applicant or the proponent to testify or give evidence.

Elaine Albrich, the applicant's outside counsel, introduced the team- Bobbi Hollis, Commercial Officer, Martin Romo, Senior Director of Economic Development and Policy, (on zoom) David Shifflet, Director of Development, Daniel Brown, Manager of Public Affairs, Oliver Jamin, Davis Wright-with Elaine's Law firm, (Zoom) Tess McMorris, Environmental Consultant- Project Manager.

Bobby Hollis, explained what he does for Rowan in respect of the data centers, as he read from slide three.

Martin Romo, read slide four.

Elaine Albrich, read slides five-eight.

Commissioner Killion asked Elaine if she had been out to the site.

Elaine Albrich responded yes.

Commissioner Killion commented that there is a lot of wildlife out there and not just contained in the Boardman Conservation area. She asked how they planned to accommodate that.

Elaine Albrich responded that they had some consultations and studies to share and address. They had worked with ODF and W on studies of the Washington Squirrels as well as particular habitats.

Commissioner Killion asked if they had looked at the herds of deer and elk out there.

Elaine Albrich responded that they hadn't spoken with ODFW about that but they had planned a follow-up with them.

Commissioner Killion commented that she couldn't see them grazing around the planned building.

Elaine Albrich responded that they would take note of that as a follow-up.

Director Mabbott commented that she hadn't checked Goal 5 as a critical winter range. She asked if they had the map.

Planner Case responded yes

Director Mabbott commented that she would check if it was a protected Goal 5 resource.

David Shifflet said he's worked on the project since 2021. They studied maps and did some fieldwork. They had done three different studies on the ground squirrel and two transect studies to determine if there were any squirrels in the area and didn't find any presence of them in that area. They had been interacting with the Confederated Tribes, Navy, Public Works and ODSL.

Elaine Albrich asked if there were any questions about the studies, but there were none. She continued with slide nine.

Director Mabbott asked Elaine if the Port water right was a groundwater right or a Columbia River water right.

Elaine Albrich responded that they would provide more information on that because that was a question they had too. She didn't want to provide an answer on record because it will be a follow-up answer.

Commissioner Killion asked how the water was going to be conveyed.

Elaine Albrich answered that it would be an underground pipe.

Commissioner Killion asked what properties would it cross to get there.

Elaine Albrich answered that would be discussed with Port of Morrow.

Commissioner Killion asked if it would be going across Wagon Wheel.

Elaine Albrich said she could not answer that question.

Commissioner Killion commented that a lot of the project was centered on not disturbing agricultural use and that (pipeline) would disturb agriculture.

Elaine Albrich responded that it would be a temporary impact because it would be buried.

Commissioner Killion commented that if they had to do repairs or if there was an easement needed it would require repair.

Vice Chair Kilkenny asked how many miles it was from the Port to the anticipated site.

Elaine Albrich responded it depended on how it was measured but she thought about nine miles.

Commissioner Killion commented about the traffic, right now there was a lot of Agriculture going on out there and by added construction, even on the way tonight, there were disturbances with that. How would that be mitigated?

Elaine Albrich responded that they were in communication with the Public Works Director and the purpose of the road agreement which could have elements of traffic management measures

to coordinate the county as well as area users of Tower Road. One of the proposed conditions that will be shown in the presentation was to require a condition of approval required conditions with Threemile Farm to minimize impacts to farm traffic associated with the construction time period.

Commissioner Killion commented that Threemile isn't the only farm out there. Beef Northwest also has many employees, cattlemen, trucks and commodities that move out there. She felt that Tower Road was pretty maxed out and was curious how this would be ok with the current usage and would like to see what the traffic study would have to say about this.

Director Mabbott asked Commissioner Killion if she wanted to see the whole report. The applicant is seeking further consultation with Kittleson. The traffic study will be posted on the Morrow County website. Commissioner Killion suggested someone could summarize it. Vice Chair Kilkenny asked if it included the construction and operational period in the road report.

Director Mabbott pointed out that the way the law was constructed for a zone change the analysis is to be focused on the post-construction period but in consultation with public works construction traffic had been addressed as well. She would consult further with Eric Imes, Public Works Director.

Elaine Albrich said she would have Kittleson summarize the report. The impact analysis was set up to satisfy the transportation planning rule that is required by Goal 12.

Director Mabbott said that Public Works had the option to have another engineer take a look but it may be that there could be feuding engineer analysis. She felt Eric Imes was very good at deciphering what's relevant and he did come up with a couple of recommendations that were in the road agreement, but the Commission could ask for more. She also noted that the burden of proof is on the applicant.

Commissioner Peterson asked during construction how many personal vehicles would be on the site.

Elaine Albrich responded that information would be in the supplemental analysis that they were putting together and would be presented at the next hearing.

Vice Chair Kilkenny asked if they knew how many people were anticipated for construction.

Elaine Albrich responded that it could be in the hundreds.

Commissioner Killion felt that through the conversation there would be a huge impact for the area. The applicant can't put a structure up that large and with that many people and that much activity going on and not expect the area not to be affected like a tree falling in the forest. She was curious how it would get passed the impact with EFU Zoning change. It would obviously have a giant impact, number one they don't have water they have to figure out a way how to get the Port's water to the site, a big impact. Number two traffic impact that's a huge impact not only for the people currently using it but also the wildlife and environment. The actual data site doesn't even meet the criteria because it is EFU Zoned and we are supposed to protect that zone. She went on about the particular zoning and all the effects that would take place by putting a data center on the site.

Vice Chair Kilkenny suggested that Elaine finish her presentation.

Elaine Albrich answered that they would move forward and speak about the alternative analysis and why this parcel. She referred to slides twelve & thirteen and then handed out Applicant's Alternative Analysis Siting Criteria Packet.

Director Mabbott asked if they had analyzed the Space Age Industrial Zone.

Elaine Albrich responded yes and read from the packet.

Commissioner Killion questioned the wording in the criteria assessment and asked why they changed the wording on the page because it looked like the owner didn't want to sell and she wanted to know which page would go on the record.

Elaine Albrich said she would look into it.

Commissioner Killion felt curious as to why the landowner (of Space Age Industrial land) did not want to sell.

Elaine Albrich said if the owner didn't want to sell it could have been that the land wasn't for sale.

Commissioner Killion felt that welcoming a business into the area is important for a business because we are the ones to decide and we represent the people in our area.

Elaine Albrich moved on to the next slide.

Martin Romo read slide 14 and 15.

Elaine Albrich read slide 16.

Vice Chair Kilkenny asked if there were any questions from the Commissioners.

Commissioner Killion stated that she is one hundred percent against the change.

Vice Chair Kilkenny appreciated the information they presented and the question he had where in the presentation they said that there were no other sites available. What about the Army Depot and Space Age Zoning?.

Elaine Albrich responded that the Army Depot did not have the power available for the structures. The Space Age area is permitted for a Solar Project.

Director Mabbott pointed out the Space Age Industrial area on the map projected.

Vice Chair Kilkenny asked about the area they refer to as the airport and asked if that land was available.

Director Mabbott pointed out on the map that everything north of the airport is permitted for a Solar Project. Another data center to the south and west is under review.

Vice Chair Kilkenny asked if all that land was spoken for.

Director Mabbott responded that there wasn't enough room for another data center north of the airport. She pointed out more property on the Space Age Industrial belonged to the City of Boardman. She asked GIS Planner Stephen if the other side of Tower Road was also Space Age Industrial. She pointed out some current Amazon sites and another one that was under review.

GIS Planner Stephen replied that he thought Threemile Farm owned what Director Mabbott pointed out.

Director Mabbott asked if Tax Lot 121 crossed Tower Road to the east.

Vice Chair Kilkenny reiterated that he agreed that it was a good place to put in a data center.

Commissioner Killion asked what makes us think it's the utmost importance to put in a data center. Is that the only thing the Planning Commission was here to do or do we have the option not to. Because they were the ones that want to put in a data center but we were representing our county and the citizens of our county and if there was no other option anywhere else. Why is it on the Planning Commission to put in a data center.

Commissioner Peterson responded, yes, it (proposed development) is on the north end but it does impact the housing in the south. People don't want to stay in the north when there is construction. Lone benefited when things like this were being built. As for the EFU the north is fortunate because of the irrigation. Lone doesn't have the right criteria.

Vice Chair Kilkenny commented that the road was being loaded up with traffic.

Commissioner Peterson responded with suggestions on which routes to take. She would like to take a look at the county as a whole and not just the different ends. She goes on to say that the construction people want to be somewhere quiet.

Vice Chair Kilkenny asked about the Lone Boardman Road if there is a possibility they could break this road open.

Director Mabbott replied that they are not proposing secondary access but it could be something we (county) could propose from them.

Commissioner Killion asked for some more convincing because Lone seems to be gaining economic benefits.

Commissioner Peterson responded that the idea to open the Lone Boardman road was shot down but it didn't impact the traffic from the coal fire plant. Vice Chair Kilkenny said that it was much to open up gates to get through. Commissioner Peterson commented they used to cross cattle on Bombing Range until the squirrel was discovered. The road from Lone to Boardman was denied back in the seventies.

Commissioner Killion asked what road impacts there would be, she didn't understand why this wasn't a concern. The EFU zone change would have an impact on agriculture. She didn't think they could base a decision on the information given.

Elaine Albrich asked what numbers was she looking for.

Commissioner Killion responded with what kind of impact would there be and that the county should be proud of where they lived.

Vice Chair Kilkenny commented that some of the impact on agriculture was that some of the buildings were built on center-pivot irrigation is some of the best in the world and they were talking about putting on some dry pasture ground.

Commissioner Peterson asked how many acres were being considered, two hundred seventy-four. They had personally taken a field out to put a house on it.

Commissioner Seitz asked how big McCarty's (reservoir) site was out on the coal fire plant.

Director Mabbott suggested that the commission needed to look and determine if the applicant met the standards. She summarized commission comments and thought Commissioner Peterson was saying that Goal 9 was more important than Goal 3 and that Commissioner Killion made the case that Goal 3 was more important than Goal 9. The Planning Commission can prioritize these goals and it sounded like they were pushing for more justification for the Goal 3 exception. It sounds like the applicant would need more justification on why they wanted to use and take out this big particular piece of farm ground.

Vice Chair Kilkenny pointed out he wasn't ignoring the question but wanted clarification on the process.

Director Mabbott replied that these questions of the Commission should be answered by the applicant.

Commissioner Killion commented on an article in the Oregonian about the data centers being exempt from all the environmental stuff and that didn't help her being convinced.

Commissioner Peterson asked how many lanes Tower Road had and had anybody thought about it changed to four.

Commissioner Killion asked what would that impact be?

Commissioner Peterson asked if Threemile owned the property around the proposed site.

Commissioner Killion responded that the proposed site was Threemile property all around.

Commissioner Peterson pointed out that everyone was concerned about the proposed site's adjoining property owners when it was only impacting Threemile.

Director Mabbott responded that the contiguous landowner is Threemile but there are other landowners out there. She suggested that the applicant should consider how the water would be delivered to the site. The utility service could be a condition of approval.

Vice Chair Kilkenny asked how long the water line would be.

Director Mabbott responded that no one knew exactly how long it would be.

Commissioner Peterson asked Vice Chair Kilkenny if a waterline had been installed between lone and Heppner.

Vice Chair Kilkenny responded that it had been put in the old railroad easement.

Commissioner Peterson added that it also was an eight to nine-mile line and it didn't create impacts.

Vice Chair Kilkenny replied that it would be nice to know the plan (for water).

Commissioner Killion said she wasn't going to change her vote.

Elaine Albrich asked if there were any more questions for the applicant.

Vice Chair Kilkenny asked if there were any in opposition.

Director Mabbott asked if anyone online had testimony in opposition.

Vice Chair Kilkenny asked if there was anyone neutral.

Raymond Aykers commented that he had no opposition as long as everything was being followed as planned. He commented that it wasn't just water or animal issues but had anyone thought of the plants. He went on to comment that it was important to protect endangered species whether it be plant life or animal. He speculated that the property had some type of wetland on it because the grass is always green.

Commissioner Killion corrected him and said that there was water one inch below the surface if the report was correct. She reassured everyone that she had read every word in the packet.

Raymond Ayker was concerned and felt that the Planning Department was pushing forward without knowing if there were easements. He is in hope that they would take more time with this type of request. He commented on the rushed traffic on that road. His concern was the environment and losing grazing rights.

Commissioner Peterson commented that no one could make any decision but had to base it on the criteria and felt there was more to add.

Director Mabbott reassured everyone that all reports and packet would be posted on the website.

Johnathan Tallman felt that he had been affected by all the decisions being made. He pointed out the roads and the dust that is being created. He felt that Tower Road needed to be four lanes. He commented that there was a pattern of behavior and felt that requests were being rammed through and it left a bad taste in people's mouths and went on to say these were things that needed to be discussed. He felt that there was a negotiation tactic they use against them. He also said that he would like to partner with Amazon but they don't partner up and felt ignored. He also felt that they only work with people that are just on their bus.

Dawn Hertz, Regional Representative, DLCD, (via zoom) commented that her agency had questions pertaining to Goal 3, 11 and 14. The team had not been able to review the responses from applicant yet.

Kelly Doherty (via zoom) asked about the utilities and which ones they were and the nine-mile

waterline. Were there easements across the properties yet and had they been looked at? Could the Port support that much water because they support three other data centers? Does the Port have the services to support all of them and the wastewater? How do we deal with the nitrate issues?

Vice Chair Kilkenny asked Kelly if the applicant could ask the Port if that water was adequate.

Kelly Doherty responded that would be a great question.

Dan Kearns responded that the water use capacity did have to be pinned down.

Vice Chair Kilkenny asked if there were any more neutral comments.

Elaine Albrich asked if there was anyone in favor of them at the meeting.

Bill Antilla with Threemile Canyon Farms in Boardman said he appreciated all the questions and wanted to clarify the acreage being discussed and some of the alternative properties looked at. He pointed out that the property in question had not been farmed as far back as he could tell and was not suitable for grazing. He went on to say that Threemile did not have any other land that would be for sale for this type of project because of the type of land. Commissioner Killion asked how many years had he been with Threemile. Bill answered almost two years.

Vice Chair Kilkenny wondered why there were no pivots (on this parcel). Bill responded there were other circles close to it that were being farmed but the particular land was of no use to the farm. He said he understood that he didn't have the history that most people around here do. Much of his point of view was coming from Greg Harris, farm manager.

Vice Chair Kilkenny commented that if the ground was suitable he was sure Threemile would use it. Bill responded that Greg and his team would figure out a way to use it if it was suitable.

Commissioner Killion commented that she could not say enough positive about Threemile and couldn't believe they were selling this particular land and felt it was out of character for the farm. She wanted to know why they were selling. Bill responded he didn't have an answer for her.

Vice Chair Kilkenny asked Elaine Albrich if they wanted to rebuttal.

Elaine Albrich responded that they had much to review and would release their time.

Vice Chair Kilkenny asked if there were any more questions.

Director Mabbott said she would answer any questions of the commission.

Commissioner Seitz asked to see the rebuttal from DLCD. Director Mabbott responded that they were in the exhibit packet. She also pointed out that there was no rush to a decision because this was a legislative action and there was no time constraint.

Commissioner Killion asked for information of on the planned utilities. Where are they going and where they are coming from?

Director Mabbott assured her the information we did have would be posted on the website.

Vice Chair Kilkenny asked Director Mabbott about her previous comment about the roadmaster being able to get someone else. Director Mabbott responded that if Eric Imes, Public Works Director, wanted the transportation analysis reviewed he could do so but she usually relied on him to make that decision. The applicant would provide information about the road analysis. She double-checked to verify Tower Road was a sixty-foot dedicated easement but needed more information on safety. Depending on interpretation, the Planning Commission could decide from the traffic study that the road was not safe enough for non-farm traffic and it could be a conclusion you could make.

Vice Chair Kilkenny asked if they were supposed to consider the traffic during or after the construction.

Director Mabbott responded the traffic study was based on post-construction, in accordance with Goal 12. Our county has done a really good job with the road agreement option. The applicant and the Public Works were the two who drew up the plan and the Commission approves or disapproves of it. She explained other options that could take place.

Vice Chair Kilkenny asked for a motion to continue the application.

Commissioner Cooley motioned to continue the meeting to July 25th in Heppner at the Bartholomew Building.

Commissioner Seitz seconded the motion.

Vice Chair Kilkenny asked for a vote, it was unanimous, the motion carried and moved on to the next business.

Director Mabbott spoke about the monthly correspondence and also announced that it was Planner Case's last meeting.

Vice Chair Kilkenny announced there was no public comment. The meeting was adjourned at 8:15 pm.