



PLANNING DEPARTMENT

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**Minutes of the Public Meeting of the
Morrow County Planning Commission
Tuesday, May 29, 2018, 7:00 p.m.
Port of Morrow Riverfront Center, Boardman, Oregon**

Morrow County Planning Commissioners Present: Chair Jeff Wenzholz, Vice Chair Mifflin Devin, Clint Carlson, Sue Oliver, Michelle Seeley, Wayne Seitz, Greg Sweek, Rod Taylor

Members Excused: Brian Thompson

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

The Pledge of Allegiance was recited.

Approval of Minutes:

Commissioner Sweek moved to approve the Minutes of April 24, 2018. Vice Chair Devin seconded. Motion Carried.

Planning Commission Chair Wenzholz read the Planning Commission Hearing Procedures.

Continued from April 24, 2018: **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 third of at least three hearings with the final decision issued by the Planning Commission. Criteria for approval for AC-117-18 is found in the MCCP Natural Resources Element and Review and Revision Process which incorporates the criteria found in the MCZO Article 8 Amendments. This is the third of at least four public hearings for AC-117-18 with the final hearing before the Board of Commissioners.**

Commissioner Seitz declared a potential conflict of interest and indicated his relationship with the opponents and work for the proponent would not affect his ability to make a decision nor would he have any financial impacts from the decision. Vice Chair Devin declared a potential conflict of interest due to his job at the Port of Morrow and that this action would not have a financial impact for him. Project participants indicated that they were comfortable with the Commissioners participating in the hearing. Director McLane discussed the procedure and proposed reopening the public hearing based on the conversations between participating parties desire to continue. County Counsel Justin Nelson expressed agreement with staff in the

request and risk of reopening the hearing at the participating parties' request. Commissioner Seitz asked about whether public notice would be sufficient for reopening the public hearing. Commissioner Oliver expressed concerns that the record was closed and there was no public notice that the record had been reopened and requested sufficient time to review the new material that was submitted. Commissioner Taylor made motion that the record be reopened, the Commission accept oral testimony, and the inclusion of Exhibits F and G into the record. Vice Chair Devin seconded. Commissioners Seeley, Oliver, Devin, Carlson, Seitz, and Taylor in favor. Commissioner Sweek abstained due to the obscurity of the request. Motion Carried. Director McLane presented the staff reports and described the changes to the staff reports from the April 24, 2018 hearing including the new Exhibits F and G.

Commissioner Oliver indicated that the staff report does not include analysis about the potential for impacts on surrounding uses and would like to see more information. The Commission agreed that oral testimony may address that. Commissioner Seitz asked whether there were any conditions about hours of operation and the number of trips per day. Director McLane identified in the staff report where the number of trips per day was addressed and referred to a letter from the operator in Exhibit F regarding the hours of operation.

Opened the testimony portion of the Public Hearing.

In favor: Aaron Héideman, applicant. Stated that his intention is not to cause any harm to his neighbors' operations which is why he withdrew the batch plant component of his application. He did research and conferred with experts and could not find that his proposal would cause any issues to adjoining property owners. The location of the proposal is in a draw and there is an increase in elevation to neighboring properties which decreased the potential for blowing dust to neighbors.

Jay Rasmussen, representative of HNS. Stated that his company has worked in many aggregate pits and works with many state agencies in operations to meet regulations. He described the work that his company does and identified what they do to mitigate particulate levels. Generally, there are 4 to 5 trucks operating on site and operations are usually about a month to a month and a half at a time at one site. Water trucks run a couple times a day to mitigate dust from operations and DEQ has set restrictions regarding dust abatement. There are many regulatory agencies that are very strict on operations.

Opposed: Todd and Melissa Lindsay, Turner Ranch Inc. Expressed concerns that the Commission has not had time to consider the written information that they provided and requested more time to review the findings. The asphalt and cement processing has not been removed from the Comprehensive Plan Amendment proposal and there is concern that without the removal of that the protections will include processing of asphalt and cement. Director McLane indicated that the use is governed by the Conditional Use Permit and that the proposed Comprehensive Plan Amendment adds the Aggregate Site to the Comprehensive Plan but does not provide Goal 5 protections. They request that if the application is approved then Conditions of Approval be implemented to guarantee that the promises made by the applicant are followed. Melissa Lindsay went through Exhibit F and identified areas of concern surrounding wind, dust, and particulate matter. They identified their certifications on their mint crops and written comment in Exhibit G showing that they would lose their contract if the crops were to be contaminated. Provided information showing wind speed and direction over the last few days with gusts up to 35 mph. In Exhibit G there is information regarding the chemicals that will exclude mint from being bought. DOGAMI defaults to the conditions and code of the local

government. There are no plans within the next 20 years to upgrade the surrounding roads and there should be conditions for additional maintenance of the road. Requests that if there is an approval that there are adequate conditions to protect their crops, including limiting operations that could cause particulate matter, requiring certification from DEQ at least 3 times a year, providing the county a reclamation plan, a condition that the site is aggregate exclusive, disallowing operations June 1 through September 15 or give a 10 day notice, requiring deflection of lighting and glare, and limiting hours of operation.

None neutral.

Rebuttal Testimony: Jay Rasmussen stated HNS does not operate throughout the night and a season usually mines 15,000 to 20,000 tons. Does not want to impact the livelihood of others and has been around the state following conditions from other counties. A 10 day notice is not unreasonable and may be a good way to accommodate all parties. When bonding has been required it is for reclamation of pits.

Aaron Heideman requested that rather than closing off a full block of season that the Lindsays provided a 10 day notice prior to harvest and they could cease operations to prevent any problems and protect their crops. He has also filed for an access permit from Morrow County Public Works.

Closed the public testimony portion of the hearing.

Commissioner Sweek moved to accept the evidence provided by Melissa Lindsay as an Exhibit. Vice Chair Devin seconded. All in favor. Motion Carried.

Commissioner Oliver suggested additional conditions of approval including potential for a Road Maintenance Agreement and limiting hours of operation. Commissioners discussed other potential conditions of approval and directed staff to amend the staff report to add conditions of approval that could include dust mitigation, operating hours, and traffic. Commissioner Oliver moved to continue the hearing to June 26, 2018 at 7:00 p.m. at the Bartholomew Building in Heppner, Oregon. Commissioner Sweek seconded. All in favor. Motion Carried.

Commissioner Oliver moved to continue AC-117-18 to June 26, 2018 at 7:00 p.m. at the Bartholomew Building in Heppner, Oregon. Commissioner Seitz seconded the motion. All in favor. Motion Carried.

Continued from April 24, 2018: 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 third of at least four public hearings with the final hearing before the Board of Commissioners.

Commissioner Oliver moved to continue AC-120-18 to June 26, 2018 at 7:00 p.m. at the Bartholomew Building in Heppner, Oregon. Commissioner Sweek seconded the motion. All in favor. Motion Carried.

Audience Participation:

None

Other Business:

None

Adjournment:

Meeting was adjourned at 10:43 p.m.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, June 26, 2018 at 7:00 p.m. at the Bartholomew Building in Heppner, Oregon.

Respectfully Submitted,
Stephanie Loving