



PLANNING DEPARTMENT

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**Draft Minutes of the Public Meeting of the
Morrow County Planning Commission
Tuesday, January 30, 2024, 6:00 pm
Morrow County Government Center
Irrigon, OR**

(Meeting was held in person in Irrigon and through video conference via Zoom)

Morrow County Planning Commissioners Present: Charlene Cooley, Karl Smith, Stacie Ekstrom, Tripp Finch

Attendance via Zoom: John Kilkenny, Elizabeth Peterson, Brian Thompson

Excused Absent: Commissioner Killion and Commissioner Anderson

Morrow County Staff Present: Director Mabbott, Stephen Wrecsics, Associate Planner, Michaela Ramirez, Office Manager, Daisy Goebel, Planner, Landon Jones, Planning Tech

Morrow County Staff Attendance via Zoom:

Call to Order- Meeting was called to order at 6:00 PM by Chair Ekstrom

Roll Call

Pledge

Chair Ekstrom introduced the new Commissioner Tripp Finch. Director Mabbott introduced our new Principal Planner Daisy Goebel.

Approval of Minutes: Chair Ekstrom asked if there were any corrections or amendments that needed to be made to the December minutes. There were none, the minutes were accepted as presented.

PUBLIC HEARINGS Chair Ekstrom read the Planning Commission statement and Hearing Procedures. Chair Ekstrom asked if there were any conflicts of interest, there were none the meeting moved on.

Director Mabbott read permit **AC-149-23; ACM-150-23 Comprehensive Plan and Zoning 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 Map and Zoning Map to rezone approximately 318 acres from Space Age Industrial (SAI)

to Exclusive Farm (EFU). Applicable Criteria include Morrow County Zoning Ordinance (MCZO) Article 8 Amendments, Oregon Administrative Rules (OAR) 660-004-0010.

Chair Ekstrom asked the applicant to present testimony in evidence.

Elaine Albrich with Davis Wright Tremaine, is the legal counsel for the applicant. Joe Sapin was there in support also of the applicant. Elaine introduced David Shifflet, Tess McMorris, and Michael McIntire, they were present via Zoom. Chair Ekstrom asked the Commissioner staff if they had questions, but there were none. She asked if there were any opponents to testify or had any evidence to present, there were none. She asked if there was anyone with neutral testimony. No neutral testimony was presented. **IN FAVOR:** Jon Jinings, Community Specialist from the Department of Land Conservation and Development. He recommended approval. Chair Ekstrom closed the Hearing and asked for a motion. Commissioner Thompson motioned to approve **AC-149-23; ACM-150-23 Comprehensive Plan and Zoning Map Amendment**. Commissioner Finch seconded it. Commissioner Ekstrom asked for a vote, all were in favor motion was approved.

Chair Ekstrom introduced the next hearing **ACM-151-23; AZM-152-23 Comprehensive Plan Map and Zoning Map Amendment. Selene Andrade Bernal, applicant; Suzanne Frederickson, owner**. She asked if there were any conflicts of interest, there were none.

Director Mabbott spoke on the specifics of the application and the area of the permit submitted. She mentioned that one of the conditions of approval would be to modify the site plan because of access. She also mentioned that ODOT was concerned about the traffic impact on the state highway and they recommended a trip cap. Director Mabbott suggested the applicant could do an annual report on the number of trips. Director Mabbott asked the Commissioners to add the letter from the City of Irrigon to the record. Commissioner Cooley motioned to add the letter from the City Irrigon to the record. Commissioner Smith seconded it. Chair Ekstrom asked for a vote to add the letter from the City of Irrigon to the record, all were in favor and the motion passed.

Planner Daisy read through the criteria for the review of **CUP-N-363-24**. Planner Stephen shared that Colleen Neubert, an adjoining landowner, came into the Planning Department to speak in favor of Andrade's CUP. Commissioner Finch asked about the neighboring zoning.

Chair Ekstrom asked to hear from the applicant. Elizabeth Andrade represented Selene, the applicant, and her father, Cesar Andrade, who was also present. She spoke about their plans for the property and agreed to comply with the proposed conditions. Director Mabbott addressed Elizabeth about the letter from ODOT and noted it was fairly restrictive and wanted to discuss the trips and storage of the trucks. Chair Ekstrom asked if there were any questions.

Commissioner Smith asked if a different street could be used to access the property so that it wouldn't affect the neighbors. Planner Goebel responded that a new access could be permitted as long as the Andrade's were in compliance with the spacing standards and met the ODOT requirements. Director Mabbott clarified that only the existing driveway access would be used. Commissioner Smith wanted more clarification and suggested access be permitted via 2nd street. Director Mabbott explained that the existing Access, in the Northwest corner of the site, would be the only approach permitted with the proposed CUP. Additional access locations require access permit approval from the county or ODOT, as applicable. Director Mabbott also noted that ODOT is not likely to approve an access directly onto the state highway.

Chair Ekstrom asked about the hours of operation during the season. Elizabeth responded the hours of truck operation would be 6 am to 8 pm. Director Mabbott wanted to clarify the shop would only be used for the Andrade's, trucks. Andrade's confirmed yes. Commissioner Finch asked if the conditions would follow the next owner of the property. Director Mabbott clarified that the operation of the trucking business would be subject to the same conditions, but if a new owner established a new business, it would be subject to the applicable standards for that use. Planner Daisy added the conditions of the zone change would run with the land. Chair Ekstrom asked if there were any questions for the applicants. Chair Ekstrom asked for any testimony in support of the changes, there were none. She then invited any opponents to testify and present evidence.

Jeffrey DePope, 155 W Columbia Ln, Irrigon, OR. He owns property East of the Andrade property, tax lots 1000, 500, and 600. He also spoke to Colleen about the easement. He asked if WEID was contacted because of the irrigation line that runs through the property and the plan for hours of operation. Director Mabbott pointed out that coordinating with the irrigation district was one of the conditions of approval. Mr. DePope was also worried about property value. Commissioner Finch asked if he had a house on tax lot 1000 or 500. Mr. DePope responded tax lot 1000 was empty and 600 is where his house sat. Planner Stephen pointed out that Mr. DePope's residence was about 650 feet away from the proposed shop and Colleen Neubert's home was about 180 feet. Commissioner Finch asked if tax lots 500 and 1000 were vacant. Mr. DePope responded yes. Commissioner Cooley asked about access to tax lot 400. Planner Stephen said he wasn't sure. Mr. DePope responded it was on 2nd Street and that Colleen Neubert had a separate driveway. Chair Ekstrom asked if there were questions, but there were none. She then asked if there was anyone else in opposition, there was none.

Chair Ekstrom invited anyone with neutral testimony; there were none. She invited the applicant back for a rebuttal. Chair Ekstrom asked the applicant about the noise concern and the shop's hours of operation. Elizabeth Andrade said they would put up time limits and would work with neighbors. Director Mabbott wanted to clarify the comment made earlier about the hours. Cesar Andrade suggested 7 AM-4 PM for hours of operation and would try to match the neighbor's landscaping. Planner Daisy added that they could add a time frame to the conditions of approval and a requirement to complete a property boundary survey to identify the property lines. Commissioner Finch asked if one of the conditions could indicate where the trucks had to exit the property. Director Mabbott replied the applicant would need a new access permit and the permit would indicate where Andrade's driveway would be located.

Planner Stephen spoke on the easements. Commissioner Smith asked if the hours of operation could be adjusted. Director Mabbott and Chair Ekstrom agreed to change the shop hours to 7 AM to 6 PM with trucks coming in 6 AM to 8 PM. Commissioner Cooley asked about tax lot 100 the towing businesses' hours of operation. The owner of tax lot 100 replied that he was in the General Commercial zone. Commissioner Thompson wanted to clarify which owner was opposed to the rezoning and how this would affect his commercial property. Mr. DePope responded that his property is zoned commercial but he was using it as residential. Commissioner Smith responded that it would make the property more valuable. Commissioner Cooley asked if there was a noise ordinance. Director Mabbott replied yes. Commissioner Cooley asked the applicant if their business was agricultural. Elizabeth Andrade responded yes. Chair Ekstrom asked if there were any more questions or if anyone wanted to hold the record

open. Jeffrey asked if he could hear what the City of Irrigon's objection was. Director Mabbott supplied him with the letter.

Chair Ekstrom closed the public hearing and invited members of the commission to deliberate and ask any additional questions of the staff or the applicant. She then asked if any of the Commissioners online had questions. Commissioner Finch asked who regulated the noise ordinance. Director Mabbott responded that the Planning Department would. Commissioner Ekstrom asked for a motion on the Comprehensive Map Plan and Rezoning Map Amendment recommendation to the Board of Commissioners.

Commissioner Smith moved to recommend the amendment of the Comprehensive Map Plan to rezone to 1.54-acre parcel from Suburban Residential to General Commercial for **ACM-151-24; AZM-152-24 Comprehensive Plan Map and Zoning Map Amendment** to the Board of Commissioners for approval. Commissioner Cooley seconded it. Chair Ekstrom asked for any discussion on the approval. Then asked for a vote, all approved and the motion carried.

Chair Ekstrom moved on to the conditional uses and the changes that needed to be added. Director Mabbott read the two new conditions: conditional use number 13 the hours of operation 6 AM to 8 PM for the trucks and 7 AM to 6 PM for the shop. Condition number 14 to identify the property lines on the north and the east via survey. Chair Ekstrom asked if there could be a motion to what Director Mabbott read. Commissioner Cooley motioned to approve the CUP with the addition of conditions 13 and 14 per Director Mabbott. Commissioner Finch seconded the motion. Chair Ekstrom asked if there was any additional discussion, there was none. She asked for a vote, it was unanimous the motion carried.

Chair Ekstrom moved on to the Review of **CUP-N-339-19**. Planner Landon pointed out that there had not been any complaints since the previous review and the applicant had been very compliant. Chair Ekstrom asked for any additional correspondence, but there was none.

Chair Ekstrom opened the general public comment period.

Margarita Calvillo, 70190 Summit Ln, Boardman OR. She wanted to address a few concerns taking place in the West Glen area and the new zoning ordinances that are being put into place affecting small trucking businesses. She spoke about how long her family had their business, were not aware of the zoning codes, her father attending the meeting six months ago, and the letter asking them to come into compliance. She explained that it would be a financial burden to own 2 properties and worried about the future. Director Mabbott presented the Urban Growth Boundary Map.

Citlali Mendoza, PO box 528, Boardman, Oregon. She asked the Board for more time so that she educate herself more on the zoning ordinances. She also stated that the decision would cause a lot of hardship for families in this neighborhood. Planner Goebel explained the zoning in this area does not allow trucking businesses. She went on to explain that the Planning Department is not proposing any legislative changes for this particular area.

Margarita commented about the specific language that was being added to the Ordinance and she felt the trucking businesses were being targeted. She stated that she had listened to previous meetings where Code Enforcement was discussed and noticed language about RV's hasn't changed. Her concern was that there weren't any affordable properties for sale in Morrow County and many of the trucking companies would be competing against each other.

Citlali commented more on the specifics of the truck and trailer language. Planner Daisy explained the language in more detail. Citlali then asked if the restrictions were being imposed on all of Morrow County. Director Mabbott answered yes and more will be discussed in the February 27th meeting. She also pointed out that Wagon Wheel had done a good job of cleaning up and gave more information on what is being worked on to find trucking businesses some property. She also stated that if business owners were working with the Planning Department they would not be fined and it was not their intent to put anyone out of business.

Tania, Ridgecrest Dr, asked what Morrow County was doing to make sure everyone complied because she also felt that trucking businesses were being targeted. Director Mabbott explained that other properties also had Code Enforcement and they were doing their best. Tania responded that not everyone got a notice and asked for an explanation. Director Mabbott explained. Tania asked if at the next meeting, they could see the list of complaints. Director Mabbott explained the complaint process. Tania commented that she would like to see what the County would be doing with everyone who has Code Enforcement violations. Director Mabbott responded that the department is being fair and equitable.

Ana Maria Rodriguez suggested an interpreter for the next meeting. She then asked what benefits were the Andrades getting from rezoning because of the restrictions. Her concerns were the hours during harvest there are no set hours, regulations among neighbors, and road conditions in her neighborhood. Director Mabbott explained that the roads were not the county's so she said she couldn't answer but planned on sending an invite to the road department for the February meeting.

Commissioner Finch asked if these community members could go to the city of Boardman and ask if this neighborhood could be annexed to the city. Director Mabbott responded that there would be representatives of the city at the February meeting to help with that question. Commissioner Smith asked if the Planning Department was following the state's plan. Director Mabbott answered yes. Commissioner Smith was trying to understand the difference between having trucks or farm equipment on one's property. Director Mabbott explained that the neighborhood in question was a residential zone and not a farm zone. Commissioner Smith asked what needed to be done to change the zones. Director Mabbott explained. Planner Daisy went into more detail. Commissioner Peterson asked how long the trucks had been parked at the property. Director Mabbott replied that in the last 3 years, the property owners had been notified about the zoning and she also stated that when the subdivision was created it was meant for a residential zone. Commissioner Peterson responded that if trucks had been there for a very long period it set a precedent and would be hard to correct it. Director Mabbott agreed.

Margarita stated they had lived at their residence for 25 years and owned trucks for 16-18 years. She asked her father if in all the years they'd lived there had he ever received a notice and he had responded no.

Luis Ruiz, business owner, of Ridgecrest subdivision, commented that the trucking businesses brought much revenue to the state of Oregon. He also stated that they were hard-working people not causing problems for anyone. He felt that they were not being treated fairly.

Rosario Mendoza, 70235 Summit Lane. His dad bought the property and had been there since 2006. He claimed they had never received a letter about their business. He bought 2 trucks 20 years ago and this year he bought a harvest truck. He explained the business expenses. With

the money he had left, he couldn't afford to purchase another piece of property. He spoke about having the trucks on his property and how convenient it was to work on them.

Luis added that the main complaint was about the roads. He asked if the Planning Commissioners had seen the roads. He added that the roads were really bad right now because of the weather and had never seen anyone working on them. Randy Baker had been the only person to grade roads and as good neighbors pitched in with gas money to help.

Tania felt that when they purchased the property the business had added value to the area. She claimed the realtor suggested the area because it was a great place for a business.

Director Mabbott asked Stephen asked how many parcels there were out at West Glenn. She thought maybe 60. She asked the property owners present if they would ask all West Glen property owners how many of them would want trucking business allowed. She said if 15 property owners had trucks and 45 didn't, did they think that the 45 landowners would agree to change the zone? Some responded they thought yes. Margarita responded that she felt most of them would probably want businesses. Another attendee claimed she didn't know about the meetings taking place. Director Mabbott explained that they would do their best to get the word out and she would also like to hear from property owners that didn't have trucking businesses.

Planner Daisy said that it takes much more than a vote it has legalities. Director Mabbott explained more. Stephen pointed out that if they changed the allowed uses for the zone hundreds of other landowners would be affected. Director Mabbott spoke about a possible overlay zone.

Commissioner Thompson replied that he felt bad about the situation. He suggested that maybe the landowners could go to CREZ meetings because financial help could be offered. He also suggested that maybe some of the farmers could help. He applauded the community for their unity.

Chair Ekstrom asked for any additional comments; there were none. She adjourned the meeting.

Commissioner Peterson asked if we could help the property owners in the next meeting. Director Mabbott said they are working on solutions.

A property owner asked who would be getting the notice about the meeting. Director Mabbott asked Stephen about generating a list and made it clear that the February 27th meeting was for compliance. The landowner wanted more specifics about the area and the changes. Planner Daisy spoke of some solutions and things that will be discussed in the February meeting. She also welcomed comments, testimony, and solutions. Commissioner Kilkenny asked if they send a letter to everyone not only truck owners. The landowner asked if the meeting could be in Boardman. Director Mabbott informed her that was the plan.

Chair Ekstrom reopened public comment at 8:22 PM.

Juvenio Sanchez, 245 NE Marshall Loop. He said he purchased a property on Kunze and it would be hard to purchase another property. Director Mabbott mentioned he had been in the office to talk about his new property.

Chair Ekstrom adjourned the meeting at 8:24