

Landon Jones

From: BOYD David W <David.W.BOYD@odot.oregon.gov>
Sent: Tuesday, June 25, 2024 10:29 AM
To: Landon Jones; Michaela Ramirez
Cc: JARVIS-SMITH Cheryl; LAPP Thomas; LANI Richard
Subject: RE: Ruggs Ranch Notice CUP-A-311A-24
Attachments: Landowner letter, Public Notice, map CUP-S-311A-24.pdf; Rugg's Ranch CUP-S-194 Findings 2003.pdf

[EXTERNAL EMAIL] - STOP and VERIFY - This message came from outside of Morrow County Gov

Landon,

Here are ODOT's comments.

Under County codes.

- Zoning Sec 6.030.D Designating the size, number, location and nature of vehicle access points.
- Zoning Sec 4.010 Access
- Subdivision Sec 8.020.Z Nonconforming Access Features states that access existing before this code (12-20-2022) shall be brought into compliance... **change in land use** or improvement occurs.
 - Article 8 Design Standards Sec 8.020.T.1, Access Management calls for spacing standards of 700 ft (ODOT current std is 650').
 - Sec 8.020.V has a max access width of 40'.

On Hwy321 OR207.

Approach #28979 (42' & pullout?, MP 0.534 Lt). The pull out is not approved and needs to be closed. The maximum approach allowed under Morrow county code is 40'. This approach is currently under permit with ODOT but for a width of only 30 feet and for a residence only. Applicant needs to work with ODOT to either reduce the width to the current permitted width or apply for an Upgrade Application for the 40-foot maximum per county code.

Connection #28980 (S field, MP 0.002 Lt) is not shown on the Site Plan map from CUP-S-194. A condition of approval was only those accesses shown on the map (Highlighted in green) are valid and any new access require permits from ODOT. Applicant needs work with ODOT to close or make application for State Highway approach.

On Hwy300 OR206.

Approaches #29352 (Barn/well, MP 73.81 Lt) and #29351 (field, MP 73.64 Lt) are shown on the Site Plan map from CUP-S-194 and will be recognized by ODOT as legal approaches and will be identified as Presumed to be Permitted under OAR734.051.3015 for the legal uses as of January 1, 2014, range land/field/Barn.

Connection #28981(Old Grange or access to OHV?, MP 73.25 Rt) is not shown on the Site Plan map from CUP-S-194. A condition of approval was only those accesses shown on the map (Highlighted in green) are valid and any new access require permits from ODOT. Applicant needs work with ODOT to close. Someone has installed a temporary fence from the bridge to the bus stop building

with twine and fence post, making the temporary fence permanent is an acceptable form of closure.

Connection #29310 (Open Frontage to grain silos & house, MP 73.42 Rt) is not shown on the Site Plan map from CUP-S-194. A condition of approval was only those accesses shown on the map (Highlighted in green) are valid and any new access require permits from ODOT. Applicant needs work with ODOT to define the access by making an application for State Highway approach to be shared with the Morrow County Grain Growers, limited to 40 feet in width per county code.

Connection #29197 (N field, MP 73.33 Lt) is not shown on the Site Plan map from CUP-S-194. A condition of approval was only those accesses shown on the map (Highlighted in green) are valid and any new access require permits from ODOT. Applicant needs work with ODOT to close or make application for State Highway approach.

Approach #29272 (house, MP 73.24 Lt) is shown on the Site Plan map from CUP-S-194 and will be recognized by ODOT as a legal approach and will be identified as Presumed to be Permitted under OAR734.051.3015 for the legal uses as of January 1, 2014, residence/range land/field.

Connection #29280 (N field, MP 73.22 Lt) is not shown on the Site Plan map from CUP-S-194. A condition of approval was only those accesses shown on the map (Highlighted in green) are valid and any new access require permits from ODOT. Applicant needs work with ODOT to close as this connection does not meet the spacing standard.

Connection #29288 (South field, MP 73.21 Rt) is not shown on the Site Plan map from CUP-S-194. A condition of approval was only those accesses shown on the map (Highlighted in green) are valid and any new access require permits from ODOT. Applicant needs work with ODOT to close or make application for State Highway approach.

The Site Plan map from CUP-S-194 is the same that was used under CUP-S-311, CUP-S-311A and this CUP-S-311A-24 for access locations.

Signs.

Per CUP-S-194 conditions of approval, all signs are to be in compliance with ODOT requirements. Applicant needs to move all sign from public right of way along the state highways.

Under ODOT's OAR734.051.3020 Change of Use of a Private Connection.

The baseline traffic generation will be established based on the uses defined under CUP-S-194, Hunting Reserve/Lodge (6 guest units)/Pro-Shop/3-residences prior to January 1, 2014.

Under these assumptions the addition of 4 Guest units (CUP-S-311A-24) does not exceed the thresholds of 3020(2) and thus do not require any action for the 4 approaches listed above by the applicant.

David W. Boyd, P.E.
Region 5 Access Management Engineer
3012 Island Ave, La Grande, OR 97850
541-419-5977

From: JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>
Sent: Thursday, June 13, 2024 8:42 AM
To: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>; BOYD David W <David.W.BOYD@odot.oregon.gov>
Subject: FW: Ruggs Ranch Notice CUP-A-311A-24

Notice from Morrow County on Hwy 207.

Thanks
cjs

From: Michaela Ramirez <mramirez@co.morrow.or.us>

Sent: Thursday, June 6, 2024 2:23 PM

To: JOHNSON James * ODA <James.JOHNSON@oda.oregon.gov>; HERT Dawn * DLCD <Dawn.Hert@dlcd.oregon.gov>; steve.p.cherry@state.or.us; PENNINGER Teresa B <Teresa.B.PENNINGER@odot.oregon.gov>; JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>; srhea0512@gmail.com; Mike Gorman <mgorman@co.morrow.or.us>; mcintireg@cityofboardman.com; Eric Imes <eimes@co.morrow.or.us>; polly@huntruggs.com

Cc: Landon Jones <ljones@co.morrow.or.us>

Subject: Ruggs Ranch Notice CUP-A-311A-24

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hello,

You are provided this notice as an affected agency or adjoining landowner.

Attached is the Landowner Letter, Public Notice, and Map for a Conditional Use Permit CUP-S-311A-24.

Please contact Landon Jones at the Planning Department, ljones@co.morrow.or.us, with any questions or to provide public comments.

Morrow County Planning Dept.
Michaela Ramirez, Administrative Asst.
PO Box 40
Irrigon, OR 97844
541-922-4624



**FINAL FINDINGS OF FACT
CONDITIONAL USE REQUEST
Application Number CUP-S-194**

REQUEST: To approve a Hunting Preserve in the Exclusive Farm Use (EFU) Zone.

APPLICANT: Scott Coe, Manger
Ruggs Ranch
55549 Hwy 207
Heppner, OR 97836

PROPERTY OWNER: Crescent Creek Company
121 SW Morrison St.
Portland, OR 97204

PROPERTY DESCRIPTION: Property is described as Tax lots 2400, 2402 and 3300 of Township 3S; Range 25 and Tax Lot 400 of Township 4S; Range 25. Subject property is approximately 1807 acres.

PROPERTY LOCATION: Property is located at Ruggs, 11 miles south of Heppner, near the intersection of Highway 206 and Highway 207.

I. FINDINGS OF FACT:

Zoning of the subject properties is Exclusive Farm Use (EFU) and according to the letter of application, the Ruggs Ranch hunting preserve has been in operation since 1994. The Ranch offers a pheasant, chuckar, hungarian partridge hunts as well as sporting clays. They have a season which runs from August 1st through March 31st and are in compliance with the Oregon Department of Fish and Wildlife regulations. The preserve can accommodate up to 18 hunters per day. Their work force consists of one manager, three hunting guides, one chef, two housekeepers, and two administrative assistants. The Ranch provides lodging in a 4,000 square foot lodge, meals, guide, dog service, transportation to the hunting site and processing of birds. According to the map provided by the applicant, there are three dwellings plus the 4000 square foot hunting preserve lodge on the application site. The lodge was built in 1977 and remodeled in 1998; the guide's house was moved to the present location in 1962 from the McNary construction site as a hired man house; the chef's house was an existing structure that was renovated in 2001; the manager's house is the original farmhouse built in 1922. Additionally, there is an apartment in the loft of the "office" structure just southwest of the lodge. The Ranch typically serves 500 hunters a year, yielding 12,000 birds. According to the application letter, all road access will remain at the existing access points as indicated on the enclosed map. They plan no changes or additions to any buildings on the site. Additionally, they will not be changing any farming operations and will work in accordance with the Farm Service Agency. Three dams are in use on Rhea Creek and the applicant will work closely with the Water Master for flood protection. According to the SCS Soil Survey for Morrow County, the subject property contain a variety of soil types: Esquatzel, Lickskillet, Morrow, Onyx, Pedigo, Bakeoven, Rhea and Valby. See attached soil map.

II. COMPLIANCE WITH OREGON ADMINISTRATIVE RULES AND MORROW COUNTY ZONING ORDINANCE SECTIONS 3.010(D)(13), 3.010(D), 3.101(G), 6.020 AND 6.030. The requirements for approval are listed below in **bold type**, followed by a response in standard type.

Morrow County Zoning Ordinance Section 3.010(D)(13) Private parks, playgrounds, hunting and fishing preserves and campgrounds except that such uses as are prohibited on high value farmland. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660 Division 4. A campground shall meet the definition and criteria established in OAR 660-033-0130(19).

The hunting preserve can be allowed as a conditional use if it meets the soils test. While there is limited type II soil located along the creek bottom, it appears close to half of the property has a class VII soil type. The balance of the soil is class III and IV. It appears the application meets this requirement. Ruggs and Ruggs Ranch are more than three miles from an Urban Growth Boundary, the nearest city being Heppner. There is no campground, current or proposed. The applicant is providing lodging accommodations for staff and hunters which will be discussed later in the Final Findings of Fact.

Morrow County Zoning Ordinance Section 3.010(D) Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:

- (a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and**
- (b) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.**

According to the letter provided by the applicant, the hunting preserve will not change current farming operations. To insure continued compliance with this requirement it is recommended and listed as a Condition of Approval for the applicant to sign and record a Right-to-Farm Disclaimer Statement.

Morrow County Zoning Ordinance Section 3.010(D)(3) Accessory (secondary) farm dwellings, including mobile homes subject to Section 4.110, customarily provided in conjunction with farm use and meeting the following minimum requirements:

- (a) It meets all the following requirements:**
 - (1) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and**
 - (2) The accessory dwelling will be located:**
 - (1) On the same lot or parcel as the dwelling of the principal farm dwelling; or**
 - (b) On the same tract as the principal farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or**

(c) **On a lot or parcel on which the principal farm dwelling is located, when the accessory farm dwelling is a manufactured dwelling and a deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. An accessory farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is re-approved under these rules.**

(3) **There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.**

It is evident the house and other dwellings exist and are in use. It is not the intent of Planning staff to preclude the present uses of the accessory dwellings. If the purpose of this Conditional Use Permit were to establish a new, previously uninhabited tract of land for a hunting preserve, all of the accessory dwellings and the lodge would be required to undergo a permitting process within the Conditional Use Permit in order to adhere to Oregon land use law. The hunting preserve, accessory dwellings and the lodge would be subject to review. As it stands, it is the opinion of Planning staff that this application and recommended approval by the Planning Commission will hereby legitimize the present uses of the accessory buildings and the lodge for the sole purposes of the Ruggs Ranch hunting preserve. It shall be further stated that any new construction, alteration to existing buildings, or other change in the use of the accessory buildings shall be applied for and permitted under County Ordinance and State Statute in effect at the time of application. In the event Ruggs Ranch ceases to exist as a hunting preserve the existing accessory dwellings shall require review and approval for any new or change in use. This is recommended and listed as a Condition of Approval.

Morrow County Zoning Ordinance Article 6 Conditional Uses Section 6.020. General Criteria. In judging whether or not a conditional use proposal shall be approved or denied, the Commission shall weigh the proposal's appropriateness and desirability, or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met or can be met by observance of conditions.

A. The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies and regulations of the County.

The proposed hunting preserve, allowed by Conditional Use Permit, is consistent with the Comprehensive Plan and the Zoning Ordinance.

B. If located within the Urban Growth Boundary of a city, that said city has had an opportunity to review and comment on the subject proposal.

Not applicable. Property is not within an Urban Growth Boundary.

C. The proposal will not exceed carrying capacities of natural resources or public facilities.

The proposed hunting preserve will utilize existing resources and facilities. The application complies with this criteria.

Morrow County Zoning Ordinance Section 6.030 General Conditions: In addition to the standards and conditions set forth in a specific zone, this article, and other applicable regulations; in permitting a new conditional use or the alteration of an existing conditional use, the Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the County as a whole." These conditions may include the following:

- (A) **Limiting the manner in which the use is conducted including restricting a time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.**
The hunting preserve operates from August 1st through March 31 in compliance with the State of Oregon Department of Fish and Wildlife regulations.
- (B) **Establishing a special yard or other open space or lot area or dimension.**
This is inherent with the operation.
- (C) **Limiting the height, size or location of a building or other structure.**
Not applicable at this time. If the applicant should construct a dwelling or other structure in support of this hunting preserve it would be subject to zoning and building codes in effect at that time.
- (D) **Designating the size, number, location and nature of vehicle access points.**
 - 1. **Where access to a county road is needed, a permit from Morrow County Public Works department is required. Where access to a state highway is needed, a permit from ODOT is required.**
The application indicates that **no new access points are required.** If that should change, the applicant will need to obtain road access permits from the appropriate permitting agency. This is recommended and listed as a Condition of Approval.
 - 2. **In addition to the other standards and conditions set forth in this section, a Traffic Impact Analysis (TIA) will be required for all projects generating more than 400 passenger car equivalent trips per day. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and mitigation of the impacts. If the corridor is a state highway, use ODOT standards, (MC-C-8-98)**
The amount of traffic generated does not trigger the need for a TIA.
- (E) **Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.**
Upper Rhea Creek Road is currently dedicated as a 40 foot right -of-way. The County standard is a 60 foot right-of-way. At this point in time the Public Works Director has stated that the current 40 foot right-of-way meets the needs of today. The County is reserving the right to obtain an additional 20 feet of

dedicated right-of-way when improvements may be necessary to Upper Rhea Creek Road. This is recommended and listed as a Condition of Approval.

1. **It is the responsibility of the land owner to provide appropriate access for emergency vehicles at the time of development. (MC-C-8-98)**

Ruggs Ranch is currently served by the Heppner Rural Fire Protection District. A copy of the Preliminary Findings of Fact were provided to the district.

- (F) **Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.**

Parking facilities are currently in place on ranch property locations. All parking facilities should be designed and integrated into the rural agricultural environment and insure that vehicles are not parked along the roadway, shoulder of the roadway, or in any unsafe manner. It appears the ranch has complied with the intent of this condition.

- (G) **Limiting or otherwise designating the number, size, location, height, and lighting of signs.**

The application letter includes photographs of the existing signs located along the highway near the ranch. It appears there are five signs: four as direction markers to the entrance of the ranch and one large entrance sign. Except for the flagpole and entrance sign, they do not appear to be lighted. See attached photographs. The applicant must demonstrate compliance with Oregon Department of Transportation requirements for sign placement. This is recommended and listed as a Condition of Approval.

- (H) **Limiting the location and intensity of outdoor lighting and requiring its shielding.**

Due to the remote setting of the ranch, the outdoor lighting currently in place seems to be acceptable at this time.

- (I) **Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.**

Due to the remote location and size of the property, this requirement is not applicable at the present time.

- (J) **Designating the size, height, location and materials for a fence.**

The current fencing at the ranch is adequate for the conditional use.

- (K) **Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.**

This activity is inherent in the conditional use.

- (L) **Other conditions necessary to permit the development of the County in conformity with the intent and purpose of this Ordinance and the policies of the Comprehensive Plan.**

Planning Commission may require any of the above conditions that appear to be relevant and necessary for the hunting preserve to be consistent with the Goals and Objectives of the Comprehensive Plan.

III. **LEGAL NOTICE:** Published in the Heppner Gazette-times on June 11, 2003.

IV. **AGENCIES NOTIFIED:** Joni Hammond, Department of Environmental Quality; Jon Jinings, Department of Land Conservation and Development; Ron Eber, Department of

Land Conservation and Development; Russ Morgan, Oregon Department of Fish and Wildlife; Heppner Rural Fire Protection District; Burke O'Brien, Morrow County Public Works Director; George Ruby, Oregon Department of Transportation; Greg Sweek, Morrow County Assessor; Vern Church, Watermaster

V. **PROPERTY OWNERS NOTIFIED:** June 6, 2003
ORS 197.763(2)(a)(B).

VI. **HEARING DATE:** June 26, 2003
Morrow County School District Building
Lexington, Oregon

VII. **DECISION OF PLANNING COMMISSION:**
Recommendation of staff is to approve the application subject to the following conditions:

1. Sign and record a Right-to-Farm Disclaimer Statement.
2. Any new construction, alteration to existing buildings, or other change in use of the accessory buildings shall be applied for and permitted under County Ordinance and State Statute in effect at the time of application.
3. In the event Ruggs Ranch ceases to exist as a hunting preserve the existing accessory dwellings shall require review and approval for any new or change in use.
4. Acquire approval of the appropriate agency for any proposed new road access.
5. Demonstrate compliance with Oregon Department of Transportation concerning sign requirements.
6. Dedicate an additional 20 feet of right-of-way for Upper Rhea Creek Road at the time of future improvement to said road.



Joel Peterson, Chair
7/3/03

Date

ATTACHMENTS: Vicinity map, Plot plan, Soil map, Letter from applicant, Photographs of signs at the hunting preserve, Letter from the Oregon Department of Environmental Quality

RECEIVED
MAY 12 2003

MORROW CO. PLANNING DEPT.

May 9, 2003

Morrow County Planning Dept
PO Box 40
Irrigon, OR 97844

Dear Members of the Planning Department,

This letter is in regards to our application for a Conditional Use Permit. Our hunting preserve, Ruggs Ranch, has been in operation since 1994. We are located 11 miles south of Heppner on Highway 207. The property in which we are applying for is outlined in the enclosed application, legal description, and plot map.

Ruggs Ranch consists of approximately 1,807 acres of hunting land. We offer pheasant, chuckar, and hungarian partridge hunts as well as sporting clays. Our season runs from August 1st thru March 31st, Monday-Sunday approximately 9am to 6pm; in compliance with the State of Oregon Department of Fish and Wildlife regulations. The preserve can accommodate 18 hunters or fewer per day. Our work force consists of 1 manager, 3 hunting guides, 1 chef, 2 housekeepers, and 2 administrative assistants.

When our hunters arrive, they fill out general paper work and check into the lodge. We then separate into groups and transport them to the hunting site. We have designated parking at all sites, which are well off of the main highway or county road. Once at the hunting site we do not offer any amenities, if a hunter needs something we transport them back to the lodge. Before beginning the hunt, boundaries are lined out to the hunters as well as final safety instructions. We have specific walking grounds for each hunt. Once the hunt is complete we transport the hunters back to the lodge where we clean and process their birds. Bird carcasses are disposed of in a burring pit, which is located in a draw away from the ranch.

We provide lodging in our 4,000 square foot lodge, meals, guide and dog service, transportation to the hunting site, and processing of birds. We typically serve 500 hunters a year, yielding 12,000 birds.

All road accesses will remain at the existing access points as indicated on the enclosed map. There will be no changes or additions to any buildings on site. We will not be changing any farming operations and will work in accordance with the Farm Service Agency. Three dams are in use on Rhea Creek (see map) and we work closely with the Water Master for flood protection.

The enclosed maps indicate the following buildings, signs, and lighting: 3 pump houses; lodge; proshop/office and main shop with indoor heated kennels; main dog kennels and bird cleaning station; guides house; guides kennels; managers house; managers barn; managers garage; chefs house; pheasant barn; chuckar barn; flagpole; four signs; and entrance sign. Outdoor lighting includes one street style pole and luminous lights highlighting the flagpole and entrance sign. Pictures are enclosed of all signs.

Thank you for reviewing our application. If there is any further information needed, please contact us at 541-676-5390.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Coe".

Scott Coe
Manager, Ruggs Ranch

SEE MAP 35 24

DETAIL SEC. 32.

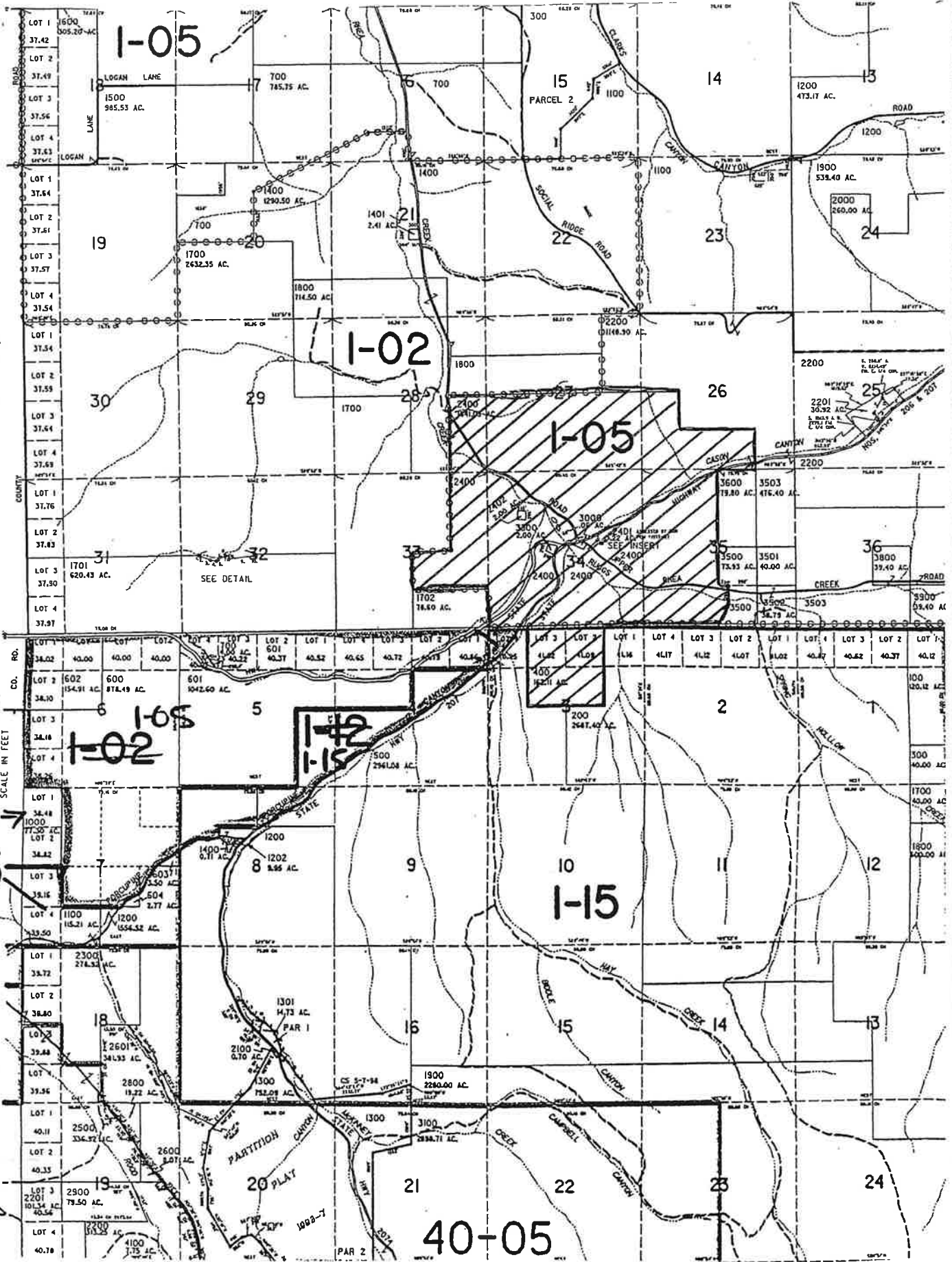
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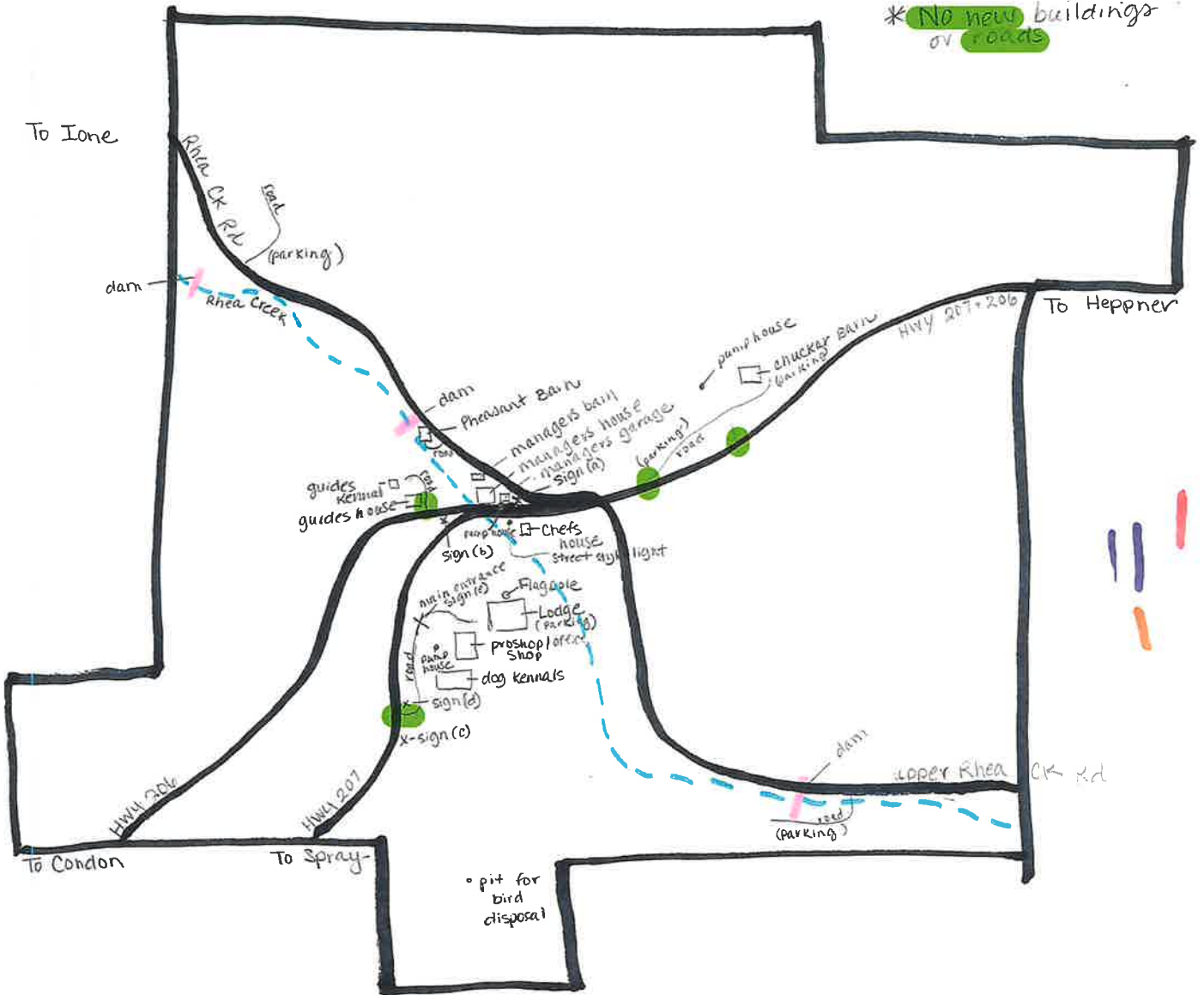
SEE MAP 45 24

TAX LOT 4201

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* No new buildings
or roads



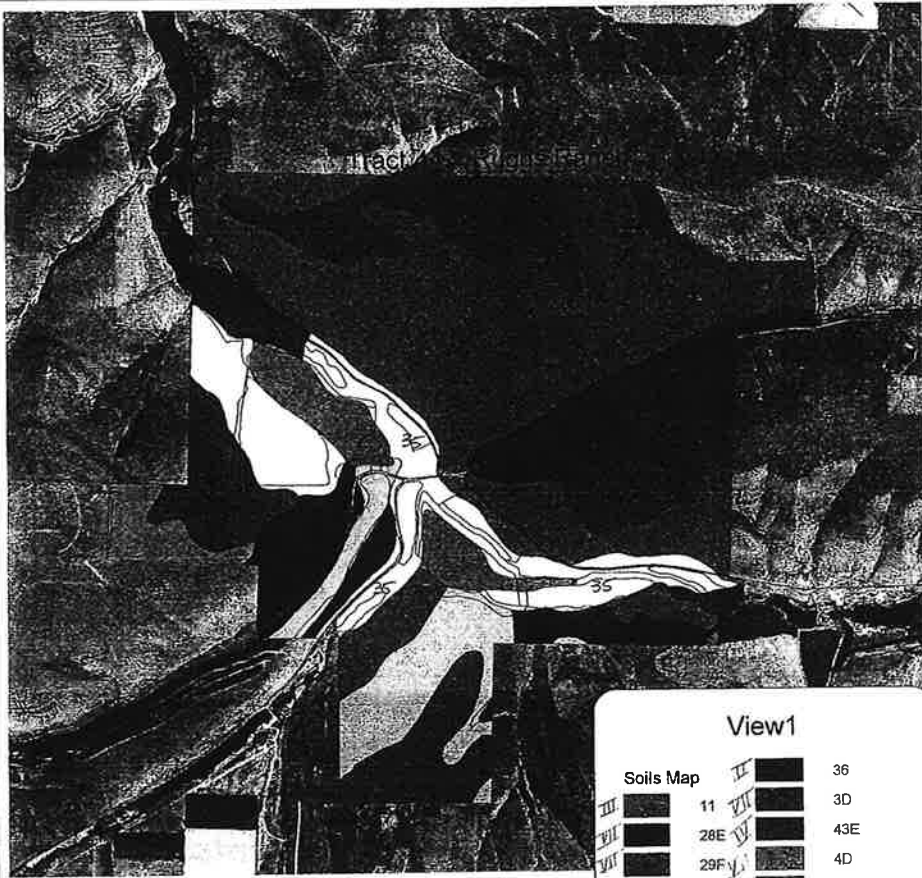
Soils Map

Ruggs Ranch

Morrow Soil and Water Conservation District

Date: 04/30/2003

Heppner Field Office
USDA-NRCS
Connie Holmquist



Legend

USDA

3000 0 3000

View1

Soils Map	Image	Morrow.sid
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31C	63B	63B
32D	63C	63C
32E	64D	64D
35	Image	Morrow.sid

Esquatzei, Licksillet, Licksillet-Rock outcrop, Morrow, Onyx,
Pedigo, Bakeover-Morrow, Rhea, Bakeover, Valby, Valby

a



d



b



c



e

