

## **Malheur County Planning Commission**

The Malheur County Planning Commission Meeting was held remotely, via GoToMeeting, on June 25, 2020. Kathy Clarich called the meeting to order at 7:44 p.m.

### **MALHEUR COUNTY COMMISSION MEMBERS PRESENT:**

Kathy Clarich  
Teresa Ballard  
Clark Forsyth  
Rob Kindschy  
Linda Simmons

### **PLANNING DEPARTMENT STAFF MEMBERS:**

Eric Evans, Planning Director  
Tatiana Burgess, Planning Management Assistant  
Stephanie Williams, County Counsel

### **OLD BUSINESS:**

Kathy Clarich – The first thing on our agenda is the approval of the May 2020 minutes.

Approval of May 2020 minutes:

*Clark Forsyth made a motion to accept the May 2020 minutes.  
Teresa Ballard seconded the motion, which was approved by all  
Commissioners present.*

### **CONTINUANCE OF MATTERS HEARD AT MEETING HELD ON MAY 28, 2020.**

Applicant: Lisa Kittel & Ryan Thomas  
1751 Syringa Road  
Adrian, Oregon 97901

Representative: Lisa Kittel & Ryan Thomas

***Conditional Use Permit for Commercial Activity in Conjunction with Farm Use. Planning Department File No. 2020-04-14***

Kathy Clarich – Eric, do we just need to have comments on this and then go from there?

Eric Evans – I don't think we have to read everything in the minutes like we did before, but we still have to open it up for proponent, opponent and applicant testimony.

**No Additional Applicant Testimony.**

**No Proponent Testimony.**

**No Opponent Testimony.**

**Closed to Public Testimony.**

Tatiana Burgess – This action is regarding the Planning Department Application 2020-04-014, for a conditional use permit for commercial activity in conjunction with farm use for the applicants Lisa Kittel and Ryan Thomas. Their application was originally heard at the May 28, 2020, hearing. We have not received any additional testimony, written or otherwise, proponent or opponent. As stated previously, this is for a mare motel. They are proposing to build two structures that will house about 11 horses. They will be using the facility for the training of the horses and providing lessons on the premises. I don't think that we have anything new to add that wasn't said at the previous meeting, Eric?

Eric Evans - No. Nothing additional.

Kathy Clarich - Okay. So the proposed conditions of approval are an adequate fire break and public restroom. If a public restroom is added for customer use it will have to be constructed to meet all building code requirements and proper permitting must be obtained. They're aware of all of that right?

Tatiana Burgess - I believe they are aware as that was the original conversation they had with the building department. Lisa had originally contacted them before getting over to us, before we started the process. I don't want to speak on their behalf but I believe they are aware of those conditions.

Lisa Kittel - We're aware of them and we're happy to do it in whatever means to keep it by the books.

Kathy Clarich - Okay. Thank you Lisa. Do I have a motion on this or do you guys want to discuss it some more?

***Teresa Ballard made a motion to approve the Conditional Use Permit for Commercial Activity in Conjunction with Farm Use in Exclusive Farm Use. Clark Forsyth seconded the motion which was unanimously approved by the Commissioners present.***

**PLANNING DEPARTMENT FILE NO. 2020-03-011: APPLICATION WAS WITHDRAWN.**

**NEW BUSINESS:**

Applicant: Ryan and Callie Wynn  
653 Overstreet Road  
Nyssa, Oregon 97913

Representative: Ryan and Callie Wynn

***Conditional Use Permit for a Non-Farm Dwelling in Exclusive Farm-Use zone. Planning Department File No. 2020-05-010.***

Kathy Clarich – Now is the time to hear the request for a conditional use permit for one non-farm dwelling in exclusive farm use zone for applicants Ryan and Callie Wynn, planning department file no. 2020-05-010.

1. There is a general time limit for testimony of 5 minutes. The applicant's initial presentation will be 20 minutes; with a rebuttal of 10 minutes.
2. All testimony and questions shall be directed to or through the Chair. Testimony in question should not be directed to staff or directly to witnesses.
3. Do any members of the County Planning Commission need to abstain?
  - a. There are no abstentions from the members of the County Planning Commission.
4. Do any members of the County Planning Commission have any conflicts to disclose?
  - a. There are no conflicts to disclose by any members of the County Planning Commission.
5. Do any members of the County Planning Commission have any bias to disclose?
  - a. There is no bias from any members of the County Planning Commission.
6. Do any members of the County Planning Commission have any ex parte communication, including any site visits, to disclose?
  - a. Kathy Clarich has made a site visit.
7. Does anyone object to any members of the Malheur County Planning Commission hearing this application?
  - a. There are no objections.
8. Does anyone challenge the County Planning Commission's jurisdiction to hear these matters?
  - a. There are no challenges.

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Land Use Statement for the record: Oregon Land Use law requires several items be read into the record at the beginning of this hearing. I will now read these items.

The Applicable Substantive Criteria upon which the application will be decided are found in Oregon State Laws and Rules as well as local code provisions which are specifically set out in the staff report and include: Malheur County Code 6-6-7, 6-6-8-1, 6-3A-3 and OAR 660-033-130(4)(a)(D).

Testimony, arguments and evidence presented must be directed toward these approval criteria or other criteria in State law, the Malheur County Comprehensive Plan or the Malheur County Code that the speaker believes to apply to the decision.

The failure of anyone to raise an issue accompanied by statements or evidence sufficient to afford the decision makers and the parties the opportunity to respond to the issue will preclude appeal on that issue.

An issue that may be the basis of an appeal must be raised no later than the close of the record. Such issues must be raised and accompanied by statements and evidence sufficient to afford the decision makers and the parties an adequate opportunity to respond to each issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the decision makers to respond to the issue precludes an appeal or an action for damages to Circuit Court.

Please state your name and your address if you would please.

Callie Wynn - Callie and Ryan Wynn 653 Overstreet Road, Nyssa, Oregon 97913.

Kathy Clarich - Thank you. Would you like to tell us what you are planning on doing?

**Applicant Testimony:**

Callie Wynn - So this property that my dad has had for a long time, he bought it from my grandpa and it's just been sitting there for all these years unused. So as we're a little bit older and want our forever home, he offered to sell this little chunk to us. We're just going to put a home on it and my daughter has a horse, we'll put a driveway and a carport and that's about it. We're just planning on having a single family dwelling there.

Kathy Clarich - Alright, thank you.

**Preliminary Staff Report: Read by Planning Management Assistant, Tatiana Burgess.**

Tatiana Burgess – This is an application for a conditional use permit for a non-farm dwelling, planning department file number 2020-05-010. The applicants are Ryan and Callie Wynn. The owner of record is Bennett Farms, LLC, located at 2360 Toombs Road, Nyssa, Oregon 97913. The proposal is for a placement of a single family dwelling on a parcel of 17.15 acres. This has

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been a parcel that has never been farmed before, either for a row crop or grazing. All the adjoining properties are used for farming, however. The property adjoining directly west of this property actually has quite a few large onion sheds on it. The access road for this property will be through Kingman Road. This property is within the Nyssa Road District and as indicated by the Road Master, his only condition was that they have the house placed at least 320' south of the intersection of Kingman Road and Beetdump Road which according to their plot plan, they would be 330' south of the intersection. The parcel is within the Adrian Rural Fire Protection District, it's currently not being serviced but there is a letter from the fire chief included. The property does not have and has never had water rights. It's sitting on a combination of soil types ranging from I, III, IV and VI. We do not have at this time any zoning history for this property, like I said it had been a vacant lot.

Kathy Clarich - So is this a lot that has already been taken off or separated?

Tatiana Burgess - Correct, yes. It belongs to Bennett Farms, LLC, but it is a separate parcel on its own. It's tax lot 800 on Map 21S46E02.

Kathy Clarich - Okay. Does anybody have any questions for them?

**No Proponent Testimony.**

**No Opponent Testimony.**

**Staff Comments.**

Linda Simmons - This is Linda. I have one question. They said they were going to have a horse and there are no water rights. Are they going to have pasture for the horse to graze? And where is the water coming from?

Callie Wynn - So we actually have a property with cows that most of the time the horse is at, but every once in a while he will be here. And we'd just feed him hay and water from the house, we'd do buckets of water from the house/hose.

Linda Simmons - That's all I needed to know, thank you.

Kathy Clarich - Anybody else? If not, are there any staff comments?

Tatiana Burgess - I think not. The biggest criteria of approval, that was brought to our attention by the Nyssa Road Department, regarding the placement of the house and how far away it should be from the intersection. We will just make sure that we follow through with the plot plan that was submitted and again the access road has to be off of Kingman Road, according to the Road Department. Other than that they submitted three letters of support from the adjoining land owners that were sent with your packets. So I think that is all we have.

Kathy Clarich - Okay, thank you.

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**Closed to Public Testimony.**

Kathy Clarich - Does anybody on the board have any thoughts on this?

***Linda Simmons made a motion to accept the staff report and findings of facts. Teresa Ballard seconded the motion which was unanimously approved by the Commissioners present.***

***Linda Simmons made a motion to approve the Conditional Use Permit for one Non-Farm Dwelling. Clark Forsyth seconded the motion which was unanimously approved by the Commissioners present.***

There being no further business to come before the Malheur County Planning Commission, the meeting was adjourned.

Respectfully submitted, Kelsey Sullivan.

Minutes approved by:

Name: Kathy Clarich Date: 7-27-2020