

Malheur County Planning Commission
April 28th, 2022

Malheur County Planning Commission

The Malheur County Planning Commission Meeting was held remotely, via GoToMeeting, and in person, on April 28th, 2022. Kathy Clarich called the meeting to order at 7:34 p.m.

MALHEUR COUNTY COMMISSION MEMBERS PRESENT:

Kathy Clarich
Rob Kindschy
Linda Simmons
Ed Anthony
John Faw

PLANNING DEPARTMENT STAFF MEMBERS:

Eric Evans, Planning Director
Tatiana Burgess, Planning Manager
Alexis McDaniel, Planning Clerk

OLD BUSINESS:

Applicant: Larry and Katariina Teufel
4960 Crowley Road
Harper, OR 97906

Owner of Record: Larry and Katariina Teufel
4960 Crowley Road
Harper, OR 97906

Conditional Use approval for the modification/alteration of an existing non-conforming use (personal use airport) in an exclusive range use zone. Continuance from March 24th hearing.

Application withdrawn on 4/28/2022.

NEW BUSINESS:

Applicant: Penny & Jacob Speelmon
2432 Toombs Rd
Nyssa, OR 97913

Owner of Record: Penny & Jacob Speelmon
2432 Toombs Rd
Nyssa, OR 97913

Conditional Use Permit for a Non-Farm Dwelling in an Exclusive Farm Use Zone.

Application withdrawn on 4/15/2022.

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Applicant: Matt Stringer
PO Box 791
Ontario, OR 97914

Owner of Record: Matt Stringer
PO Box 791
Ontario, OR 97914

Conditional Use Permit for two non-farm dwellings and two non-farm partitions in Exclusive Farm Use zone. Planning Department file # 2022-03-017.

Kathy Clarich - Now is the time to hear the request for a conditional use permit for two non-farm dwellings and two non-farm partitions in Exclusive Farm Use zone for applicant Matthew Stringer Planning department file 2022-03-017.

Please sign in at the podium, fill out a testimony and question sheet if you have not done so already and when called to speak please state your name, address and title (if any) for the record.

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?

John & Kathy 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:

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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 6-6-8-1 Specific Conditional Use Criteria Nonresource Dwellings in EFU,
ERU or EFFU Zones

MCC 6-6-8-2 Specific Conditional Use Criteria Nonresource Partitions in EFU,
ERU or EFFU Zones

MCC 6-3A-3 Allowance of Certain Uses

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 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 Manager, Tatiana Burgess.

Tatiana Burgess - Conditional Use approval for two non-farm dwellings and two non-farm partitions (5-acres each). Tax Lot 100, T19S, R46E, Sec. 13; Assessors Map 19S46E13; Malheur County Reference #9451. From Nyssa, approximately 3.3 miles North on US Hwy 20-26, then turn left on Gem Ave. Continue for 1 mile, to Clark Blvd. The property is Southwest of the intersection of Clark Blvd and Gem Ave, in Nyssa OR. Exclusive Farm Use (C-A1). The parcel is 228.60 acres. The property is currently being farmed (row crops). The parcel is surrounded in entirety by farmland. Each of the proposed non-farm partitions will have separate access to Clark Blvd. A DEQ approved sanitation system would be required for each proposed non-farm dwelling site. The sites of the proposed non-farm partitions are within Nyssa Rural Fire Protection District. No Natural Hazards. The property has 207.3 acres of water rights. There are no water rights on the site of the proposed non-farm partitions. The soils on the parent parcel range from class I to IV. The site of the proposed partitions is covered in soils of class III and IV. In 1989, the parent parcel

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had a manufactured home on it. Per Assessor's office records, the manufactured home was destroyed in 2015. There is no other known zoning history.

Kathy Clarich – So, Matt do you want to tell us what your plans are?

Applicant Testimony:

Matt Stringer – Having grown up here and having moved back, and all my life I have dreamed about building my own home. Just having the space that really spoke to me, so I purchased a piece of property up on the slope, where I thought I would be able to build. Then I felt like I would love to own a home on a larger parcel, like on my own property. Nick Gomeza has farmed my property so I inherited it from my mother, in 2015. So, I have been meeting with an architect and we are going to start meeting in the end of April. I think this is probably going to be about a 4,000 sq foot home, because I need the space, because I live by myself. I have these really big rooms and you guys will be at the house warming, catered dinner. I hope it could be completed in 18 months. I don't know nearly enough about what I need to learn about building a home. I have been trying to really get up to speed. So, I think that is a great location for me. It puts me back in Nyssa. Nyssa is where my heart is. I love Ontario. I think I will be proud if you let me do this. I do think I am an active citizen, and involved in a lot of things. I managed the Cultural Center for 10 years. I have been on the hospital board, community concerts with Linda, I am on the school board now. I am the director of serve day. I have to do. I am doing worship facilitation for the first time Sunday at church. I was trying to think what I was going to say, and you know you want to be a little bit creative, you want to have a little something behind just not saying let's quite our hearts and say the Lord in prayer. So, I was thinking you know engagement, why you are always just wanting to be so engaged? Is it a need to be needed? Is it just because I'm bossy? Is it that I will be bored if I didn't over extend myself? I am proud Malheur countian. Is there anything specific you wanted me to speak of? It's a pretty obvious ask for this situation. I wanted build a 5,000 sq ft house, because that qualifies as a mansion, and then I could say, want to come to my mansion for dinner? But I don't think the funds really probably allow that unless I build a garage and count that as the sq footage.

Kathy Clarich – So, I have a question for you Matt. It said on the Road District you are going to use the roads that are already on the property?

Matt Stringer – Well, you know I have been, so I look up the map, right, and there is a canal that runs through it. I took the architect out, and we thought we would build on the area I say is excavated, which is the far Northern.

Eric Evans – It's right there so if you want to come.

Matt Stringer – Okay, good. Right here is the most obvious access. This road is a back road now however you look at it. They drive in from Park into here, down to here, and then go into the fields from there. There are actually 3 different accesses. One is kind of over grown.

Ed Anthony – But you are going to use 1 of the access?

Matt Stringer – Yes, the one that is existing. I either will, so I was going to build a house right here, but even when I drive in my Rav 4 the dust is unbelievable, so I may build on what is considered lot 2. It looks like there is actually more physical space anyways. Another, option that

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I have talked to a farmer about was just extending this road all the way in for a direct entry, but then we would need turn arounds. He said anything I wanted to do was just fine, but I think when I take him to task and ask specific questions, he is probably going to be like oh well that makes it more difficult for me. All of his irrigation equipment and anything you would store he has another farm very close by, so he is excited that I am going to live there. I would like to have a meandering tree line drive up to the house, but I went to another home recently that has that, and I am like well I don't have this much property, but mine is at least 10 acres maybe 11, we can't quite figure it out. There is 22 untillable, but you have these roads and wells and things, but theirs was 12 acres too. So, I might be able to do some little. That is what I want the architect to work with me on next, regardless in what order he wants to do anything, is determine the placement of the house.

Linda Simmons – Matt, you have 2 parcels. Are you going to keep one to sell later? Or are you just going to put your mansion on one? You don't know yet?

Matt Stringer – Well, that's part of this decision about placement. I know Eric spoke about if I choose to keep both lots, that wouldn't matter. I feel like now some snob just going to keep it all. But if I were to build on that side that looks wider, that maybe more then enough. That is not changing roads that's just graveling or paving.

John Faw – There is still a little single wide sitting there, isn't there?

Matt Stringer – No, now the last resident his trailer burnt down on Christmas of 2020. There is still a little bit of scrap, but somebody keeps going up there all the time. Every time I go up there they have skimmed off more and cleaned off more. I am dying to know who it is, because the guy who lived there wouldn't have felt responsible for doing any of that. Maybe people went up to take scrap or something.

Eric Evans – So, is part of your question about the possibility of making sure we have access to the farm after the partition plats?

Kathy Clarich – Well, no.

Ed Anthony – In the letter it says he has got to use one of the 3 existing. If he doesn't use one of the 3 existing, he can't put a road. He can use any of them, just has to use one of them existing.

Matt Stringer – And that will just be improved.

Eric Evans – I also want to say as my part of recommendation that we do make sure there is some kind of legal access to the farm as well, and that we are paying attention to that. Whether we condition that to say that an easement must be on the partition plat to access the farm. I think that is main access into the farm land. Am I right Matt?

Matt Stringer – The main access is that what I call already the excavated.

Eric Evans – Towards the North where you are wanting to build?

Matt Stringer – The very far North.

Eric Evans – Up, here right? So, this is the area?

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Matt Stringer – Yeah, and you see where that “L” is?

Kathy Clarich – That is the access into the barn.

Matt Stringer – I would love to put in just all the way on the other side, so, they had a straight in. Then maybe, well I think if they would be able to do that might be possible, maybe not. I would have to talk to the farmer to recapture some of this road, for landscaping. Just a simpler access.

Kathy Clarich – And you also have to talk to the ditch company.

Matt Stringer – Yeah, right.

Kathy Clarich – To get across that canal, and they’re not real happy with doing that.

Matt Stringer – If you are all the way here you don’t have to cross, it is piped under.

Kathy Clarich – A part of it is already piped?

Matt Stringer – Yeah, and actually when I met with Wes or the Road, I am going to replace, there is a big, I don’t know what you would call those things.

Rob Kindschy – Culvert.

Matt Stringer – Culvert tube under the road. I thought he wanted that changed, but he is talking about just about the little pipe that goes against the road where there gets some water. He has offered to do the work, and I’m going to pay for the work.

Kathy Clarich – I was going to say but your going to pay for it.

Matt Stringer – I would rather pay for it then try to figure out how to do it.

Kathy Clarich – So, usually we require, and I’m sure they have told you that we have, where like, where are you going to put the house, where are you going to put the well, where are you going to put the septic and stuff like that, and you didn’t give us any of that in the packet that I could see.

Matt Stringer – Septic, well, and house.

Tatiana Burgess – So, yeah, they had some generally idea, but that is about it.

Kathy Clarich – I am sure on 5 acres there is plenty of room for a well and septic.

John Faw – And he got to 5s there.

Eric Evans – Personally, planning anything over 2 acres you can fit a well and septic on in my opinion.

Matt Stringer – And of course I would have to share those plans when we get further along. I would share those plans.

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Kathy Clarich – Does anybody else have any more questions for Matt? Okay, at this time I don't know if there is anybody on that would be for this application. I don't think there is anybody else on is there?

No Proponent.

No Opponent.

No Rebuttal.

Closed to Public Testimony.

Kathy Clarich – Do you want to go on with the conditions for approval?

Tatiana Burgess – Yes, so, if you guys wanted to add what Eric was discussing about to each access of the farm we can add that.

Rob Kindschy – I think that is a good idea.

Eric Evans – I didn't notice that until he was up there talking and he pointed that out. I thought oh we should make sure the farm is not land locked.

Tatiana Burgess – Well, and they do have access off of Gem Ave on the top too, that's why we weren't really considering this, but if it will make everybody feel better, we can definitely have that.

Kathy Clarich – It would be easier to come in off the other way, because, umm, yeah.

Tatiana Burgess – They have to do a plot anyways.

John Faw – It's easier to do it now then later.

Kathy Clarich – I was just going to say, because sometimes your equipment is wider and somebody has to park it for just a little bit.

Eric Evans – I would say easier to do before, because without the partition plot we will say, either the access has to, if the access is part of the partition there needs to be an easement.

Tatiana Burgess – Or, if the access to the farm is off of Clark Blvd to have it specify.

Eric Evans – Well, what I am saying is that if they keep the access off of the partition, the new parcels, then it doesn't matter if the access is on the parent parcel, but if it comes off the parent parcel, that access, they need to have an easement, and probably a road maintenance agreement, right?

Kathy Clarich – I would think so.

Eric Evans – So, if for instance you take this chunk and you take all the road, part of this new thing you are breaking off. Then you are taking the ownership of the road that accesses the farm, it will

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be in your name, and if you are ever to sell the farm off, now the farm doesn't have legal access to access their property, it's in different ownership. We aren't talking about you necessarily, but we are talking about in the future. When they are in different ownership. We want to make sure that the farm still has access through the new parcel you are creating, and, so, what they are saying they will require an easement, an ingress/egress easement on the partition plot to access the farm.

Matt Stringer – If I keep it as one lot?

Eric Evans – Yeah, whether it is the 2 or 1 it doesn't matter. I'm just talking about the road part. If the road is part of these 1 or 2 lots then it needs to have an easement to allow the farm to access.

Matt Stringer – Okay.

Eric Evans – So, that we are not taking away that access to the farm.

Kathy Clarich – I have one other question I guess I should have asked you earlier, but, so, on the rest of the farm is there a place, like if they are hauling their truck in where they might park some equipment or something. I know he's got his own farm and he could take stuff there.

Matt Stringer – Yes, well, you know he also has an access at two other points on Gem, because the farm is pretty wide, but it goes back 3 fields. So, he says, that he enters more off of Gem than he does Clark, because easy property entry, and for harvesting too.

Eric Evans – Well, maybe he doesn't need an easement.

John Faw – I would still maintain one there---

Kathy Clarich – ---I would still maintain one, because somebody else may want to come in a different way.

Ed Anthony – And they might sell off a little parcel of that farm.

John Faw – That is possible. If you are limiting it to just Gem for an access, you may want to come in Clark later.

Matt Stringer – I think it would probably work. You would have to build a third entry on Gem if he didn't have the access on Clark.

Kathy Clarich – Lets put one in there.

Eric Evans – We will word it in a way if he decides to straighten, take the "L" off. It just needs one.

Kathy Clarich – It's an easement one way or the other.

Matt Stringer – I honestly don't watch them farm. I assume those trucks when they are loading line up. In and out, in and out, in, so, if we did change it, he, the farmer would have to give a lot of the direction on how that would change.

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Rob Kindschy – You could change farmer and that will change what happens there.

Kathy Clarich – That will change too, yeah.

Tatiana Burgess – Are we specifying a width for the easement.

Ed Anthony – It's got to be 20 ft.

John Faw – I would say 30 if you are working a farm.

Kathy Clarich – Yes, because of equipment.

Tatiana Burgess – Typically, for fire, they say 25 ft.

John Faw – Yeah, I would say 30. This equipment is approaching 30 wide.

Matt Stringer – That “L” is presently 30 or 32, because the equipment.

Eric Evans – 25 is for fire and that's pretty wide for fire equipment, but we are talking way wider than fire equipment.

Kathy Clarich – Is there anything else we want to put on the conditions? As far as accessing the road they will work that out which one they are going to use, I'm assuming.

Ed Anthony made a motion to approve the staff report and findings of fact as modified. Linda Simmons seconded the motion which was unanimously approved by the Commissioners present.

Ed Anthony made a motion to approve 2 non-farm partitions. Rob Kindschy seconded the motion which was unanimously approved by the Commissioners present.

Ed Anthony made a motion to approve 2 non-farm dwellings. Rob Kindschy seconded the motion which was unanimously approved by the Commissioners present.

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Applicant: Jason & Rachel Johnson
1821 Sandhollow Rd
Vale, OR 97918

Owner of Record: Jason & Rachel Johnson
1821 Sandhollow Rd
Vale, OR 97918

Consideration of a Conditional Use Permit for commercial activity in conjunction with farm use in Exclusive Farm Use zone. Planning Department file # 2022-03-018.

Kathy Clarich - Now is the time to hear the request for a conditional use permit for a commercial activity in conjunction with farm use for the purpose of operating a meat processing facility.

When called to speak please state your name, address and title (if any) for the record.

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 visited 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:

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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 Establish Suitability

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 Director, Eric Evans.

Eric Evans - Conditional Use approval for commercial activity in conjunction with farm use for the purposes of operating a meat processing facility. Tax Lot 4201, T18S, R45E, Sec. 31; Assessors Map 18S45E; Malheur County Reference #20768. Heading South on Main Street in Vale, turn West on Airport Road. Airport Road then turns to the South (left). Property is on the left to the South of the solar panels. Exclusive Farm Use (C-A1). The parcel is 160.23 acres. Parcel is currently being used as rangeland and farmland. There is a single irrigation pivot on the parcel. To the north of the property is a solar array. To the east, is the Vale Airport. The south and west are farm uses. Access is from Airport Road. All required Oregon Department of Environmental Quality permits including onsite wastewater, will be required. The parcel is located within the Vale Rural Fire Protection District. Although a small portion of the parcel is located within the regulatory floodplain, the site of the development is well outside. No other natural hazards have been identified. As far as water rights, I did talk to our Water Master. There is an exemption for 5,000 gallons daily usage for commercial use. So, as long as they keep below 5,000 gallons a day they will be exempted from any kind of water right issues. The soils on the property are

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predominately class IV; with only soils class IV on the site of the proposed project. In 2017, the subject property was approved for two non-farm partitions and two non-farm dwellings.

Kathy Clarich - Who do we have? Jason and Rachel? Who ever wants to tell us what your plans are.

Applicant Testimony:

Jason Johnson – We are very much in the (Inaudible) stage of this idea. Our plans are to build a place where we could slaughter and process animals for hamburger, beef cattle, and we want to stay pretty small and local, but we will have enough volume that we can have an impact on our industry. We don't know a lot about the meat packing, but I know a lot about the cattle industry, and (Inaudible), I feel like there is some opportunities there in our area. Our area is known for beef production. So, we are looking into taking a stab at starting something up and going with it. What we are looking at is probably up to a 12,000 sq ft building. We would like to (Inaudible) at some point. Process up to 50 animals per day. We would have to have settling ponds, a lagoon system there on the property, and then we felt like this property gave us the best opportunity to do something like that we weren't infringing on our neighbors too much. We have plenty of space. Anyways, that is what we are looking at.

Kathy Clarich – Okay, does anybody have any questions for them?

Rob Kindschy – So, have you talked to anybody about what it is going to cost to build and do all that stuff?

Jason Johnson – Yeah, I have. We have done a little bit of work with Jason, at the SBDC (Small Business Development Corp) and we did kind of a preliminary (Inaudible) I don't have enough money to pull that off. We are working with a couple people who have some connections to provide something for something like that. I would say it will be somewhere between 10 and 15 million to do it. I don't have anywhere close to that.

Rob Kindschy – Have you checked in with the DEQ what their requirements are going to be?

Jason Johnson – They're kind of in conversations with them right now. There will be several hoops to jump through on that route. We have to be in compliance with them to be able to do (Inaudible) I spoke with Fire Marshal and I forgot his name now and he had a couple different ideas and compliance, things we could do to make sure we were up to code for them.

Kathy Clarich – I have a question for you on the 4.77-acre plot. I'm assuming that is also yours?

Jason Johnson – Yep.

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Kathy Clarich – I was just wondering if you plan on selling that, or are you going to have some problems with the meat packing plant there?

Jason Johnson – No, we partitioned that off. We sold our home that was also attached to the property at one time, and we partitioned that portion off at that time. Our understanding was that we had to do it then or it couldn't have been done, and we didn't, we don't really have a plan for the 4.77 acres right now. Honestly, I haven't quite talked about this with Rachel, but I would be willing to, I mean include that in the main parcel. We don't have any plans to sell that off or put a home on it or anything.

Kathy Clarich – Okay.

Ed Anthony – Okay, I have a question. Have you thought about what you are going to do with your bones, your hide, your guts, and stuff like that?

Jason Johnson – I have thought about it. I don't have a super good answer for that. We have talked to the contact with the gal, a consultant, and that is going to be some major situation with something like this. We are going to have to have some where to go with it all. We have gotten that detailed yet. We have thought about it. I don't have a solid answer for that I guess.

Ed Anthony – I know for a fact it's going to be a very expensive thing to do.

Jason Johnson – To get rid of it?

Ed Anthony – Yes, because they started to charging to get rid of it. They use to pay you, now you have to pay them to come pick it up. You know the dead wagon same thing, they quit coming.

Jason Johnson – They use to pay you to pick those up, and now they charge you a whole bunch.

Ed Anthony – So, that is something you need to look into see what you can do there.

Jason Johnson – Right. There are some options with that as far as, I don't know, if you can turn it into dog food?

Ed Anthony – Well, that is what they do with it. They make dog food and soap and all that, but they don't pay you. You have to pay them.

Jason Johnson – Right, okay. We just pulled into the parking lot should we walk in?

Ed Anthony – Sure, come in!

Jason Johnson – So, yeah those are both good questions. This is an idea born of my frustration in the cattle business, and the fact that it's controlled by a select few and it affects many. In my mind I have decided that the way to combat that was to have

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a small local level, I know 10-15 million doesn't sound small, but that's not small, but it is small enough that Cargill and Tyson will leave you alone.

Rob Kindschy – But will they leave you alone? How long will they leave you alone?

Jason Johnson – Well, that's, and I said up to 50 head and maybe it is only 10 head a day for a while. I don't know what that number is. Where that becomes an issue and they just undercut you and buy your facility.

Rob Kindschy – Here is the thing with the (Inaudible) and stuff. I know the big ones put their own plants in to take care of that stuff. To do all whatever they have to do. That will probably cost you another 10-15 million dollars to put a plant in.

Jason Johnson – Well, if I get 10 million that is going to be...

Rob Kindschy – You know what I am saying?

Jason Johnson – I do know.

Rob Kindschy – I know right now for a fact it cost a lot of money to get rid of that stuff. When before they use to pay us.

Jason Johnson – Right. That was a revenue source and now its an expense. Again, that is part of my frustration. It is a frustration that is echoed through the entire cattle industry. So, I don't know, I just decided some time in my life I am going to do something about it. So, that is where this idea has come from.

John Faw – It is my guess that you probably need the approval to proceed on dirt before you can attack all these things.

Jason Johnson – Well, that was kind of our thought. If this was a no go then we have to find another place for it. A couple of the guys I have talked to at some point will probably be helping me quite a bit. Look into what it would cost to plumb into the city's facilities. I actually talked to the city manager about it and we were going to look into that some more. For city water to go into their lagoons and stuff. What he told me was they built one of those lagoons for Oregon Mushroom that has never been used at all. So, I just spoke with him and don't have a lot of information on that, but that's what we are looking at. If this is a go we are going to pursue that. If it is a no go we are going to start looking elsewhere, at other options.

Eric Evans – Well, there is definitely water out to the airport.

Jason Johnson – And honestly, we will be looking at other options anyways.

Eric Evans – The sewer I don't think comes up that far.

Linda Simmons – The airport is considered part of the city limits.

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Jason Johnson – There is a treatment plant there. I think that is right where it stops. There is a fire hydrant or two there.

Ed Anthony – So, it will cost you a lot, because we don't have sewer at our house.

Eric Evans – From Nyssa to the reload center they are saying it is like 3 million to put water out there.

Rob Kindschy – Well, his water is a lot closer.

Eric Evans – Well, water but sewer.

John Faw – Sewer is going to be a long way.

Kathy Clarich – Just go to the mushroom plant and take that.

Jason Johnson – I have thought about that. I would be happy to look into it. A couple of the guys, you know, say that place is, you try to patch, and re-patch, and redesign, they said it is going to cost you as much or more.

Kathy Clarich – Just tear it down.

Jason Johnson – And that maybe would be the best option.

Rob Kindschy – They are very right there isn't a lot left to that place.

Jason Johnson – For my whole life, well not my whole life, since the plant closed down I drive by there and think what an incredible waste of a good location.

John Faw – I'm not sure that facility would be big enough.

Jason Johnson – That has to be pretty close to 12,000 sq feet.

Rob Kindschy – That's not many acres. I don't know if that is more then 10 acres there.

Jason Johnson – Well, maybe that's not. Right, there is not a lot of extra.

Kathy Clarich – The lagoon is right there though.

Jason Johnson – Right, and that would be easy.

Kathy Clarich – And, like I said there is water there too.

Jason Johnson- Right, that would be easy, and maybe that is something we should look into with the cost benefit analysis.

John Faw – Hot water you have to have it.

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Kathy Clarich – Not that we are trying to discourage you or anything.

Jason Johnson – Like I said that is something to look into. You hit it on the head. I mean we are looking at this, and like I say we are in the early stages, but we kind of got to get something like this in line before we can go too deep into it. If that makes sense?

Rob Kindschy - That's a good location where you are at I mean really.

Jason Johnson – I should have brought in, I have a color map I got from, I think it's in the car.

Kathy Clarich – Of the property you mean? It can be pulled up here.

Jason Johnson – And to be quite honest I can't figure out anything else to do with this piece of dirt, besides shoot a quail once in a while.

John Faw – You can't utilize it for much else.

Kathy Clarich – No, it's right across from the feed lot.

Jason Johnson -Right, that was our thought. If people were willing to live there with the feed lot. We might not be the most offensive person around.

John Faw – I was going to say the neighbors there aren't going to complain much.

Jason Johnson – So, really, we are looking in this area.

Rob Kindschy – You could put your managers house or something there.

Rachel Johnson – That's what we wondered if it might be wised to hang on to that.

John Faw – Yeah, I would hang onto that one as well. You get rid of it and you will never get it back.

Jason Johnson – We wouldn't go very deep.

John Faw – Where is the flood plain, was my next question, Eric?

Eric Evans – It is not, nowhere near.

John Faw – That's fine I just kind of wanted to know.

Ed Anthony – So, we will be way above the flood plain.

Kathy Clarich – I think something about the new things are like 100ft from the river is all in flood plain, whether it floods or not. Which is ridiculous.

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Kathy Clarich – While he is looking that up. Can I ask you a question real quick? I assume it is from a neighbor.

Rachel Johnson – Bring it on.

Jason Johnson – They bought our old home, which was here.

Kathy Clarich – Because, she said she did some research in other likely areas of concern with some information about possible water contamination and pollution being discharged in the course of the business. She said she would like more additional information of the placement of the facility, and any potential impact will have on the view from their property as well as our property values. So, I didn't know if she had brought any of that stuff up to you guys at all?

Jason Johnson – Kind of, not really.

Rachel Johnson- Yeah, that was her conversation with me. It was basically, we are willing to learn more about it. We aren't going to be opposed to it, but we want to learn more. I did talk to her about the location on the phone after the email. We talked about the berms. We would like to put some view berms, from their view point they aren't going to look over and see more pens. They don't seem to mind. They love the cows that we run all around them, and sometimes they end up in their yards, and they still act like they don't care.

Eric Evans – The blue is the flood plain.

Rob Kindschy – So, they aren't anywhere close.

Eric Evans – It stays within that channel pretty good there. Once you get closer to town it spreads out a little bit.

John Faw – So, my question is, could we give these guys a preliminary approve to proceed so they can dive into their feasibility studies?

Eric Evans – Right.

John Faw – because, without the approval for the dirt they can't move forward.

Eric Evans – Well, sort of. I mean if you think of something like Calico, I mean Calico did a lot of work prior to this. I mean we may be looking at it that it is a little early without some of the other things, but sure, I mean we can give them approval. This is the one thing that concerns me a little bit, is the time limit issues. So, the way our county code reads are authorization of a Conditional Use shall be void after 2 years, or such lesser time as the Planning Commission specifies, unless substantial construction pursuant their too as taken place. To be honest, maybe he used to bring it into you guys. We have always done extensions kind of just administratively, but we have kind of ran into something recently that I think we will probably approve them administration end, and then come in here what they all pro something trump, anyways, have you guys vote on it for the extension, but

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I think the extensions have to come from the Planning Commission. It is not something is granted as one of my abilities to do.

Kathy Clarich – So, its only granted one time though?

Eric Evans – One of the things that we are coming into right now is you know these people it's a similar type of situation where there is a lot of outside agencies. They haven't gotten, and its been over the 2 years, but they have been working on, so they actually have invested interest in the property. So, I don't love the whole concept of substantial construction, because that means, I mean that might be 5 years down the road. But, they may have 200,000 dollars sucked into it by then, you know. Or it could be a million dollars sucked into by then. So, they actually have a personal, a huge interest, even though the building is not built I think they have enough substantial interest in the property for that expiration to have not occurred. So, that's kind of how I am viewing it. It can take years for some of these outside, Federal, or State stuff. Maybe we should write a condition that says that it expires after 2 years unless some substantial progress.

John Faw – It wouldn't even have to be building, because this permitting stuff is just horrendous. You can't even talk to somebody in a year. But, if you don't have the approval for the dirt they won't talk to you.

Rachel Johnson – Well, that's why ---

Kathy Clarich - ---you might not be able to get anybody to build it either.

Rachel Johnson – Yeah, and I have an engineer who is willing to start on the plans, but we need to know where we can put it.

John Faw – This should have fall under small business and economic development for the county, because this is a nice plan. It's going to employ some people.

Eric Evans – That's why we put it Commercial in Conjunction Farm Use, because obviously it has a huge ag component to it. I think that is the whole concept.

Ed Anthony – How many do you think you are going to employ? Do you have any idea?

Jason Johnson – We don't know that either. I think we will need 30. If we just grind burger it's going to be...you know more about this then I do.

Ed Anthony – You are going to kill 50 a day. You are going to have 10 guys in the kill floor. Then you will have 10 guys in bone. Then you are going to have 30 probably. Then you will need your clean up crews.

Jason Johnson – We have different plans. We don't have plans to kill choice animals, just grind. But, if we were to do choice we are going to need more.

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Ed Anthony – You will have your Federal Inspector there 24/7 or whatever you operator. You will have to have it either way. And, you will have to have more than 1, because they are going to have to work 8 hours and be gone.

Kathy Clarich – How long do you plan to run?

Jason Johnson- In our feasibility study, that Jason Gasko has put together, 16 hours. Two 8 hour shifts basically. That would include cleaning it up, and the staff is going to be pretty major part in it. Keeping it clean enough for the next day to get started. So, 5 days a week is our thought.

Rachel Johnson – With, you know, we will pen down some cattle too. You know waiting to have the time to process them. So, there will be some work that will be done, some feeding.

Jason Johnson -Probably have somebody working 24 hours a day.

Rachel Johnson -Every day of the week I'm sure someone will be there.

Ed Anthony – So, you won't just bringing in cattle to kill that day? You will probably have some off to the side.

Jason Johnson – It would be nice, but I got to have a back up plan if somebody doesn't show up with their calves.

Rachel Johnson – Not a large amount.

John Faw – That can be really a problem if they don't show up, because then you're sitting there.

Ed Anthony – You are talking 30 for the plant and now you are talking about the rest and you are going to have another 5 or 6 employees outside in the dirt.

Rachel Johnson – We are thinking 30 to 40.

Kathy Clarich – So, my next question is it is talking about coming in on McClay Raod, I hate that road, but anyways, especially going down in a tractor on it I just hate it.

John Faw – I can see the county wanting to have some help to improve that as another access, so you don't have to go through town.

Jason Johnson – My thought there was if you drove a semi-truck and Airport Road is, I mean you can do it, but you have to pay attention, right?

Ed Anthony – See they tried to get that for (Inaudible) McClay Road, but I don't know what happened.

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Jason Johnson – Those troopers like to go out there to Fulleton, and then come back in. With that being said I thought more about it, I don't know how many big trucks will be coming out there, because the bulk of what we are going to be getting will be between 1 and 25 from one owner. Probably haul them in with stock trailers or something, or they will be coming directly from the sale barn. I just don't know.

Ed Anthony – So, you have a lot of bumps to work out.

Jason Johnson – Yeah.

Ed Anthony – I'm like John. If we don't give you an okay for the dirt you can't go ahead.

Rachel Johnson – That's how it feels. This is the next reasonable step.

Ed Anthony – So, we need to give them an okay for the dirt.

Kathy Clarich – So, can we put a think in where it can be an automatic renewal?

Linda Simmons – I think that is scary.

John Faw – Yeah, I don't think, I doubt we could do an automatic, because that is a State Statute.

Eric Evans – No, I think probably it says however the Planning Commission makes an authorization for additional periods on a request or on its own motion.

Ed Anthony – We can do whatever we want.

Kathy Clarich – Make our own motion, yeah.

Eric Evans – Right. And it says without the necessity of following any formal procedures, such as those set out in this chapter and chapter 10 of this title.

Kathy Clarich – Well, I just don't think 2 years is going to be enough to get all the permits and all the other stuff. We get people four years on a house and they don't even get it in 4 years sometimes.

Linda Simmons – I think 4 years would be lovely if we could finalize everything.

John Faw – 4 would probably just be a minimum, because you are just going to get started.

Ed Anthony – Yeah, but after we get to 4 they might have a building or something constructed and then they have a matter they can get removed, because they have a building there.

Eric Evans – Well, the thing is there is no voiding of it once there is a building. The CUP is in place, and it is done. They have met the permit requirements, and it's

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done. The permit expiration is really about if nothing is happening. If nothing is there. If there is no construction. Once construction happens it's done.

Kathy Clarich – They aren't going to want to start construction until they get all the permits and stuff for everything.

John Faw – Does the permitting count as part as their construction? Because, their construction of constructing.

Eric Evans – I mean, I think so, and I mean it's the conversation that we are having with the attorney with this other project we are having too. Is that there is substantial interest in the property. They have an invested right in the property, because they're going through the formal permitting process with these outside State agencies. I like to say now our code doesn't really read that way is the thing. I am okay with interpreting that way. But, if somebody ever come in and tried to appeal that they would probably win. Because, it says unless substantial construction pursuant there too has taken place. That is pretty specific. It is construction.

Ed Anthony – Who wrote these?

Eric Evans – Well, I don't know, I am not sure what part when this was.

Kathy Clarich – Is this County Court?

Ed Anthony – Is this Malheur County?

Eric Evans – Yes, this is county code. So, I mean it looks like it was ordinance back in possibly 2004. So, your answer would be Stephanie. But, the thing is like I say I feel like it is just like Calico going forward. These guys there is no more substantial investment in a piece of property that we have seen in this county that Calico has put into it, and to me they have met that substantial interest piece. Although, I did extend their permit for a couple years, because...

Kathy Clarich – They are still waiting on approvals.

Eric Evans – That's it they are going through the process the State has put together. The consolidated permitting process. And who knows how much longer that is going to be?

Kathy Clarich – So, if we went ahead and put his holding pens up then he would have substantial construction.

Eric Evans – Yeah. So, in the past remember that, I don't think I was working. I think I was in Environmental Health. But, up off of Forest Road 16 up in the mountains where we did that house. Did you guys have something to do with that? Anyways, he had just his foundation done for that place and then his permit expired, and I wrote him a letter saying that is substantial construction, right. Even though you don't have walls up, but from my definition it is substantial. Really anything, but like I said I am okay to interpret it just the fact that, as long as they are doing

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something. If they sat on it and they left this place and did absolutely nothing. You know they didn't put any effort into what so ever it would expire in 2 years.

Kathy Clarich – Anymore questions? No. Okay.

No Proponent.

No Opponent.

No Rebuttal.

Closed to Public Testimony.

Kathy Clarich – So, what do you guys want to do?

John Faw – This shows why you don't want to put a house out in farm ground. So, I wouldn't do anything with that 4.7.

Ed Anthony – I would just leave it there just in case you want to do something yourself.

Rachel Johnson – Could we use part of that with this project?

John Faw – I don't know why not?

Ed Anthony – It is your property you do whatever you want to do.

Rachel Johnson – Even though it is zoned differently?

Jason Johnson – It is not zoned differently.

Eric Evans – So, if you wanted to put a manager's house then you could do that. That's why I would keep it. You have already paid the penalty. You are paying extra in taxes on that piece of property, but I mean it might be a night watchman house. You might need labor housing out there.

Ed Anthony made a motion to approve the staff report and findings of fact as modified. John Faw seconded the motion which was unanimously approved by the Commissioners present.

Ed Anthony made a motion to approve the conditional use approval for a commercial activity in conjunction with farm use. John Faw seconded the motion which was unanimously approved by the Commissioners present.

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OLD BUSINESS:

Approval of transcribed minutes from the March 24th, 2022 hearings.

Ed Anthony made a motion to approve the transcribed minutes. Linda Simmons seconded it. The motion passed unanimously and approved by the Commissioners present.

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

Respectfully submitted, Alexis McDaniel

Minutes approved by:

Name: _____

Kathy Claunch

Date: _____

5-26-2022