



PLANNING DEPARTMENT

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**Minutes of the Public Meeting of the
Morrow County Planning Commission
Tuesday, October 24, 2023, 6:00 p.m.
Morrow County Government Center Irrigon, Oregon
(All meetings will be offered through video conferencing via Zoom)**

Morrow County Planning Commissioners Present: Chair Stacie Ekstrom, Stanley Anderson, Elizabeth Peterson, Mary Killion, Charlene Cooley

Attendance via Zoom: Brian Thompson, John Kilkenny, Wayne Seitz

Morrow County Staff Present: Tamra Mabbott, Planning Director; Michaela Ramirez, Administrative Assistant; Katie Keely, Compliance Planner; Landon Jones, Planning Tech; Stephen Wrecsics, Associate Planner

Called to Order: Meeting was called to order by Chair Ekstrom at 6:00 PM.

Roll Call

The Pledge of Allegiance was recited.

Approval of Minutes: Chair Ekstrom asked if there were any corrections or amendments that needed to be made to the minutes. There were none. She approved the August minutes as read.

Chair Ekstrom announced that we were going to start with Code update number five on page twelve.

Planning Tech Jones explained that page fourteen was the summary of all the changes that would be made. He then moved on to page sixteen Article One which pertained to definitions. The first change was the addition of the Accessory Dwelling Unit. He asked if anyone had any questions about the definition. There were none. He moved on to the next addition on page eighteen which read of the average electric generating capacity.

Chair Ekstrom asked if the original wording was somewhere in the Agenda before the changes were made.

Planning Tech Jones replied, yes, they still had the original copies.

Chair Ekstrom explained she wanted something to compare it to.

Director Mabbott explained that is why they redlined the words because they didn't have a

Planning Tech Jones introduced page nineteen, the commercial truck.

Director Mabbott commented that Commissioner Smith had some information on the topic because he once was a trucking business owner.

Planning Tech Jones explained that he pulled some wording from ODOT. He continued with page twenty Energy Generation Area.

Director Mabbott explained the note in the margin was a definition that was adopted in House Bill 2109 in 2021.

Planning Tech Jones explained that all the additions he made should have a comment next to them. He then moved on to page twenty-nine, Renewable Energy Facilities. Next, page thirty-one, Useable fFloor Area. This definition he pulled from Deschutes County. Moved on to page thirty-five, Confined Animal Feeding Operation as an outright use with use standards.

Director Mabbott explained that legislature and Senate Bill eighty-five changed that so a county could impose a setback for a CAFO. Everyone was in agreement with not having CAFO's next to residential areas because they create conflict.

Planning Tech Jones explained that on page thirty-six were the use standards for the CAFO amendment added in. He moved on to page thirty-eight, sighting standards for solar facilities. High-value farmland acreage has increased from twelve acres to two hundred and forty. This encompasses the 2019 and 2023 updates.

Director Mabbott pointed out for context these were the standards and the thresholds under which a county can approve rather than going to the state.

Commissioner Killion asked if they were not able to approve a certain number of acres for solar farms.

Director Mabbott explained that they could probably handle approving large amounts of acres because the state was allowing it.

Planning Tech Jones moved on to page thirty-nine. There are two more instances from twelve acres to two-hundred and forty acres. At the bottom of the same page, two-thousand five-hundred and sixty acres were changed from twenty acres of arable land. Page forty was another high value twelve acres to two-hundred and forty acres and on the bottom of the page, three-hundred and twenty acres was changed to three-thousand eight-hundred and forty acres.

Commissioner Kilkeny asked how is it land distinguished between arable and high value.

Director Mabbott replied that there are tests to determine what is arable and high value. This rule only applies to solar facilities.

Commissioner Kilkeny commented that he had his own definition of high-value and arable property but it didn't mean he was correct. In his opinion, he would classify high-value as center pivot and arable as.....land ground.

Director Mabbott read the definition of arable from page thirty-eight. The definition was directly from the state law.

Commissioner Thompson explained that high value is the soil type not so much the irrigation. There are different soil types that are one through eight. He also said you could have high-value soils with no water and not be able to do anything with them and then you may have poor soils with water and still can't do anything with them and they still qualify as low farmland.

Commissioner Killion said that a three-thousand-acre solar farm is a huge thing for them to permit in the county.

Director Mabbott asked if she preferred that the state permit the facility.

Commissioner Kilkeny responded that was a good question and a big decision.

Director Mabbott explained that the developers would prefer to take care of it at the local level because it would be done quickly and less expensive. She added, when permitting at the local level it should be a requirement to have a retirement standard which they currently do not have. The state is now addressing this. When windmill facilities have been bedded, this is standard at the state and local level, when the structure has lived its life they are to remove the structure. The state does have standards for solar facilities and the county does not.

Commissioner Killion commented that it would be a good idea to have a retirement plan set.

Director Mabbott commented that the idea could be taken to the Planning Commission meeting in December.

Chair Ekstrom explained what a bond was in this scenario.

Commissioner Kilkeny added that it was interesting how the threshold was on wind farms compared to solar farms.

Director Mabbott said that the attention right now was on solar farms.

Planning Tech Jones moved on to page forty-one which spoke about the last two acreage updates for the site standards. It has changed twelve acres to two-hundred and forty and twenty acres to two-thousand five-hundred and sixty. Page forty-two wording for Senate Bill 408, which allows partitions of EFU ground for siting utility facilities necessary for public service.

Director Mabbott added this includes transmission lines but typically a substation.

Planning Tech Jones said that concluded Exclusive Farm Use. He stated page forty-three pertained to section 3.020 Forest Use. Page forty-four pertained to updates to the replacement dwelling standards-Forest Zone standards would match Farm Zone.

Director Mabbott spoke about page forty-four and how easier it would be for applicants.

Planning Tech Jones concluded with the Forest Use Zone. Moved on to page forty-five the Rural Residential One Zone. This pertained to Accessory Dwelling Units as a Conditional Use. Page forty-seven limitation on uses for commercial trucks in Rural Residential zones.

Director Mabbott pointed out that Planning Tech Jones founded language that says residents are allowed one commercial truck as their mode of transportation.

Commissioner Killion asked if trucks were not allowed in the Farm Residential zone.

Director Mabbott replied that this wasn't something new.

Planning Tech Jones moved on to Rural Residential ten on pages fifty-three through fifty-four. He pointed out that these pages had an error but would be corrected. The same with Suburban Residential pages

fifty-five through fifty-nine He then moved on to Industrial zones, where use standards for data centers were added, which are an outright use.3.070 General Industrial,3.073 Port Industrial, 3.076 Airport Light Industrial.

Director Mabbott gave some background on the language from the Industrial zones that Planning Tech Jones spoke about. She pointed out that the Planning Commission made data centers an outright use which meant they needed to obtain a zoning permit.

Associate Planner Wrecsics gave information on how big a data center campus could be and each one had its own substation.

Director Mabbott commented on the value of moving them to Conditional Use permits outside of this application, all the information would be given upfront. Also, these applications do not have to go to the Planning Commission, but if there are any difficulties she could give her recommendation.

Commissioner Killion asked if there was a maximum number of data centers they could allow.

Director Mabbott replied she wasn't sure if that was legal, but thought the only legal tool was to do a moratorium and those are temporary.

Commissioner Killion commented that it seemed to be getting a lot more and they seem to be impacting the building of our communities to grow because our zoning doesn't stop them from moving into our little town. She also said that they were driving people out.

Director Mabbott asked the Planning Commission what their thoughts were if they wanted to keep the data centers an Outright Use or a Conditional Use.

Chair Ekstrom said she would like to change it to a Conditional Use.

Commissioner Seitz agreed with the Conditional Use.

Director Mabbott said she would bring the idea back with better language. She would also look at standards. She said the Planning Commission a time back removed design reviews in Industrials Zones and the centers would be just under one hundred acres. By keeping it as a Conditional Use regardless of the size.

Commissioner Killion liked that they were trying to fix the problem. She wanted to make sure that the quality of life in Morrow County was being preserved by their decisions.

Planning Tech Jones moved to Article four, page sixty-nine, supplementary provisions. The changes made were on page seventy-one, this involved ADU's. Page seventy-two referred to Rural Residential Zone which allows a smaller manufactured home to be used. Page seventy-six refers to Conditional Use. They were directly from Deschutes County but didn't use all of them and thought they could use the ones that were relevant or not use them at all.

Director Mabbott gave some information on the subject. She read about the water supply and standards. She felt it should be written that applicants should have a well water quality test done and should meet federal and state standards.

Commissioner Killion wondered how many wells in Morrow County met those standards.

Director Mabbott responded that Planning Tech Jones and Associate Planner Wrecsics were working on a well-information project. She pointed out that the Oregon Health Authority had some of that information on their website.

Commissioner Killion stated that there was a high level of nitrates all over and they weren't going to be able to approve ADU's.

Director Mabbott said that if it was a mid-range level they might be able to approve them.

Commissioner Kilkenny asked if wells were being tested before or after putting in the filters.

Director Mabbott said they hadn't got that far and they do require the applicant a lab test at their house by a test at the faucet.

Commissioner Kilkenny asked if the water had been through a filtration and if they met the state standard would that be okay.

Director Mabbott responded yes. She also stated that there were about nine hundred exempt wells and two hundred or so were above the standard. These were wells in the Lower Umatilla Basin Groundwater area. Individual wells are not regulated by the federal or state level. She then asked if the other conditions for an accessory dwelling looked reasonable.

Commissioner Killion asked why only one hundred feet from the testing well.

Planning Tech Jones responded that he pulled that information from Deschutes County and he said it would fall in line with number four where they would be using the same sewage.

Chair Ekstrom asked if two acres were common.

Director Mabbott responded that it was, but she would double-check. She then asked the Commission if the parcel was smaller than two acres would they want to allow them.

Commissioner Killion responded that would be fine.

Associate Planner Wrecsics commented that the two acres were a good amount to fit a drain field, a replacement drain field, and an ADU. The setbacks would affect the wells.

Planning Tech Jones wanted the Commissioners' opinions on number six where it read that the dwelling must be no bigger than nine hundred square feet of usable floor area. He wasn't sure where they came up with that number.

Commissioner Cooley responded that she had read that for other counties and that it is pretty standard.

Director Mabbott said it came directly from the law.

Commissioner Cooley asked if the useable area included or did not include the garage porch area.

Director Mabbott responded that she thought it was just dwelling.

Commissioner Cooley felt that nine hundred square feet seemed very big.

Director Mabbott looked up the definition, and she found that in the standards it can not be bigger than nine hundred square feet of usable floor area and that is also from the statute. She added that before

ADUs weren't allowed because they had the potential to double the density in the affected area those lands that aren't zoned for farm or forest use.

Planning Tech Jones read the definition for usable floor area on page thirty-one, it excludes garages, carports, decks, and porch covers.

Director Mabbott asked the Commission if they could add the definition to this rule.

Commissioner Killion asked if they would have to give a limit on how many bathrooms.

Chair Ekstrom replied that the application would have to go through Umatilla Health and they would make the decision.

Planning Tech Jones moved on to page seventy-eight in Article Seven. This pertained to the housekeeping update of MC-C-1-99 for the siting periods for temporary RV uses.

Director Mabbott pointed out that it was code that was adopted in 1999 but it wasn't codified.

Planning Tech Jones moved on to article four and went on to page seventy-nine, the temporary use of an RV in case of a Natural Disaster where the primary dwelling was not livable.

Director Mabbott summarized she would look more into siting conditions for solar facilities, adding a retirement standard, making the data centers a Conditional Use in the three Industrial Zones, and cleaning up the language.

Chair Ekstrom adjourned the meeting a 7:05 PM.