

## **Malheur County Planning Commission**

The Malheur County Planning Commission Meeting was held remotely, via GoToMeeting, on August 27, 2020. Kathy Clarich called the meeting to order at 7:30 p.m.

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

Kathy Clarich  
Teresa Ballard  
Clark Forsythe  
Rob Kindschy  
Linda Simmons  
Robert Quick  
John Faw  
Chad Gerulf

### **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 July 2020 meeting minutes.

Approval of July 2020 minutes:

*Chad Gerulf made a motion to accept the July 2020 minutes. Linda Simmons seconded the motion, which was approved by all Commissioners present.*

### **NEW BUSINESS**

Applicant: R. Thomas Butler  
P.O. Box E  
Ontario, Oregon 97914

Representative: R. Thomas Butler

***Conditional Use Permit for one Non-Farm Dwelling. Planning Department File No. 2020-07-013.***

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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 applicant R. Thomas Butler, Planning Department File No. 2020-07-013.

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. None.
6. Do any members of the County Planning Commission have any ex parte communication, including any site visits, to disclose?
  - a. None.
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.

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: General Criteria to Evaluate Suitability, 6-6-8-1: Specific Conditional Use Criteria Non-Resource Dwelling in EFU, ERU or EFFU Zones, 6-3A-3: Allowance of Certain Uses and OAR 660-033-130(4)(a)(D): Agricultural Lands.

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.

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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.

At this time I will ask the applicants to state their name and address.

R. Thomas Butler - My name is R. Thomas Butler and my address is Post Office Box E, Ontario, Oregon 97914.

Kathy Clarich - Thank you. Tatiana would you like to read us the staff report and then we'll go from there?

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

Tatiana Burgess – This is Planning Department file number 2020-07-013. It's an application for a conditional use permit for a non-farm dwelling. The applicant is R. Thomas Butler at the address stated, PO Box E, in Ontario, Oregon 97914. He is also the owner of record. This proposal is for a non-farm dwelling on Tax Lot 300, on Map 18S46E Section 1 of County reference number 7456. The property is zoned a C-A1 zone or Exclusive Farm Use. The property is going to be accessed off of Foothill Drive through the adjacent tax lot to the north. The parcel is about 5.07 acres right now and it is a land locked parcel that hasn't been farmed and all the properties surrounding are currently being farmed. A DEQ permit will be required for sanitation approval. The property is currently in the fire protection district of Ontario Rural Fire. As stated by the Fire Chief of Ontario, there are certain requirements for driveway that have to be met, and are outlined in the Conditions of Approval. Currently, the water rights for the property are non-existent. The property is located within the Owyhee Irrigation District. There are also some ground/surface waters that are not currently permitted through the State of Oregon either. The majority of the soils on the property are Class III and a very small insignificant portion on the northwest corner of the property is covered by Class I and II. The entire parcel, again with a very small exception on the northwest part of the property, is in the regulatory flood plain. Where the proposed structure is going to be, the dwelling and the garage, would be sitting outside that flood plain. If any of it were to fall within the flood plain, they would need to obtain a site-plan upon building. It will have to be subject to the flood plain development permitting process. There is no known zoning history for this property. I found some paperwork, it looks like an action was going to be initiated in 2006 however, no formal application was submitted or obtained, so there is no zoning for this parcel.

Kathy Clarich - Okay, thank you.

Eric Evans - Kathy, can I add something really quick?

Kathy Clarich - Sure.

Eric Evans - One thing that I was thinking about as I was reading through this, I think that we should add as an additional proposed condition of approval is (and Heidi Butler had mentioned it

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in her letter) access should be a condition of approval. So that easement across 700 should probably be... I'll show you here. So across this 700 here, this 300 is the proposed parcel and it would have to access Foothill Drive across Tax Lot 700, so just a suggestion.

John Faw - Won't that have to be done before they can be issued a building permit?

Eric Evans - I think that it definitely has to have some kind of condition because technically this is a relative of his, so he could have a handshake agreement for that, but we need something in writing and it's best to have it as a condition of approval from this process.

Tatiana Burgess - Actually in the letter of the permission to enter the property that was submitted by Heidi, it does say in there that they are intending on recording that easement with the Butler & Looney Law Firm in Vale. They did mention that in their letter.

Kathy Clarich - Mr. Butler would you like to tell us what your plans are?

### **Applicant Testimony**

R. Thomas Butler - Yes, thank you very much. I appreciate the opportunity to make this presentation to the Planning Commission, I appreciate your efforts as well.

This is a parcel which was originally under the Oregon Land Colonization Company back in the 1800's and I think it was last utilized by those folks in 1920's through the 1940's. Then the folks that had the deed on the adjacent place began to pay the taxes in the 1960's. We came in possession of the property in about the 1980's. We worked with Cliff Looney, of Butler and Looney, to work through an adjudicated deed and he eventually was able to contact all of the Eastern Oregon Land Colonization heirs and we were able to procure a deed to the lot, 300.

As Tatiana has indicated, the northwest corner is the highest spot on the property. We have tried to control the weeds in years past, we're doing a lousy job of doing so now. In earlier (INAUDIBLE) irrigating the properties around it. The excess tail water we fed to the lower spots, which is in the east end of Tax Lot 300 and it would actually have enough water to grow decent grass years ago. For the past number of years, its grown grass sufficient enough that we've had horses. The gal from whom we eventually acquired the tax deed had had horses there, had fed horses on it and we've been able to... there's actually a jersey milk cow with supplemental feeding and water coming from the corral across the fence line.

The proposal is that we place a manufactured home and originally we had to put manufactured home and shop/garage. We're not finding that spot, in order to bring it up so that it's not in the flood plain, that enough gravel would have to be hauled there that there's enough room for a manufactured home, approximately 28' x 60' plus a possibility of a small 2 car carport. It won't be large enough to support a garage of any kind. And the garage/shop would be used for other kinds of purposes anyways which don't benefit this parcel. That being the case it would still be for a non-farm use (would be the application) in addition of the non-farm dwelling would enhance, we feel, that agricultural use to have a cow fed and milked there, don't believe it is (INAUDIBLE) at all.

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As mentioned in the staff report, Tax Lot 300 is land locked. It's never had water rights but we believe, and as stated in the last page of my application, we believe that the property could be used in conjunction with other needs for rural housing. There is a dairy within a mile and half. We have talked to those folks before and others that live along Foothill Drive have expressed interest in a home in the past. So we have begun a process that actually began in the late 1980's to mid 1990's. We put in a well at that time that would service both this property and the property across the street. The property across the street has its own water source, an artesian well. That artesian well is enough to keep a horse through going on tax lot 300 as well. But we did put in a high volume, 10" well, which is certainly capable and suitable to serve this property and the property adjacent to it. We also put in, at that time, a meter base with a 200 amp panel in anticipation, as Tatiana indicated, we actually had began some explorations of some kind of development on this in about 2006, according to County records and actually we had started about 10 years earlier than that. All services; water, power (the meter base in hooked up to a transformer which is at the corner of the property). The same corner for this Tax Lot 300 is on a section line and has been identified and we have worked with the firm of Butler and Looney, in Vale, to obtain the necessary easements across Tax Lots 700 and 100 from Heidi Butler. At this particular time our hope would be receive permission to proceed with a manufactured dwelling (a non-conforming residence) on the parcel and continue to use it for some agricultural things (feeding calves and those kinds of things) that the neighbors presently use it for. In the long term we hope that we might be able to utilize it after the homestead is unified and cleaned up and so forth, that we might be able to utilize it for a 5 acre solar farm. The Heidi Butler property across the street has approximately 4 acres of waste land on it, which could generate a total of between 9-10 acres which could be used as a small solar farm. We have a son who is in his early 40's, he and his family are from Meridian originally and they have accepted employment during the past 2 years outside of the United States and are due to return (COVID conditions pending) to the United States sometime this next spring or summer. We're hopeful that this could be a location for him to help settle and he has construction experience and they could help us finalize the selection of the modular home for it and the construction of the carport.

The total of the foot print, of course it would be offset from any of the adjacent properties, (INAUDIBLE) distance in accordance with the law and we would then have the opportunity to re-fence where we need to re-fence and then develop through obtaining the necessary septic permit and I'm not sure exactly what year it was, it may have been in 2006, when Ray Hoff came to the property and Ray walked the property with us. We did some excavation and his feeling was that it was an excellent... the soils were excellent for (INAUDIBLE) for septic tank, drain field and leach field installation. It's been based upon that over the years we've toyed with the idea of developing ourselves this parcel or allowing others divide the 5 acres and (INAUDIBLE) with a son who was interested in returning to Malheur County, they would need a place to live when they got back here. That's been part of the driving force. He was on the parcel when he was last in the United States (in September) and he walked the property with me and we discussed a number of issues that he felt very positive about including the potential of a solar farm and the possibility of even some drip irrigation for more trees around it to beautify it and give shade because it has no... there's a dead tree and an old Russian Olive up there now.

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So at this particular point our application is to try and bring this property back into some utility other than allow the gravel space to go unused, the well to basically be one half to one third used and a 200 amp panel that's connected to the power company (INAUDIBLE) we'd like to proceed with that. We've checked with the Century Link and there is sufficient (INAUDIBLE) in this particular area to have a land line for the property and (INAUDIBLE) all public services and then we thought to have an ingress/egress that would be down that same right of way that we'd obtain...we've gone back to the law firm and they could not make it just ingress/egress but will make the easement also all utilities that might be available. The meeting with the fire district, they feel like we can make all the necessary codes, this is not a major development and it's not a development that would change the neighborhood.

I would be happy to take any questions that you may have.

Kathy Clarich - Thank you. I have one question off the top of my head. You said the well is currently being used... for what?

R. Thomas Butler - The well... we had to find a spot where we could get some cold water because the artesian is a warm water artesian, across the street from this parcel, and it's quite high sulfur. We met with Treasure Valley Plumbing and the plumber indicates that the well... at the height of that well and the gravel that it's drilled into so it has presently a submersible in it which we have connected to the yard across the street. So that's where it's at right now. The power for that portion of the well comes from there. We would have to build a small well house would include a well install and a separate pump and a different kind of a pump in order to serve the property, at least a single family with 2 bedroom/2 bath.

Kathy Clarich - Okay. Does anybody else have any questions for him? Tom, you are talking about using the artesian ground water off of the other property, but you can't take it from a piece of property that has it and put it on to one that doesn't have it without getting permitted for doing that.

R. Thomas Butler - I appreciate that and the artesian well actually that serves the adjacent property actually has 3 spigots that run full steam all the time and what's happening right now is that one of those spigots has fed onto Tax Lot 300 for the past approximately 80-90 years. It runs onto that property in defined channels to feed a horse trough there and previously what we've had to folks do is... these neighbors who have horses or cows just turn them loose there and they could eat off the kochia and then there is a spot for them to drink from that but it is not a dedicated water source for this particular parcel but it has existed since 1935.

Tatiana Burgess - Mr. Butler, I checked in with the Water Master on that because it sounds like that water would be subject to their permitting process. So it sounds like your neighbor may have a surplus in their water, every water that is being used from one property is subject to being permitted for said property, so right now that would be considered unsupervised use and we would have to get that permitted through their office. He didn't find any record of previous permitting or anything like that but that something that you may want to address with the Water Master's office.

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R. Thomas Butler - Thank you very much Tatiana. I would just say this, the excess water that flows there right now flows there under high pressure because of the artesian well but it is not prerequisite to this application that that water be available. It has in the past, it has merely taken care of any stray animals or other animals that happen to be confined or as neighbors that needed a spot to keep some animals for a time and so while it is there and available at present, it is not a necessity that that water stay on there, we can move that water line... it's not a water line but a hose, we can move that hose back in order to feed these trees over on the Heidi Butler property.

I appreciate that and that will certainly be taken into consideration.

Kathy Clarich - Thank you. Because it says in several places in your application that you were going to use artesian water for maybe watering some fruit trees or this or that, so that's why I was bringing that up.

R. Thomas Butler - I appreciate that, thank you Kathy and if we grow fruit trees it would probably be fed by the existing well, like drip line, and wouldn't really require very much water for a few dozen fruit trees but if they proceed with some kind of a solar farm there then there wouldn't be a reason to have fruit trees there at all.

John Faw - I have got one quick question. Where the well is on Tax Lot 300 and it's going to service Heidi's property next door as well, for domestic well water, I would highly recommend you put a shared log agreement together as well as the easement when you're putting this in here so that we don't run into problems down the road.

R. Thomas Butler - Thank you Mr. Faw. I think Eric had actually mentioned earlier on that the well water was going to be used on Tax Lot 700/100 that it needs to have a well agreement and we've never really worried about that in the past we just water (INAUDIBLE) where you find it and unfortunately we didn't have any good water on the adjacent tax lot at the time we were looking for water and Heidi was looking for water.

John Faw - It all works well where it's now one family but 30 years from now we don't know who the ownership will be or if it will get messy.

R. Thomas Butler - We've broached that with Mr. Armes when we talked about the (INAUDIBLE).

**No Proponent Testimony.**

**Opponent Testimony.**

Michael and Teresa Armes - PO Box 563, Ontario, Oregon 97914

Michael Armes - I would like to thank the Counsel for giving us the opportunity to be involved in this and appreciate letting us do a call in and we've got kind of limited options as far as internet, we've got mobile broadband out here which means limited data and limited speed. One of the discrepancies that after I reviewed the documents was that it indicated that it was going to

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be a stick built home. Mr. Butler said before a modular home, which in my mind's eye means a mobile home I guess and so I'm just curious how this is going to not be another avenue for another rental. I just can't imagine any of the Butler's, with their level of wealth, wanting to live in a mobile home. That just doesn't make sense to me. Mr. Butler hasn't been very picky about the renter's he's chosen in the past. He's had renters that have used the property for a gun range for high powered rifles and pistols and we're down range from that. We've had renters that have turned the place into a total junk yard full of boats and old cars. We've had renters that have stored trash outside which has brought unwanted vermin to the area. For this (INAUDIBLE) and being an avenue to another rental, I'm just not so sure about that, it doesn't make sense. (INAUDIBLE) something to add to his rental portfolio or to his solar farm, it was supposed to just be a house and acreage. The other biggest issue, which I think is more important than all of this, in the last 12 years we've lived here our water quality has steadily declined every year with the addition of pivots and wheel lines and everything when everything before was surface irrigation. Our water could decline to a point now that it's just not drinkable during irrigation season, we have to drink bottled water and buy all of our water because it stinks so bad and tastes so bad. When fall rolls around in winter our water quality comes back. So now we're talking about adding another house onto this limited water supply and if there is no water available, now we're going to be using the well to irrigate 5 acres on top of that. I just don't see the logic. And I don't have the political background that Mr. Butler does, I'm just one small person. I just hope that you guys can see your way to try to help out the people that want to have the farming lifestyle and have quality drinking water and good lifestyle and not have a solar farm next to it and not having more renters.

So I really appreciate you guys letting us be involved in this and trying to help us, thank you!

Kathy Clarich - I have a question for you. Where are you located in relationship to this piece of ground?

Michael Armes - We're the property just to the South. We would be the closest neighbors.

Kathy Clarich - So you're the one down by the river?

Michael Armes - Yeah.

Kathy Clarich - Okay, does anybody have any other questions? Is there anybody else that is in opposition to this or is this everybody we have? Mr. Butler, do you want to talk to any of his concerns?

R. Thomas Butler - Yes, I would very much like to. Number 1, we would like build a... like to be able to afford a stick built home and originally talked about a stick built garage but after looking at the actual square footage available up on that property we decided to stay with a manufactured dwelling. The second issue, with regard to the water quality, we had to search for (INAUDIBLE) water quality, as I said, we were looking into some sulfur in the water sources that we have on our daughters place. The people that she bought that from back in June of 1980 has had problems since then. So we've searched with several hydrologists, what would be the most logical source, and kind of lined up this well with a draw that comes down off of the hill to the north of us and

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that draw that comes down seems to collect a really substantial amount of water. Actually when the water is being pumped, and it's very sweet water, we have never had an issue with it being sulfurous or anything like that. But when the water is being pumped is actually raises up to above the level of the ground. That aquifer recharges itself so rapidly its almost artesian. We had to look for that and I can imagine... and this is the first time that I've heard that Mike and Teresa have a water problem down there but I can imagine that you're probably into some of the river sources of water so this appears to be, according to the hydrologists that helped us select the well site and did the testing on it, he felt like it appeared to be that is was in a gravel source that came down from the north and into a gravel pocket that seems to run under that entire and most likely under much of the farm land here as well as the Armes property. So this is the first that I've heard that there is any problems but I'm not surprised that there is sulfur because (INAUDIBLE) property faced also has sulfur water in it and that is one of the reasons that we've been looking for a better water spot and we have it. We have an abundant water supply of good sweet cold water.

Michael Armes - We had ours surveyed before we did the well and we are tapped into that exact same water source and eventually it runs out into the river. So I know you have never lived down here year round so you really don't know but during irrigation season it gets pretty bad.

Kathy Clarich - At this time does anybody on the Commission have any questions to ask of Mr. Butler or Mr. Armes? If not I will close it to the public, so there will be no more public testimony at this time.

**Closed to Public Testimony.**

Tatiana Burgess - Well I know there is issues with the water (INAUDIBLE) for the Water Master's office. As far as the conditions for the approval that were imposed by us was to just make sure that we follow through with the fire break and that the driveway has to be constructed to the Fire Chief's satisfaction and follow the specifications that were indicated in his letter. And of course that farm use and (INAUDIBLE) would have to be (INAUDIBLE) and have to be (INAUDIBLE) for approval.

Eric Evans - I will also add, it's kind of news to me, but there's been a couple comments about solar farms. Solar farms are a conditional use so that would have to come right back to you guys before there is anything with a solar farm so I just wanted to put that out there.

Kathy Clarich - Also, I think the last time we did a solar farm they didn't like to do the little small acreages either, so it might be a little tough for that.

Eric Evans - I also wanted to note really quick, I just want to tell Teresa, I was getting a lot of feedback earlier and so I muted you so if you want to talk you have to unmute yourself because I can't unmute you now, just so you know that.

Kathy Clarich - I think we need to have some discussion on this. First of all I want to know, is it already a non-farm partition? Because that's not what you're asking for at all, you're asking for a non-farm dwelling.

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Tatiana Burgess - We did not find any record of there being a partition under the non-farm criteria. This property had been (INAUDIBLE) as far back as mid 1900's when (INAUDIBLE).

Kathy Clarich - So would it not need to be a partition for a non-farm?

Eric Evans - It's already a 5 acre parcel so there is no partitioning that would need... it's a 5 acre legal unit of land, therefore he is proposing to do a non-farm dwelling utilizing that entire 5 acres.

Kathy Clarich - Okay so then that alone would take it off the tax role as a farm?

Eric Evan - The entire 5 acres, yes.

Kathy Clarich - So they'd have to pay the 10 years back taxes on it?

Eric Evans - Yes.

Kathy Clarich - Okay, that was one of my questions I had on it. I'm kind of concerned about... if they go to sell this piece of property and they're sharing the well and I don't know if they're going to be sharing power to or not but it kind of concerns me where a lot of it is shared. That's okay if it's family but what if the family gets in an argument or 1 family moves out and wants to sell that 5 acre parcel then... that's what kind of concerns me about this whole thing.

Eric Evans - The Commission can come up with a condition of approval that would require them to get... and I think John spoke to this but not only an easement but a maintenance agreement for that well if you guys choose to sell.

John Faw - I would really want to see that as a stipulation for approval because once that's in place, even if it does sell those issues are already taken care of. Then any new buyer that would come onto that, that would be already in place and existing. Because without those no lender would touch this down the road either.

Kathy Clarich - And some of them won't touch it even with the agreement so that's another thing.

John Faw - I haven't run into much issue with that as long as those agreements are in place and valid.

Kathy Clarich - I've had some friends of ours that had problems with the maintenance agreement and people didn't follow it and therefore when it came to be sold off they didn't want to get involved in it. That's why that is one of the concerns for me, same as you, I would like to have that as a condition to cover all of that.

John Faw - I agree, we need to cover as much of that as we can in advance. It's easy to fix now but difficult to fix later.

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Eric Evans - So if you guys are proposing that is going to be a condition, if you want to tell me what kind of language or if you're comfortable with us coming up with that language to approve we can do whatever you want.

Kathy Clarich - Well I'm sure that you can probably come up with the language that we need to have for it, we just want to make sure there is a shared agreement for the well and for how it's going to be maintained; like both parties will pay 50% or however you want to set it up. Just so it has a maintenance agreement along with the agreement to share the well.

John Faw - And we need an agreement on the road as well as maintenance. Not just the easement but you have to have a maintenance agreement on that as well.

Eric Evans - That was what my next comment was going to be. I'm assuming that you want the road easement and a maintenance agreement along with that as well.

Kathy Clarich - Yes. And I want that before anything is even done or (INAUDIBLE) on the property.

Eric Evans - All the conditions of approval, besides like maintaining adequate fire breaks because that's a perpetual thing, all conditions are met prior to issuing any kind of development permit.

Kathy Clarich - I do have a concern also about the neighbor and the water going down. If he is in the same aquifer I would assume that would be a Water Master thing. He could complain to the Water Master and if need be the Water Master could cut down on the amount of water taken from the well?

Eric Evans - I'm not 100% sure this is a water rights issue. So if this is a domestic well it doesn't mean that you have rights like you do with irrigation, so it's a little bit different then when we're talking water rights for irrigation.

Kathy Clarich - I just know when you drill a domestic well, supposedly if you take water from anybody else that's on the same line that they can come back to you and change how you have to do it. But that is something that they need to take up with the Water Department anyway.

John Faw - This well has been in place for some time now, has it not?

Teresa Ballard - He said 1930.

Kathy Clarich - This well is 1996 or something like that, they said they drilled it.

R. Thomas Butler - This well is 1996 and the other issue was the quality not the quantity.

John Faw - Most of those pivots have gone in since that well was put in and originally developed. It's probably got more impact on ground water in that area than anything. You see this in numerous areas.

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Kathy Clarich - Yeah it reduced a lot of the ground water when they put in the pivot because it doesn't soak in as much as pearl irrigating. Okay, what are you guys thinking on this?

Chad Gerulf - This is Chad. I think it's a great place to put a house. I think it'd be a good use of the property. I agree that something needs to be written up on the shared well and the maintenance and stuff on the road but I think it's a good place to put a house. I'm for it.

John Faw - We have so few little lots that we can put a house on that I would hate to have to deny one where it's a dry acreage. If it had water rights it would be a little different. But it's a dry acreage with no water rights. We can't develop any land outside the city limits for residential use which would be nice but I certainly don't see an issue with this one. The biggest problem I see with this one is where it's close to the flood plain.

Kathy Clarich - Basically they moved the flood plain area out away from the river like 100', it makes it hard to do anything.

John Faw - They've redrawn that. You know they're real limited on what they can do and where they can do because of that redrawing of the flood maps.

Kathy Clarich - Okay, so I need a motion for the findings of facts and the staff report.

***John Faw made a motion to approve the staff report and findings of fact. Clark Forsythe seconded the motion which was unanimously approved by the Commissioners present.***

***John Faw made a motion to approve the conditional use permit for one non-farm dwelling with additional conditions of approval. Linda Simmons 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: \_\_\_\_\_ Date: \_\_\_\_\_