



PLANNING DEPARTMENT

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**Minutes of the Public Meeting of the
Morrow County Planning Commission
Tuesday, April 24, 2018, 7:00 p.m.
Bartholomew Building, Heppner, Oregon**

Morrow County Planning Commissioners Present: Chair Jeff Wenholz, Vice Chair Mifflin Devin, Clint Carlson, Sue Oliver, Wayne Seitz, Greg Sweek, Brian Thompson

Members Excused: Michelle Seeley, Rod Taylor

Morrow County Staff Present: Carla McLane, Planning Director; Stephanie Loving, Planner I; Stephen Wrecsics, GIS Planning Technician; Justin Nelson, County Counsel

The Pledge of Allegiance was recited.

Approval of Minutes:

Staff provided an amended version of the minutes with changes to the draft minutes provided in their packet. Commissioner Oliver moved to approve the amended Minutes of March 27, 2018. Commissioner Carlson Seconded. Motion Carried.
Planning Commission Chair Wenholz read the Planning Commission Hearing Procedures.

Continued from March 27, 2018 Hearing: **Conditional Use Permit CUP-N-329 and Comprehensive Plan Amendment AC-117-18: Aaron Heideman, applicant and owner. The property is described as tax lots 2801 and 2807 of Assessor's Map 1N 26. The property is zoned Exclusive Farm Use (EFU) and located off Kemp Lane northeast of Lexington. Request is to allow by conditional use mining and processing of aggregate resources and amend the Comprehensive Plan to add a locally significant aggregate site to the Morrow County Comprehensive Plan (MCCP) Inventory of Natural Resources - Aggregate and Mineral Resources. Criteria for approval for CUP-N-329 includes the Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.010 EFU and Article 6 Conditional Uses. This is the second of at least two hearings with the final decision issued by the Planning Commission. Criteria for approval for AC-117-18 includes Article 8 Amendments and MCCP Natural Resources Element and Review and Revision Process. This is the second of at least three public hearings with the final hearing before the Board of Commissioners.**

Director McLane presented the staff reports and described the changes to the staff reports from the March 27, 2018 hearing. Written comments from Russell Kilkenny, Oregon Water Resources Department, and Todd and Melissa Lindsay were provided to the Commission for review and Director McLane summarized the contents of the letters.

Opened the testimony portion of the Public Hearing.

In favor: Aaron Heideman, applicant. Stated that there is a well on site but would like to request

a temporary transfer from the water commission or truck in water from off site if that option is not available. The company that would be doing the rock crushing and concrete has dust abatement techniques to prevent dust. The operations would be short term based on need. His parents had a batch plant and dry land wheat and there was no apparent change or impacts to the farm operation. As a farmer, he understands concerns regarding airborne contaminants and while he doesn't know much about asphalt, a lot of the chemicals listed in the comment letter from Todd and Melissa Lindsay are used to amend soils for crop production.

Opposed: Todd and Melissa Lindsay, Turner Ranch Inc., provided an exhibit of some tea that is made from their mint crops and stated that the regulations for their certifications are very stringent. Previously experienced impacts from neighboring contaminants and had to reduce farm operations due to chemical contamination. Profits from their farm operation would be significantly reduced if they lose their contract for certifications. There is a lot of wind in the area as proven by the wind farms going in nearby and they have concerns about the increase in traffic and the amount of dust that will be created. Stated that other regulatory agencies can take up to 15 months to get test results back and it would be too long. They further stated that their house is within view. One of their proposed conditions is that operations be limited to the time that their farm is not watering. There is a concern about water usage because it would take a lot of water for the proposal. Written testimony was also provided from Todd and Melissa Lindsay, Turner Ranch Inc., in opposition due to the significant impact their nearby farming operation from contamination of processing. Conditions of approval were requested and listed to monitor air quality, water, and ceasing operations during sensitive growing season.

Neutral: Written testimony from Russell Kilkenny identifying concerns about whether or not air quality and emissions standards are sufficient to protect nearby landowners and crop growers.

Rebuttal Testimony: The numbers given regarding 25,000 gallons of water a week are specific to the current proposed batch plant. Commissioner Carlson asked the applicant if he would take the time and review the written comments provided by Todd and Melissa Lindsay this evening and examine what potential for impacts would be to which the applicant stated he would like to once he has had time to examine the concerns.

Director McLane commented that staff needs to examine the concerns and more time may be needed to evaluate the potential for impacts. There are a couple of options for that, one would be the hearing being continued, the other would be a request to leave the record open and close the hearing.

County Counsel reminded the Planning Commission that only statements of fact are what need to be considered and the burden of proof is on the applicant.

Commissioner Oliver stated that there is an understanding of the concerns of the opponents but asked if there was any evidence of the concerns and more evidence from the applicant that the proposal will not force a significant change on farming practices. She also asked if there was a way to separate the production of asphalt and cement in the permit as they are different things.

Aaron Heideman, applicant, requested that the written testimony be left open for him to gather more information.

Closed the public testimony portion of the hearing.

Commissioner Thompson moved to close the public hearing for CUP-N-329 and AZ-117-18 and keep the record open for new evidence from the involved parties until 5:00 pm on May 2, 2018, response from the opponents until 5:00 pm on May 9, 2018, and response from the applicant until 5:00 pm on May 16, 2018. Commissioner Devin seconded the motion. All in favor. Motion Carried.

Continued from March 27, 2018 Hearing: Comprehensive Plan Amendment AC-120-18: Morrow County, proponent. Request is to adopt a Parks Master Plan as a resource document in support of Goal 8 Recreation of the Comprehensive Plan. The Parks Master Plan is applicable to Morrow County Parks – Anson Wright, Cutsforth and OHV. The criteria for approval are found in MCCP Review and Revision Process. This is the second of at least three public hearings with the final hearing before the Board of Commissioners.

Opened the testimony portion of the Public Hearing.

None in favor or opposed.

Neutral: Martha Peck Andrews, in favor of the Parks Master Plan but has concerns about the mapping on the Parks Master Plan because the original plan included several private properties within the Cutsforth Park boundary. The easements through the park for access to private properties should be maintained. The park should be managed for park purposes not for timber and asked that logging be removed from the plan. Written neutral testimony was also received from Martha Peck Andrews.

Closed the public testimony portion of the hearing.

Commissioner Carlson moved to continue AC-120-18 to May 29, 2018 at 7:00 pm at the Port of Morrow Riverfront Center in Boardman, Oregon. Commissioner Sweek seconded the motion. All in favor. Motion Carried.

Conditional Use Permit CUP-N-331 and Comprehensive Plan Amendment AC-121-18: OneEnergy Incorporated, applicant, and Bill and Rena Marquardt LLC, owner. The property is described as tax lot 3401 of Assessor's Map 1N 25E. The property is zoned EFU and located north of Lexington on Baseline Lane between Lloyd Road and Juniper Canyon Road. Request is to allow by conditional use the construction and operation of a 10 megawatt Photovoltaic Solar Array and amend the MCCP taking an exception to Goal 3 Agricultural Lands to allow for solar development on up to 99 acres in the EFU zone. Criteria for approval for CUP-N-331 includes the MCZO Article 3 Section 3.010 EFU and Article 6 Conditional Uses. This is the first of at least one hearing with the final decision being issued by the Planning Commission. Criteria for approval of AC-121-18 includes Article 8 Amendments and the MCCP Review and Revision Process. This is the first of at least two public hearings with the final hearing before the Board of Commissioners.

Commissioner Oliver stated a potential for a conflict of interest due to previously working with one of the members of the applicant's company though it has no impact on her decision making and she would not benefit from the outcome of the decision. The applicant had no issue with Commissioner Oliver hearing or making a decision on the application.

GIS Planning Technician Stephen Wreccics presented the staff report and described the request. Copies of Supplemental Findings and an Errata Sheet were provided to the

Commission and interested audience members as well as written comments from Oregon Department of Fish and Wildlife and Virgil Morgan, Fire Chief, Lone Rural Fire Protection District. Director McLane detailed the Errata Sheet and Supplemental Findings.

Opened the testimony portion of the Public Hearing.

In favor: Ann Siqveland, Portland, Oregon. Blake Bjornson, Seattle, Washington. Elaine Albrich, Portland, Oregon. All on behalf of the applicant. Provided a presentation describing the company and the project as well as the components of the solar farm and development. The process and affected agency coordination was detailed. The applicants worked with the Lone Rural Fire Protection District to obtain a variance in a subsection of the Oregon Fire Code. The applicant would like to request that the condition of approval for a pre-construction weed survey be removed as the applicant has already worked with Morrow County regarding weeds and the location is currently cultivated so there is no need for a weed survey. The applicant also requests that the amended condition added in the Errata Sheet be removed as it is not necessary as the applicant has already worked with the Fire Chief regarding fire prevention.

Ira Owen, Operations Manager for property owner, this opportunity came up because the applicant will take care of the ground and improve it.

Larry Lindsay, neighbor property owner, additional income is welcome in the agricultural community and Morrow County needs the economic development.

Written comments from Oregon Department of Fish and Wildlife and Lone Rural Fire Protection District.

None opposed.

Rebuttal: Applicant recommends closing the record and requests approval of the Conditional Use Permit and support approval of the Goal 3 request at Board of Commissioners.

Closed the public testimony portion of the hearing.

Commissioner Oliver stated concerns and confusion about how the Findings are arranged and permit clarification.

Commissioner Devin moved to approve Conditional Use Permit application CUP-N-331 and adopt as the Planning Commission's Findings supporting approval the Preliminary Findings of Fact presented in the staff report as modified and supplemented by the Errata Sheet, the applicant's Narrative which includes proposed findings in response to the applicable criteria in the code, along with the applicant's proposed Supplemental Findings and incorporate the application as the Planning Commission's Findings of Fact supporting approval. Commissioner Sweek seconded the motion. Commissioner Oliver amended the motion to add a condition of approval that states that the applicant construct and operate the facility substantially as described in the application. Commissioner Carlson seconded. Commissioners Oliver and Carlson in favor of adding the condition of approval that states that the applicant construct and operate the facility substantially as described in the application. Commissioners Sweek, Thompson, Devin, and Seitz opposed. Motion Failed. All in favor of approving CUP-N-331 as presented by the Preliminary Findings of Fact and supplemented by the Errata Sheet, Narrative, and Supplemental Findings. Motion Carried. Commissioner Sweek moved to

recommend approval to the Morrow County Board of Commissioners AC-121-18 with the Supplemental Findings, incorporation of the letters, and incorporation of the application by reference. Vice Chair Devin seconded. All in favor. Motion Carried.

Land Partition LP-S-466: Frank and Joe Halvorsen, applicants and owners. The property is described as tax lot 2300 of Assessor's Map 1S 23. The property is zoned EFU and located 8 miles southwest of lone on Halvorsen Lane. Request is to partition the property into three parcels. Criteria for approval includes the MCZO Article 3 Section 3.010 EFU and Morrow County Subdivision Ordinance Article 5 Land Partitioning. Planner Stephanie Loving presented the staff reports and described the request.

Opened the testimony portion of the Public Hearing.

None in favor, neutral or in opposition.

Closed the public testimony portion of the hearing.

Commissioner Oliver moved to approve LP-S-466. Commissioner Devin seconded the motion. All in favor. Motion Carried.

Conditional Use Permit CUP-N-34(A): Pasco Farming, applicant, and Baker Produce South, owner. The property is described as tax lots 500 and 501 of Assessor's Map 2N 26. The property is zoned EFU and located 12 miles south of Interstate 84 on Bombing Range Road. Request is to amend an existing permit allowing mining and processing of aggregate resources at the site. Criteria for approval includes MCZO Article 3 Section 3.010 EFU and Article 6 Conditional Uses. The site is already listed as locally significant in the MCCP Inventory of Natural Resources-Aggregate and Mineral Resources. Planner Stephanie Loving presented the staff report and described the request. Copies of comments received from Oregon Water Resources Department were provided to Commissioners and interested audience members.

Opened the testimony portion of the Public Hearing.

None in favor or opposition.

Written neutral comment from Oregon Water Resources Department requesting clarification of proposed water usage.

Closed the public testimony portion of the hearing.

Commissioner Devin moved to approve CUP-N-34(A). Commissioner Oliver seconded the motion. All in favor. Motion Carried.

Audience Participation:

None

Other Business:

- Legislative Updates to the Exclusive Farm Use Zone in the Morrow County Zoning Ordinance were shared with the Planning Commission.

Adjournment:

Meeting was adjourned at 10:49 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, May 29, 2018 at 7:00 p.m. at the Port of Morrow Riverfront Center in Boardman, Oregon.

Respectfully Submitted,
Stephanie Loving