

Malheur County Planning Commission

The City of Nyssa Planning Commission Meeting was held remotely, via GoToMeeting, on March 25, 2021. Kathy Flanders called the meeting to order at 7:30 p.m.

CITY OF NYSSA COMMISSION MEMBERS PRESENT:

Richard Beck
Amy Martinez
Doug Dewar
Liz Haun
Kathy Flanders

Jim Maret, City Manager
Marla Roberts, City Recorder CMC

The Malheur County Planning Commission Meeting was held remotely, via GoToMeeting, on March 25, 2021. Kathy Clarich called the meeting to order at 7:30 p.m.

MALHEUR COUNTY COMMISSION MEMBERS PRESENT:

Kathy Clarich
Ed Anthony
John Faw
Teresa Ballard
Robert Quick
Linda Simmons
Rob Kindschy
Chad Gerulf
Clark Forsyth

PLANNING DEPARTMENT STAFF MEMBERS:

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

OLD BUSINESS

Applicant: Malheur County Development Corporation (MCDC)
Grant Kitamura, Chair
522 SW 4th Avenue
Ontario, Oregon 97914

Represented by: Garret Stephenson, Outside Legal Council
Schwabe Williamson & Wyatt

Property Owner: Malheur County, Oregon
Dan Joyce, County Judge
251 B Street West, #5
Vale, Oregon 97918

Application for Preliminary Arcadia Industrial Park Subdivision Plat for Treasure Valley Reload Center (TVRC), Industrial Park and Farm Land. Planning Dept. File 2020-011-001.

Preliminary Staff Report: Read by Planning Manager, Eric Evans.

Eric Evans – I was asked to go over this really quick where we were at with this. If you guys remember we met in November to hear this first of all. This is to subdivide, do a subdivision, on the land we rezoned back in 2018. This is within the Nyssa Rural Fire District and if you remember, we had some support and opposition to this application back in November, with some concerns with access issues brought up by the Froerers. Since then, we’ve had 2 or 3 continuances now. With those continuances, we were asked to have these continuances in order for the County and the Froerers to meet and come to some kind of agreement in regards to the access issue. During that time period, with these conditions, the MCDC submitted some supplemental exhibits. We had new exhibits from the applicant, E through J. We had exhibits 1-3 from the opponents, those exhibits from the opponents were able talking about access times to access their property, a video was exhibit 2, and exhibit 3 was a staff report. All those exhibits are available on our website and you guys can see them there. Since then, again these continuations were made in order to come to an agreement. It’s my understanding that the County and the Froerers have come to an agreement. They have entered into a road improvement agreement, that is my understanding. That should fix some of the issues we have with that. The application is still the same. The initial application we received back in, well we first heard back in November, is exact same, nothing has changed. These last few months were just for the County and Froerers to come together to address some of their concerns.

Kathy Clarich – Do we have any papers that show this agreement? So, we know that they do have an agreement. Because, they said they heard several times before they had something and they didn’t.

Eric Evans – My suggestion is we are going to hear and go through this like any other public hearing. So, the applicant will have some time to say something and we can listen to the applicant. And then any opponents or proponents will be given some time. I think it will be, from what you are saying, it will be a good idea to hear from them that there is an agreement. Are there any other questions for myself? I think you have heard, we also have County Council and the County’s Council that we retained for this – Garret Stephenson, so if you have any questions for either of them?

Kathy Clarich – I don’t think so, but I will.

Eric Evans – So, I will go ahead and open it up for the applicant. If the applicant has anything they want to say.

Applicant Testimony:

Greg Smith – This is Greg Smith, is this an appropriate time?

Eric Evans – Yeah, I think you represent the applicant. Yes.

Greg Smith – Okay, so in a moment I will turn the mic over the Brad Baird from Anderson Perry & Associates. We just really, really appreciate the Foerers working with us in a cooperative manner to find a win-win situation, in which the County, the Froerers, and the Malheur County Development Corporation can work together to bring a reload facility together, for the benefit of all agricultural producers. So, we compliment the Froerers. You know it’s always good when you have private sector come forward and say “Gosh you better be thinking of these aspects of a project.” And we appreciate the Froerers for doing that. Brad, can you jump in and share your input, your thoughts?

Brad Baird – INAUDIBLE

Eric Evans – Hey, Brad I don't know if you can hear us, but you are coming in pretty muffled.

Brad Baird – INAUDIBLE

Eric Evans – Brad, we can't hear you.

Greg Smith – Again, this is Greg Smith with Malheur County Economic Development. So, what I would share with the Planning Commission is we've stepped up and reached and joined an agreement. We reached an agreement where we recognize that even though the Froerers are even in a (INAUDIBLE). We feel good that we've stepped up and tried to be a good neighbor with the Froerers, who obviously have been outstanding citizens in Malheur County for many, many years. We have reached an agreement in which we are going to provide the necessary resources to work through an easement, between the Alscotts and the Froerers, and we will step up, based on the appraised value of what that easement may be, we're ready to step up and cover some of those expenses. Should the Alscotts and Froerers not reach an agreement, we stand prepared to build an access road to the North of the Gem Ave crossing. We understand that even though the UP crossing with the Froerers is a private crossing agreement, we just want to be good partners with the Froerers. The goal is to try and figure out how do we assist agricultural shippers, whether it's onions, potatoes, carrots, or apples, how do we ship their commodities to destinations throughout the United States? I believe we have reached a good, solid agreement with our neighbors to make this occur. Thank you, sir.

Eric Evans – Greg, if I could, if you could talk about the application a little bit. I am going to hit mute all right here, so everybody is going to get muted. Greg, I believe it is *6, would you unmute yourself, just because we have a lot of people talking and it's hard to hear one person talk. So, if you could hit *6 to talk about the application that would be great. Just a little reminder as it's been several months ago.

Greg Smith – Sure, I just want to make sure, real quick, Brad are you on board?

Unknown Caller – I'm getting set to up help Brad call in through his phone.

Greg Smith – Okay.

Eric Evans – Brad, you are muted, so if you hit *6 on your phone it should unmute you.

Greg Smith – Mr. Evans, if I need to jump in I can, but let's see if Brad can jump in. If he can't I will take it and run with it.

Eric Evans – Are you here, Brad?

Brad Baird – It's my understanding that you would like to have a brief summary of the project again and I will be glad to do that. I can do it fairly quickly. As you all know, this project, the Treasure Valley Reload project that was funded by the State of Oregon, Connect Oregon Funding Program, for 26 million dollars. The purpose of this project is to provide a transload facility to load area onions to rail, and also potentially other commodities. So, Anderson Perry & Associates was hired by the Malheur County Development Corp. to assist with the development of this project, and to date there has been a considerable amount of work. All kinds of surveying and wetland delineations, all kinds of different cultural resources and design engineering. So, a lot of work has gone into siting this facility on the subject property. As you had mention, Eric, way back in 2018 the County successfully rezoned the property. The bulk of it rezoned to heavy industrial, and we have since located this Treasure Valley

Reload Project on this parcel. But, we had to partition it, which is the subject to tonight's hearing, and it's been partitioned into 6 different lots, mainly to create the lot that is needed solely for the Treasure Valley Reload Center. Connect Oregon Funding would only purchase the land necessary for that lot. So, this preliminary plat for the Arcadia Industrial Park Subdivision does that. It creates lots 1, 2, 3, 4, 5, and 6 with lot 2 being the lot that is needed for the Treasure Valley Reload Center. So, this preliminary plat has been prepared to create that lot. On that lot, will be the Treasure Valley Reload Center building, a common dock, all the rail facilities, roads, Railcar Avenue, and Reload Street to access the site from Arcadia and Gamble. Also, the parking lots, truck ramp, truck loading facility, the scale facility, and we also have a large wetland mitigation area, because some of the rail lines are going to impact wetlands, and we had to include in the project wetland mitigation area. Again, this partition is to create that parcel, lot 2, and we went ahead and created other lots, to help facilitate future development. But it'll create lot 2, so that land could be purchased as part of the project funding and then we can construct the future facility. Eric, or anybody of you have any questions what the project includes at this time?

Greg Smith – This is Greg, and Brad you summarized that very accurately, thank you.

Eric Evans – I don't have any questions, but Kathy or any of the other Planning Commissions, or Jim, if any of your Planning Commission has any questions of anything we have gone over so far.

Kathy Clarich – I do have a question Eric. In some of the paperwork, I know it said they have done a mitigation for the wetlands and stuff, but my question is, if the water table is only a foot deep, less than a foot deep on the property, how are they going to mitigate it once they put all those roads in?

Brad Baird – The water tables are significantly deeper than 1 ft on that property, and in a lot of places it's 12 – 15 feet. So, the wetland mitigation area is going to be adjacent to the Arcadia Slue, I think is what it's called, and that's a deep area. We are going to excavate it down, because we need fill dirt to build the rail lines. We will excavate an area down that will be of similar elevation. So, we are moving quite a bit of soil over this mitigation area. I think it's about 7-8 acres total of additional wetlands that will be added to the existing wetlands to mitigate for the impacts, that are almost inclusively due to the rail lines. Water table is a lot deeper than 1 inch on that site and it will work quite well.

Kathy Clarich – Okay, I just read in the paper work it was 11 point some inches and that's why I was very concerned.

Brad Baird – Yeah that wouldn't work. It's a lot deeper than a foot, thankfully.

Eric Evans – I will just remind everybody *6 should unmute yourself, if you are on the phone. So, everybody that is on is a caller has been muted, so *6 when I call for people. --- So, I'll go ahead and start for any proponents for this action? Outside of what we heard last. We did have some proponents last time.

Proponent testimony.

Grant Kitamura – Eric, is it appropriate to make comments now, this is Grant Kitamura. I'm the chairman for MCDC.

Eric Evans – Yeah, I believe so.

Grant Kitamura – Thank you, Eric and Commissioners. First of all, I would like to thank the Froerer family for coming to an agreement with the MCDC and County to help us move forward. We have been doing this for 3 ½ years and finally coming to fruition. I think we are getting real close to breaking

ground, and the facility is needed more now than ever. When we first started this, there was a facility up in Wallula, WA called Railex Cold Connect, that has since closed down. It has put a lot of pressure on trucking out of the Northwest. Our 25,000–30,000 fresh loads of onions that leave this valley, we are having a lot of hard time getting the transportation. There are times we have to pay so much freight per bag on these trucks that we can't return on the growers. All the increase prices go to freight. This alternative of the transload facility will help mitigate that. And not for just now but for 20 years or more. I'm just saying that it will save our industry here, if not the major onion shipping area for the winter, for the nation. Of course, when we say that we ship our onions all across the nation. It's very important we have excellent farmers, we have excellent weather, the best onions grown, the largest onions, and it is very important we keep our industry alive and buyable. This facility will help do that. It will help maintain the value of farms, businesses, generational farms, and family farms and generational packing sheds. It's very important. I know I'm kind of narrow on this, because that's all I do, but it will help all of ag. It will help keep freight cost under control, I hope. Everything that we grow here, is shipped out of here. We can't consume all this stuff. Whether it's beef, wheat, or hay, and onions and we need to ship it out of here. I just wanted to let you know it's more important than ever we get this done. I welcome any questions and I'll try to answer them. If anyone has any questions, please feel free to ask.

Eric Evans – Okay, so I will also entertain more proponents. But I am going to turn it over to Allison Reynolds, she represents the Froerers, and she would like to share some comments as well.

Allison Reynolds – We first just wanted to say thank you to this group for allowing us the time to work these issues through with the applicant and the County. As we talked about way back in November, it was just critical to try to address the impact of the Froerer's property access that was going to result in the configuration of the Reload Center. This was a particularly dyer situation, just something that was going to have increased impact on what would happen with their farming business. We just thought was very critical and wanted to make sure everyone understood what was going on and what the impact would be and see if there could be solutions. It was pretty difficult because there are just so many different moving parts to get to the solution that we found. No compromise is ever perfect, but I think we have a lot of hope that the solution is going to make the Reload Center much less impactable to the Froerer's business, and we really appreciate you for giving us the time to work through that. As, it was already stated, we did a reach an agreement and that has been signed. As part of that, we are withdrawing our objection on the record to the Reload Center. We can of course answer questions if you would like us to, but I just want to make sure that it is up on the record we have done that. Thank you.

Eric Evans – Thank you very much Allison. Are there any other proponents for this action?

Jason Pierson – Eagle Eye Produce Company, 503 Main St, Nyssa, OR 97913
I just wanted to reemphasize what Grant has said. I am on the MCDC board. I am on the Treasure Valley Onion Shippers' Board. I just want you to know how hard it is right now. This reload facility is very important to our industry and to the agriculture around. I would like to also note that as on the Chamber of Commerce of Nyssa, we are in support of this as well. The new jobs it's going to bring. The new people it's going to bring, is nothing but good stuff for the City of Nyssa.

Eric Evans – Thank you Jason. Is there any other proponent testimony? --- Okay, hearing none, I will entertain any opponent testimony.

No opponent testimony.

No public agency testimony.

Eric Evans – Okay, hearing none. I will offer up to any proponent rebuttal of any kind. I don't think

there is anything to rebut, but anything else the proponent would like to say?

No Applicant Rebuttal

Eric Evans – Okay, hearing none. At this point of time we will start with the City of Nyssa to close their hearing. Then we will have Malheur County close their hearing.

Kathy Clarich – Eric, are we going to have a discussion on it at all?

Eric Evans – Yeah, we can have a discussion on it. We will deliberate after the hearing is closed. If you would like I can give a staff recommendation as well.

Jim Maret – I think that would be good, Eric.

Eric Evans – Okay. So, I think that the MCDC has done a good job it sounds like coming to an agreement. I think that was the only opposition we had, that was the road block to approving this. I think all the approval criteria in our subdivision ordinance has been met, and it would be my recommendation to... And Jim, I'll do a recommendation for Nyssa too. My recommendation to Nyssa, would be to recommend to the Malheur County Planning Commission to approve this, right, it's a recommendation. So, Nyssa will be making a recommendation to Malheur County to approve it. And, I would recommend to Malheur County Planning Commission to approve this subdivision.

Jim Maret – So, what we need to do now Eric, is close the hearing to deliberation? And, then open back up for a vote? Is that what you want us to do?

Eric Evans – No, we will close this one and then deliberate. Then you guys will be making your motions.

Jim Maret – Okay, alright, perfect.

Kathy Flanders closed to public testimony the City of Nyssa Planning Commission at 8:00 PM.

Kathy Clarich closed to public testimony the Malheur County Planning Commission at 8:01 PM.

Eric Evans – We will go ahead and have a discussion any questions or whatever you would like.

Kathy Flanders – Do we have any discussion? No? Are we ready to make a motion? And please address it to Malheur County...

Jim Maret – You want us to make a motion?

Eric Evans – So, what I recommend to you, because the way it works is that we had an application and the County is the final decision maker, but we allow you to make a comment to us. So, this is your time to make a recommendation to Malheur County Planning Commission. So, this is the final decision unless it's appealed. So, what you're doing is providing comments to us to the County in your Motion.

Jim Maret – Right, so have to make a motion to recommend to approve or disapprove the partition of the reload facility for the County, correct?

Malheur County Planning Commission
March 25, 2021

Eric Evans – Correct.

Jim Maret – So, that motion has to be made voted on or not. Whoever wants to make the motion whatever you want to do.

Eric Evans – Yes.

Richard Beck made a motion to recommend to Malheur County Planning Commission to approve the Application for Preliminary Arcadia Industrial Park Subdivision Plat for Treasure Valley Reload Center (TVRC), Industrial Park and Farm Land, Planning Department File 2020-011-00. Doug Dewar seconded the motion, which was unanimously approved by the Nyssa Planning and Zoning Commissioners present.

Eric Evans – Perfect, now I'll hand it over to Kathy for Malheur County's side.

Kathy Clarich – Eric, I would like to put one more thing on the record, if we can. And I would like to have the farm differential statement put onto this also.

Eric Evans – Well, we can talk to Stephanie or Garret, the Council, about this. You're talking about the, you're building on farmland and you can't interfere with farmland. So, this land we actually took a Goal 3 exception on already, so I'm not sure if that really is appropriate.

Kathy Clarich – But, it does affect around it.

Stephanie Williams – There shouldn't be a farm deferral condition put on it.

Eric Evans – I actually think Kathy that we have, we actually did a Goal 14 and Goal 3 exception. So, it is urbanized land now and no longer farm land, and I don't think that applies. Maybe Garret would want to weigh in on this.

Kathy Clarich – But, it's not just for that ground land, it's for the land around it, which is also farm land, and that statement you know we can't put anything, we can't let things go that are interfering with farming or anything else that is on the ground.

Garret Stephenson – I'll jump in here. I don't know, I'm not exactly sure what the exception language we're talking about here is. There is a statutory statement that a lot of local governments use, essentially a covenant. It is typically applied to projects that are urban uses of rural land. I think what Eric is trying to say, because this is urbanized land, that particular mechanism would not be appropriate here. If there is, and the reason why we don't do that is, because it is specifically written for urban uses of rural land. Now, if there is a condition that the Planning Commission proposes, to the effect that, use of this will not unduly impact surrounding farm land or something. That is something I suppose could be entertained, but in this instance, I concur with staff that using this particular mechanism to get there will probably not be the best idea.

Kathy Clarich – I don't know, I kind of disagree with you. There will be some farm ground in that property for a while, even if you have it in the urban growth. The statement is meant for like somebody wants to bail hay in the middle of the night if someone wants to complain about it. It's farming practices that are allowed.

Garret Stephenson – What I would suggest if you have a recommendation for a condition of approval, you could make a motion of that effect and the Planning Commission could consider it.

Kathy Clarich – Okay, thank you. So, does anybody have any questions or discussion on this. I still didn't hear any real plan, other than if it doesn't go through Alscott they will figure something else out. I don't know, but if Froerers are happy with it, then I guess that's all that matters. Does anybody else have any comments, unmute yourself.

Eric Evans – So, again, Stephanie was just telling me while we were muted. The agreement does allow for alternative access. I'll be honest, I don't know anything about this agreement. If you want, I could probably turn it over to Garret as well, and he could provide some information about it.

Kathy Clarich – Well, it's just one of those things that we put this off to make sure they would have their access to their property, without making them go all the way, you know another 25 minutes or whatever. But, I am also concerned about the safety aspect for the people that live on the other side too. So, that's why I said (INAUDIBLE) to come to an agreement for Alscott's and what if that doesn't go through.

Greg Smith – Madam Chair this is Greg Smith, may I speak?

Kathy Clarich – Sure.

Greg Smith – So, we really want to be good neighbors with the Froerers. And, so we are going to work closely with them to find an easement option with them. Whether it's through the southern end of the property or through the northern end. We want to make sure this works for them.

Eric Evans – I would actually add to it also, as we are sitting here and having the discussion about the subdivision. This agreement and what's really in it, doesn't address these criteria at all.

Kathy Clarich – Well, you can say that, but it does. If we're going to not be able to provide emergency access to the people who live across the track and stuff then that affects how the subdivision is set up.

Eric Evans – I am going to defer this to Garret. Let's have Garret weigh in on this.

Garret Stephenson – I appreciate the question. Everything you've heard tonight both from Greg and Allison – the Froerer's attorney, is correct. The issue was, that there was a potential, the subdivision if approved, would induce Union Pacific to close the Froerer's existing access. What the agreement is intended to do, is to provide alternative access to the Froerers that allows them to continue to adequately access their farmlands, and also provide for emergency access. But I want to be clear: that agreement is done in order to deal with the potential externality of the project itself. What I have seen of the approval criteria, I'm not sure it's totally relevant to the approval criteria for the subdivision application itself. Which really relates to the property the reload center is going to be on. However, as both Greg and Allison noted, that agreement was mutually, it was a mutually negotiated document. And, we had substantial input from the Froerers about what they needed to obtain sufficient access, and worked both with MCDC, myself, and Stephanie with the County, and also worked with ODOT to make sure there was funding available to construct the improvement. I understand your curiosity about the substance of the agreement. We are still in the process of getting all the signatures on it. It was just signed today. It is public record you can view it. However, I just want to be clear that the agreement is a tri-party agreement between the MCDC, the County, and the Froerers. It does not, does not address the criteria, the approval criteria for the subdivision. It attempts to address the Froerers' concerns that they rose regarding the subdivision earlier in this process. I hope that answers your questions, which are all very good ones.

Kathy Clarich – It does and it doesn't. It is whatever the majority is going to vote on. I'm just trying to look out, because that's the Planning Commissions Department to look out we aren't taking away people's rights to farm by making them go and spend a whole bunch more money just to farm, because we are putting in a something. Or the houses that are out there. There are some elderly people and there is always a chance they can get ill and they might need to get access to those places. So, to me it does connect to the subdivision. So, it all connects to me, it's all part of it. Don't get me wrong I'm for the reload center, but I want to make sure it's done right. So, far we have had so many things as well, "we have this agreement, well we don't actually have it signed, but we do have an agreement" and then later it's not signed. So, that's my problem with this. So, thank you.

Garret Stephenson – Just to be clear on the record, we have an agreement and it's been signed by the principal parties to be charged. And the Froerers were with us every step of the way. So, that's a factual matter. I understand your concerns and certainly that should be something you could consider in which way you want to vote.

Kathy Clarich – Yes. Thank you. Does anybody else have any questions?

Teresa Ballard – Kathy, I have exactly the same concerns as you do. I'm in favor with the reload center. We want to move it forward, but we don't want to inhibit farming and farming practices. I appreciate your statements about that. I have those concerns as well.

Kathy Clarich – Anybody else have comments or questions? --- Okay, is everybody unmuted now?

Eric Evans – Let me see. You're talking about Planning Commission? I think everybody in the Planning Commission can unmute themselves.

Kathy Clarich – If there is no more discussion. I think we need to have a motion in what we need to. We just need to make a recommendation to the County Court, is that right? Or do we have to accept all your staff report and stuff?

Ed Anthony – We make the final decision, Kathy. This does not go to the County Court.

Ed Anthony made a motion to approve the staff report and findings of fact and exhibits. Chad Gerulf seconded the motion. Motion passed unanimously.

Ed Anthony made a motion to approve the Application for Preliminary Arcadia Industrial Park Subdivision Plat for Treasure Valley Reload Center (TVRC), Industrial Park and Farm Land, Planning Department File 2020-011-001. Robert Quick seconded the motion, which was approved by a vote of 8:1 by the Commissioners present (Kathy Clarich voted against the motion).

NEW BUSINESS

Applicant: Verle Unruh
401 Juniper Rd
Ontario, Oregon 97914

Property Owner: Verle Unruh
401 Juniper Rd
Ontario, OR 97914

The Consideration of a Conditional Use Permit for commercial activity in conjunction with farm use in Exclusive Farm Use zone.

Kathy Clarich – Now is the time to hear the request for a conditional use permit for commercial activity in conjunction with farm use in an Exclusive Farm Use zone for applicant Verle Unruh. Planning department file 2021-02-026.

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 and questions should not be directed to staff or directly to witnesses.
3. Do any members of the County Planning Commission need to abstain?
If so, state the reason.
4. Do any members of the County Planning Commission have any conflicts to disclose?
If so, state the conflict.
5. Do any members of the County Planning Commission have any bias to disclose?
If so, state bias.
6. Do any members of the County Planning Commission have any ex parte communications, including any site visits, to disclose?

Kathy Clarich tried to find the property. John Faw has visited the site.

7. Does anyone object to any of the members of the Malheur County Planning Commission hearing this application?
8. Does anyone challenge the County Planning Commission's jurisdiction to hear these matters?
9. Land use statements 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:

The Malheur County Code:

MCC 6-6-7 General Criteria to Evaluate Suitability

MCC 6-3A-3-J Conditional Uses in EFU, ERU or EFFU Zones

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 or 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.

10. Order of Proceeding.

The applicant will be allocated up to 20 minutes for initial applicant presentation. The applicant may also present up to 10 minutes for final rebuttal. All others wishing to testify will be given 5 minutes each.

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

Tatiana Burgess – This is Planning Department File No. 2021-02-026 for an application for a Conditional Use Permit for commercial activity in conjunction with farm use. The applicant and owner of the parcel is Verle Unruh, located on 401 Juniper Rd in Ontario, Oregon. The proposed action is to have a commercial activity in conjunction with farm use for the purposes of operating a meat processing facility. The parcel is located on accessors map 16S47E, Tax Lot 7600. Malheur County Reference 18558. The property is split down the middle between exclusive farm use and exclusive range use zones, and it's a total of 155.5 acres. It is currently being accessed via Juniper Rd. Off of the road there is quite a long private drive way that goes to the proposed building site. There is currently about 74 acres of water rights on the property, and those acres are currently being farmed. The closest residence to the proposed building site is about 1,100 ft North. There will be a separate required sanitation system for the proposed action. The parcel is in the Payette Rural Fire District, and there is a letter attached from the Fire Marshal there. The soils types on the property are Class II, III, IV, and there is a small portion of Class VIII soils. For the proposed building site, it is covered in Class IV and that site has not been farmed on before. It is just a piece of the property that has been developed. Previously, on this property there has been a home that has been established prior to 1980, and there has been recently additional accessory buildings added on in 2015 and 2018. Outside of that there is no known zoning history. To give you a little background on this, when the applicants first came into our office they stated they would start small. They are initially wanting to have this facility to be able to process their own animals, and if everything goes through successfully, they intend to expanding the operation to where they will start accepting animals from their neighbors, and any other potential customers. That is all I have for now.

Kathy Clarich – Okay, thank you Tatiana. So, is Verle on the phone?

Tatiana Burgess – I believe so. The caller that says Seth, that is Verle's son. Seth, Verle are you guys on?

Seth Unruh – Yes, we're on.

Kathy Clarich – Thank you. Want to kind of tell us what your plan is on this?

Applicant Testimony:

Verle Unruh – Well, our plan is to just build a small processing plant used for chickens mainly, and for red meats too. The reason for this thing is that we are on this farm over here, and we are trying to get into this, regeneration farming. So, we raise chickens on cover crop and also the cattle, but we do not have any space to have, especially cattle and hogs butchered this year, all the packing places are full. So, we feel like we are almost forced into it. We also do have some chickens scheduled to be butchered, but we have no place to grow with that. We are on our limit on them too. That's why a packing house looks like something we need to go into. Also, I know Tatiana mentioned there, it would basically be for our own. We do have McIntyre Pastures, that is doing basically the same thing as us, as committed they

would bring all theirs over here as well, which is more than we would do ourselves. Also, another neighbor here said he would like quite a few cattle, not a lot, but 30-40 head in a year. So, that is the reasons why we are looking at this, something we need to do. Hopefully, we can find our way through financially and also to make it, so that it is good for the environment here. Try to keep the things in check as far as, well as you all know when you butcher a chicken, there are lots of guts and feathers. That needs to be taken care of and we are aiming to do that as the best we know how. Thank you.

Kathy Clarich – Okay, I do have a question for you. It will take like a lot more water when you have a, when you are doing your butchering and stuff like that. So, are you going to be having like ponds? Or anything like that to hold excess water to...

Verle Unruh – We weren't planning on having any ponds. Just a sewage system. Are you talking about incoming or outgoing water?

Kathy Clarich – I am talking about outgoing water.

Verle Unruh – Okay.

Ed Anthony – I got a question. You said you're going to haul your hides and your bones and stuff to the landfill. Have you done your research on that? I use to run a meat packing plant, and they would not let us do that. So, that is something you need to research. Make sure they're going to accept your guts, your bones, your hides.

Verle Unruh – Okay, we do realize you can't just haul it like that. It does need to be denatured.

Ed Anthony – But still they wouldn't take it, because they didn't want it in their landfills.

Verle Unruh – Okay.

Ed Anthony – Now, they may have changed that. It's been a few years. We had to pay a rendering outfit to pick things up, because they didn't want it in their landfills.

Verle Unruh – Well, that would defiantly be plan B then.

Ed Anthony – That's something, I'm not trying to discourage you. Just think you need to look into. Then your septic tank, are you going to put your new septic tanks and stuff in for your slaughter plant, because you'll have a lot of blood that needs to be drained off. These are just questions, I know that DEQ is going to ask you. Make sure you get them in the right order.

Verle Unruh – The current plan that we have with things like the blood and feathers for sure, we got some stuff that's easier to grind is, we are working on putting in a system. Rendering our fermentation system to turn this into biofertilizer.

Ed Anthony – Okay, that is just some of the questions I had. I just wanted to know how you were doing it. Thank you for answering that.

Chad Gerulf – What kind of smell problem could rise from that? Is that like a self-contained thing you ferment in that no smell leaves? Or would that be like an outdoor process?

Verle Unruh – So, it will be outdoor. You know you do have a little bit of, of course, off gassing that's part of the fermentation. Some of the things I have looked at is to run that air through a, similar to what

they do in a big force air composting yard, they will run the exhaust through a biofilter of some sort, which is woodchips, carbon, something that will absorb a very large amount of those smells and gases.

Chad Gerulf – Okay, thank you.

Kathy Clarich – Anybody else have any questions for him?

John Faw – I commend you for taking this project on. It's kind of a messy project for a small operation. I wish you all the best of luck. The USDA is going to be interesting to deal with, to keep you permitted and keep you in compliance I know.

Verle Unruh – Well, thank you for that. It is a big load. We are wondering how it is going to go. We look like we have to, it is something we are looking forward to, and yet the challenges are sometimes a little foreboding.

John Faw – One other thing, are you going to try to add some like wild game processing compacity as well? Because there is none of that left in the country either.

Verle Unruh – Well, the young butcher I have hired he said he loves to do that, and it would be off season for us, as far as our butchering. Chickens will be long gone by then. The chickens which is going to be the biggest for us, will be over at the end of October. From there on, we would most likely open up to more of that to the public, with wild game and also beef and pork.

Linda Simmons – I wonder what John was saying. There is a big need here. We have looked at processing plants in the past, but could be a 3 to 5-year plan for growth. I can see there being a big potential for that. And does the area there could it be expanded if needed to in the next 5 years?

Verle Unruh – I think we would be able to expand as far as we aren't out of room here. There would be some probably a few more challenges come with getting bigger. We will have to face as they come. We would have to look at that, but yeah it would be possible.

Linda Simmons – I think that it would be very important to have how we set it up in the beginning to allow for that, rather than have to change things down the road. I would be optimistic. I think it's a wonderful idea, but just thinking longer term, and sometimes that long term becomes real quick, because the need is there.

Dwight Stoneman – This is Dwight Stoneman. I live at 398 Juniper Rd.

Eric Evans – Just one moment. We haven't gotten into any of the proponent or opponent testimony, so if you just wait.

Dwight Stoneman – No, I just have some questions.

Eric Evans – Okay, we aren't at a point for questions yet. But, when we get to that point, we will absolutely give you some time. We are hearing from the applicant and there are some questions with the Planning Commission.

Dwight Stoneman – Excuse me.

Eric Evans – Thank you.

Robert Quick – This is Robert Quick. Is this an application to have a USDA meat processing center as the goal? Or you said you're starting off with your own, but are we looking at to approve as a USDA meat processing center?

Linda Simmons – No.

Robert Quick – Okay.

Tatiana Burgess – The applicant did state when he came into the office originally, Mr. Quick, he did state he started the process with obtaining all the USDA licensing. So, that was a while ago. He had already been in the process. I don't know if he can maybe provide you with an update, how far he has gotten into that, but that was his intent to have it USDA-licensed.

Robert Quick – Understood, of course, with them they have their own rules of water, sewage, and the regulatory performance standards that are in goal, we don't have anything to do with that, but they are hard.

Verle Unruh – Yeah, we have looked into it. I have been in contact with the small plant help desk with USDA, and try to get an idea some of the stuff with that. In our situation, the way, for the most part other than water, we will probably end up treating water to pass that. But, as far as the sewage and all that, the way I gathered, that part is up to the County. Whatever the County's regulations are for that, is what they're going for on our situation.

Eric Evans – Okay, Bob can I expand on that a little bit? So, the application at this point in time, we aren't talking about a full plant here. So, our discussion as of why, so they're allowed by right to have processing on their land of their own animals, they can process. If anybody remembers from before, there is size limitations, right. Up to 10,000 sq. foot, 2,500 of that can be for processing and those type of things. And, I believe somewhere in Statute it may even say, maybe they took it out, but you had to produce at least 25% of that on your land. I think you have to produce 25% of that. So, by right, he is allowed to do what he has to do. That's you know not withstanding all the requirements through the Oregon Department of Agriculture and United States Department of Agriculture, Oregon Department of Environmental Quality, in essence Malheur County's Environmental Health. I think that he kind of hit this threshold a little bit, where he wanted to go one step farther, that's more than just processing of his agriculture product, and so that's what we're discussing. So, his application doesn't indicate that he wants to do a full blown, farmer John's, slaughtering 10,000 cattle a day operation. So, I think we would hold them to what they have in their application, and if you wanted to expand that later in the future that would come back later to Planning Commission.

Kathy Clarich – So, are you saying he can't do the neighbors'?

Eric Evans – No, that's the whole point of what this is for. He can do everything without doing the neighbors', without a Conditional Use Permit, today. He can start slaughtering doing his own stuff, that's processing of an agriculture product, which is allowed by right. So, what is in his application is to process his neighbors' and expanding it more and not just an ag processing on your own property. Then there is the other transporting meat across state line it has to be USDA-inspected. I actually kind of told this and wrote to Ed earlier. I would suggest things a couple of conditions when it came to waste water, waste and any of the processing of that. Maybe a condition that says slaughter and processing waste must be disposed of by a method approved by DEQ or Malheur County Environmental Health Department, whichever is applicable. And, also, another condition of must meet all applicable USDA and ODA licensing requirements. So, I think those would accommodate some of the concerns I have heard so far.

Kathy Clarich – Ok. So, does anybody else have any questions for him? If not, should we, is there anybody else in favor of this action? I thought we had a couple on the phone. Okay, is there anybody here that's against this? --- okay, I guess I had somebody earlier.

No Proponent Testimony.

Opponent Testimony:

Dwight Stoneman – 398 Juniper Rd. Ontario, OR 97914

I just have a few questions. I research a lot of this stuff for what he wants to do for fertilizer and all that. He has to set up an entire plant. He wants to, what you call, a regen farming. I have researched this a little bit. For the feathers, for the building the fertilizer, down the stream, everything he does is not just going to be a small butcher shop or rendering up on the hill. I mean he's got a little of infrastructure he has to put in, in order to do this. I don't know if he can afford what he wants to do, that's none of my business. But, when he steps in and has to do his own stuff, I have butchered stuff on that property for 50 years: chickens, beef, pork, lambs and sheep. That was all for personal use. What he is talking about is stepping in on a small scale and seeing if down the road he can go big. That area isn't built for big where he is at downstream, whether he puts his settlement ponds in or not, he has livestock downstream that are supposed to be drinking out of it. He's got us, just down the hill into our water system. This is really not something I would like to see go in.

Kathy Clarich – And, who was this again who is talking?

Dwight Stoneman – Dwight Stoneman 398 Juniper Rd.

Kathy Clarich – Okay, thank you. I didn't catch your last name. I appreciate you telling me that again.

Dwight Stoneman – Yes, ma'am.

Kathy Clarich – So, you are against this then?

Dwight Stoneman – I like to see any man be able to process his own beef and his own meat on his own property, but if he wants to go commercial or take in a large amount of chicken or turkeys... The infrastructure that he will need to put in, will not sustain that where he is at. To render all this stuff out. To turn everything into the fertilizer he wants to turn it into. He is going industrial. He is not going farm.

Kathy Clarich – Okay, thank you very much I appreciate it.

Dwight Stoneman – Yes ma'am.

Kathy Clarich – Do we have somebody else on the line?

Raoul Ornelas – 450 Juniper Rd. Ontario, OR 97914

The reason for opposing this is the impact, the waste of the area. Mr. Unruh has been trying to do organic farming in the past. In doing so, he has used biowaste from I believe Ore-Ida. The pond where he stored that, was at the corner of Hyline and Juniper Rd. I think that's the corner of his property as well. The odor was atrocious at that time. That's far from my home, but where it does impact us. Personally, when all that products are put out in the field, it's right next door to us. So, during the summer months when you usually open your windows to enjoy the summer time, all we had was the smell of all the putrid waste that decaying and then set out for organic matter for fertilizer. So, with hearing this commercial venture we are worried about what the biomass is going to be turned into from

the blood, the guts, and the renderings from the chickens. Well that matter does turn from waste into a biomass that it's going to be giving off a horrible smell. I do not know what chicken products smell like before they are thinned out in the fields, but I do know what chicken poop smells like and it's not a pleasant aroma. We do worry about the downstream effects on the water, because we do have family downstream. The Stoneman's are down the hill and I do believe affects their water table. Mainly it's for the atrocious smell that comes with it. Another thing I do worry about is the increase in traffic. It's a small street and you don't have high visibility and we don't have County plowing in this area as well. In the winter time for example, we don't have a plow that hits these roads and it's going to make it a little harder for myself and for my family down the hill to get in and out safely with the increased traffic I assume is going to be coming in, due to either sales from on-scene or people just coming in to drop off product.

Kathy Clarich – Okay, thank you very much.

Raoul Ornelas – And my wife is on as well.

Kathy Clarich – Would she like to speak also?

Darla Boggs - 450 Juniper Rd

Yes, I would. And my concern too, is if this property goes commercial and it doesn't work out and they sell their property, it's still commercial I'm assuming, and anything could go in afterwards too, and that kind of impacts where we live and enjoyed for many years. I'm concerned about the smell too because of the ponds, like my husband said, we couldn't be outside or enjoy our windows being down just from the pond down by Hyline, so it does affect other people.

Kathy Clarich – Alright, anything else?

Darla Boggs – Nope, that's it.

Kathy Clarich – Thank you very much. Okay, do we have anybody else on the line that wants to speak against this? --- If not, do we have a rebuttal from the applicant?

Verle Unruh – Sorry what was that?

Kathy Clarich – Do you want to answer any of these objections these people have?

Applicant's Rebuttal

Verle Unruh – Yeah, one thing just on the commercial scale of it. Yes, it's a little bit bigger, but with the numbers we are planning on processing, what we are targeting to process are very minimal. The size of building that is going in, is no different than the size of a farm shop, as size goes. As far as increase in traffic or anything down that line, of course there will be some if McIntyre Pastures will bring their products, their animals in here, but that will be very minimal. We aren't trying to put in something big. The main thing is we are trying to put in something to supplement, you know to, that we can process our animals, but just to bring in a little extra to help fund this thing to keep it running, is our main idea behind that.

Kathy Clarich – Okay, anything you want to say about the odor or the downstream water issues?

Verle Unruh – As far as the odor, I totally understand what he is saying about the potato waste. We live at top of the hill and right by it and my wife hated it too, and we are no longer using it. But, it is

definitely something that, well for our situation we can't, well with going USDA, we really can't even allow too much of an odor. You know if it gets to being too odorous, we get too many flies, and if you get too many flies the USDA will shut you down from processing. It's just not something we can even allow. If the biofertilizer thing creates too much odor, it will create flies and it will have to be something we quit doing, and do a method that is not the odorous situation.

Kathy Clarich – Okay, thank you. Does anybody else have any questions for him?

Teresa Ballard – Kathy, you know my question is, what are the projections of numbers and animals at this point?

Kathy Clarich – Did you hear the question?

Verle Unruh – Yeah, so all total, through the year, we are looking at around 150 beef, maybe 3 or so hundred hogs, and it's about 20,000 chickens in total. So, in perspective we should be able to do a total of 1,000 chickens a day in a small processing plant as such. So, we are looking at, in scale of other processing plants, your typical medium or smaller processing plant, obviously there is the town butcher shop they would never do this, but they are looking at 15 cattle a day, and so in the scale of what most people would put in, if they were putting in a processing plant, especially USDA, we're very small.

Dwight Stoneman – How does he plan on dealing with the waste from that many animals?

Kathy Clarich – Did you hear that question?

Verle Unruh – Like is said the current plan is that the waste from that many animals will go into tanks, fermentation tanks. The exhaust from that will go through a biofilter to eradicate that smell. It's not just something we are coming up with, it's been proven, it's a whatever. Anything other, that we can't digest in that form will be denatured, if the landfill is good, either that or it will be taken by a rendering company.

Dwight Stoneman – I worked at the rendering plant over there in Ontario some 30 years ago. That many animals through that plant in one day would have been all they could have handled, and that's just one rendering plant. Have they expanded since I was there 30 years ago?

Kathy Clarich – I don't know if he is planning on putting all that through in one day.

Dwight Stoneman – Well he was just giving me numbers and I was going "That's quite a bit for a day, let alone a month, let alone a year." He doesn't have enough burp tanks to manage that.

Verle Unruh – So, the numbers I was talking was for a full year.

Dwight Stoneman – Yeah, and I broke it down for a month. I don't know how you can put enough burp tanks to do that? And the chicken rendering on that, the feathers have to go to one spot and the internals, bones and all that have to go to another. And, when you break that stuff down if it's very viable once it's broke down, but in order to break it down you aren't doing just a simple slaughter house for mom and pop, you are doing an industrial site.

Kathy Clarich – I think that is something we are going to have to be handled with the USDA if he is going to be doing that commercial business. --- Anybody else have any questions for the applicant or the Board here?

Darla Boggs – I was just curious on the traffic. How much more traffic is going to be coming through?

Verle Unruh – It should be very minimal. We don't want to deal with a lot of customers base. We are mainly interested in, you know McIntyre has been having the same problems we have had with processing, and that's our main interest. It's just something for a couple of us farms to be able to, be able to have some guarantee processing, rather than the mess we have now. It really should be very minimal as far as adding traffic on the road. I thoroughly enjoy where we live now, because of the traffic.

Darla Boggs – Are they going to initiate an impact study before everything is done, for the area?

Tatiana Burgess – This is Tatiana, if I may. They did request a letter from the County Road Master and also from the Rural Road District that the property is located within. Both administrators have submitted comments regarding this action. They both have concluded this is not going to significantly add traffic, and those two letters have been introduced into the record as exhibit 2 and exhibit 3, respectively.

Kathy Clarich – Thank you Tatiana. If there is no more rebuttal then and no more questions I am going to close it to public testimony.

Close to Public Testimony.

Kathy Clarich – So, what do you guys think?

John Faw – Can we put the requirement that this meets USDA standards and guidelines?

Kathy Clarich – Yeah, I we can put that in. We can put in anything we want to.

Ed Anthony – I am going to read something I want to put in. Slaughtering and processing and waste must be disposed of by a method approved by the DEQ or the Malheur County Environmental Health Department, and must meet all applicable USDA and Oregon Department of Agriculture license requirement. That will cover a lot of it, if we put that in there.

Kathy Clarich – You get that, Tatiana?

Eric Evans – We have it written down.

Kathy Clarich – Okay, anything else?

Ed Anthony – That is one of the conditions to do this. Also, the USDA is going to come in there and if they don't think they can put it there, they will put a stop to it, because they are pretty strict on how they do things. The smell, the odors, stuff like that and like he said if there's too many flies they will shut them down. If we just put this in there it will pretty much cover everything we need covered.

Kathy Clarich – Do we need to have anything that will also cover any of the downstream water from this?

Ed Anthony – Yeah, the DEQ will check all of this. The water where it goes and if your sanitation and septic will hold it. All of that stuff.

Eric Evans – None of the processing waste is going to be allowed to go in any kind of public water way. That is a DEQ requirement anyways. I am not really familiar with rendering or slaughter plants, but they will probably have to have a WPCF permit, which is a Water Pollution Control Facility Permit, through

DEQ and everything will have to maintain on-site. Any process waste water will have to maintain on-site.

Kathy Clarich – As far as the road they have in now. Will that have to be brought up to, if it's going to be you know for, once it's established now it's good for what I understand.

Tatiana Burgess – I want to add that it was something that was requested by the Fire Marshal actually. Once it becomes a commercial activity it has to be brought up to the International Fire Code standards, and that is something that was included in the letter from the local Fire District. Then seconded by the Oregon State Fire Marshal. Those letters have been introduced in the record as exhibit 4 – the letter from the local Rural Fire District, and exhibit 8 – the email we got from the Fire Marshal after he reviewed the application. There is actually a condition right now, condition number 2, that is submitted in the current Staff Report that states: all the access roads have to be constructed to meet all the Building Code requirements, sorry that's condition number 1, so that has already been addressed. So, like I said the application has been reviewed by the State Fire Marshal as well.

Kathy Clarich – Okay, I see it said it was in the Payette Rural Fire Protection District, but I thought I saw a letter from Annex in there?

Tatiana Burgess – Letter is actually from Weiser. I guess they have some sort of agreement that they cover each other's areas. I'm not really sure how that works, but that's why it was commented on by Weiser. But, like I said, the letter that was submitted by the State Marshal, and I can read exactly what he said, but that he seconds what is in the original letter from the local fire district said. So, that's exactly what he said that he is okay with bringing it up with International Fire Code Standards.

Kathy Clarich – Okay, I'm good with that then. Anybody else have anything they want to bring up or put on it?

John Faw – Is there a size limit on his original application? That once he exceeds whatever capacity he originally depicted. That it has to be resubmitted and reapproved at an upper level. Is that a thing? Or is that USDA and DEQ take care of that?

Eric Evans – I would say we would hold them to anything on how they have it in their application and how they have it described in their application. And anything we could hold them to and anything that is on the record, and I think the Planning Commission can make any condition to have this revisited or if they meet some kind of threshold, to revisit this. That would be up to you guys.

John Faw – Do we need to do that? Will USDA and DEQ step in and require that?

Eric Evans – I'm not sure that anything is going to trigger with any interaction with Malheur County at that point in time. So, if you guys did approve this tonight, more than likely USDA or ODA would require me to sign a Land Use Compatibility Statement. That's our communication with those other departments. So, if I sign that saying that it meets the conditions of this CUP, if they were to expand and go up to a permitting process I don't think that would trigger any kind of another Land Use Compatibility Statement. They would say they have met the requirements and therefore continue on. So, I don't know if there will be in trigger that will cause USDA to circle back to the County.

Kathy Clarich – So, what kind of condition would you say we can put on it?

Linda Simmons – It's what he just said.

Kathy Clarich – No, I mean to not letting them spread beyond.

Linda Simmons – That’s not our role. That’s not our role. From what I see, what Eric was just saying, once it goes on and it’s under DEQ they have all sorts of stuff that has to go into them and report that, that doesn’t come back to us. For this initial thing I think if we blow it up and beyond that, that isn’t our role.

Kathy Clarich – That’s what we were asking about. If he wants to go beyond this into commercial type thing.

Linda Simmons – That’s not our deal until it comes back to us. If he is producing more and his records that will go out to DEQ and stuff, and they’re going to come back on that. I just think we are taking it to far.

Robert Quick – If we put in it and say it has to meet USDA requirements right now, we have in an essence stopped him from actually having to develop something for himself and another farm. Because, we are forcing him then to be compliant by zoning with USDA, and we virtually will have ended what he is trying to do. At this point in time we are jumping down the road so far, that we are forcing him then. We stopped him from being able to do the process of chickens and stuff and for a few other people. I guess my curiosity is, is there any language in our zoning right now, that prohibits him from being able to butcher another farmer’s animal on his property? If so, does it state a limit to it? But, I have concern if we say he immediately has to meet USDA, we put him into the Federal regulatory system. Yes or no?

Eric Evans – Do you want me to answer that Bob?

Robert Quick – Yeah.

Eric Evans – Okay, so a couple of comments I want to make about that. So, the verbiage that I have said about USDA and Ed read, and I read before that, is all applicable to USDA. If they’re processing things where USDA permitting isn’t applicable, then we wouldn’t hold them to USDA standards, but by adding language like that we actually have an enforcement, ability to enforce that they meet that. We can say this can basically revoke the Conditional Use Permit if they aren’t actually following it. Now, they can process, by outright. It’s in our County Code and Oregon Statute, ORS 215.283, they can process a farm product. If you are processing your own and not going to that commercial scale. So, we can’t take that right away from them. I mean there’s some case law out there that we would lose that all day long. So, I would say that, when he started talking more about the commercial scale that’s why we brought it in front of you guys. And, he could potentially withdraw this right now and go back to just him processing his own. Does that answer your question at all?

Robert Quick – Yeah.

Kathy Clarich – Okay, does anybody else have any questions? --- Okay, if no more questions I’ll take a motion.

Ed Anthony made a motion to approve the staff report and findings of fact and new conditions of approval and John Faw seconded the motion. Motion passed unanimously.

Ed Anthony made a motion to approve the Conditional Use Permit for a commercial activity in conjunction with farm use. Chad Gerulf seconded the motion. Motion passed unanimously.

Malheur County Planning Commission
March 25, 2021

Eric Evans – Alright, Kathy so we also have the minutes on your agenda as well. I can't remember what months.

Tatiana Burgess – September and October of 2020.

Linda Simmons – And the one last month.

Tatiana Burgess – We did not get a formal transcript for the entire 3-minute hearing that we had last month. The transcript that was included in your packet was for September and October 2020.

Kathy Clarich – So, we have November yet to come?

Eric Evans – November and last month, right.

Tatiana Burgess – November we did already. Yeah, November was approved at the January hearing, if I remember correctly.

Linda Simmons – That's what I was thinking.

Eric Evans – Oh, maybe she is right.

Tatiana Burgess – Right now we are only missing January and February. After this will be up to date. All of 2020 will be done. So, we will be coming into 2021.

Ed Anthony made a motion to accept minutes from October 22, 2020 and September 24, 2020. Chad Gerulf seconded it. Passed unanimously by the Commissioners present.

Kathy Clarich – We're good. I think if somebody else wants to make a motion, unless there is something else you have?

Tatiana Burgess – Gale, the County Clerk had sent you guys the email about the ethics re-certification, or whatever you guys have to do. I believe I have only had 2 folks that have completed it so far. Just drawing everybody's attention. Please go find that email, it is due April 15th. Please do it, thank you.

Eric Evans – If you guys need any help please feel free to stop by office when we are open. Last thing I would like to say, we were going to schedule a hearing for the aggregate mine for next month. We got the application, but Tatiana reminded me yesterday, we didn't have 35 days to provide DLCD notice, before we received application and deemed it complete. That won't do that until May. Therefore, we have absolutely nothing on the agenda for next month.

Ed Anthony made a motion to adjourn the public hearing. Linda Simmons seconded it. The motion passed unanimously approved by the Commissioners present.

Respectfully submitted, Alexis McDaniel

Minutes approved by:

Name:



Date:

