



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, February 27, 2024, 6:00 pm
Bartholomew Building, Heppner, OR

[For Electronic Participation See Meeting Information on Page 2](#)

Members of Commission

Stanley Anderson	Tripp Finch	Elizabeth Peterson
Charlene Cooley	John Kilkenny, Vice Chair	Karl Smith
Stacie Ekstrom, Chair	Mary Killion	Brian Thompson

Members of Staff

Tamra Mabbott, Planning Director	Daisy Goebel, Principal Planner
Stephen Wrecsics, Associate Planner, GIS	Landon Jones, Planning Tech
Michaela Ramirez, Administrative Assistant	

1. **Call to Order**

2. **Roll Call**

Pledge of Allegiance

3. **Minutes:** (Draft) January 30th, 2024 [pgs. 4-9](#)

4. **Oregon’s Statewide Planning Program – Training by Department of Land Conservation and Development Commission staff, Gordon Howard, Community Services Division Manager and Dawn Marie Hert, Eastern Region Representative.** [Pgs. 11-54](#)

5. **Other Business:**

6. **Correspondence: January Planning Update** [pgs. 56-58](#)

7. **Public Comment:**

8. **Adjourn**

Next Meeting: Tuesday, March 26, 2024, at 6:00 p.m.
Location: Morrow County Government Center, Irrigon, OR

ELECTRONIC MEETING INFORMATION

Morrow County Planning is inviting you to a scheduled Zoom meeting. Topic: Planning Commission
Time: February 27, 2024, 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/6554697321?pwd=dFMxR2xlaGZkK1ZJRFVrS1Q0SmRxUT09&omn=84249165172>

Meeting ID: 655 469 7321

Passcode: 513093

Find your local number: <https://us02web.zoom.us/j/6554697321>

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.

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

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

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

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

Excused Absent: Commissioner Killion and Commissioner Anderson

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

Morrow County Staff Attendance via Zoom:

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

Roll Call

Pledge

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

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

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

Director Mabbott read permit **AC-149-23; ACM-150-23 Comprehensive Plan and Zoning Map Amendment. Rowan Percheron, LLC, Applicant.** The property is located approximately 9 miles south of I-84 on Tower Road. The application proposes to amend the Comprehensive Plan Map and Zoning Map to rezone approximately 318 acres from Space Age Industrial (SAI)

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

Chair Ekstrom asked the applicant to present testimony in evidence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Ekstrom opened the general public comment period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Ekstrom reopened public comment at 8:22 PM.

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

Chair Ekstrom adjourned the meeting at 8:24

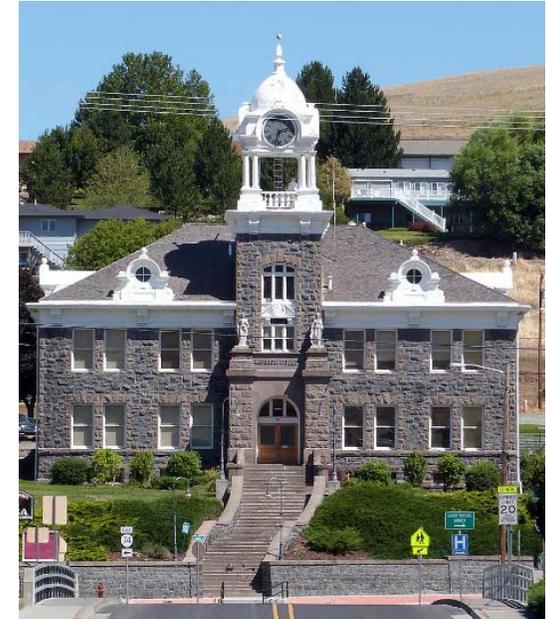
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Oregon's Statewide Planning Program

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Planning Commission Basics

Morrow County February 27, 2024



Gordon Howard, Community Services Division Manager
Dawn Marie Hert, Eastern Oregon Regional Representative

Enrolled
Senate Bill 100

Sponsored by Senators MACPHERSON, HALLOCK

CHAPTER.....

AN ACT

Relating to land use; creating new provisions; amending ORS 213.035, 213.010, 213.015, 213.030 and 453.045, and appropriating money.

Be It Enacted by the People of the State of Oregon:

PART I INTRODUCTION
PREAMBLE

SECTION 1. The Legislative Assembly finds that:

(1) Uncoordinated use of lands within this state threaten the orderly development, the environment of this state and the health, safety, order, convenience, prosperity and welfare of the people of this state.

(2) To promote coordinated administration of land uses consistent with comprehensive plans adopted throughout the state, it is necessary to establish a process for the review of state agency, city, county and special district land conservation and development plans for compliance with state-wide planning goals and guidelines.

(3) Except as otherwise provided in subsection (4) of this section, cities and counties should remain as the agencies to consider, promote and manage the local aspects of land conservation and development for the best interests of the people within their jurisdictions.

(4) The promotion of coordinated state-wide land conservation and development requires the creation of a state-wide planning agency to prescribe planning goals and objectives to be applied by state agencies, cities, counties and special districts throughout the state.

(5) The impact of proposed development projects, constituting activities of state-wide significance upon the public health, safety and welfare, requires a system of permits reviewed by a state-wide agency to carry out state-wide planning goals and guidelines prescribed for application for activities of state-wide significance throughout this state.

POLICY STATEMENT

SECTION 2. The Legislative Assembly declares that, in order to assure the highest possible level of livability in Oregon, it is necessary to provide for properly prepared and coordinated comprehensive plans for cities and counties, regional areas and the state as a whole. These comprehensive plans:

(1) Must be adopted by the appropriate governing body at the local and state levels;

(2) Are expressions of public policy in the form of policy statements, generalised maps and standards and guidelines;

(3) Shall be the basis for more specific rules, regulations and ordinances which implement the policies expressed through the comprehensive plans;

(4) Shall be prepared to assure that all public actions are consistent and coordinated with the policies expressed through the comprehensive plans; and

Planning in Oregon

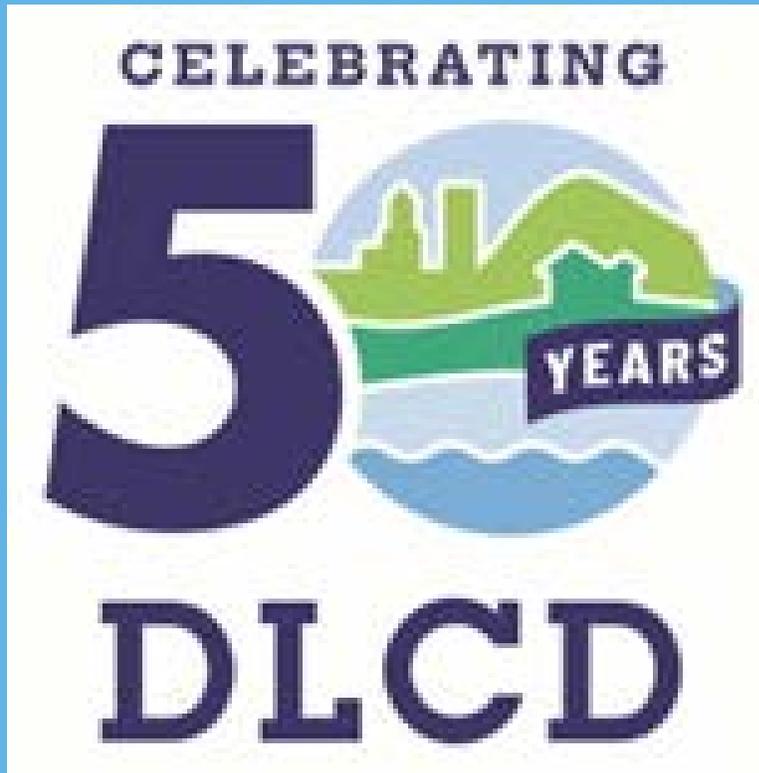
Oregon Land Use Act of 1973
(SB 100)

Land Conservation and
Development Commission (LCDC)

Department of Land
Conservation and Development
(DLCD)



State & Local Responsibilities

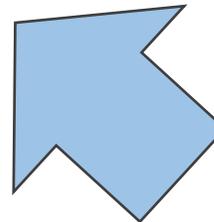


LCDC & DLCD

State & Local Responsibilities

Counties & Cities

- Address local vision & needs
- Adopt and amend plans & codes in compliance with state goals
- Enforce codes & ordinances
- Make land use decisions



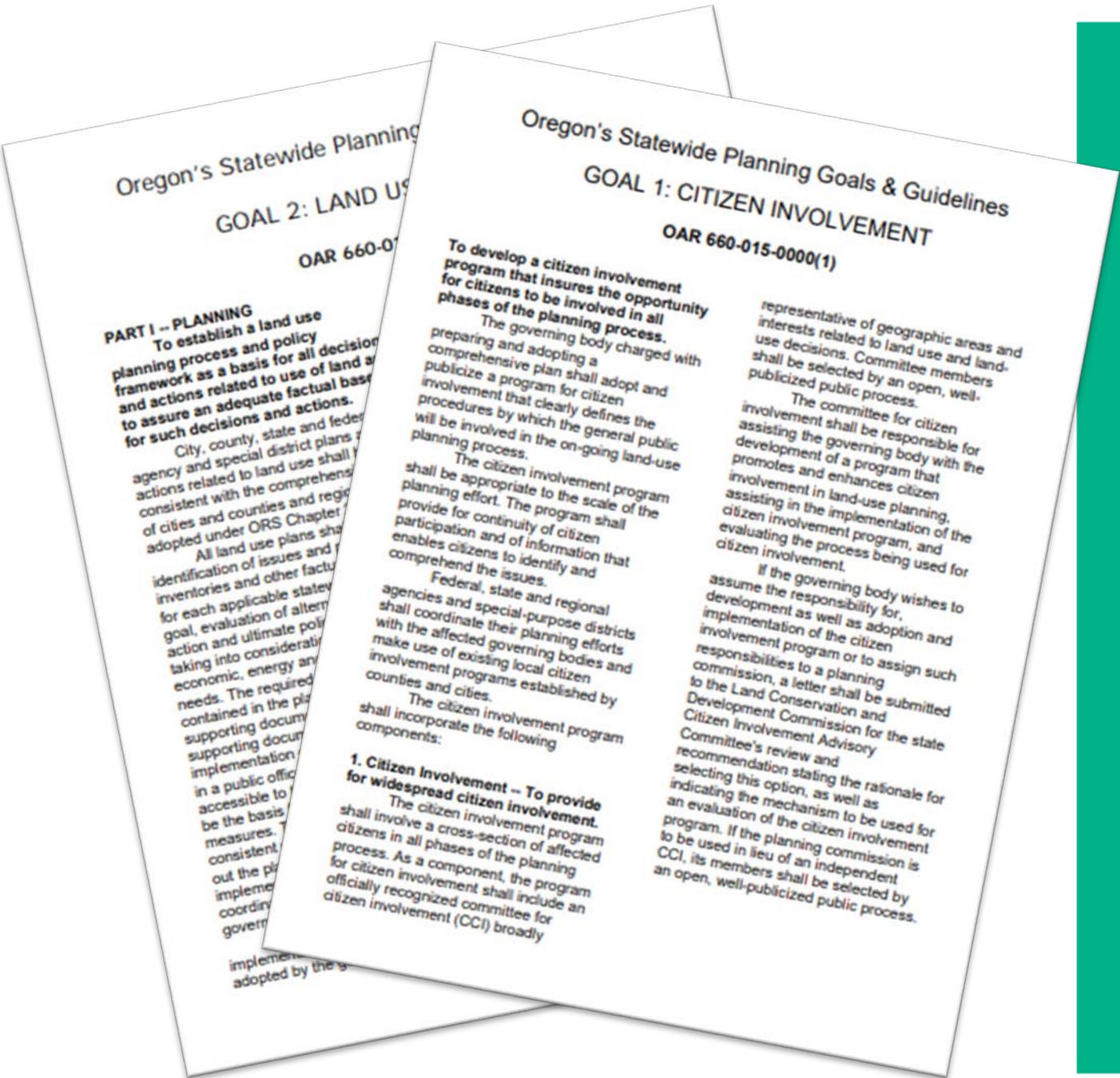
19 Statewide Planning Goals



1. Citizen Involvement
2. Land Use Planning
3. Agricultural Lands
4. Forest Lands
5. Natural Resources, Scenic and Historic Areas, and Open Space
6. Air, Water and Land Resources Quality
7. Areas Subject to Natural Hazards
8. Recreational Needs
9. Economic Development
10. Housing
11. Public Facilities and Services
12. Transportation
13. Energy Conservation
14. Urbanization
15. Willamette River Greenway
16. Estuarine Resources
17. Coastal Shorelands
18. Beaches and Dunes
19. Ocean Resources

“Process” Goals

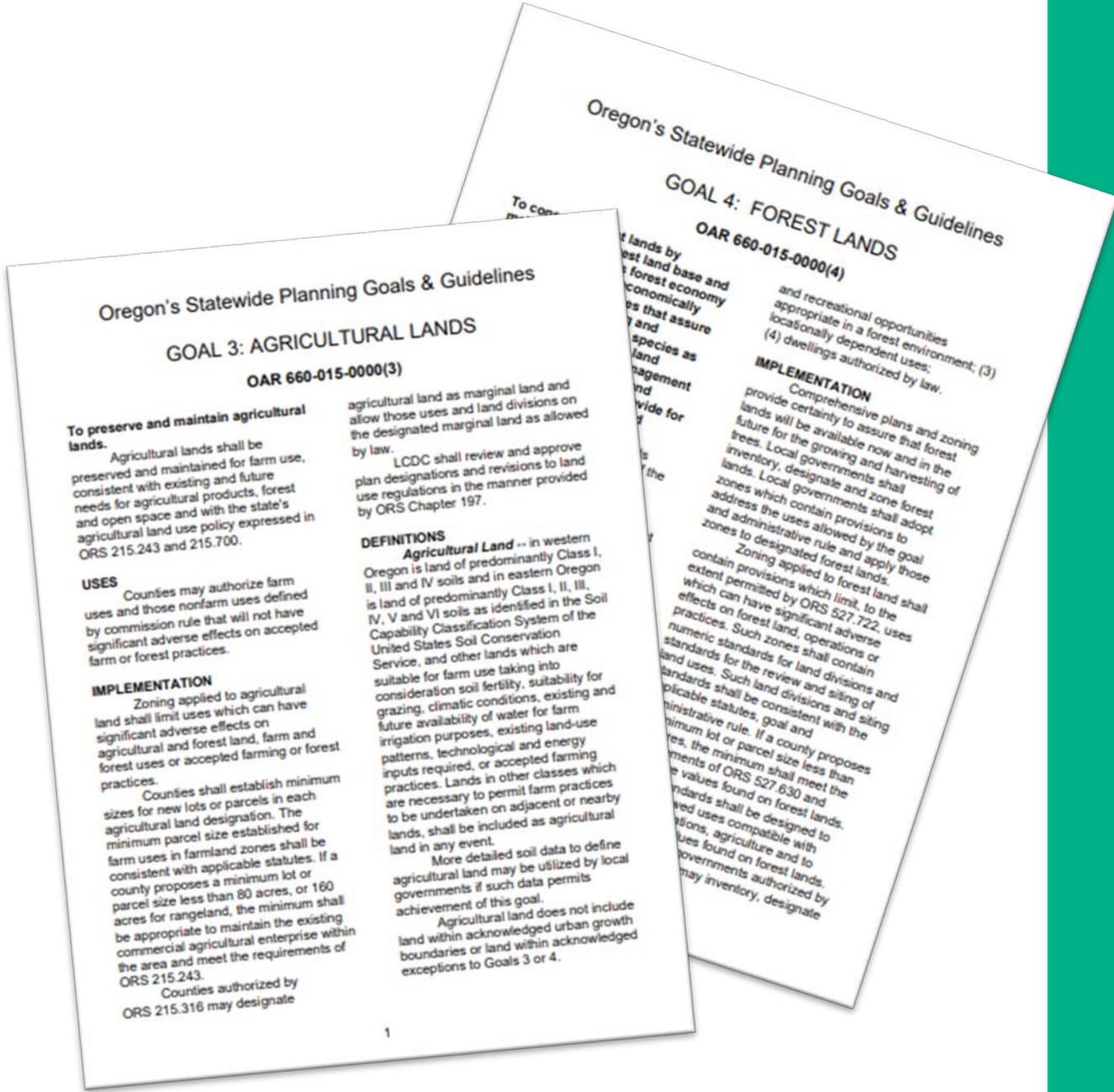
- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning



“Rural” Goals

GOAL 3: Agricultural Lands

GOAL 4: Forest Lands



“Urban” Goals

GOAL 8: Recreation

GOAL 9: Economic

Development

GOAL 10: Housing

GOAL 11: Public Facilities

GOAL 12: Transportation

GOAL 13: Energy conservation*

GOAL 14: Urbanization

Oregon's Statewide Planning Goals & Guidelines

GOAL 9: ECONOMIC DEVELOPMENT

OAR 660-015-0000(9)

Oregon's Statewide Planning Goals & Guidelines

GOAL 10: HOUSING

OAR 660-015-0000(10)

Oregon's Statewide Planning Goals & Guidelines

GOAL 14: URBANIZATION

OAR 660-015-0000(14)

(Effective January 1, 2016)

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Urban Growth Boundaries

Urban growth boundaries shall be established and maintained by cities, counties and regional governments to provide land for urban development needs and to identify and separate urban and urbanizable land from rural land. Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments.

An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements, except for the Metro regional urban growth boundary established pursuant to ORS chapter 268, which shall be adopted or amended by the Metropolitan Service District.

Land Need

Establishment and change of urban growth boundaries shall be based on the following:

(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments, or for cities applying the simplified process under ORS chapter 197A, a 14-year forecast; and

(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2). In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

To provide adequate throughout the state economic activities health, welfare, and Oregon's citizens.

Comprehensive policies shall contribute to a healthy economy in the state. Such plans shall include inventories of areas of increased economic activity after taking into account the current economic and energy availability market factors; technical training of key public facility support facilities; location relative to renewable resources; and pollution control.

Comprehensive shall:

1. Include community's potentialities as they relate to trends;
2. Consider the economic in the community;
3. Provide adequate sizes, types and levels for

using Units -- means determined to meet the housing within an urban particular price. On and after the periodic review of a acknowledged "needed housing

housing. For cities with a population greater than 2,500, the "needed housing" shall include, but is not limited to, detached single-family homes, multiple-family homes, and mobile homes or trailers.

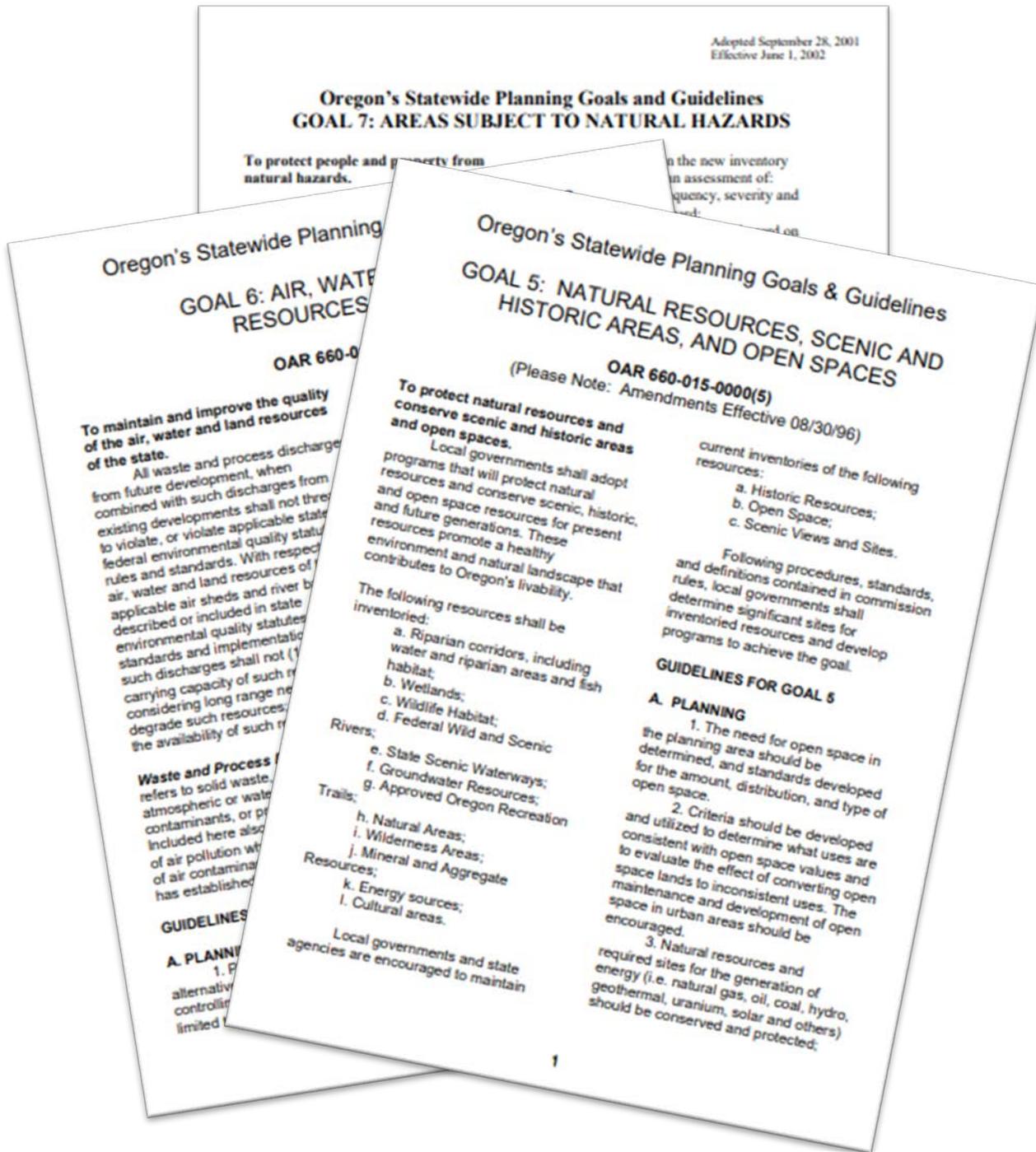
inventories of elements of a community, at a comparison of population and population density; (2) a list of areas, both within and outside of the boundary, that are suitable for varying uses; (3) the needs and community; and (4) the housing in the community.

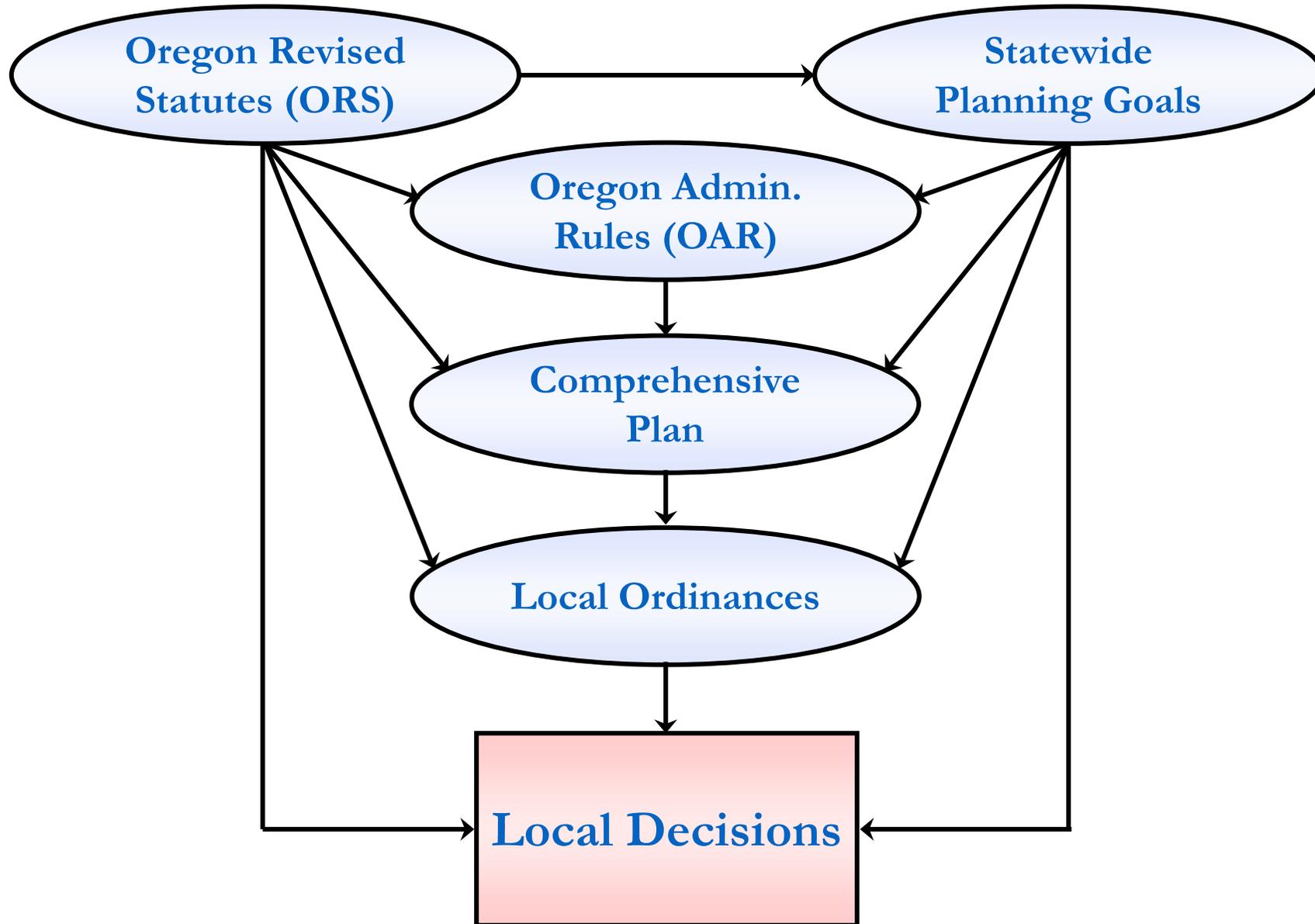
“Constraints” Goals

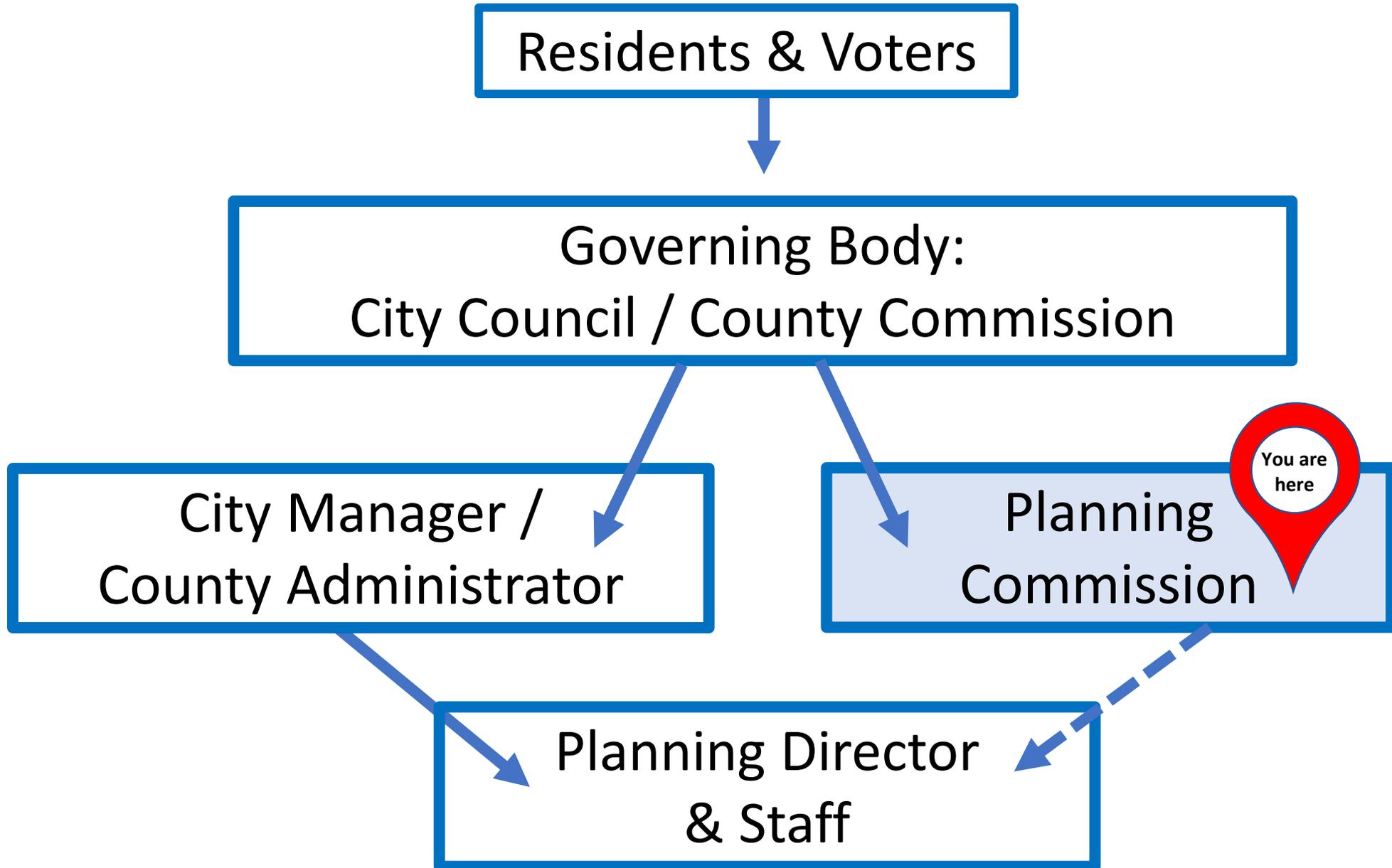
GOAL 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

GOAL 6: Air, Water & Resource Land Quality*

GOAL 7: Areas Subject to Natural Hazards







Planning Commission Responsibilities



- Reflect Community Values
- Recommend Policies to City Council/County Commission
- Visioning and Long-Range Planning
- Educate the public and provide a public forum
- Make Land Use Decisions

Planning Commission Relationships



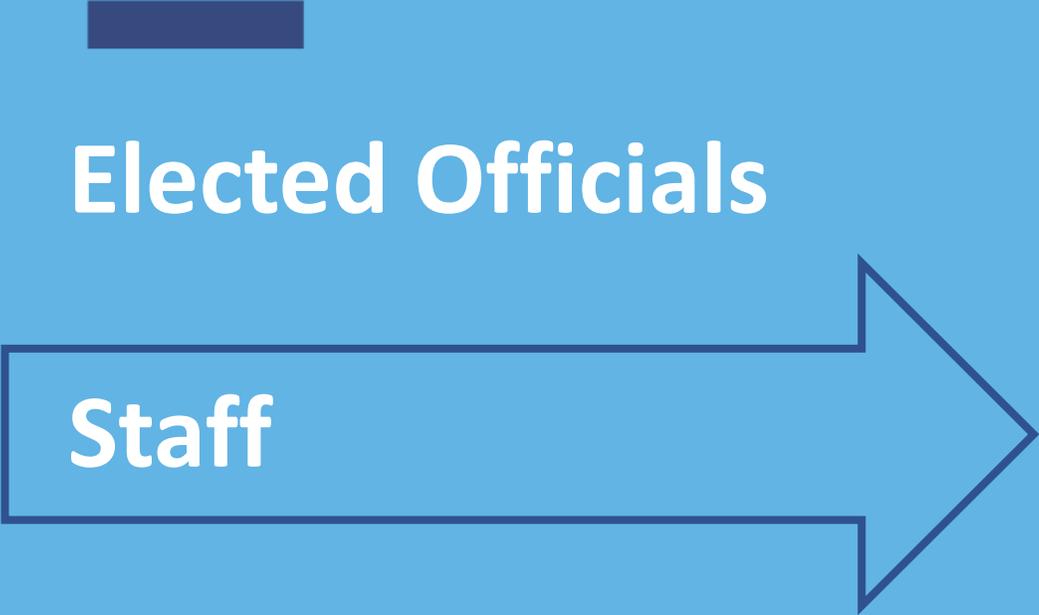
Elected Officials

Staff

The Public

- Understand responsibilities & authority
- Provide sound recommendations, findings, clear reasoning
- Regular formal & informal communication
- Do not be afraid to give governing body advice on planning matters – that is your role

Planning Commission Relationships



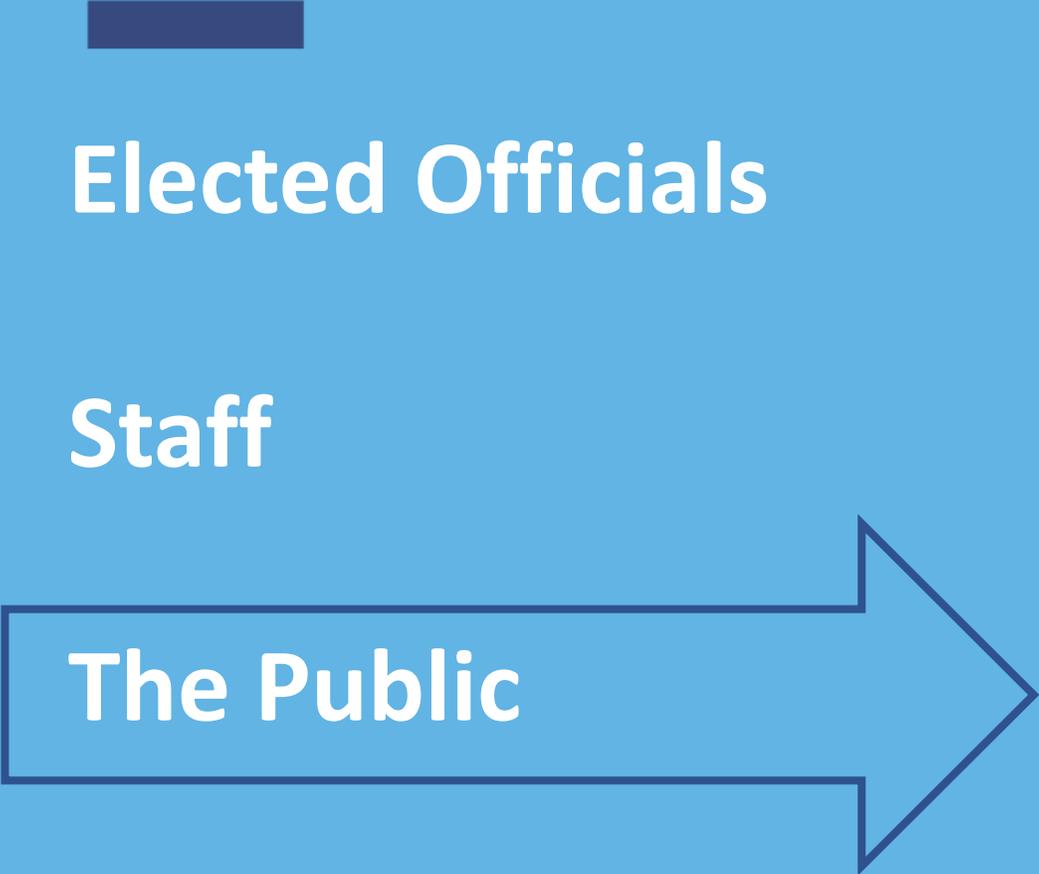
Elected Officials

Staff

The Public

- You are not Supervisory
- Staff is a resource “work as a team”
- Remember it’s okay to disagree
- Respect staff’s competing priorities
- Planning Commission is a “conduit” for the public to the staff
- “Staff” sometimes includes a government attorney

Planning Commission Relationships



Elected Officials

Staff

The Public

- Golden Rule: **Be Fair**
- Follow Open Meeting Law
- Do your homework
- Conduct hearings according to the rules
- Be respectful to everyone - *especially each other*
- Stay on topic
- Maintain a balance of thoroughness and efficiency

Responding to Stressful Situations



Don't descend to the level of vitriol directed at you.

Don't be intimidated in your decision-making.

Remember that the anger is not directed at you personally.

- Adjourn the meeting.
- For Quasi-judicial decisions, reconvene online (*HB 2560, effective Jan. 1, 2022, requires local governments to provide for online option*).
- Legislative decisions are not time- sensitive; consider alternative meeting formats.

Planning Commission Tools



Comprehensive Plan

Zoning &
Development Code

- Provides a framework to connect interrelated systems
- Provides a factual base
- Captures community vision
- Establishes goals and policies
- Guides land use, infrastructure, conservation of natural resources, economic development, and more.

Planning Commission Tools



Comprehensive Plan

Zoning & Development Code

- Specific regulations designed to implement comprehensive plan policies
- Regulates uses, location, density, height, setbacks, etc.
- Sets forth the criteria or standards that each application must meet in order to be approved
- Includes zoning, permitting procedures, development standards, and subdivision and partition standards

Types of Decisions: Legislative Land Use Decisions

- Adoption and amendment of policies and ordinances
- Affect a large geographic area, many ownerships
- No decision is required
- Adopted by elected officials; role of planning commission is to make a recommendation
- Less procedural restrictions apply
- Decision-makers sit as lawmakers
- Information used in making a decision may come from many sources (ex parte contact is allowed)
- Findings are less specific, but some are needed
- No specific state-mandated notice requirements other than “Measure 56” notice

Types of Decisions: Quasi-judicial Land Use Decision

- Decision-makers are an impartial tribunal
- Application of pre-existing criteria and requiring exercise of discretion
- Affects single or few ownerships
- Action required
- Decision-maker varies by local codes and procedures
- Opportunity for a hearing is required

Impartiality requires:

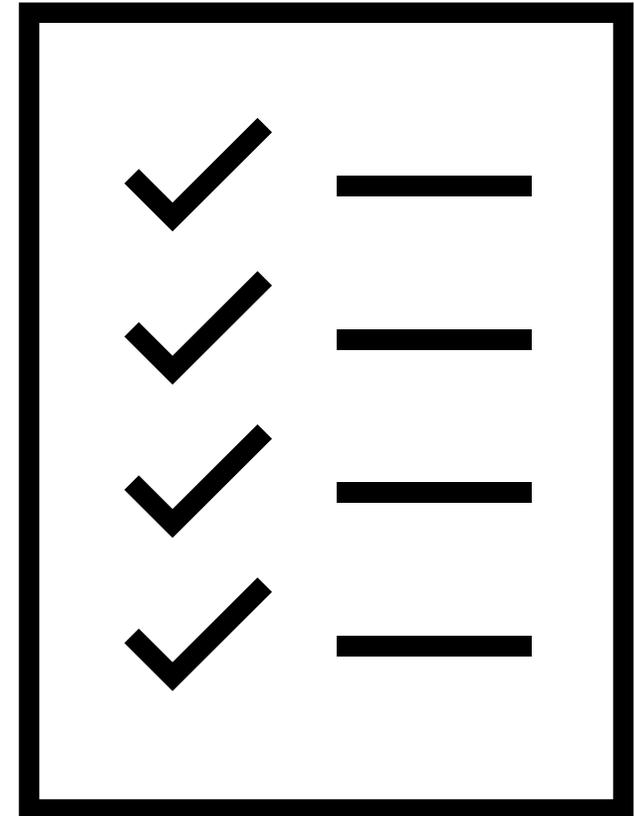
- Treat all parties fairly
- Allow all parties to know what the decision makers “know”
- Disclose all ex parte contacts
- Information considered by the decision maker should be factual

(Examples include land visions, CUPs, variances)

Types of Decisions: Ministerial Action

- Staff decision
- Requires no exercise of discretion
- Application of pre-existing criteria
- Usually limited to one site
- Action required
- No notice, no hearing, no appeal opportunity

(Example: building permit)



Hearing Procedures



Legislative

Quasi-judicial

- Can be applicant or staff initiated
- Mailed notice to affected landowners (Measure 56 Notice)
- All have opportunity to participate
- No concerns with ex parte contact or bias, but conflict of interest concerns remain
- Recommendation to Board/Council

Hearing Procedures



Legislative



Quasi-judicial

Before the public hearing:

- Pre-application discussion
- Application submitted & reviewed for completeness
- Additional materials submitted for completeness
- Notice mailed at least 20 days before hearing to applicant & nearby property owners (within 100, 250 or 500 feet), recognized organizations, & any other local code requirements

Quasi-judicial Decisions



Hearing Notice: Required contents

- Explain nature of application
- List the applicable criteria from the ordinance and the plan
- Street address or geographical reference
- Date, time and location of the hearing
- “Raise it or waive it”
- Contact for additional information;
- Copy of application and all materials are available for review at no cost, or copy at reasonable cost
- Copy of staff report will be available for inspection at least seven days prior to the hearing or copy at reasonable cost
- Explanation of how to submit testimony and conduct of hearing

Quasi-judicial Decisions



Hearings Procedure:
Use a script.

- Chair opens hearing
- Chair describes proceedings – rules of conduct for hearing
- Raise-it-or-waive-it statement
- Right to a continuance if the first hearing
- Announcement of criteria
- Declaration of ex parte contact, bias, conflict of interest
- Staff report
- Proposed findings and recommendation

Quasi-judicial Decisions



Hearings Procedure:
Use a script.

- Testimony – time, place, manner set by commission rules
- Requests for continuance and leaving the record open – automatic at least 7 days
- Chair closes hearing
- Decision
 - Discussion
 - Motion and second
 - Deliberation and amendments
 - Vote
- After the hearing – written findings

The 120 Day Rule

- Final action on quasi-judicial applications required within 120 days inside urban growth boundaries, 150 days outside of urban growth boundaries.
- Extensions can be granted by the applicant through a written request.
- What happens if a city does not act in 120 days?
 - Applicant can file “writ of mandamus” in local circuit court

Findings

- Findings include statements of:
 - Relevant facts
 - How each approval criterion is satisfied by the facts
 - The facts relied upon for the decision
- Purposes of findings include:
 - Aiding careful consideration of criteria by the reviewing body
 - Establishing what evidence the reviewing body relied on
 - Explaining how the conclusions are supported by substantial evidence

Findings - tips

- Identify all of the applicable criteria
- Address each criterion separately
- State the fact that leads to the conclusion
- Where there is inconsistent evidence, state there was conflicting evidence, but the hearings body believed certain evidence for certain reasons
- Articulate the link between the project impact and the conditions being imposed
- Put them in clear, understandable language

Common Problems with Findings

- Failure to address each criterion
- Deferring a necessary finding to a condition of approval
- Generalizing or making a conclusion without sufficient facts
- Failure to establish causal relationship between facts and conclusions

Burden of Proof

- Applicant's responsibility. All applicable criteria must be met.
- Applicant must submit a complete application with substantial evidence showing compliance with each applicable criterion.
- Applicant must respond to all issues raised by opponents by pointing to evidence in the record or bringing forward more evidence.
- Applicants should not rely on staff presentations alone to meet the burden.
- If an applicant provides new information at a hearing, the public must be given a chance to rebut it.
- BUT – city or county cannot use matters not part of the approval criteria to make judgment on the application

Continuance and Keeping the Record Open

- Mandatory if requested by applicant or anyone else prior to close of first evidentiary hearing – minimum seven days
- Consider the 120 or 150 Day Rule. Unless requested by the applicant, the clock rolls.
- Figure out where the hearing will pick up and make clear when granting the continuance
- One Scenario:
 - Seven days to submit additional written information and comments
 - Seven days for rebuttal opportunity to address new information submitted into the record – by any party
 - Seven days for the applicant to address issues raised by opponents

Raise it or Waive It

If a local government has provided proper notice:

Participants must raise issues during local proceedings. Any issues not raised are waived if the matter is appealed to LUBA.

Impartial Tribunal

The hearing body must be free of personal interest or bias. Concerns that question whether a tribunal is impartial:

- ex parte contact
- conflicts of interest
- bias

Ex Parte Contacts

- Contacts by a party on a fact in issue under circumstances which do not involve all parties to the proceedings
- Contacts may be oral or in writing.
- Discouraged in favor of the public hearing process.
- If ex parte contact occurs, take action to address the issue

Ex Parte Contacts – how to handle

- Disclose - on the record at the next hearing on the matter before any testimony or proceedings
- Describe the substance of the contact or communication.
- Note in the record of the hearing.
- Provide parties a right to comment on the statement of the communication.

Site Visits

- They are an ex-parte contact
- Good, if disclosed
- Commissioner must state on the record in detail what was observed, who was talked to, what was discussed, etc. during the site visit

Potential Conflict of Interest

- Any decision by a person acting as a public official, which **could be** to the private pecuniary benefit or detriment of
 - You
 - Your relative
 - Member of the household, or
 - Business with which you, your relative, or member of the household is associated
- You must declare but may participate in a decision, action or recommendation



Potential Conflict of Interest – What to do

- Announce when the chair calls for declarations before the hearing is opened, provide details, have it recorded
- If the conflict is not apparent until the hearing has begun, ask to be recognized and make the disclosure as soon as possible
- The commissioner can take part in the hearing. But, be concerned about appearance.
- If there is more than one hearing on the matter – announce each time the matter is on the agenda.

Actual Conflict of Interest

- Any decision by a person acting as a public official, which **would be** to the private pecuniary benefit or detriment of
 - You
 - Your relative
 - Member of the household, or
 - Business with which you, your relative, or member of the household is associated
- You must declare and must not participate in a decision, action or recommendation



Actual Conflict of Interest – What to do

- Publicly announce the conflict prior to participating in the hearing, and
- Refrain from participating in a debate on the issue or from voting on the issue
- Have the declaration go into the minutes of the hearing
- Make the announcement at each meeting the matter is on the agenda
- Recommended: leave the hearing room after making the declaration. You can return for the next agenda item.



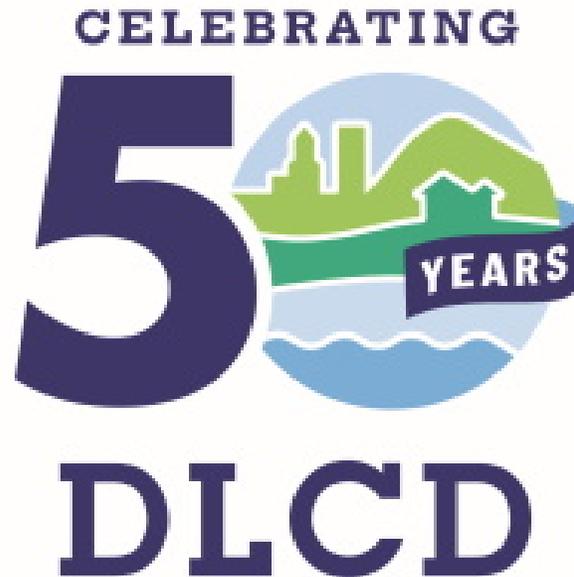
Actual Conflict of Interest – Exception

- If an official's vote is necessary to meet a minimum number of votes to take official action.
- The exception is limited to “be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.”
- Be cautious.

Personal Bias – what to do

- Disclose the nature of the bias
- State whether or not in their opinion it requires disqualification
- When there is a sufficient quorum to conduct business without participation of a commissioner who has been challenged for bias, they should consider recusal.

Questions now or later – reach out!



Dawn Marie Hert

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Community Services Division

Oregon Department of Land Conservation and Development

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To: Morrow County Board of Commissioners
 From: Tamra Mabbott, Planning Director
 CC: Planning Commission
 BOC Date: January 17, 2024
 RE: Monthly Planning Update

Mission Statement

Morrow County Planning Department provides guidance and support to citizens for short term and long-range planning in land use, to sustain and improve the county's lands for future generations. Our goal is to foster development where people can live, work & play.

Planning Commission approved a multi-part code update at the December 5, 2023 meeting. The code update will next go to the Board of Commissioner for final consideration. Planners met with various stakeholders to discuss proposed new language.

<u>Planning Permits</u>	<u>December 2023</u>	<u>YEAR END 2023</u>
Zoning Permits	13	82
Land Use Compatibility Reviews	3	68
Land Partitions	0	3
Property Line Adjustments	0	4
Land Use Decisions	0	11
Rural Addresses	1	20
Plan and Zone Amendment	4	7
Farm Ag Exempt Permit	5	12

Energy Projects

Planning staff had several meetings with developers to discuss existing and proposed new projects as well as amendments to permits for various projects.

Summary of energy projects in Morrow County is found here

<https://www.co.morrow.or.us/planning/page/renewable-energy-1>

Morrow County Heritage Trail Update

Planning will be posting a Request for Proposal for the Heritage Trail Master Plan update.

Interpretive Panel Update

Following the November 13, 2023 stakeholder meeting discussing the first draft concepts for all interpretive panels, all comments made at the meeting and through email were composed into a single document. Subsequent materials and panel exhibits were collected by staff according to the comments which were then delivered to Sea Reach Ltd along with all public comments, for their use on further drafts. The first draft updated interpretive panels are available for review upon request to staff. The existing panels can be viewed on the Planning webpage: <https://www.co.morrow.or.us/planning/page/heritage-trail-panels>



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WATER AND PLANNING ACTIVITIES

Water Advisory Committee

Planning Director and GSI Water Solutions Inc. worked on a draft list of policies and projects for the Water Advisory Committee to review and discuss. WAC meeting was held on Monday, January 8, 4-6 pm at the North Morrow County Building in Irrigon. Presenters included JR Cook of the Northeast Oregon Water Association (NOWA) who discussed the Umatilla Basin 2050 Plan and numerous recharge projects NOWA has helped developed over the past 15 years. WAC also heard from Donna Beverage, Union County Commissioner, about the Union County Place-Based Planning effort. Tamra Mabbott, Planning Director, gave a presentation on the nexus between water and land use planning. Agenda and meeting materials are posted on the webpage.

<https://www.co.morrow.or.us/planning/page/water> Meetings are open to the public. The next WAC meeting is scheduled for March 11, 2024, 4-6 pm at the North Morrow County Government Center, Irrigon.

LUBGWMA

Several subcommittee meetings and the primary LUBGWMA meeting was held in December.

Drinking Water mid- and long-term solutions – Bi-County EPA Grant

The Request for Proposal (RFP) to complete work that will be funded by the Environmental Protection Agency (EPA) grant was posted on the county webpage. A pre-proposal meeting with interested engineering firms was held on January 4, 2024. A scoring committee will meet to review the projects and possibly conduct interviews. Staff is coordinating on a date for both county elected Boards to meet and accept public input on the Scope of Work, sign a bi-county intergovernmental agreement and award a contract. Work on the project should begin in March, 2024.

Water Data and Mapping

GIS Associate Planner Stephen Wrecsics continues to work on map layers using data from Oregon Water Resources Department (OWRD) and Oregon Department of Environmental Quality (ODEQ). Staff will soon receive data from Oregon Health Authority (OHA). The data will allow county to develop and maintain a comprehensive dataset of parcels in the LUBGWMA. Several coordinating meetings have taken place.

CODE COMPLIANCE

Code enforcement staff is out on leave and the rest of the Planning Department is filling in to cover existing and new complaints. The focus of work in January was to follow up with the neighborhood clean-up project that was initiated in Spring 2023. The neighborhood approach had some positive impact in one neighborhood and only marginal success in the other two neighborhoods. Following the December letters, staff has been communicating with landowners out of compliance to formulate a plan to either return to compliance or result in a citation from Morrow County. Another batch of letters to a neighborhood was sent at the beginning of January. Staff has been seeing positive improvements among multiple landowners who have been contacted.

Natural Hazard Mitigation Plan (NHMP) Update Staffing adjustments at Oregon's Department of Land Conservation and Development (DLCD) have slightly affected schedules. Stakeholders are adapting to these modest changes as they work within the revised scheduling framework. Anyone interested in the NHMP Update please contact Stephen Wrecsics swrecsics@co.morrow.or.us The plan update is scheduled to be complete the first half of 2024.

GEODC Planning Director Mabbott is participating on the advisory group for the Greater Eastern Oregon Development Corporation (GEODC) Comprehensive Economic Development Strategy (CEDS). The Advisory Committee will help develop and refine the 2024-2029 CEDS Update, a planning tool GEODC uses to coordinate regional economic development efforts. GEODC is the Economic Development District serving 7 counties including Morrow, Gilliam, Grant, Malheur, Umatilla, Harney and Wheeler Counties.