



PLANNING DEPARTMENT

P.O. Box 40 • Irrigon, Oregon 97844
(541) 922-4624 or (541) 676-9061 x 5503
FAX: (541) 922-3472

AGENDA

Morrow County Planning Commission
Tuesday, June 29, 2021 7:00 pm
Community Library Meeting Room
Irrigon, Oregon

For Electronic Participation See Meeting Information on Page 2

Members of Commission

Jeff Wenholz, Chair
Stacie Ekstrom
Greg Sweek

Mifflin Devin, Vice Chair
Wayne Seitz
Rod Taylor

Stanley Anderson
Karl Smith
Brian Thompson

Members of Staff

Tamra Mabbott, Planning Director
Stephen Wrecsics, GIS Planning Tech
Dianna Strong, Office Assistant

Stephanie Case, Planner II
Justin Nelson, County Counsel

1. Call to Order
2. Roll Call
3. Pledge of Allegiance: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands: one nation under God, indivisible with liberty and justice for all."
4. Minutes: May 25, 2021
5. Public Hearings to begin at 7:00 pm (COMMISSION ACTION REQUIRED):

Land Partition LP-N-496-21: Elizabeth Dunn-Crispin, Applicant and Owner. The property is described as tax lot 2300 of Assessor's Map 5N 26E 25A. The property is zoned Suburban Residential (SR) and located within the Irrigon Urban Growth Boundary on Wyoming Avenue. Criteria for approval includes the Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.050 Suburban Residential Zone and Morrow County Subdivision Ordinance (MCSO) Article 5 Land Partitioning. [Pages 1-5](#)

Land Use Decision LUD-N-36-21 and Variance V-N-041-21: Philippi Ranches, Inc., Applicant and Owner. The property is described as tax lot 1100 of Assessor's Map 4N 25E 18. The property is zoned Exclusive Farm Use (EFU) and located approximately one-quarter mile west of Boardman on Wilson Lane. The request is to allow a replacement dwelling with a variance to the manufactured home age standard. Criteria for approval includes MCZO Section 3.010 EFU Zone and MCZO Article 7 Dimensional Adjustments, Variances, Special or Temporary Use Permits, and Non-Conforming Uses. [Pages 6-12](#)

Land Partition LP-N-497-21 and Replat R-N-068-21: S&F Land Services, Inc. Applicant, Amazon Data Services, Inc. Owner. The property is described as tax lot 105 of Assessor's Map 4N 26E 6. The property is zoned Port Industrial (PI) and located approximately 2-miles northeast of Boardman in the Port of Morrow. Request is to partition a 99.92-acre parcel to create two parcels. Criteria for approval includes the MCZO Article 3 Section 3.073 Port Industrial and MCSO Article 5 Land Partitioning. [Pages 13-18](#)

Land Partition LP-N-498-21: Parametrix Applicant, Windy River LLC. Owner. The property is described as tax lot 1700 of Assessor's Map 4N 25E 25. Subject property is dual-zoned EFU and General Industrial (MG). Property is located approximately one-mile south of the Highway 730 and Interstate 84 Interchange. Request is to partition a 640-acre parcel to create two parcels. Criteria for approval includes the MCZO Section 3.010 EFU Zone. [Page 19](#)

6. Correspondence [Pages 20-24](#)
7. Public Comment
8. Adjourn

Next Meeting

July 27, 2021 at 7:00 p.m. Location: TBA

ELECTRONIC MEETING INFORMATION:

Morrow County Planning is inviting you to a scheduled Zoom meeting. Join Zoom Meeting <https://zoom.us/j/96070154304?pwd=c2MxTSsyWXEzYmtvSVdRVXNhL3BMQT09>

Meeting ID: 960 7015 4304

Password: 014198

One tap mobile:

+12532158782,,96070154304#,,,,*014198# US (Tacoma)
+13462487799,,96070154304#,,,,*014198# US (Houston)

Zoom Call-In Numbers for Audio Only:

+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)

Meeting ID: 960 7015 4304

Find your local number: <https://zoom.us/u/aecx0nA3rc>

Should you have any issues connecting to the Zoom meeting, please call 541-922-4624. Staff will be available at this number after hours to assist.

This is a public meeting of the Morrow County Planning Commission, and may be attended by a quorum of the Morrow County Board of Commissioners. Interested members of the public are invited to attend. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours before the meeting to Tamra Mabbott at (541) 922-4624, or by email at tmabbott@co.morrow.or.us.

**PRELIMINARY FINDINGS OF FACT
LAND PARTITION REQUEST
LP-N-496-21**

REQUEST: To partition an approximate 2.47-acre property into two parcels.

APPLICANT/OWNER: Elizabeth Dunn-Crispin
PO Box 68
Irrigon, OR 97844

PROPERTY DESCRIPTION: Tax Lot 2300 of Assessor's Map 5N 26E 25A

PROPERTY LOCATION: West of the City of Irrigon on SW Wyoming Avenue.

FINDINGS OF FACT:

I. BACKGROUND INFORMATION:

The subject parcel is zoned Suburban Residential and is located inside of the Irrigon Urban Growth Boundary (UGB). The subject property has an existing dwelling and is currently being used for residential purposes. The applicant is proposing to create two parcels, each 1+ acre for residential development.

II APPROVAL CRITERIA:

Morrow County Subdivision Ordinance Article 5 Land Partitions will apply. Criteria are listed below in **bold type**, followed by a response in standard type.

MORROW COUNTY SUBDIVISION ORDINANCE ARTICLE 5 LAND PARTITIONS SECTION 5.030. REQUIREMENTS FOR APPROVAL. No application for partitioning shall be approved unless the following requirements are met:

1. Proposal is in compliance with the County and affected City Comprehensive Plan and applicable Zoning.

The proposed land partition meets the requirements of the Zoning Ordinance and Comprehensive Plan relative to minimum parcel size. The applicant will need to submit both a preliminary and final partition plat to be in compliance with this Article and ORS Chapter 92. This is recommended and listed as a Condition of Approval.

2. Each parcel is suited for the use intended or offered; including, but not limited to, sewage disposal approval and guaranteed access.

The applicant has proposed two parcels in the Suburban Residential Zone; each proposed parcel is of an adequate size to satisfy the 1-acre minimum size for this zone in the Urban Growth Boundary. The applicant has indicated that the future intended use for both proposed parcels is residential in nature. Both parcels have direct frontage on Southwest Wyoming Avenue. Access for proposed parcel 1 at an existing access point and proposed parcel 2 will require a new access point on Southwest Wyoming Avenue. It is recommended and listed as a precedent Condition of Approval that the applicant obtain any required access or approach permits from Morrow County Public Works. It is also listed as a Condition of Approval that all easements, existing or proposed, be shown on the Final Partition Plat.

To ensure buildability of each parcel, proposed parcel 2 will need to obtain site suitability from Umatilla County Health (UCo. Health). This is recommended and listed as a Condition of Approval.

3. **All required public service and facilities are available and adequate or are proposed to be provided by the partitioner.**

Electricity and telephone services are available in the area, the applicant will need to work with local providers for future service. No other public services or facilities are available.

4. **Proposal will not have any identifiable adverse impacts on adjoining or area land uses, public services and facilities, and natural resource carrying capacities.**

The current parcel is residential and surrounding uses are residential in nature, this action will not prevent the proposed or surrounding parcels to continue to be used as such. The proposal will not have any identifiable adverse impacts on public services or natural resources of the area. Planning staff would find this criterion met.

5. **An approved water rights diversion plan as applicable.**

The County Watermaster was notified of this proposal. It is recommended that the applicant comply with any recommendations of the County Watermaster and Oregon Water Resources Department based on this review.

6. **Flag lots will not be permitted when the results would be to increase the number of properties requiring direct and individual access from a State Highway or other arterial. Flag lots may be permitted to achieve planning objectives under the following conditions:**

- a. **When flag lot driveways are separated by at least twice the minimum frontage distance.**
- b. **The driveway must meet driveway standards described in Article 8, Section 8.020.V.**
- c. **The lot meets the minimum lot area of the zoning district, without including the driveway.**
- d. **Only one flag lot shall be permitted per private right-of-way or access easement.**

This provision does not apply as no flag lots are proposed.

7. **The depth of any lot will not be restricted as long as a buildable parcel is proposed.**

The application meets this criterion as buildable parcels are being proposed, each at or over 1 acre in size. All proposed parcels would meet the minimum acreage for the SR zone in the Irrigon Urban Growth Boundary. It should be noted that the property would not be eligible for further division unless annexed into the City of Irrigon.

8. **No plat of a subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district or district improvement company will be approved unless the County has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.**

The applicant should be aware that this property is located in an area designated for water quality concerns by the Oregon Department of Environmental Quality. The subject property is in the Lower Umatilla Basin Groundwater Management Area

(LUBGWMA). The Department of Environmental Quality designated the LUBGWMA in 1990 due to elevated nitrate concentrations in groundwater. It is recommended that wells used for drinking water be tested at least annually to determine nitrate concentrations. More information about the LUBGWMA can be found at <http://www.oregon.gov/deq/wq/programs/Pages/GWP-Management-Areas.aspx>

This property is within the West Extension Irrigation District (WEID) and were provided a notice of this proposal. The applicant will need to provide information about how water rights will be conveyed to the new parcel in the future any easement requirements of WEID. This is recommended and listed as a condition of approval.

9. **The Commission will deny an application for partitioning when it can be shown by the Commission that the partitioning is part of a plan or scheme to create more than three (3) parcels without going through subdivision, or is part of a development pattern creating more than three (3) parcels without subdividing.** This provision does not apply to this application as no more than 3 parcels are currently being proposed.
10. **In addition to the requirements set forth above, the following factors may be considered for approval or disapproval of an application for land partitioning is a geographical or other factor identified by other, appropriate professionals or Plans such as the requirements of the Comprehensive Plan, FEMA requirements, Byways rules, etc., requires it:**
 - a. **Placement and availability of utilities.**
 - b. **Safety from fire, flood and other natural hazards.**
 - c. **The same improvements may be required for a partitioning as required of a subdivision, if required it will be installed by the applicant.**
 - d. **Possible effects on natural, scenic and historical resources.**
 - e. **Need for onsite or offsite improvements.**
 - f. **Need for additional setback, screening, landscaping and other requirements relative to the protection of adjoining and area land uses. If the proposed partition is located within an Urban Growth Boundary, the affected city must be given notice according to the respective Joint Management agreement.**
 - g. **In the approval of a land partition, the need for street and other improvements will be considered and may be required as a Condition of Approval at a different standard than for a subdivision.**

Planning staff would not recommend any additional requirements based on the factors above.

III **LEGAL NOTICE PUBLISHED:** June 9, 2021
Heppner Gazette-Times

June 10, 2021
East Oregonian

IV **AGENCIES NOTIFIED:** Greg Silbernagel, Watermaster; Bev Bridgewater, WEID; Charles Kennedy, DEQ; Larry Burns, Irrigon Rural Fire Protection District; Justin Nelson, Morrow County Counsel; Mike Gorman, Morrow County Assessor; Aaron Palmquist, City of Irrigon; Matt Kenny, Morrow County Surveyor; Rosanne Godinez Sanchez, UCo Health.

V PROPERTY OWNERS NOTIFIED: June 9, 2021

VI HEARING DATE: June 29, 2021
Community Library Meeting Room
Irrigon, Oregon

VII PLANNING COMMISSION ACTION: Staff recommend approval subject to the following **Precedent Conditions of Approval**. These conditions must be completed before the Planning Director may sign the final partition plat or before the land may be deeded to a third party.

1. Submit both a preliminary and final partition plat to be in compliance with Article 5 of the Morrow County Subdivision Ordinance and ORS Chapter 92.
2. Obtain any required access or approach permits from Morrow County Public Works.
3. All easements, existing or proposed, be shown on the Final Partition Plat.
4. Obtain site-suitability from Umatilla County Health for Proposed Parcel 2.
5. The applicant will need to provide information about how water rights will be conveyed to the new parcel in the future, including any easement requirements of West Extension Irrigation District (WEID).

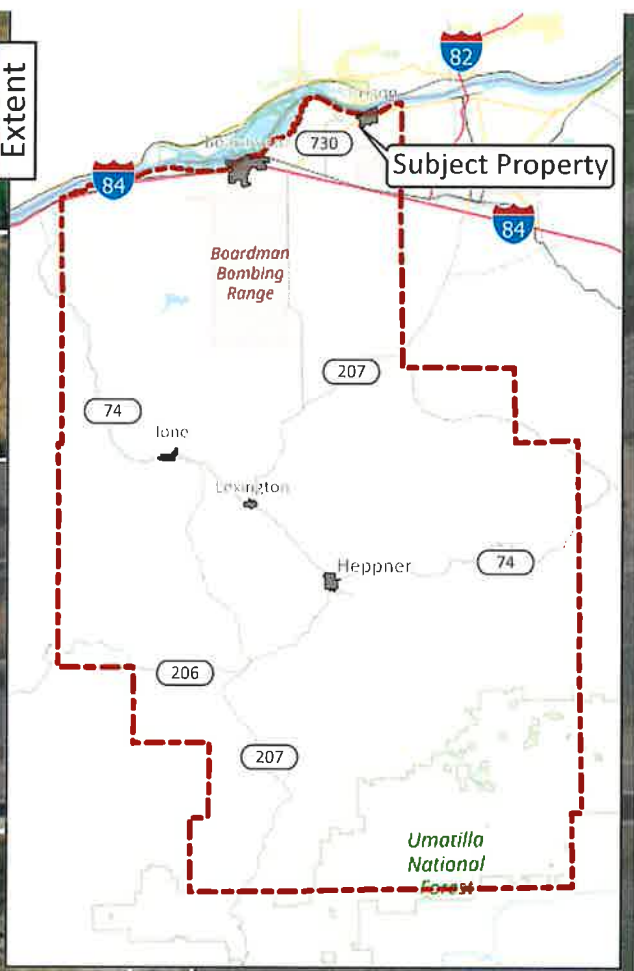
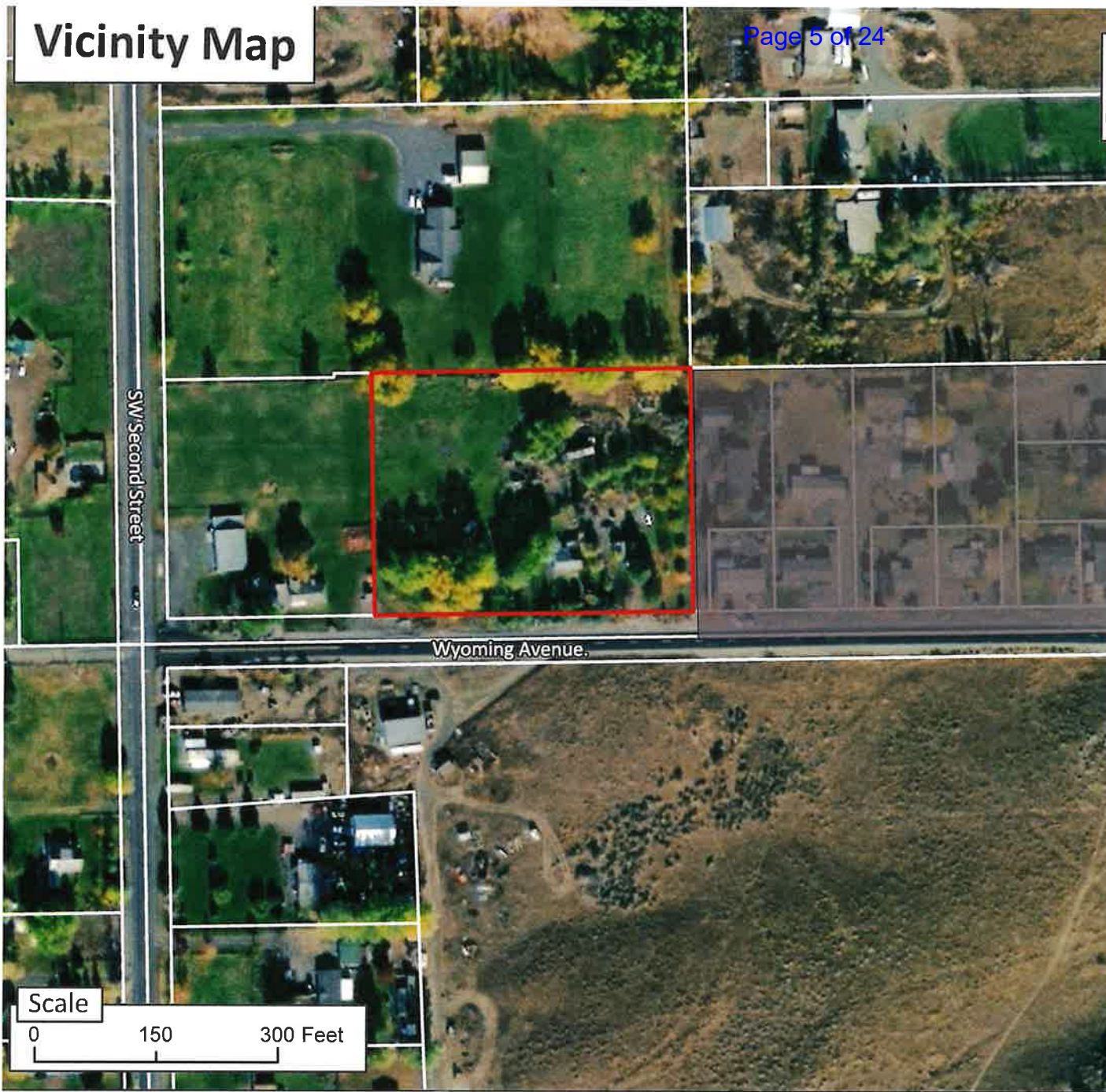
Jeff Wenholz, Chair

Date

ATTACHMENTS:
Vicinity Map
Plot Plan

Vicinity Map

Extent



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LP-N-496-21
Elizabeth Dunn-Crispin
5N 26E 25A 2300

Legend

Tax Lots

 Subject Property



Date Saved: 5/5/2021 9:47 AM

Cartography By: Stephen Wrecsics
Morrow County Planning Department
Coordinate System: NAD83 Oregon GIC Lambert ft
Datum: North American 1983
Projection: Lambert Conformal Conic



**PRELIMINARY FINDINGS OF FACT
LAND USE DECISION AND MAJOR VARIANCE
Application Numbers LUD-N-36-21 and V-N-041-21**

REQUEST: Request is for a replacement dwelling in the Exclusive Farm Use Zone with a variance to the manufactured home siting standards limiting installations to models that are no older than 10 years old.

APPLICANT/OWNER: Philippi Ranches, Inc.
79693 Agnew Rd.
Hermiston, OR 97838

PROPERTY DESCRIPTION: Tax Lot 1100 of Assessor's Map 4N 25E 18

PROPERTY LOCATION: Wilson Lane approximately ½ mile west of Boardman.

FINDINGS OF FACT:

- I. **BACKGROUND INFORMATION:** The subject property is zoned Exclusive Farm Use and is outside the Boardman Urban Growth Boundary. The previous dwelling on the subject parcel, a 1975 double-wide, was removed from the tax rolls in 2015. The applicant proposes to place a 1991 manufactured home on the property, from a separate parcel in the same tract. The applicant has been provided with a copy of the Manufactured Home Standards found in Article 4 of the Morrow County Zoning Ordinance. The Morrow County Zoning Ordinance requires a manufactured home placed in the Farm or Forest Use Zone meet the manufactured home siting standards outlined in Section 4.110(A) of the Morrow County Zoning Ordinance.

This request would be a variance from the age requirement of Morrow County Zoning Ordinance Article 4 Supplementary Provisions Section 4.110(B) Manufactured Homes in a Rural Residential Zone as it states in Section 4.110(A), "If the manufactured home is placed within one half mile of a residential zone (Rural Residential, Farm Residential or Suburban Residential) the standards of subsection B of this section shall apply. The distance of one-half mile will be measured from the site of the home to the boundary of the residential zone in a direct line and not specifically along roads or streets." The proposed location of the dwelling will be just over ¼ mile from land zoned Farm Residential, thus Section 4.110(B) would apply.

- II. **The applicant has filed under the Morrow County Zoning Ordinance ARTICLE 3, USE ZONES, Section 3.010 Exclusive Farm Use Zone and ARTICLE 7 Variances.** Applicable Ordinance Criteria are listed below in **bold type** followed by a response in regular type.

SECTION 3.010. EXCLUSIVE FARM USE, EFU ZONE

Purpose. The purpose of the Exclusive Farm Use Zone is to preserve, protect and maintain agricultural lands for farm use, consistent with historical, existing and future needs, including economic needs, which pertain to the production of agricultural products. The EFU Zone is also intended to allow other uses that are

compatible with agricultural activities, such as forest use, fish and wildlife habitat, and to maintain, improve, and utilize the quality of air, water and land resources of the county. It is also the purpose of the EFU Zone to qualify farms for farm use valuation under the provisions of Oregon Revised Statute (ORS) Chapter 308. The EFU Zone has been applied to lands designated as Agriculture in the Comprehensive Plan (except for lands Zoned Space Age Industrial). The provisions of the EFU Zone reflect the agricultural policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and Oregon Administrative Rule (OAR) Chapter 660 Division 33. The minimum parcel size and other standards established by this Zone are intended to promote commercial agricultural operation.

B. Uses Permitted Outright. In the EFU zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance:

34. Alteration, restoration, or replacement of a lawfully established dwelling subject to Subsection D.18 and Section I.

See the standards below.

D. Use Standards

18. Single-family dwelling deeds. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

The landowner shall sign and record with the Morrow County Clerk's office a Right to Farm Disclaimer prior to the issuance of a Zoning Permit. This is required and listed as a condition of approval.

I. Alteration, Restoration or Replacement of a Lawfully-established Dwelling

1. A lawfully established dwelling may be altered, restored or replaced if, when an application for a permit is submitted, the permitting authority finds to its satisfaction, based on substantial evidence that:

a. The dwelling to be altered, restored or replaced has, or formerly had:

- (1) Intact exterior walls and roof structure;**
- (2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;**
- (3) Interior wiring for interior lights;**
- (4) A heating system; and**
- (5) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.**

b. Notwithstanding Subsection I.1.a(5), if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:

- (1) The destruction (i.e., by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or
- (2) The applicant establishes to the satisfaction of the permitting authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

The dwelling being replaced was previously identified as a dwelling in the Assessment records, and records show it was last assessed in 2014 and a park model was temporarily placed there in 2016, which has since been removed. This criterion is met.

2. For replacement of a lawfully established dwelling under Subsection B.34:

- a. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:
 - (1) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or
 - (2) If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and
 - (3) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.
- b. The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.
- c. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, chapter 462, Section 2 and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

The above criteria are not applicable as the entire parcel is zoned Exclusive Farm Use and the dwelling has already been removed. The proposed replacement dwelling is being sited on the same

parcel and in the same area as the previous dwelling, which meets the current requirements of ORS 215.291.

3. **A replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.**
 - a. **The siting standards of Subsection b apply when a dwelling qualifies for replacement because the dwelling:**
 - (1) Formerly had the features described in Subsection I.1.a;
 - (2) Was removed from the tax roll as described in Subsection I.1.b; or
 - (3) Had a permit that expired as described under Subsection I.4.c.
 - b. **The replacement dwelling must be sited on the same lot or parcel:**
 - (1) Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and
 - (2) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.
 - c. **Replacement dwellings that currently have the features described in Subsection I.1.a and that have been on the tax roll as described in Subsection I.1.b may be sited on any part of the same lot or parcel.**

The proposed replacement dwelling is being sited on the same parcel and in the same area using part of the same footprint as the previous dwelling. The application meets these criteria.
4. **A replacement dwelling permit that is issued under B.34:**
 - a. **Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:**
 - (1) Formerly had the features described in Subsection I.1.a; or
 - (2) Was removed from the tax roll as described in Subsection I.1.b;
 - b. **Is not subject to the time to act limits of ORS 215.417; and**
 - c. **If expired before January 1, 2014, shall be deemed to be valid and effective if, before January 1, 2015, the holder of the permit:**
 - (1) Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and
 - (2) Causes to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

See above information regarding the previous dwelling. Application has been made for a Land Use Decision as the dwelling was removed from the tax roll and no longer exists, notice has been provided to adjoining land owners and affected agencies. These criteria are met.

ARTICLE 7 Section 7.200 A Variance can serve multiple purposes and is designed to provide relief from the literal requirements of a regulation found within this Zoning Ordinance. The result of approving a Variance should result in improved planning that would benefit the applicant and the broader community, and it may be the first step in reevaluating requirements or allowed uses within a use zone.

B. Major Variance. The following are examples of Variances that could be considered: siting a manufactured home that is not in compliance with current manufactured home requirements, allowing for less frontage than required, allowing for a smaller lot size than required, approve a variance when a dimensional adjustment does not accomplish the needs of the property owner, and other similar or related instances. Use Variances amend or change the use of a property or structure. Area Variances tend to amend or change the area needed to validate a lot or parcel, or reduce necessary setbacks. Financial hardship does not qualify for a use or area Variance.

APPROVAL CRITERIA. The Planning Commission may grant a Major Variance upon finding that all of the following criteria are met. The burden is on the applicant to demonstrate compliance with the criteria.

- 1. The variance relates to a specific lot or parcel of land.**
The variance is requested for a specific individual parcel of land. This criterion is met.
- 2. The Variance can be granted without substantial detriment to the public good. It would allow for a building or site plan that is more compatible with adjacent land and land uses, or it does not create a conflict with adjacent uses.**
The subject parcel is in an area with neighboring manufactured homes. The siting of a double-wide manufactured home which meets the design standards of Article 4 would be an improvement over the previous home and would be comparable to homes within the surrounding area. This criterion is met.
- 3. The Variance does not hinder compliance with applicable building code requirements or engineering design standards.**
This variance request is for relief from the requirements of Article 4 Section 4.110(B)(1) which states that in a residentially zoned area manufactured homes be “multi-sectional (double-wide or larger); be a minimum of 1000 square feet; and be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department.” The design standards are consistent with applicable building code requirements and engineering standards.
- 4. Approval of the Variance does not create a violation of this or any other adopted ordinance or code standard.**
Approval of the Variance would not create a violation of any ordinance or code standard. The use of a manufactured home as a dwelling is allowed in the Exclusive Farm zone. If approved the use would conform to the intent of the Zoning Ordinance. The applicant needs to obtain the required Zoning Approvals and Building Permits as well as septic system

approval from Umatilla County Public Health. These are listed as a condition of approval.

5. Application for a Variance should include all necessary Variances anticipated for the proposed development.

No other variances are requested or anticipated for the proposed development. This criterion is met.

6. Application for a Variance is limited to one per year.

There are no previous variances approved for this property and none are anticipated within the next year. This application may be considered by the Planning Commission for a one-time variance to the age requirement based on this application.

This permit is valid for the length of time the manufactured home is in place and the time limit to initiate the permit is 2 years according to Morrow County Zoning Ordinance Section 7.700.

III LEGAL NOTICE PUBLISHED: June 9, 2021
Heppner Gazette-Times

June 10, 2021
East Oregonian

IV AGENCIES NOTIFIED: Rosanne Godinez Sanchez, Umatilla County Public Health; Mike Gorman, Morrow County Assessor; Matt Scrivner, Morrow County Public Works; Justin Nelson, Morrow County Counsel; Greg Silbernagel, Watermaster; Bev Bridgewater, West Extension Irrigation District; Michael Hughes, Boardman Rural Fire Protection District; Glenn McIntire, Building Official

V PROPERTY OWNERS NOTIFIED: June 9, 2021

VI HEARING DATE: June 29, 2021
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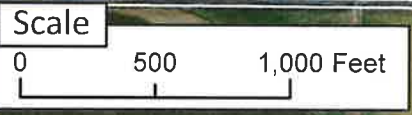
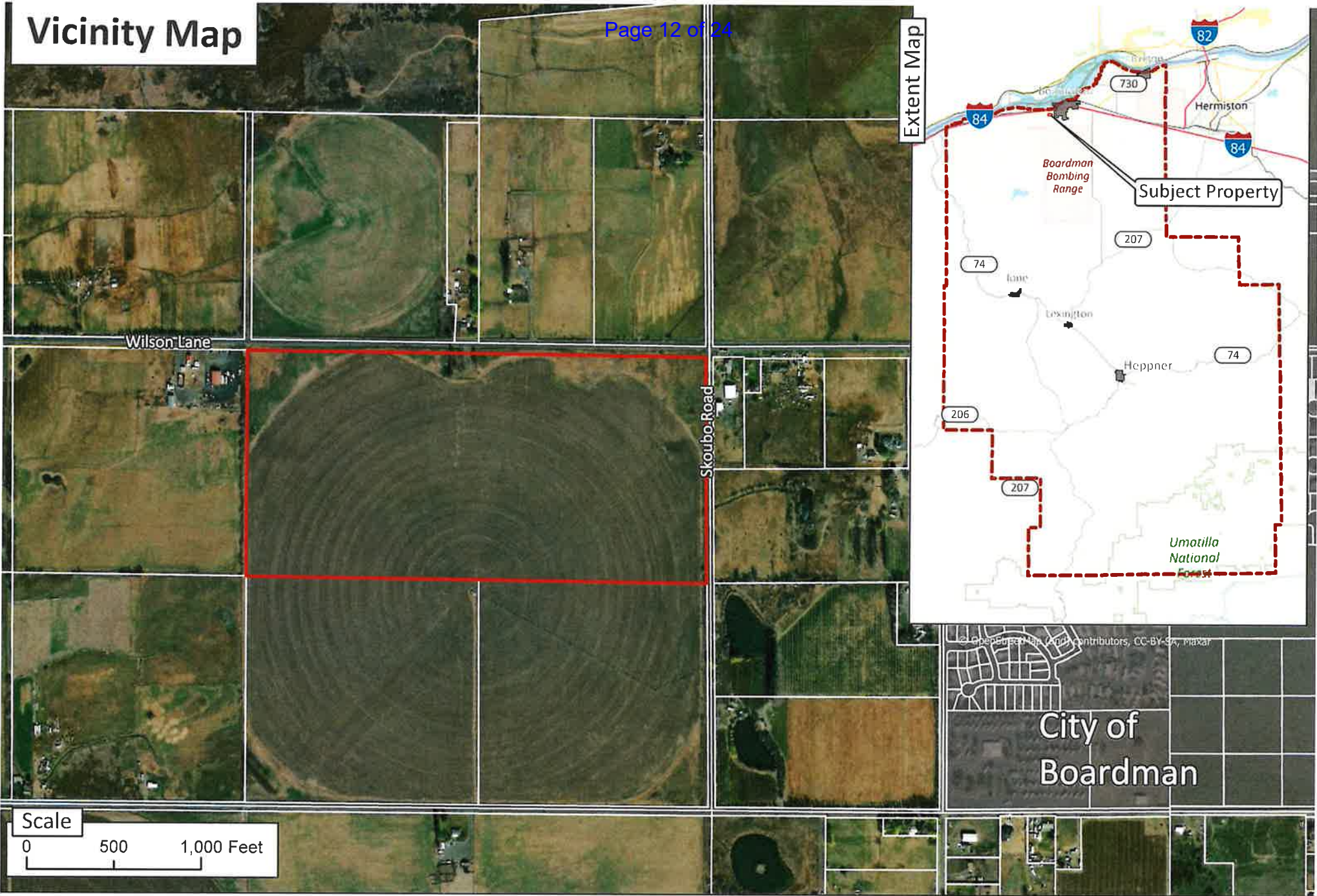
RECOMMENDED ACTION OF THE PLANNING COMMISSION: Staff recommend approval subject to the following Condition of Approval:

1. The landowner shall sign and record with the Morrow County Clerk's office a Right to Farm Disclaimer prior to the issuance of a Zoning Permit.
2. Obtain the required Zoning Approvals and Building Permits as well as septic system approval from the Umatilla County Public Health

Jeff Wenzholz, Chair Date

ATTACHMENTS:
Vicinity Map

Vicinity Map

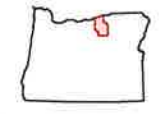


V-N-041-21
LUD-N-036-21
 Philippi Ranches, Inc.
 4N 25F 18 TI 1100

Legend

Tax Lot

 Subject Property



Date Saved: 6/8/2021 5:32 PM

Cartography By: Stephen Wreccics
 Morrow County Planning Department
 Coordinate System: NAD83 Oregon GIC Lambert ft
 Datum: North American 1983
 Projection: Lambert Conformal Conic



**PRELIMINARY FINDINGS OF FACT
LAND PARTITION/REPLAT REQUEST
LP-N-497-21
R-N-068-21**

REQUEST: To partition an approximate 99.92-acre parcel to create two parcels.

APPLICANT: Andrew Huston
S&F Land Services
521 NW Harriman Street
Bend, Oregon 97703

OWNER: Amazon Data Services, Inc.
440 Terry Avenue North
Seattle, Washington 98109

PROPERTY DESCRIPTION: Tax Lot 105 of Assessor's Map 4N 26E 06

PROPERTY LOCATION: Approximately 2-miles east of Boardman within the Port of Morrow, fronting Gar Swanson Drive.

I. GENERAL INFORMATION:

The subject parcel is zoned Port Industrial (PI) and is outside the Boardman Urban Growth Boundary. This proposed replat is to partition the 99.92-acre, Parcel 2 of Partition Plat (PP) 2019-16, into two parcels to facilitate future industrial development.

- II. APPROVAL CRITERIA:** The applicant has filed under the Morrow County Subdivision Ordinance, ARTICLE 5, LAND PARTITIONS. Section 5.030 REQUIREMENTS FOR APPROVAL and Section 5.075 REPLATTING both apply. The criteria are listed below in **bold type**, followed by a response in standard type:

SECTION 5.030 REQUIREMENTS FOR APPROVAL. No application for partitioning will be approved unless the following requirements are met:

- 1. Proposal is in compliance with ORS 92 and the County and affected City Comprehensive Plan and applicable Zoning.**

The PI use zone does not have defined minimum parcel sizes. The City of Boardman is to the west of the subject property and the subject property is outside of the Urban Growth Boundary therefore no city plans apply. To comply with ORS 92, which governs partitioning, it is recommended and listed as a Condition of Approval, that the applicant submit a preliminary and final Partition Plat.

- 2. Each parcel is suited for the use intended or offered; including but not limited to, size of the parcels, topography, sewage disposal approval and guaranteed access. Proof of access must show that each parcel has an easement sufficient for continued ingress and egress to a public, county or state highway or has a deeded access way.**

The subject parcels are of a size and shape to facilitate development consistent with the PI use zone. The topography of the land is flat and suited for the proposed use. Proposed parcel 1 will be approximately 92.12 acres in size and Proposed parcel 2 will be approximately 7.80 acres in size. Water, waste water and any process water services will be provided by the Port of Morrow.

Both proposed parcels have frontage along Gar Swanson Road suitable for future access needs. County site distance requirements would be applied, however, as Gar Swanson Road is a POM owned road, all access permits will need to be acquired from the Port.

3. **All required public service and facilities are available and adequate.**
Utilities are available to both parcels along Gar Swanson Road. The subject property is within the Boardman Rural Fire Protection District. A copy of the Preliminary Findings of Fact will be provided to appropriate agencies for review.
4. **Proposal will not have any identifiable adverse impacts on adjoining or area land uses, public services and facilities, and natural resource carrying capacities.**
The proposed use is industrial in nature and surrounding parcels are zoned for industrial use. Planning staff would not find that application, if approved, would have any adverse impacts on adjoining properties.

The applicant should be aware that this property is located in an area designated for water quality concerns by the Oregon Department of Environmental Quality. The subject property is in the Lower Umatilla Basin Groundwater Management Area (LUBGWMA). The Department of Environmental Quality designated the LUBGWMA in 1990 due to elevated nitrate concentrations in groundwater. It is recommended that wells used for drinking water be tested at least annually to determine nitrate concentrations. More information about the LUBGWMA can be found at <http://www.oregon.gov/deq/wq/programs/Pages/GWP-Management-Areas.aspx>

5. **An approved water rights diversion plan as applicable.**
The Preliminary Findings of Fact were provided to the County Watermaster; however, the subject property will be served by Port of Morrow Municipal Systems.
6. **Flag lots will not be permitted when the results would be to increase the number of properties requiring direct and individual access from a State Highway or other arterial. Flag lots may be permitted to achieve planning objectives under the following conditions:**
 - a. **When flag lot driveways are separated by at least twice the minimum frontage distance.**
 - b. **The driveway must meet driveway standards described in Article 8, Section 8.020.V.**
 - c. **The lot meets the minimum lot area of the zoning district, without including the driveway.**
 - d. **Only one flag lot shall be permitted per private right-of-way or access easement.**

No flag lots are proposed. Therefore, these criteria are not applicable.
7. **The depth of any lot will not be restricted as long as a buildable parcel is proposed.**

The subject parcel sizes are sufficient for development of industrial uses and buildable parcels are proposed. The application meets this requirement.

8. **No plat of a subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district or district improvement company will be approved unless the County has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.** This criterion does not apply as the subject property is not located within an irrigation district, drainage district, water control district, water improvement district or district improvement company.

9. **The Commission will deny an application for partitioning when it can be shown by the Commission that the partitioning is part of a plan or scheme to create more than three (3) parcels without going through subdivision, or is part of a development pattern creating more than three (3) parcels without subdividing.**

This provision does not apply to this application. Since the subject properties are zoned for industrial uses, ORS 92.325(3)(e) exempts Subdivision and Series Partition Control Law from these lands.

10. **In addition to the requirements set forth above, the following factors may be considered for approval or disapproval of an application for land partitioning is a geographical or other factor identified by other, appropriate professionals or Plans such as the requirements of the Comprehensive Plan, FEMA requirements, Byways rules, etc., requires it:**
- a. **Placement and availability of utilities.**
 - b. **Safety from fire, flood and other natural hazards.**
 - c. **The same improvements may be required for a partitioning as required of a subdivision, if required it will be installed by the applicant.**
 - d. **Possible effects on natural, scenic and historical resources.**
 - e. **Need for onsite or offsite improvements.**
 - f. **Need for additional setback, screening, landscaping and other requirements relative to the protection of adjoining and area land uses. If the proposed partition is located within an Urban Growth Boundary, the affected city must be given notice according to the respective Joint Management agreement.**
 - g. **In the approval of a land partition, the need for street and other improvements will be considered and may be required as a Condition of Approval at a different standard than for a subdivision.** Planning staff would not add any additional Conditions of Approval based upon these criteria.

SECTION 5.075. REPLATTING. A reconfiguration of a recorded subdivision or partition plat or a change in the number of lots in the subdivision or partition may be approved by the Planning Commission or as defined in ORS 92.180. Replats will act to vacate the platted lots or parcels and easements within the replat area with the following conditions:

1. A replat will apply only to a recorded plat.

A replat is required as the applicant is proposing to partition Parcel 1 of Partition Plat 2019-16.

2. Notice shall be provided when the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225.

This provision does not apply as this is not a replat of an undeveloped subdivision. Notice was provided under the requirements of a Land Partition.

3. Notice shall be provided to the owners of property adjacent to the exterior boundaries of the tentative subdivision replat.

Adjoining property owners notice was provided on June 09, 2021.

4. When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation under this section must notify the Planning Department in writing within 14 days of the mailing or other service of the notice.

No changes to utility easements are proposed. This replat is at the request of the applicant.

5. A replat will not serve to vacate any public street or road.

No streets or roads are proposed to be vacated.

6. A replat will comply with all subdivision provisions of this Article and all applicable Ordinances.

See Land Partition requirements above.

III. **LEGAL NOTICE PUBLISHED:** June 10, 2021
East-Oregonian

June 09, 2021
Heppner Gazette-Times

IV. **AGENCIES NOTIFIED:** Ann Debbaut, Eastern Oregon DLCD Representative; Matt Scrivner, Public Works Director; Mike Gorman, Morrow County Assessor; Matt Kenny, Morrow County Surveyor; Greg Silbernagle, Watermaster; Mike Hughes, Boardman Rural Fire Protection District; Ryan Neal and Jacob Cain, Port of Morrow; Karen Pettigrew and Bary Beyeler, City of Boardman; Justin Nelson, County Counsel; Joe Cottrell, Bonneville Power Administration.

V. **PROPERTY OWNERS NOTIFIED:** June 09, 2021

VI. **HEARING DATE:** June 29, 2021
Public Room, Irrigon Public Library
Irrigon, Oregon

VII. **ACTION OF THE PLANNING COMMISSION:** Planning Department staff recommend approval of the land partition subject to the following Condition of Approval. This precedent condition must be met before the Planning Director may sign the final Partition Plat.

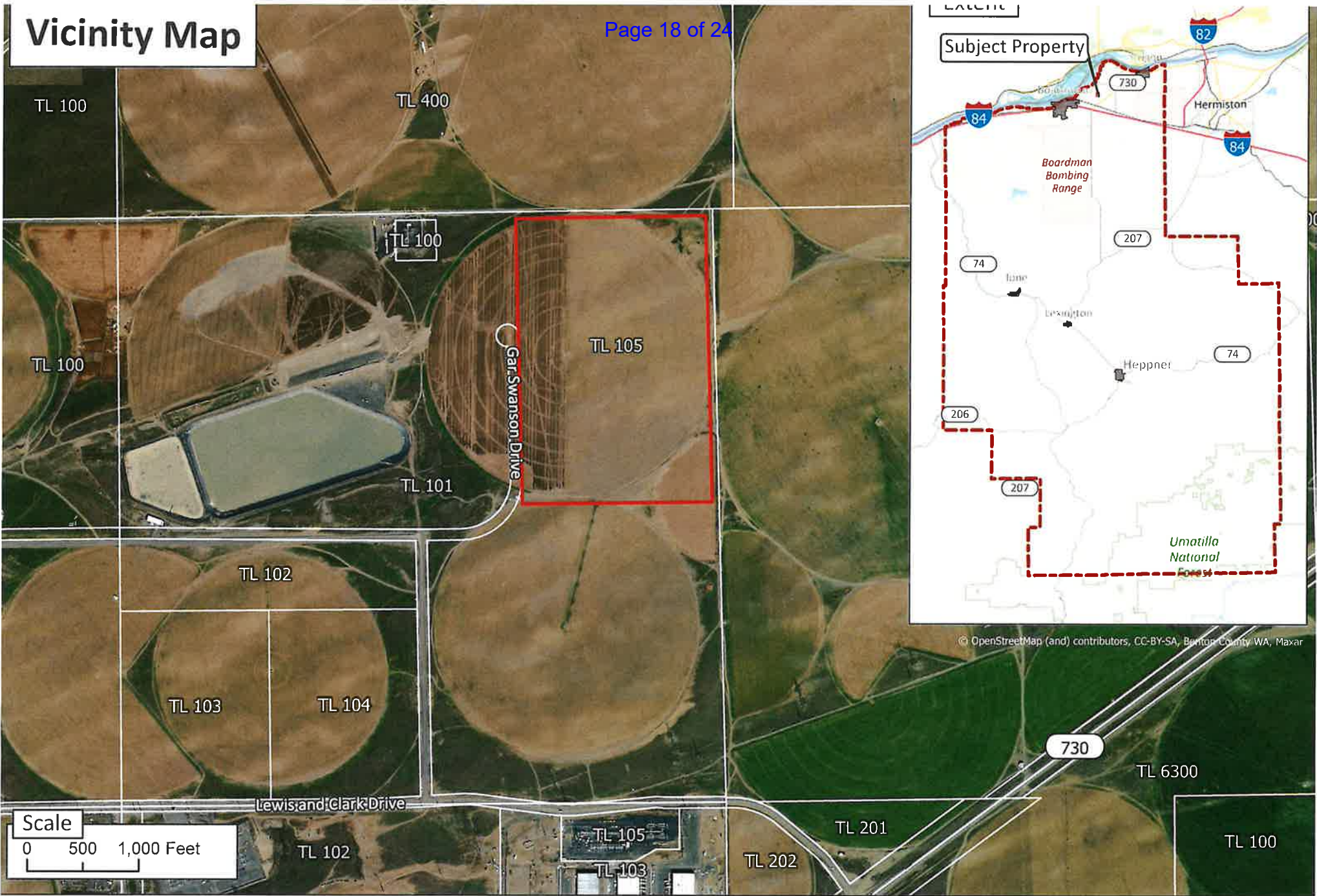
1. Submit both a **preliminary** and final Partition Plat in conformance with Oregon Revised Statute Chapter 92 and the Morrow County Subdivision Ordinance.

Jeff Wenholz, Chair

Date

Attachments:
Vicinity Map
Tentative Plan

Vicinity Map



R-N-068-21
LP-N-497-21
 Port of Morrow
 4N 26E 06 TL105

Legend

taxlot taxlot selection



Date Saved: 6/2/2021 3:27 PM

Cartography By: Stephen Wreccis
 Morrow County Planning Department
 Coordinate System: NAD83 Oregon GIC Lambert ft
 Datum: North American 1983
 Projection: Lambert Conformal Conic



SENT VIA EMAIL

June 15, 2021
Parametrix No. 553-8117-012

Tamra Mabbott, Planning Director
Morrow County Planning
P.O. Box 40
205 Third Street NE
Irrigon, OR 97844

Re: LP-N-498-21

Dear Tamra:

The undersigned is the applicant requesting tentative partition plan approval to create two new parcels on approximately 641 acres of real property in Section 24, Township 4N, Range 25E, Willamette Meridian. The applicant understands that County staff have scheduled this matter for consideration by the Planning Commission at the meeting on June 29, 2021. Due to a scheduling issue, the applicant requests that the Planning Commission open the public hearing for this matter at its June 29, 2021 meeting and then immediately continue it to the Planning Commission's next meeting on July 27, 2021. The applicant will appear at the continued hearing on July 27 to address the Planning Commission. Thank you

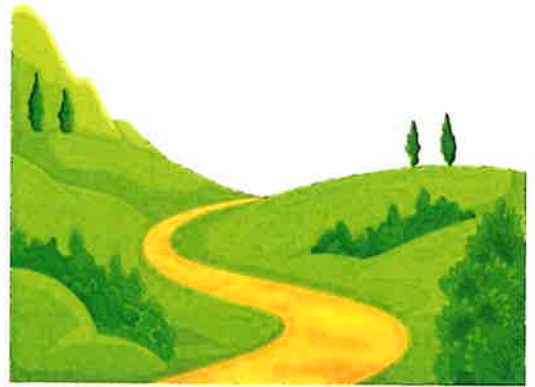
Sincerely,



Scott C. Bolduc, PLS, CfedS
Survey Supervisor
PARAMETRIX

Tamra Mabbott
Planning Director

cc: Project File



MEMORANDUM

To: Morrow County Board of Commissioners
From: Tamra Mabbott, Planning Director
CC: Planning Commission
BOC Date: June 9, 2021
RE: Monthly Planning Update

Construction of the new North Morrow Government Building in Irrigon is very exciting. Planning staff is making preparations for the upcoming move in October.

Planning Commission Update

Planning Commission approved three applications at their May 25th meeting.

Planning Commission meeting materials are posted on the Department website one week prior to the meeting. Commission typically meets the last Tuesday of the month. Here is the 2021 calendar.

https://www.co.morrow.or.us/calendar?field_microsite_tid_1=28

Current Planning Activity May 2021:

- 4 Zoning Permits
- 7 Land Use Compatibility Reviews
- 5 Property Line Adjustments, Land Partitions
- 1 Variance

Planning and Public Works Departments reviewed several land use applications filed with City of Boardman. The purpose of the comment letters and participation in the city Planning Commissioner hearings was to address development impacts to county road facilities.

Long Range Planning

Staff initiated work on the **Morrow County Heritage Trail** including contracting with Nick Ducote, a professional grant writer and consultant and hosting several field visits. Additionally, staff meets biweekly with the Regional Trails Coordinator, Kate Harbour, who is a RARE Volunteer working for the Eastern Oregon Visitors Association (EOVA). Ms. Harbour is providing capacity for the project including development of a list of stakeholders and a timeline of tasks. Anyone interested in the Heritage Trail is encouraged to contact the Planning Department. A stakeholder meeting will be held this summer. The Heritage Trail Plan is located on the website: <https://www.co.morrow.or.us/planning/page/columbia-river-heritage-trail>

The June 4, 2021 State of Oregon Employment Department newsletter showed Morrow County leading the region in population growth for the period 2010-2020, Morrow County growth rate was 14.8% while the average for eastern Oregon was 5.4%.

<file:///S:/Planning/Population/June%202021%20OR%20Empl%20Dept%20pop%20article%20Eastern%20OR%202020.html>

Energy Projects

Status of renewable energy projects is shown on attached spreadsheet. Staff participates in the Oregon Renewable Energy Siting Assessment project.

Code Enforcement

Final hearing to update the Code Enforcement Ordinance was June 2nd. The code is posted on the website here: <https://www.co.morrow.or.us/planning/page/2021-code-enforcement-ordinance-update>

Other Projects:

Planning Director and Human Resources Director conducted interview for a student intern for the Planning Department. The internship is part of the Port of Morrow Internship Program. Department staff are looking forward to the opportunity to work with an Irrigon High School student beginning Fall term.

Planning and Public Works Departments continue to develop a system for coordinating access permits.

Stephanie Case, Planner II continues to work on an update to the Subdivision Ordinance. There will be ample opportunity for public input and materials will be posted on the department webpage.

Planners are assembling a comprehensive inventory of land use ordinances adopted since the county Comprehensive Plan and Zoning Ordinance was acknowledged on January 30, 1986. This is important for landowners to protect their property values and development rights and for county to have a clear understanding of relevant standards and development rights. The inventory will be the basis of a future formatting and codification of the Comprehensive Plan.

Planning Director is part of the planning team working with consultants and KAYAK on the Boardman to Hermiston Connector planning project. Planning will be incorporating the plan in an upcoming update to include transit in the county Transportation System Plan.

Planning Director is participating on the steering committee for the Eastern Oregon Economic Summit scheduled for August 18-19 in Hermiston.

Planning Department continues to provide mapping and other support for the lone wastewater working group.

A pre-application for a regional housing grant was submitted to the state Department of Land Conservation and Development (DLCD). County was invited to submit a full application and is now writing a scope of work for a Housing Implementation Plan for the cities in the Willow Creek Valley. Prior to the recent passage of HB 3155 most housing grants were made available only to cities larger than 10,000 population. The new grant program provides funding to small cities but does not require those cities to implement mandatory standards required of larger cities.

Legislation

Planning Director continues to monitor land use and building legislation of interest or application to Morrow County. Land use related bills and bills that would make funding available to Morrow County is being monitored closely.

Building Inspection Program

Staff continue to review options for enhancing the Morrow County Building Inspection Program which was assumed from the State of Oregon in 2000. For the past 21 years county has contracted with City of Boardman for all inspection services except electrical. An update to the IGA is still under review. Additionally, county staff have been meeting with local officials from within the region to discuss regional needs and to identify opportunities to develop a regional program that provides redundancy and formal reciprocity of services.

Planning Trivia Question of the Month: Archeological evidence of Native Americans living along the Columbia River dates back how many years? Where in Morrow County did the Lewis and Clark Expedition camp on October 18, 1805? Is there a local planning document that describes cultural and archeological history of life along the Columbia River?

Answers to last month's trivia questions.

What is the difference between a Critical Groundwater Area (CGWA) and a Classified Area (CA)? Are domestic wells allowed in a CGWA or CA? A Critical Groundwater Area is defined and acknowledged in a formal state Administrative Rule process as a regulatory program to restrict development of new groundwater wells and to reduce the use of some water rights so that an aquifer can recharge over time. A Classified Area is similarly established although it is a precursor to a formal CGWA designation. An exempt well is allowed in both the CGWA and a CA. An exempt well is used primarily for domestic use and allows 15,000 gallons per day and irrigation of up to ½ acre of land. An exempt commercial well allows the use of 5,000 gallons per day for commercial use.



P.O. Box 788 • Heppner, OR 97836
541-676-5613
www.co.morrow.or.us

Board of Commissioners

Commissioner Don Russell, Chair
Commissioner Jim Doherty
Commissioner Melissa Lindsay

June 16, 2021

Kathleen Sloan, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street N.E., 1st Floor
Salem, Oregon 97301

RE: Comment letter, Boardman Solar Energy Facility Preliminary Request for Amendment 1

Dear Ms. Sloan,

Thank you for the request to provide comments on Boardman Solar Energy Facility's Preliminary Request for Amendment 1. It is the understanding of Morrow County that the Amendment 1 request is for the approval of a three-year extension to both the construction commencement and completion deadlines found in the Boardman Solar Energy Facility Site Certificate. Morrow County would not be opposed to this request, as presented, and would support the Applicant's request for extension.

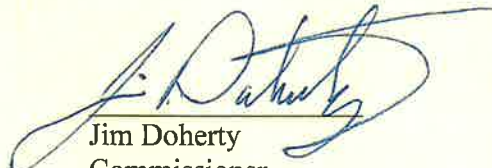
Applicant did, on October 29, 2020 via electronic letter, request an extension to Conditional Use Permit CUP-N-333-18. The request was made prior to the expiration date of November 17, 2020 and was granted with a new expiration date of November 17, 2021. Should the applicant not perfect this CUP by applying for, and receiving zoning approval prior to that date, a new CUP would need to be applied for and approved for this project.

This letter also responds to the specific questions you raised with Planning Department staff. While Morrow County Zoning Ordinance (MCZO) Section 3.010(C)(24) does not reflect the Land Conservation and Development Commission's 2019 amendments, Oregon Revised Statute would be directly applied. Additionally, Morrow County has not made any other changes to the MCZO that could be applied to the facility. No additional Goal 5 Inventory, or recreational opportunities have been added since 2018. A map of the current Goal 5 inventory can be found in the Morrow County Comprehensive Plan, posted on the County website at: www.co.morrow.or.us/planning/page/comprehensive-plan

Thank you again for the opportunity to comment on the Boardman Solar Energy Facility Preliminary Request for Amendment 1. If you have any questions about these comments, please contact Planning Director Tamra Mabbott at 541-922-4624 or by email at tmabbott@co.morrow.or.us.

Sincerely,


Don Russell
Chair


Jim Doherty
Commissioner

Absent
Melissa Lindsay
Commissioner

cc: Matt Scrivner, Sandra Pointer, Dave Pranger, Morrow County Public Works
Mike Gorman, Morrow County Assessor & Tax Collector
Michelle Colby, Gilliam County Planning Director
Laura Minor, Invenergy

