

Malheur County Planning Commission  
August 25<sup>th</sup>, 2022

**Malheur County Planning Commission**

The Malheur County Planning Commission Meeting was held remotely, via GoToMeeting, and in person, on August 25<sup>th</sup>, 2022. Kathy Clarich called the meeting to order at 7:31 p.m.

**MALHEUR COUNTY COMMISSION MEMBERS PRESENT:**

Kathy Clarich  
Clark Forsyth  
Robert Quick  
John Faw  
Linda Simmons  
Teresa Ballard

**PLANNING DEPARTMENT STAFF MEMBERS:**

Tatiana Burgess, Planning Manager  
Stephanie Williams, County Counsel

**OLD BUSINESS:**

Applicant: Oregon Trail Mennonite Church  
839 Onion Ave  
Ontario, OR 97914

Owner: Oregon Trail Mennonite Church  
839 Onion Ave  
Ontario, OR 97914

***Consideration of a Conditional Use Permit for a private school in rural residential zone.***

Kathy Clarich – So, under *old business*, we had a request from Oregon Mennonite Church to consider a continuance to the September 22<sup>nd</sup> hearing.

***Linda Simmons made a motion to approve the request to extend the hearing to the September 22<sup>nd</sup>, 2022 hearing, at 07:30 pm. Bob Quick seconded the motion which was unanimously approved by the Commissioners present.***

**NEW BUSINESS**

Applicant: Travis Hata  
672 NW 16<sup>th</sup> St  
Ontario, OR 97914

Owner of Record: Travis & Marie Hata  
4832 Hwy 201  
Ontario, OR 97914

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***Conditional Use approval for commercial activity in a rural service center zone.***

Kathy Clarich – Now is the time to hear the request for a conditional use permit for commercial activity in a Rural Service Center zone for applicant Travis Hata. Planning department file 2022-07-010.

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, disclose conflicts, disclose biases, or disclose any ex parte communications or site visits?  
If so, state the reason.

***John Faw, Linda Simmons, Bob Quick and Kathy Clarich – all had visited the site before.***

4. Does anyone object to any of the members of the Malheur County Planning Commission hearing this application?
5. Does anyone challenge the County Planning Commission’s jurisdiction to hear these matters?
6. 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 6-3F-5 and MCC 6-3G-4

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.

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

7. 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 permit application for commercial activity in the rural service center zone. Planning Department file # 2022-07-010. The applicant and owner of the record is Travis Hata at 4832 Highway 201 Ontario OR 97914. The property is identified as tax lot 1900 on Assessor's map 16S47E35, Malheur county reference #6413. The property is located approximately 7 miles north of Ontario on Highway 201 and it is .57 of an acre. It is currently specified for commercial uses and the surrounding properties some of them are employed in farming activity and some of them are residential. A DEQ sanitation permit will be required and the capacity for it will have to be assessed as for the proposed use. The property is within Payette Rural Fire Department District. We do have a letter from them included in the application and a little bit on the zone history: it looks like in 2007 there was a manufactured home that was placed on the property. In 2009 there was a conditional use permit that was approved for the construction of wood working shops. As of this year in March, that manufactured home has been removed off the property. According to ODOT there is an existing permit approach for that driveway and John Eden of ODOT confirmed that is sufficient for the proposed use. ~~there~~ There will be no new permit that will be retained for this.

**Applicant Testimony: Travis Hata, 672 NW 16<sup>th</sup> St, Ontario, OR 97914.**

Travis Hata – Our plan is to use the shop that is there, that was used for the ~~cabinet-cabinet-making~~ to do our electrical contracting business. It will be used for storage for electoral supplies, some tools, and behind the shop we plan to store a couple trailers. There will be a small office in the shop for our secretary, me and the guys to use when we are there. – You kind of know how construction works here. You roll in the morning, load up and you roll out. Then it is pretty quiet around the shop most the day.

Kathy Clarich – Does anyone have any questions for him.

John Faw – I think it's a great idea. I only have one question. Where this is already a rural service center, why are we doing this? Isn't that already ~~improved-an~~ approved use in that?

Stephanie Williams – ~~no~~ No.

John Faw – Then what does a rural service center do?

Stephanie Williams – It is sort of mixed zoning. It is supposed to be interpreted ~~of-as~~ sort of broad but in the rural service center, there are several of them in the county. Some of them allow certain things, some of them don't and with the one in the ~~annex-Annex~~ area there are permitted uses.

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Then there is conditional. This one didn't fall in a permitted use. It is to make sure the mixed uses in those zones that they complement each other. That they don't present barriers for each other and this one officially doesn't.

Clark Forsyth – One question I would have just out of my own curiosity: noise level in that type of shop?

Travis Hata – Next to nothing.

Bob Quick – You're not going to do any fabricating or anything like that?

Travis Hata – No we don't do anything like that. ~~you~~ You may hear an occasionally panel tossed in the recycle bin or something like that, but we don't do anything like that.

Clark Forsyth – Maybe an air compressor or something like that?

Travis Hata – Maybe, ~~but~~ But even with that it may be one of the guys might be airing up a tire, blowing their van out or some, but it will be just a little. There might be an air compressor but not likely.

Clark Forsyth – It was kind of in the shop before.

Travis Hata – We have a small air compressor, but the only time we use it is actually on the job site once in a while. If we are having to put up a bunch of backing for light ~~faatures~~ fixtures or something ~~light~~ like that, but at our shop it has been used maybe 3 times in the past 5 years.

Clark Forsyth – ~~ok~~ Ok.

Bob Quick – I don't have anything.

Kathy Clarich – Anybody else have anything? Ok, we don't have anyone on. So, there is no body on. So, no opponent and no proponent's?

Tatiana Burgess – Nope, just Teresa Ballard is online.

Kathy Clarich – I am going to close to public testimony, since there is no public. There is no need to rebut anything, because no one said anything.

**No Proponent Testimony.**

**No Opponent Testimony.**

**Closed to Public Testimony.**

Kathy Clarich – So, what do you guys think?

*Clark Forsyth made a motion to approve the staff report and findings of fact.  
Linda Simmons seconded the motion which was unanimously approved by the  
Commissioners present.*

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*Clark Forsyth made a motion to approve the conditional use permit for commercial activity in a Rural Service Center zone. John Faw seconded the motion which was unanimously approved by the Commissioners present.*

Tatiana Burgess – Travis I will be sending you a signed order tomorrow.

Travis Hata – OK. Is that something we have to renew yearly or how often.

Tatiana Burgess – It says it is valid for two years. So, within the two years you have to meet the conditions of approval. Which is in this case the sanitation system. You have to have that ~~completely completed~~.

Travis Hata – Which is?

Tatiana Burgess – Septic System. That is the only thing timewise that you are looking at, but as long as you are keeping the use exactly the same. ~~W,~~ we are keeping the same floorplan as you proposed. ~~T,~~ then you don't have to come back.

Travis Hata – Ok, alright.

**OLD BUSINESS:**

**Approval of transcribed minutes from the July 28<sup>th</sup>, 2022 hearings.**

Kathy Clarich – The next thing on the agenda is to approve the July minutes. I gave

Tatiana ~~Burgess~~ some corrections already.

Tatiana Burgess – I made those.

~~**OLD BUSINESS:**~~

~~**Approval of transcribed minutes from the July 28<sup>th</sup>, 2022 hearings.**~~

*Clark Forsyth made a motion to approve the transcribed minutes with the suggested grammatical corrections. Bob Quick seconded it. The motion passed unanimously and approved by the Commissioners present.*

*John Faw made a motion to adjourn the public hearing. Linda Simmons seconded the motion. The motion passed unanimously approved by the Commissioners present.*

Respectfully submitted, Julie Bromley

Minutes approved by:





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Name:

Date: