



PLANNING DEPARTMENT

P.O. Box 40 • Irrigon, Oregon 97844
(541) 922-4624 or (541) 676-9061 x 5503
FAX: (541) 922-3472

AGENDA

Morrow County Planning Commission
Tuesday, March 30, 2021 7:00 pm
Bartholomew Building
Heppner, Oregon

See Electronic Meeting Information on Page 2

Members of Commission

Jeff Wenholz, Chair
Stacie Ekstrom
Greg Sweek

Mifflin Devin, Vice Chair
Wayne Seitz
Rod Taylor

Stanley Anderson
Karl Smith
Brian Thompson

Members of Staff

Tamra Mabbott, Planning Director
Stephen Wrecsics, GIS Planning Tech
Dianna Strong, Office Assistant

Stephanie Case, Planner II
Justin Nelson, County Counsel
Gregg Zody, Community Development Director

1. Call to Order
2. Roll Call
3. Pledge of Allegiance: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands: one nation under God, indivisible with liberty and justice for all."
4. Minutes: February 23, 2021
5. Public Hearings to begin at 7:00 pm (COMMISSION ACTION REQUIRED):

Replat R-S-063-21: G Hughes Property, LLC and John & Diane Kilkenny, Applicants and Owners. The property is described as tax lots 800 and 1300 of Assessor's Map 2S 28E. The property is zoned Exclusive Farm Use (EFU) and located 11 miles east of Heppner on Highway 74. Request is to adjust a shared property line which would reconfigure a portion of Partition Plat 2000-01. Criteria for approval includes the MCZO Section 3.010 Exclusive Farm Use (EFU) and Morrow County Subdivision Ordinance Article 5 Land Partitioning.

Conditional Use Permit CUP-N-346-21: Beef Northwest Feeders, Applicant and Threemile Canyon Farms, Owner. The property is described as tax lot 100 of Assessor's Map 3N 24E. The property is zoned EFU and is located approximately 10 miles southwest of Boardman on Taggares Lane. Request is to approve a temporary concrete batch plant. Criteria for approval includes MCZO Article 3 Section 3.010(C)(14) and Article 6 Sections 6.020 – 6.040 and 6.050(I).

Land Use Decision LUD-S-34-21: Walter and Erin Mallette, Applicants and Owner. The property is described as tax lots 1800 and 1900 of Assessor's Map 4S 28E 11AB. The property is zoned Forest Use (FU) and located southeast of Heppner near Penland Lane. Request is to authorize a forest template dwelling. Criteria for approval includes MCZO Section 3.020(27) Forest Use Zone.

Land Use Decision LUD-N-33-21: Grieb Farms, Owner; Gas Transmission Northwest, Applicant. The property is described as tax lot 1200 of Assessor's Map 2N 26. The property is zoned EFU and is located northeast of Lexington near Bombing Range Road. Request is to authorize construction of a natural gas compressor, equipment, related buildings and generators. Criteria for approval includes MCZO Section 3.010(B)(25) and (D)(10) Exclusive Farm Use Zone.

6. Correspondence
7. Public Comment
8. Adjourn

Next Meeting

April 27, 2021 at 7:00 p.m. Location: TBA

ELECTRONIC MEETING INFORMATION:

Morrow County Planning is inviting you to a scheduled Zoom meeting. Join Zoom Meeting
<https://zoom.us/j/92188658230?pwd=ZSt1ZDBQeTdTWdHkT1Z2RldQZXBRdz09>

Meeting ID: 921 8865 8230

Password: 171674

One tap mobile:

+16699009128,,92188658230#,,,,*171674# US (San Jose)

+12532158782,,92188658230#,,,,*171674# US (Tacoma)

Zoom Call-In Numbers for Audio Only:

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 921 8865 8230

Find your local number: <https://zoom.us/u/abGh71LGio>

Should you have any issues connecting to the Zoom meeting, please call 541-922-4624. Staff will be available at this number after hours to assist.

This is a public meeting of the Morrow County Planning Commission, and may be attended by a quorum of the Morrow County Board of Commissioners. Interested members of the public are invited to attend. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours before the meeting to Tamra Mabbott at (541) 922-4624, or by email at tmabbott@co.morrow.or.us.

**PRELIMINARY FINDINGS OF FACT
REPLAT REQUEST
R-S-063-21**

REQUEST: Adjust a property line which would reconfigure parcel 1 of Partition Plat 2000-01.

APPLICANTS/OWNERS: G Hughes Property, LLC
1614 Durum Drive
Walla Walla, WA 99362

John & Diane Kilkenny
79074 Hwy 74
Heppner, OR 97836

PROPERTY DESCRIPTION: Tax Lots 800 and 1300 of Assessor's Map 2S 28E.

PROPERTY LOCATION: Approximately 11 miles east of Heppner on Highway 74.

I. FINDINGS OF FACT:

This replat will adjust a shared property line between tax lots 800 and 1300. Please see the tentative plan for the resulting configuration. The land is presently bare and is zoned Exclusive Farm Use (EFU).

II. APPROVAL CRITERIA:

Morrow County Subdivision Ordinance Article 5 Replatting will apply. Criteria are listed below in **bold type**, followed by a response in standard type.

MORROW COUNTY SUBDIVISION ORDINANCE ARTICLE 5 LAND PARTITIONS SECTION 5.075. REPLATTING. A reconfiguration of a recorded subdivision or partition plat or a change in the number of lots in the subdivision or partition may be approved by the Planning Commission or as defined in ORS 92.180. Replats will act to vacate the platted lots or parcels and easements within the replat area with the following conditions:

1. **A replat will apply only to a recorded plat.**
A replat is required as the applicant is proposing to reconfigure a partition affecting Partition Plat 2000-01.
2. **Notice shall be provided when the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225.**
This provision does not apply as this is not a replat of an undeveloped subdivision. However, notice was provided under the requirements of the Morrow County Subdivision Ordinance.
3. **Notice shall be provided to the owners of property adjacent to the exterior boundaries of the tentative subdivision replat.**
Notice has been provided to adjoining property owners and affected agencies.
4. **When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified,**

consistent with a governing body's notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation under this section must notify the Planning Department in writing within 14 days of the mailing or other service of the notice.

No changes to utility easements are proposed. This replat is at the request of the land owners.

5. **A replat will not serve to vacate any public street or road.**

No streets or roads are proposed to be vacated.

6. **A replat will comply with all subdivision provisions of this Article and all applicable Ordinances.**

This requirement is met as the parcels were subject to provisions of this Article with both the previous partition and this proposal. The applicant will need to submit both a preliminary and final partition plat to be in compliance with this Article and ORS Chapter 92. This is recommended and listed as a Condition of Approval.

III. **AGENCIES NOTIFIED:** Ken Thiemann, Watermaster; Steve Rhea, Heppner Rural Fire Protection District; Mike Gorman, Morrow County Assessor; Thomas Lapp and Marilyn Holt, Oregon Department of Transportation; Matt Scrivner, Morrow County Public Works Director; Matt Kenny, Morrow County Surveyor; Justin Nelson, Morrow County Counsel.

IV. **LEGAL NOTICE PUBLISHED:** East Oregonian
March 9, 2021

Heppner Gazette Times
March 10, 2021

V. **PROPERTY OWNERS NOTIFIED:** March 10, 2021

VI. **HEARING DATES:** March 30, 2021
Bartholomew Building
Heppner, Oregon

VII. **PLANNING COMMISSION ACTION:** Staff recommend approval subject to the following **Precedent Condition(s) of Approval**. This condition must be completed before the Planning Director may sign the final partition plat or before the land may be deeded to a third party.

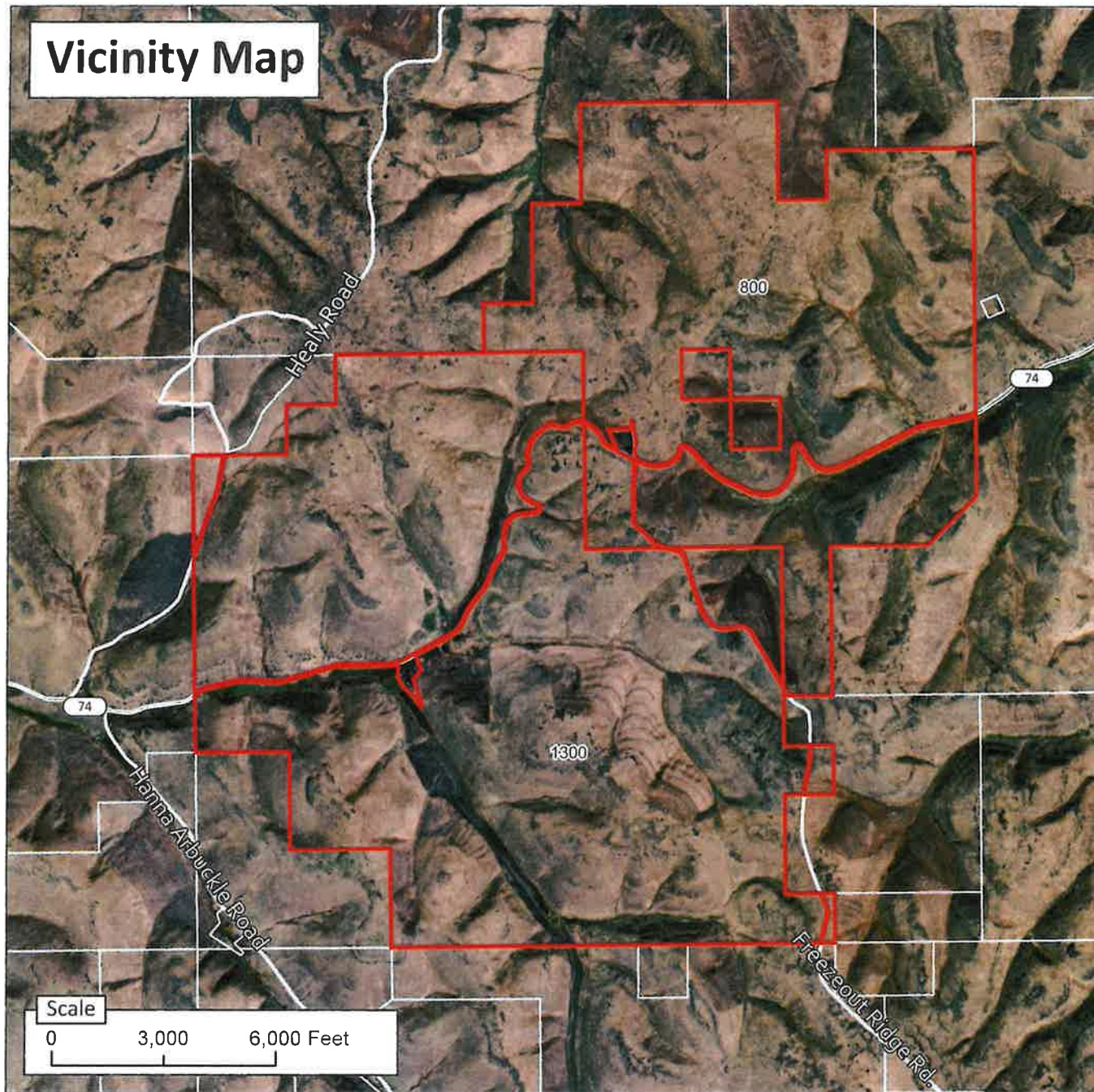
1. Submit both a **preliminary** and final partition plat to be in compliance with Article 5 of the Morrow County Subdivision Ordinance and ORS Chapter 92.

Jeff Wenholz, Chair

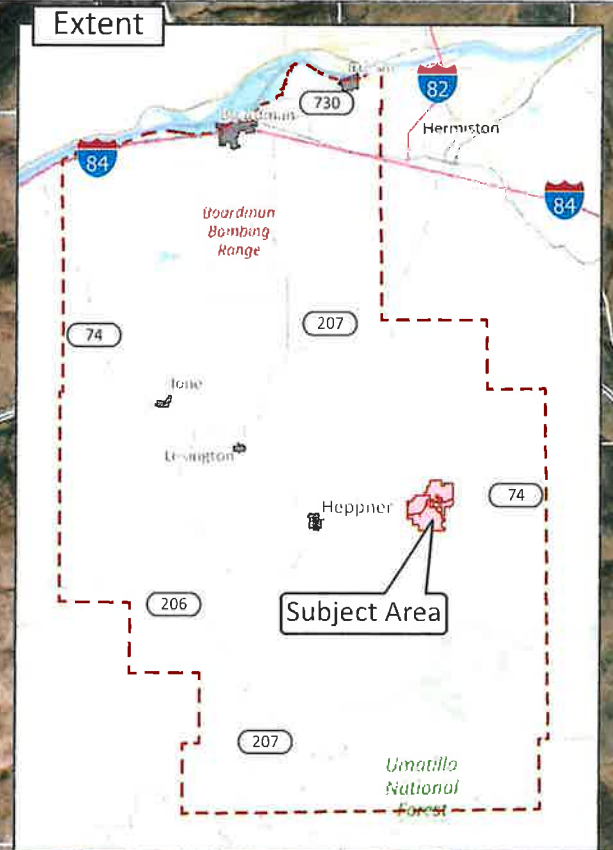
Date

ATTACHMENTS:
Vicinity Map
Tentative Plan

Vicinity Map



Extent



G Hughes Property, LLC
R-S-063-21
 2S 28E TL800 & 1300

Legend

Taxlot Subject Property



Date Saved: 3/9/2021 3:27 PM

Cartography By: Stephen Wreccics
 Morrow County Planning Department
 Coordinate System: NAD83 Oregon GIC Lambert ft
 Datum: North American 1983
 Projection: Lambert Conformal Conic



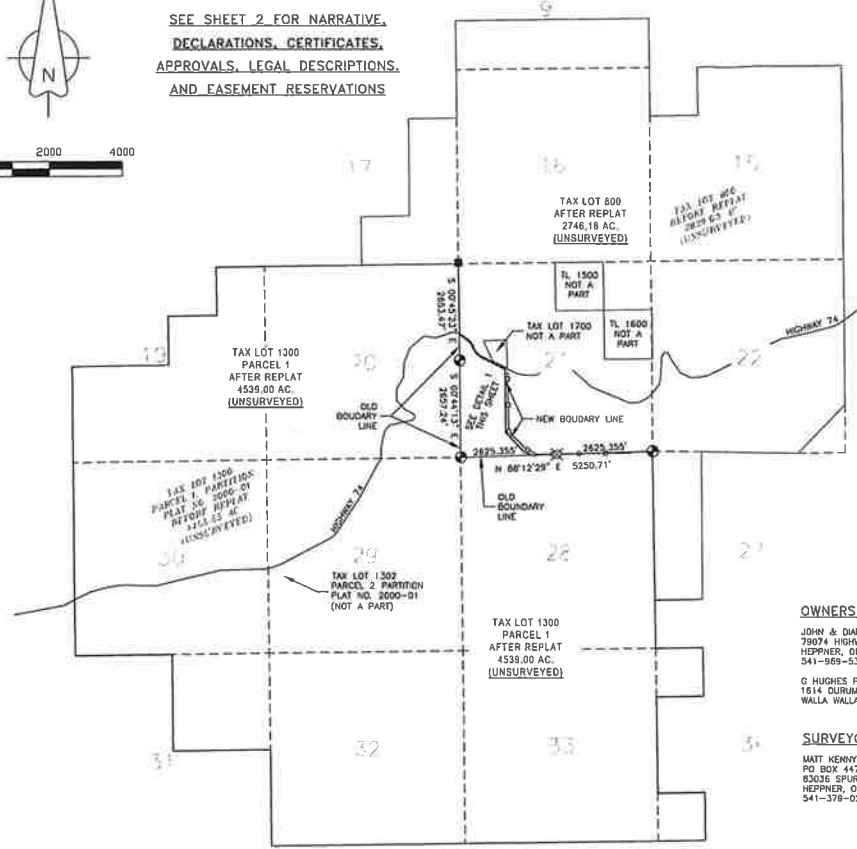
TENTATIVE PLAN FOR LAND PARTITION
AND LOT LINE ADJUSTMENT
REPLAT OF PARCEL 1, PARTITION PLAT 2000-01
MORROW COUNTY, OR

EASEMENT TABLE

- (A) 50' WIDE PERMANENT EASEMENT FOR SNOW FENCE (PARCEL 2, 2010-26714)
- (B) 50' WIDE PERMANENT EASEMENT FOR SNOW FENCE (PARCEL 1, 2010-26714 & PARCEL 2, 2010-26058)
- (C) 15' WIDE PERMANENT EASEMENT ACCESS (PARCEL 3, 2010-26714)
- (D) 15' WIDE PERMANENT EASEMENT ACCESS (PARCEL 4, 2010-26058)
- (E) 50' WIDE PERMANENT EASEMENT FOR SNOW FENCE (PARCEL 1, 2010-26058)
- (F) 15' WIDE PERMANENT EASEMENT ACCESS (PARCEL 3, 2010-26058)



SEE SHEET 2 FOR NARRATIVE,
DECLARATIONS, CERTIFICATES,
APPROVALS, LEGAL DESCRIPTIONS,
AND EASEMENT RESERVATIONS



LEGEND

- FOUND ORIGINAL STONE MONUMENT PER R1 - SET 2-1/2" BRASS CAP ON 1-1/4" X 30" GALVANIZED IRON PIPE. SEE CORNER RECORD FILED IN THE MORROW COUNTY SURVEYOR'S OFFICE WITH THIS SURVEY.
- ⊗ CALCULATED POSITION AT MIDPOINT BETWEEN ORIGINAL STONES. SEARCHED FOR ORIGINAL STONE, NOTHING FOUND.
- HELD LOCATION OF INTERSECTION OF OLD ROCK JACKS EAST AND WEST WITH EXTENSION OF NORTH-SOUTH FENCELINE TO THE NORTH, FALLING IN AREA OF OLD JACK LOCATION. MADE SEARCH FOR ORIGINAL STONE, NOTHING FOUND.
- RECORD DATA REFERENCE. SEE RECORD REFERENCES FOR ADDITIONAL INFORMATION.
- FENCE LINE
- (A) SEE EASEMENT TABLE

RECORDS OF REFERENCE

- R1: SUBDIVISION OF TOWNSHIP 2 SOUTH, RANGE 28 EAST, W.M., BY WILLIAMS AND PERSHIN UNDER CONTRACT NO. 154, DATED JUNE 6, 1871.
- R2: PARTITION PLAT NO. 2000-01 (FOLDER 1022) BY JUDSON COPPOCK, MORROW COUNTY SURVEY RECORDS.
- R3: ODOT MAP 11B-05-0008, HEPPIER MAINTENANCE SNOW FENCES-AREA 2 SECTION, DATED MARCH, 2010.

OWNERS/SUBDIVIDERS

JOHN & DIANE KILKENNY
70074 HIGHWAY 74
HEPPNER, OR 97036
541-969-5314

G HUGHES PROPERTY, LLC
1614 SURUM DRIVE
WALLA WALLA, WA 99362

SURVEYOR

MATT KENNY, PLS
PO BOX 447
83036 SPUR LOOP RD
HEPPNER, OR 97036
541-378-0242

NOTE

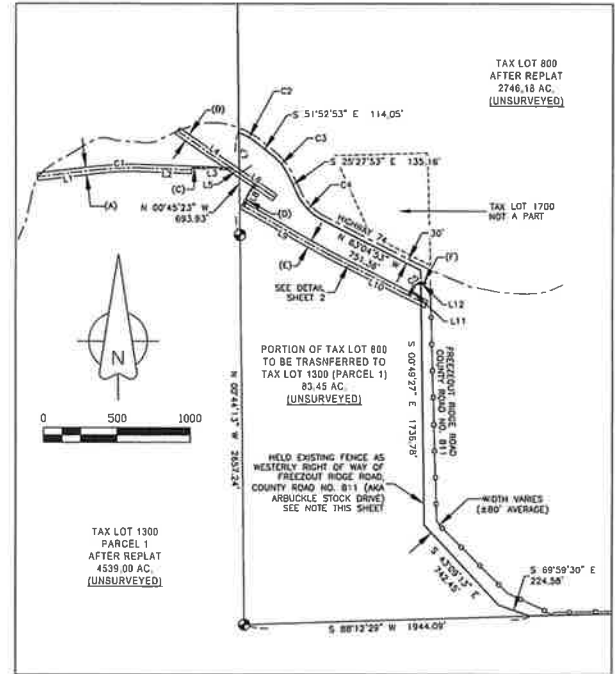
I FIND NO RECORDS OF COUNTY ROAD DEDICATION IN THE LOCATION OF FREEZEOUT RIDGE ROAD, COUNTY ROAD DEPARTMENT DOCUMENTS INDICATE ACKNOWLEDGEMENT OF COUNTY RIGHT OF WAY FOR THIS ROAD AND ALSO REFER TO IT AS OLD ARBUCKLE STOCK DRIVE. PORTIONS OF THE ROAD SOUTH OF THIS PROJECT AREA WERE VACATED BY COUNTY COURT IN 1959. THIS CORRIDOR SEEMS TO BE PRESCRIPTIVE IN NATURE AS EITHER A ROAD OR STOCK DRIVE AND IS ON THE COUNTY ROAD SYSTEM. WIDTH IS UNKNOWN. MEASUREMENTS TO EXISTING FENCELINES VARY FROM 60 TO 100 FEET, AND IS ON AVERAGE 80 FEET WIDE IN THIS PARTICULAR LOCATION.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JAN 12, 2016
MATTHEW PATRICK KENNY
83374PLS
RENEW: 6-30-21

DETAIL 1
AREA TO BE TRANSFERRED



LINE	BEARING	DISTANCE
L1	N 82°17'00"	410.69
L2	N 82°17'00"	410.69
L3	N 82°17'00"	410.69
L4	N 82°17'00"	410.69
L5	N 82°17'00"	410.69
L6	N 82°17'00"	410.69
L7	N 82°17'00"	410.69
L8	N 82°17'00"	410.69
L9	N 82°17'00"	410.69
L10	N 82°17'00"	410.69
L11	N 82°17'00"	410.69
L12	N 82°17'00"	410.69

CORNER	BEARING	DISTANCE	BEARING	DISTANCE
C1	N 00°45'23"	693.93	S 51°52'53"	114.05
C2	N 00°45'23"	693.93	S 51°52'53"	114.05
C3	N 00°45'23"	693.93	S 51°52'53"	114.05
C4	N 00°45'23"	693.93	S 51°52'53"	114.05
C5	N 00°45'23"	693.93	S 51°52'53"	114.05
C6	N 00°45'23"	693.93	S 51°52'53"	114.05
C7	N 00°45'23"	693.93	S 51°52'53"	114.05
C8	N 00°45'23"	693.93	S 51°52'53"	114.05
C9	N 00°45'23"	693.93	S 51°52'53"	114.05
C10	N 00°45'23"	693.93	S 51°52'53"	114.05
C11	N 00°45'23"	693.93	S 51°52'53"	114.05
C12	N 00°45'23"	693.93	S 51°52'53"	114.05

OFFICE OF COUNTY RECORDS

KENNY LAND SURVEYING
P.O. BOX 447, HEPPNER, OR 97036 || 541-379-0242 || KENNYMATT@LIVE.COM

REPLAT OF PARCEL 1, PARTITION PLAT 2000-01, LOCATED IN SECTIONS 9, 15, 16, 17, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 & 34 TOWNSHIP 2 SOUTH, RANGE 28 EAST, W.M. MORROW COUNTY, OR.

JOHN AND DIANE KILKENNY

PROJECT: 21-02-OR-KILKENNY DR: MPK CH: MPK DATE: JAN. 16, 2021 SHEET 1 OF 2

**TENTATIVE PLAN FOR LAND PARTITION
AND LOT LINE ADJUSTMENT**
REPLAT OF PARCEL 1, PARTITION PLAT 2000-01
MORROW COUNTY, OR

OWNER'S DECLARATION

WE, JOHN O. KILKENNY AND DIANE L. KILKENNY, OWNERS OF THE LAND BEING PARTITIONED BY THIS PLAT DO HEREBY ACKNOWLEDGE THAT WE HAVE CAUSED THIS PLAT TO BE PREPARED AND THE PROPERTY REPLATED AS SHOWN HEREON AND IN ACCORDANCE WITH THE PROVISIONS OF ORS CHAPTER 92, AS REVISED, AND THE SUBDIVISION ORDINANCE OF MORROW COUNTY, OREGON.

JOHN O. KILKENNY

DIANE L. KILKENNY

DATE

STATE OF OREGON
COUNTY OF MORROW

ON THE _____ DAY OF _____, 2021, THE ABOVE NAMED INDIVIDUALS APPEARED PERSONALLY BEFORE ME AND ARE KNOWN TO ME TO BE THE IDENTICAL INDIVIDUALS WHO EXECUTED THE OWNER'S DECLARATION AND ACKNOWLEDGED THAT THEY DID SO FREELY AND VOLUNTARILY.

NOTARY PUBLIC FOR THE STATE OF OREGON

COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

SURVEY NARRATIVE

THIS REPLAT AND PROPERTY LINE ADJUSTMENT HAS BEEN PREPARED AT THE REQUEST OF JOHN & DIANE KILKENNY. THE PURPOSE OF THIS PLAT IS TO MOVE THE BOUNDARIES OF PARCEL 1, PARTITION PLAT NO. 2000-01 EASTERLY TO INCORPORATE THAT PORTION OF SECTION 21 LYING SOUTH AND WEST OF HIGHWAY 74 AND FREEZEOUT RIDGE ROAD, COUNTY ROAD NO. 811, OWNED BY G. HUGHES PROPERTY, LLC.

CONSISTENT WITH ORS CHAPTER 92, AND THE MORROW COUNTY SUBDIVISION ORDINANCE, THIS PLAT IS "UNSURVEYED". THE BOUNDARIES OF TAX LOT 1300 (PARCEL 1) WERE COMPUTED USING SURVEY RECORDS R1 AND R2 AS SHOWN ON SHEET 1; TOGETHER WITH THE VESTING DEED RECORDED UNDER DOCUMENT NUMBER 2003-8334, MORROW COUNTY DEED RECORDS. THE BOUNDARIES OF TAX LOT 800 WERE COMPUTED USING SURVEY RECORD R1 AS SHOWN ON SHEET 1; TOGETHER WITH THE VESTING DEED RECORDED UNDER DOCUMENT NUMBER 2020-48170, MORROW COUNTY DEED RECORDS.

DURING THE COURSE OF THIS SURVEY MEASUREMENTS WERE MADE TO ALL EXISTING FENCELINES AND ROADS IN AND AROUND THE AREA TO BE TRANSFERRED. FENCELINE MEASURED ALONG THE APPARENT WEST RIGHT-OF-WAY OF FREEZEOUT RIDGE ROAD IS HELD IN THIS SURVEY AS THE NEW EASTERLY BOUNDARY OF PARCEL 1; SEE NOTE ON SHEET 1 FOR ADDITIONAL INFORMATION REGARDING THIS FREEZEOUT RIDGE ROAD. TIES TO THE WEST QUARTER CORNER OF SECTION 21 AND DATA FOUND ON HIGHWAY MAP 11B-05-0008(R3) WERE USED TO RE-CREATE THE CENTERLINE OF HIGHWAY 74. I THEN OFFSET THIS LINE 30 FEET AS SHOWN IN SAD R3 TO DETERMINE THE NEW NORTHERLY BOUNDARY OF PARCEL 1. I ALSO MADE SEARCH FOR CONTROLLING SECTION CORNERS ALONG THE SOUTH AND WEST LINES OF SECTION 21 TO ASSIST IN IDENTIFYING THE OLD BOUNDARY LINES BETWEEN TAX LOTS 1300 AND 800. ORIGINAL GLO STONES FROM R1 WERE FOUND IN NEAR PERFECT CONDITION AT THE SW CORNER OF SECTION 21, SE CORNER OF SECTION 21, AND WEST QUARTER CORNER OF SECTION 21. THESE ORIGINAL CORNERS WERE USED TO CALCULATE BY SINGLE PROPORTION. THE SOUTH QUARTER CORNER OF SECTION 21 WHICH WAS SEARCHED FOR BUT NOT FOUND. THE NORTHWEST CORNER OF SECTION 21 WAS ALSO SEARCHED FOR BUT NOT FOUND; HOWEVER, FOR THE PURPOSE OF THIS SURVEY, EXISTING FENCE LINES AND OLD ROCK JACKS WERE USED TO DETERMINE ITS LOCATION. SEE SHEET 1 AND LEGEND FOR MORE DETAILS ON THIS CORNER. THE COMBINATION OF THIS INFORMATION AND CHOICE WAS USED TO COMPUTE THE ACRES OF THE TRASFER AREA AS SHOWN. CORNER CERTIFICATES WILL BE FILED WITH THIS SURVEY FOR THE FOUND STONE CORNERS.

THIS SURVEY WAS PERFORMED USING TWO TOPCON HIPER LITE+ GNSS UNITS OPERATED IN RTK MODE. THE BASIS OF BEARING IS NAD 83 (2011) STATE PLANE, OREGON NORTH ZONE, AS ESTABLISHED FROM GNSS OBSERVATIONS. DISTANCES SHOWN ARE GROUND DISTANCES. UNITS ARE INTERNATIONAL FEET.

SURVEYOR'S CERTIFICATE

I, MATTHEW PATRICK KENNY, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED THE LAND AS SHOWN HEREON IN ACCORDANCE WITH REQUIREMENTS FOR "UNSURVEYED PARCELS" PER ORS CHAPTER 92, AS REVISED, AND THE SUBDIVISION ORDINANCE OF MORROW COUNTY, OR.

MATTHEW P. KENNY, PLS
CERTIFICATE NO. 89374

DATE

LEGAL DESCRIPTION

PARCEL 1, PARTITION PLAT NO. 2000-01, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 10, 2000 UNDER DOCUMENT NUMBER 2000-00079, MORROW COUNTY CLERK RECORDS, LOCATED IN TOWNSHIP 2 SOUTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORROW COUNTY, OR;

TOGETHER WITH THAT PORTION OF SECTION 21 AS CONVEYED IN BARGAIN AND SALE DEED RECORDED MARCH 18, 2020, GAIL HUGHES AKA JANET GAIL HUGHES TO G HUGHES PROPERTY, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, FILED UNDER DOCUMENT NUMBER 2020-48170, LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY MARGIN OF HIGHWAY 74 AND WESTERLY OF THE WESTERLY RIGHT-OF-WAY MARGIN OF FREEZE OUT RIDGE ROAD, COUNTY ROAD NO. 811;

TOGETHER WITH AND SUBJECT TO EASEMENTS, RESERVATIONS, COVENANTS, AND RESTRICTIONS, APPARENT OR OF RECORD.



APPROVALS

I CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PARTITION PLAT ON THIS

____ DAY OF _____, 2021.

GILLIAM COUNTY SURVEYOR

I CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PARTITION PLAT ON THIS

____ DAY OF _____, 2021.

MORROW COUNTY PLANNING DIRECTOR

I CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PARTITION PLAT ON THIS

____ DAY OF _____, 2021.

MORROW COUNTY ASSESSOR / MORROW COUNTY TAX COLLECTOR

OFFICE OF COUNTY RECORDS



KENNY LAND SURVEYING
P.O. BOX 447, HEPPNER, OR 97836 || 541-378-0242 || KENNYMATT@LIVE.COM

REPLAT OF PARCEL 1, PARTITION PLAT 2000-01, LOCATED IN SECTIONS 9, 15, 16, 17, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 & 34 TOWNSHIP 2 SOUTH, RANGE 28 EAST, W.M. MORROW COUNTY, OR.

CLIENT: **JOHN AND DIANE KILKENNY**

PROJECT: 21-02_OR-KILKENNY DR: MPK CH: MPK DATE: JAN. 18, 2021 SHEET 2 OF 2

LEGAL DESCRIPTION**TAX LOT 1300 (PARCEL 1) AFTER ADJUSTMENT**

PARCEL 1, PARTITION PLAT NO. 2000-01, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 10, 2000 UNDER DOCUMENT NUMBER 2000-00079, MORROW COUNTY CLERK RECORDS, LOCATED IN TOWNSHIP 2 SOUTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORROW COUNTY, OR;

TOGETHER WITH THAT PORTION OF SECTION 21 AS CONVEYED IN BARGAIN AND SALE DEED RECORDED MARCH 18, 2020, GAIL HUGHES AKA JANET GAIL HUGHES TO G HUGHES PROPERTY, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, FILED UNDER DOCUMENT NUMBER 2020-46170, LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY MARGIN OF HIGHWAY 74 AND WESTERLY OF THE WESTERLY RIGHT-OF-WAY MARGIN OF FREEZE OUT RIDGE ROAD, COUNTY ROAD NO. 811;

TOGETHER WITH AND SUBJECT TO EASEMENTS, RESERVATIONS, COVENANTS, AND RESTRICTIONS, APPARENT OR OF RECORD.

CONTAINING 4539.00 GROSS ACRES, MORE OR LESS.

LEGAL DESCRIPTION
TAX LOT 800 AFTER ADJUSTMENT

THAT PORTION OF TOWNSHIP 2 SOUTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORROW COUNTY, OR, DESCRIBED AS FOLLOWS:

- SECTION 9: THE SOUTH HALF OF THE SOUTH HALF;
- SECTION 15: THE EAST HALF; THE EAST HALF OF THE WEST HALF; THE WEST HALF OF THE SOUTHWEST QUARTER; AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;
- SECTION 16: ALL
- SECTION 17: THE SOUTH HALF OF THE SOUTHEAST QUARTER; THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER;
- SECTION 21: THE SOUTH HALF; THE NORTHWEST QUARTER; THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; EXCEPTING THEREFROM THAT TRACT OF LAND CONVEYED BY WARRANTY DEED FROM STELLA JONES BAILEY TO THE STATE OF OREGON, RECORDED MARCH 27, 1941, IN BOOK 47, PAGE 2, MORROW COUNTY DEED RECORDS; ALSO EXCEPTING THEREFROM THAT PORTION LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY MARGIN OF HIGHWAY 74 AND WESTERLY OF THE WESTERLY RIGHT-OF-WAY MARGIN OF FREEZE OUT RIDGE ROAD, COUNTY ROAD NO. 811;
- SECTION 22: ALL; EXCEPTING THEREFROM BEGINNING AT THE COMMON QUARTER CORNER OF SECTIONS 22, 23, 26, AND 27; THENCE WEST 80.00 RODS; THENCE DIAGONALLY IN A NORTHEASTERLY DIRECTION TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE SOUTH 80.00 RODS TO THE POINT OF BEGINNING;
- SECTION 27: THE WEST HALF OF THE NORTHWEST QUARTER; AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER.

EXCEPTING THEREFROM ALL ROADS AND ROAD RIGHTS OF WAY.

TOGETHER WITH AND SUBJECT TO EASEMENTS, RESERVATIONS, COVENANTS, AND RESTRICTIONS, APPARENT OR OF RECORD.

CONTAINING 2746.18 GROSS ACRES, MORE OR LESS.

LEGAL DESCRIPTION
PORTION OF TAX LOT 800 BEING TRANSFERRED

THAT PORTION OF SECTION 21 AS CONVEYED IN BARGAIN AND SALE DEED RECORDED MARCH 18, 2020, GAIL HUGHES AKA JANET GAIL HUGHES TO G HUGHES PROPERTY, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, FILED UNDER DOCUMENT NUMBER 2020-46170, LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY MARGIN OF HIGHWAY 74 AND WESTERLY OF THE WESTERLY RIGHT-OF-WAY MARGIN OF FREEZE OUT RIDGE ROAD, COUNTY ROAD NO. 811.

TOGETHER WITH AND SUBJECT TO EASEMENTS, RESERVATIONS, COVENANTS, AND RESTRICTIONS, APPARENT OR OF RECORD.

CONTAINING 83.45 GROSS ACRES, MORE OR LESS.

**PRELIMINARY FINDINGS OF FACT
CONDITIONAL USE REQUEST
Application Number CUP-N-346-21**

REQUEST: To approve a temporary concrete batch facility to produce ready-mix concrete.

APPLICANT: Beef Northwest Feeders
66407 Taggares Lane
Boardman, OR 97818

PROPERTY OWNER: Threemile Canyon Farms
75906 Threemile Road
Boardman, OR 97818

PROPERTY DESCRIPTION: Tax lot 100 of Assessor's Map 3N 24E

PROPERTY LOCATION: Approximately 10 miles southwest of Boardman on Taggares Lane.

FINDINGS OF FACT:

I. BACKGROUND INFORMATION:

The subject property is zoned Exclusive Farm Use (EFU). The subject property is the location for Beef Northwest Feeders, which is situated within Threemile Canyon Farms, a 93,000 total acre farming operation. The applicant has applied for a Conditional Use Permit to allow the placement and use of a portable concrete batch plant at the site to make corral modifications.

II. COMPLIANCE WITH MORROW COUNTY ZONING ORDINANCE SECTIONS 3.010(C)(14), 6.020, 6.025, 6.030 and 6.050(I). The requirements for approval are listed below in **bold type**, followed by a response in standard type.

MORROW COUNTY ZONING ORDINANCE SECTION 3.010(C)(14) CONDITIONAL USES PERMITTED.

The Morrow County Zoning Ordinance allows for operations conducted for the mining, stockpiling, or processing of mineral, aggregate and other mineral resources or other subsurface resources. This application is for the processing and stockpiling, no onsite mining is involved with this request.

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 concrete batch plant may be allowed as a Conditional Use in the Morrow County Zoning Ordinance. The use is consistent with the Comprehensive Plan and objectives of the Zoning Ordinance and other applicable policies and regulations of the County. It is listed as a condition of approval that the applicant comply with the Morrow County Solid Waste Ordinance for any hauling or disposal of solid waste, which may include concrete or materials.

- 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.**

This criterion is not applicable as the concrete batch plant site is not within an Urban Growth Boundary.

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

The proposed use is temporary in nature and no proposed aggregate operation is associated with this application. Aggregate will be sourced from a local, properly permitted site. The application states that water will be from existing infrastructure at the site and no below ground disturbances will be required. No public facilities are required for the request. Staff would find this criterion met.

SECTION 6.025. RESOURCE ZONE STANDARDS FOR APPROVAL.

- A. In the Exclusive Farm Use zone, a conditional use may be approved only when the County finds that the use will not:**

- 1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or**
- 2. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

The proposed use is temporary in nature, in conjunction with the Beef Northwest operations, no adverse impacts to farm practices on surrounding areas or increase in farming costs will be associated with this activity. Planning Staff would find these criteria met.

- B. In the Forest Use Zone, a conditional use may be approved only when requirements that are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands are met. A conditional use may be approved only when the County finds that the use will not:**

- 1. Force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;**
- 2. Significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and**

These criteria are not applicable as the Subject Parcel is zoned EFU.

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 the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.**
The application does not state hours of use or any other restriction of the concrete batch plant having to do with minimization of environmental effects such as noise, vibration, air pollution, glare and odor. Compliance with DEQ required permits would meet this requirement, therefore, it is recommended and listed as a Condition of Approval that the Applicant contact the Oregon Department of Environmental Quality to obtain all necessary permits. Planning staff would not place any additional operational limitations on this site as it is in an Exclusive Farm Use area in the middle of a large tract.
- B. Establishing a special yard or other open space or lot area or dimension.**
The application shows that the proposed site is in the middle of Threemile Canyon Farms near the Beef Northwest Boardman operations. The location is shown on the vicinity map and the site plan provided with the application. Due to the location and inherent to the surrounding activities, this criterion is met.
- C. Limiting the height, size or location of a building or other structure.**
The Exclusive Farm Use Zone does not restrict building height. There will be no local restrictions placed on height, or size of a building or structure at the subject location.
- 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.**
Current access is from Taggares Lane. The use as proposed will not cause a significant change in size, number, location and nature of vehicle access points. A copy of these Preliminary Findings was provided to the Morrow County Public Works Department for their review.
 - 2. In addition to the other standards and conditions set forth in this section, a 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.**
According to the application, the proposal will not reach a level to trigger the need for a TIA and there will be no additional traffic associated with the batch plant relative to the site. This criterion is met.
- E. Increasing the amount of street dedication, roadway width or improvement within the street right-of-way.**
There are no proposed street dedications or roadway improvements proposed by the Applicant and none would be required with this activity. This criterion is not applicable.
- 1. It is the responsibility of the land owner to provide appropriate access for emergency vehicles at the time of development.**

The proposal is within the Boardman Rural Fire Protection District which has been provided a copy of these Preliminary Findings for their review.

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

The nature of a concrete batch plant operation creates, or uses, open space. The applicant does need to provide adequate parking and loading areas for the operation, and those locations are available at the site. Because these areas may move over the lifetime of the operation no paving or permanent installations are required, but management of fugitive dust does need to be accomplished.

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

Should temporary signage and lighting be required they will need to comply with MCZO Article 4 Section 4.070. This is recommended and listed as a condition of approval.

H. Limiting the location and intensity of outdoor lighting and requiring its shielding.

See the discussion in (G) above.

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

Planning staff would not require any of these provisions due to the temporary nature of the operation and the surrounding uses.

J. Designating the size, height, location and materials for a fence.

The application does not state the need for fencing. If fencing six feet in height or higher is installed a Zoning Permit and Building Permits may be required.

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

The temporary batch plant is wholly within property operated by the applicant as shown on the plot plan provided with the application. There are no existing trees, vegetation, water resources, evidence of wildlife habitat or other significant natural resources at the site. This preliminary Staff Report will be provided to Oregon Department of Fish and Wildlife (ODFW) and Oregon Water Resources Department (OWRD).

The County has been established as a Weed Control District and has identified noxious weeds to be controlled by local landowners. It is therefore recommended and listed as a Condition of Approval that the Applicant abide by coordinate with the Morrow County Weed Supervisor to control noxious weeds as necessary.

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.

Staff does not have recommendations for other conditions.

SECTION 6.050(I). MINING, OR OTHER EXTRACTION ACTIVITY.

The following uses shall be permitted subject to the review standards of this Ordinance: mining more than 1000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre on land zoned for Farm Use (EFU and RRI) and 5000 cubic yards in other zones (i.e. PI, MG, SAI and FU) of material, stockpiling and processing of mineral and aggregate materials. Temporary use of offices, shops or other

accessory structures used for the management and maintenance of mining and processing equipment; sale of mining products extracted and processed on-site; storage of transportation equipment or storage of machinery or equipment used in conjunction with on-site mining or processing; other activities including buildings and structures necessary and accessory to development or reclamation of a mineral or aggregate resource should be part of the overall conditional permit application. (MC OR-1-2013)

GENERAL PERMITTING PROVISIONS.

- 1. New Permit: For an application for mining to be complete an applicant must provide a map and other documentation to show the permit area boundary, property lines and other pertinent information that will address the requirements of the Approval Criteria.**
- 2. Continuation: When a mine has been lawfully permitted in the County and the owner or operator was issued and continuously renewed a State permit, the permit will remain valid as long as the operation still conforms to the Conditions of the local and State permits. After a period of inactivity of 12 years, and the owner or operator wishes to renew mine activity, a Zoning Permit re-validation letter (along with the usual Zoning Permit fee) must be submitted to the Planning Department in order to review the Conditions of Approval. Approval of this type of request is not a land use decision and shall be an administrative action by the Planning Director without a public hearing but shall be subject to an at least 14-day notice to affected landowners.**
- 3. Alteration: Requests for permit alteration shall be made when the operator or owner proposes changes to the mining activity that no longer conform to the requirements of the original permit. For alterations if the decision does not involve an amendment to the Comprehensive Plan, it shall be an administrative decision by the Planning Director without a public hearing but shall be subject to an at least 14-day public notice period to provide an opportunity for any person adversely affected, or who is entitled to notice, to file an appeal.**
- 4. Emergency Permits. In concurrence with a DOGAMI emergency operating permit, the Planning Director may issue an emergency aggregate mining approval in response to a natural disaster with the intent to abate the imminent threat. The permit will be valid for the duration of the concurrent DOGAMI permit. If after termination of the emergency operating permit the operator wishes to continue the mining operation, the operator shall follow the procedures for an aggregate mine approval as required in the use zone the mining operation is located in. (MC OR-1-2013)**

These criteria are not applicable as the application is for a temporary concrete batch plant.

LOCAL PERMIT APPROVAL CRITERIA.

An application for mineral or aggregate mining must address provisions found in Article 6 Conditional Uses Section 6.020 General Criteria, Section 6.025 Resource Zone Standards for Approval when in a Farm or Forest Zone, and the following:

- 1. Proposed hours and/or days of operation. The conditions as to when the mining and processing would be restricted to specific hours of operation or days when mining operations would be limited. For operations conducted after dark, limiting the location and intensity of outdoor lighting and requiring its shielding. See above discussion under Criteria 6.030(A) and 6.030(G)**

2. Limiting or otherwise designating the number, size, location, height, and lighting of signs. Signs other than safety signs must comply with the sign requirements in Section 4 of the Zoning Ordinance.

See above discussion under Criterion 6.030(G).

3. A rock crusher, washer or sorter shall not be located within 500 feet from a residential or commercial use unless it can be established that the use will meet DEQ performance standards for noise and not be expected to cause a noise nuisance at nearby residential or commercial uses. In farm or forest use zones the processing of rock, aggregate or minerals shall not be within one-half mile of a noise sensitive area if the operation operates more than nine hours per day or for more than five days per week. (ORS 467.120(2)).

This criterion is not applicable as the proposed operation is located several miles from any established residential or commercial use that would be impacted.

4. All water necessary for the proposed operation shall be appropriated and legally available to the site.

Please see above discussion under criterion 6.020(C). It is listed as a condition of approval that the applicant comply with all rules, regulations, and requirements of the Oregon Water Resources Department.

5. The discharge of airborne contaminants and dust created by mining shall comply with applicable DEQ ambient air quality and emissions standards, or approval shall be conditioned to ensure that such standards will not be violated.

Please see above discussion under criterion 6.030(A).

6. A Reclamation Plan approved by DOGAMI will be required for mining operations. When reviewing an applicant's submittal regarding a proposed reclamation plan, Morrow County will review the plan against the following criteria:

- a. **A description of the present land use and planned beneficial use of the site following the mining activity. The applicant must demonstrate that the planned beneficial use is compatible with the Comprehensive Plan and Zoning Ordinance.**
- b. **Provisions for the backfilling, recontouring, topsoil replacement, seedbed preparation, mulching, fertilizing, selection of plant species, seeding or planting rates, and schedules;**
- c. **Provisions for adequate setbacks and slopes to protect adjacent property and public safety;**
- d. **A proposed time schedule for surface mining and reclamation procedures for the removal or disposal of all equipment, refuse, structures, and foundations from the permit area except permanent structures that are part of an approved Reclamation Plan.**

These criteria are not applicable as the application is for a temporary concrete batch plant.

7. In accordance with the Transportation System Plan, the requirements of the Public Works Department or the Oregon Department of Transportation shall be complied with regarding the minimization of potential conflicts to local roads used for access and egress to the mining site.

The applicant shall comply with any requirements of the Morrow County Public Works Department regarding access to the site. This is listed as a condition of approval.

8. Designating the size, number, location and nature of vehicle access points.

- a. **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.**
- b. **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)**

Please see the above discussion under criterion 6.030(D)(1).

9. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way. It is the responsibility of the land owner to provide appropriate access for emergency vehicles at the time of development. (MC-C-8-98)

Please see the above discussion under criterion 6.030(E).

10. An application for a mining operation contiguous to an existing operation approved under this section shall be evaluated in conjunction with the existing site when it appears the sites will be managed and operated as one.

This criterion is not applicable as the application is for a temporary concrete batch plant.

11. Ensuring adequate space for parking and loading.

Please see the above discussion under criterion 6.030(B).

12. Approvals for or that include operations that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. (one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed).

Using the best data available, planning staff could not identify any vineyards within 2-miles of the proposed use. Planning Staff would find this criterion met.

13. A plan for the control of noxious weeds. (MC OR-1-2013)

Please see the above discussion in criterion 6.303(K)

III. AGENCIES NOTIFIED: Linda Hayes-Gorman, Oregon DEQ; Anne Debbaut, DLCD; Ben Mundie, DOGAMI; Matt Scrivner, Public Works Director; Mike Gorman, Morrow County Assessor; Greg Silbernagel, Watermaster; Dave Pranger, Morrow County Weed Coordinator; Michael Hughes, Boardman Rural Fire Protection District.

IV. LEGAL NOTICE PUBLISHED: East Oregonian
March 9, 2021

Heppner Gazette Times
March 10, 2021

V. PROPERTY OWNERS NOTIFIED: March 10, 2021

VI. HEARING DATES: March 30, 2021
Bartholomew Building
Heppner, Oregon

VII. DECISION OF PLANNING COMMISSION:

Recommendation of staff is to approve the application subject to the following
CONDITIONS OF APPROVAL:

1. The Applicant shall contact the Oregon Department of Environmental Quality to obtain all necessary permits.
2. Any temporary signage and lighting required will need to comply with MCZO Article 4 Section 4.070.
3. The applicant shall comply with any requirements of the Morrow County Public Works Department regarding access to the site.
4. The Applicant shall coordinate with the Morrow County Weed Supervisor to control noxious weeds as necessary.
5. Applicant is required to comply with all rules, regulations, and requirements of the Oregon Water Resources Department in regards to this project.
6. Comply with the Morrow County Solid Waste Ordinance.

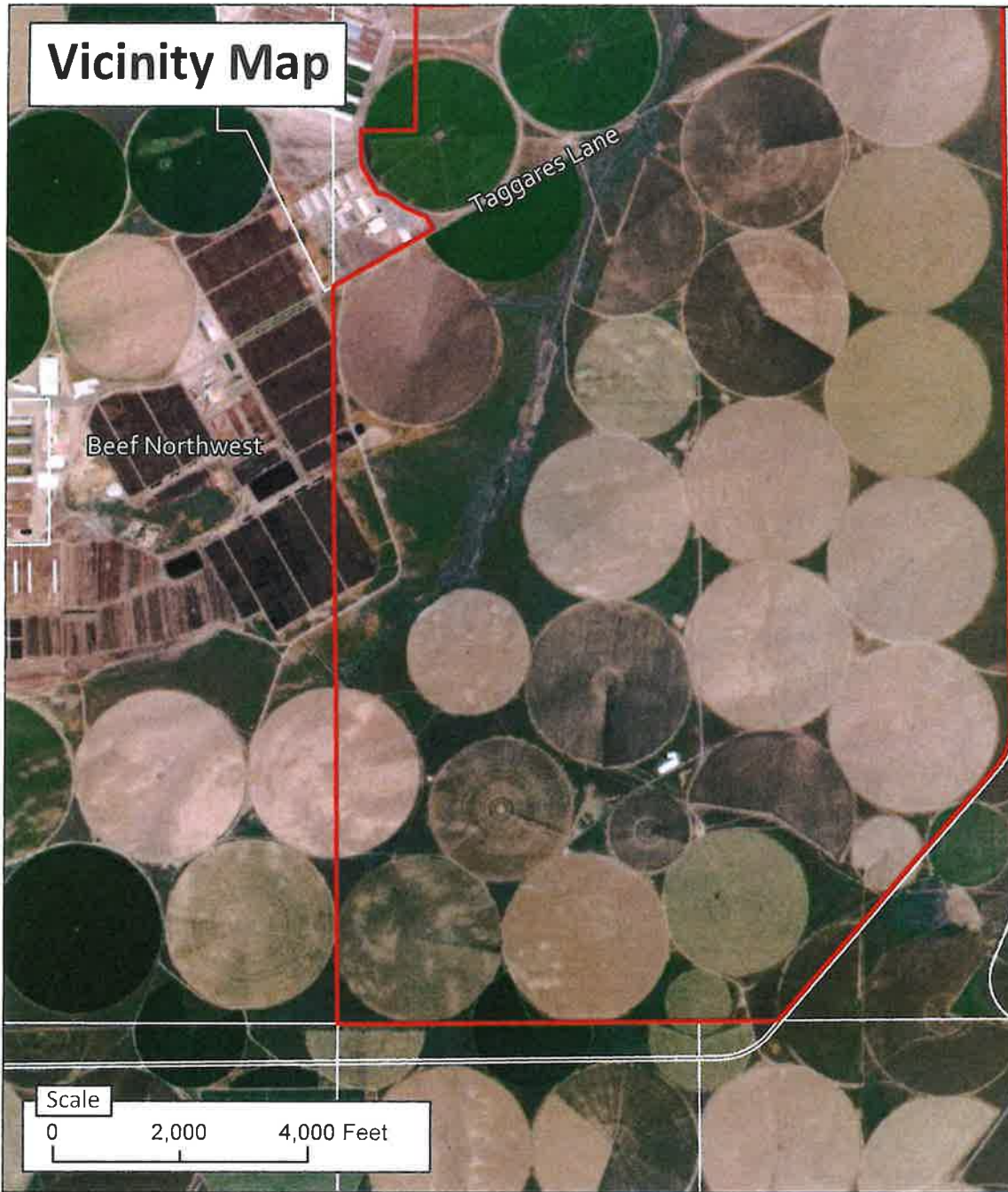
Jeff Wenholtz, Chair

Date

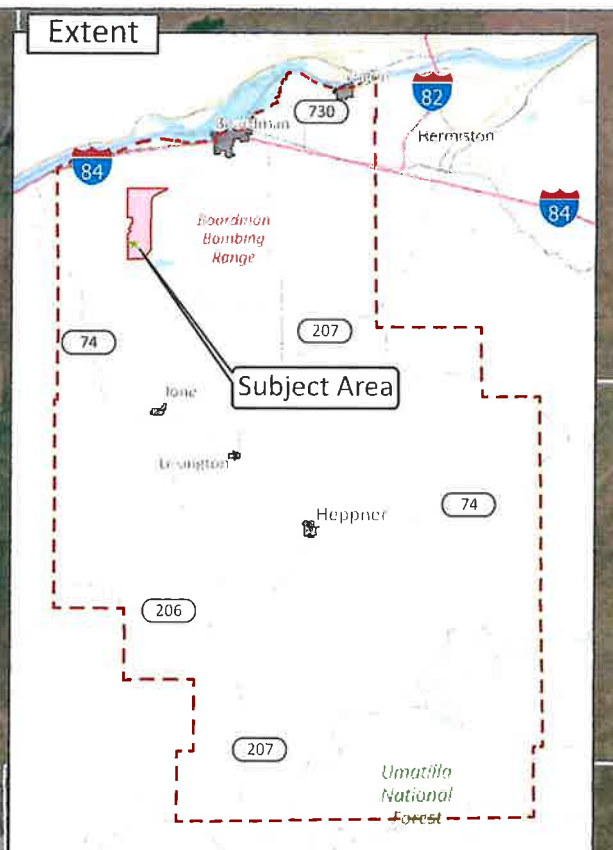
ATTACHMENTS:

Vicinity Map
Application

Vicinity Map



Extent



Carty Power
Generating Facility



Beef Northwest Feeders
CUP-N-346-21
3N 24E TL100

Legend

Taxlot  Subject Property



Date Saved: 3/9/2021 2:24 PM

Cartography By: Stephen Wreccics
Morrow County Planning Department
Coordinate System: NAD83 Oregon GIC Lambert ft
Datum: North American 1983
Projection: Lambert Conformal Conic





LAND USE APPLICATION CONDITIONAL USE REQUEST

FILE NUMBER CUP-N-340-21

Date Received 22 FEB 21

Date Deemed Complete 2/26/2021

Applicable Zoning Ordinance Criteria: _____

Applicant:

Name(s) Beef Northwest Feeders

Address 66407 Taggares Lane

Boardman OR 97818

Phone 541-481-2386 E-mail address Wes@beefnw.com

Legal Owner: (if different from applicant)

Name(s) Three Mile Canyon Farms

Address 75906 Three mile Rd

Boardman OR 97818

Proposed Conditional Use:

Description of Request and the Proposed Use:

Place a portable concrete batch plant on site
for corral modifications on existing site.

Existing Property Description:

Township 3N Range 24 Section _____ Tax Lot(s) 100

Zoning Designation EFU
(If EFU or FU, soil information is required with your statement)

Located within an UGB? No If yes, which city? -

Physical Address 66407 Taggares Lane Boardman OR 97818

General Location Same as Above

Public Road Access Tower Road

Improvement Type and Condition of Road _____

Fire Protection District or Method Beardman Rural

Solid Waste Disposal Method N/A

Existing Use of the Property Cattle Feeding

Please provide a statement with the following information to the Planning Department:

1. A plot plan of the property with existing and proposed structures and roads and accesses
2. Existing and proposed water supply
3. Existing and proposed sewage disposal method
4. Utilities and other public services provided
5. Signs and/or lighting required
6. Parking/loading and fencing required
7. Drainage, is the land or any portion of it subject to flooding?
8. What, if any, change will there be in traffic use of the existing access?
9. Will the proposed use generate more than 400 automobile trips per day?
10. Will any new access be required?
11. A description of how the proposal will be compatible with surrounding land uses.
12. How the proposal will protect and preserve existing natural resources such as trees, vegetation, water resources and wildlife habitat and whether diking, screening or other landscaping will be required to protect nearby properties and habitats.

The applicant is responsible for providing all of the information to show compliance with the standards for approval. If you are unsure of the standards required by the code, the Planning Department will be happy to provide them, but it is the applicant's duty to prove to us your proposal meets all of the given code requirements. Your plot plan and narrative should show or answer the above details as well as address specific issues about your particular application as well.

Signatures:

I(we), the undersigned, acknowledge that I am familiar with the standards and limitations set forth by the Morrow County Zoning Ordinance and that additional information and materials may be required, as provided by the Zoning Ordinance and Comprehensive Plan. I propose to meet all standards set forth by the County's Zoning Ordinance and any applicable State and Federal regulations. I(we) certify that the statements and information provided with this application are true and correct to the best of my knowledge.

Signed: Wesley Kellum for Beef Northwest _____ (Applicant)
[Signature] for Threemile _____ (Applicant)
[Signature] for Canyon Farms _____ (Legal Owner) _____ (Legal Owner)

If this application is not signed by the property owner a letter authorizing signature by the applicant must be attached.

Date: Feb. 22, 2021 Fee: \$600-

Morrow County Planning Department
P.O. Box 40, Irrigon Oregon 97844
(541) 922-4624 FAX: (541) 922-3472



Appendix 1

Re: Morrow County Land Use Application.

This application is the temporary (less than 20 months) installation of a portable concrete manufacturing trailered plant. The concrete will be produced on site and delivered to the location on site. No trucking of concrete off site will occur.

The Location is Beef North West Boardman CAFO operation located southwest of Boardman.

Answers to questions 1- 12

1. Plot plan please see Appendix #2
2. Water supply is from existing infrastructure and will be connected with above ground hose. No below ground disturbances.
3. No sewage is created, no waste water, no wash water is used, no waste product is generated. As such no sewage disposal is required for this application.
4. Power will be produced by on-board generator. No public services are required.
5. No signs and no lighting are required.
6. No parking is required as this is temporary, no fencing is required.
7. There is drainage, and this is a portable application. No issues with flooding.
8. Traffic for this application will all be contained on site. No public access is required.
9. No, only a 8-14 vehicles per day during the 55 days of production.
10. No new access is required.
11. The land use is entirely industrial and heavy agricultural. The application is temporary and will not affect the surrounding area.
12. No removal of trees, no removal of natural vegetation is required. Water resources are not affected. Wildlife is not impacted. This application will not affect surrounding environments. Surrounding properties will not be affected so no protection is required.

Appendix 2 – Attached Plot Plan

- Existing Water supply shown by dot noted on plot plan as “existing water supply”
- Quantity 3 trailers cement storage shown as 3 rectangles noted on plot plan as “3x cement storage trailers”. Each trailer is 10’ wide x 50’ long x 13’ high
- Mobile, trailered concrete production plant shown as rectangle noted on plot plan as “Trailer Portable Concrete Plant”. Plant is 10’ wide x 50’ long x 13’ high in transport. When erected plant is 32’ high self supporting no foundation required.
- Aggregate Storage stock pile noted on plot plan as “Aggregate Supply Stock Pile”



**PRELIMINARY FINDINGS OF FACT
LAND USE DECISION
Application No. LUD-S-34-21**

REQUEST: To site a Forest Template Dwelling on an existing lot in the Forest Use (FU) Zone.

APPLICANTS/OWNERS: Walter and Erin Mallette
512 7th Street
Hastings, MN 55033

PROPERTY DESCRIPTION: Tax lot 1900 of Assessor's Map 4S 28E 11AB.

PROPERTY LOCATION: Adjacent to Hill Trail Road between Cougar and Coyote Lanes, Blake Ranch Subdivision.

FINDINGS OF FACT:

- I. **BACKGROUND INFORMATION:** The subject parcel is approximately 0.50-acres in size and located in the Blake Ranch Subdivision, approximately 15 miles southeast of Heppner. Blake Ranch Subdivision was recorded as a subdivision plat in 1968 and continues to exist as non-conforming residential lots in the Forest Use Zone. Subject parcel has frontage along Hill Trail Road and Coyote Lane to the south. According to the Applicant, subject parcel is currently undeveloped.

In accordance with the Morrow County Zoning Ordinance a forest template dwelling may be authorized if certain criteria are met, the criteria and responses are listed below.

- II. **APPROVAL CRITERIA:** The applicant has filed under the Morrow County Zoning Ordinance, ARTICLE 3, USE ZONES, Section 3.020 Forest Use Zone. Section 3.020 includes REQUIREMENTS FOR APPROVAL, and are listed below in **bold type**, followed by a response in standard type:

B. Uses Permitted Outright. B. Uses Permitted Outright. In the Forest zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance:

27. A template dwelling subject to Subsection D.3 and D.11.

See the standards below.

D. Use Standards

3. A single family "template" dwelling authorized under ORS 215.750 on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

a. Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:

(1) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

(2) At least three dwellings existed on January 1, 1993 and

continue to exist on the other lots or parcels.

b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:

(1) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

(2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

c. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

(1) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

(2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

According to the SCS Soil Survey of Morrow County, the parcel wholly contains Boardtree ashy loam, 7 to 40 percent slopes. The site index is 70 for Douglas-fir (94 cu.ft./yr.). See attached plot plan, vicinity map, and soils map. The parcel is within the Blake Ranch Subdivision which was recorded as a subdivision plat in 1968 and continues to exist as non-conforming residential lots in the Forest Use Zone. Many of the subdivision lots have dwellings; 55 parcels are within a 160-acre square of the subject parcel and at least 21 of those parcels contain dwellings that existed on January 1, 1993. The application meets 3(c) of these criteria.

d. Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.

This criterion is not applicable as this lot is not in or near an urban growth boundary.

e. A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.

This criterion is met as all of the dwellings identified are within the 160-acre template.

f. Except as provided by paragraph g, if the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

The application meets the template test as provided in subsections 3(a)(b) and (c), therefore this criterion would not apply.

g. The following applies where a tract 60 acres or larger abuts a road or perennial stream.

(1) The measurement shall be made in accordance with paragraph f. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:

(a) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or

(b) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

(2) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

This criterion is not applicable as the tract is not 60 acres or larger.

h. A proposed "template" dwelling under this ordinance is not allowed:

(1) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;

(2) Unless it complies with the requirements of Sections E and F;

(3) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under paragraph D.1.c for the other lots or parcels that make up the tract are met; or

(4) If the tract on which the dwelling will be sited includes a dwelling.

The dwelling is allowed as none of these provisions apply.

i. Where other lots or parcels that make up a tract in Subsection h:

(1) The applicant shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located.

(2) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

Does not apply as the dwelling meets the criteria for approval under Section 3c above and does not require one or more lot to meet the minimum acreage requirement.

11. For single-family dwellings, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

The landowner shall sign and record with the Morrow County Clerk's Office a Right to Forest Disclaimer prior to obtaining Zoning and Building Permits. This is required and listed as a condition of approval.

E. Siting Standards for Dwellings and Structures in Forest Zones

The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest zones. These criteria are designed to make such uses

compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this section together with the requirements of Section F to identify the building site:

1. Dwellings and structures shall be sited on the parcel so that:
 - a. They have the least impact on nearby or adjoining forest or agricultural lands;
 - b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - c. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - d. The risks associated with wildfire are minimized.

The applicant has proposed a plot plan (see attached). There are a number of other dwellings in the Blake Ranch Subdivision. There is no proposal to further remove land from forest use to site any access roads and service corridors. Risk associated with wildfire will be minimized by the conditions for siting dwellings and structures in the Forest Use Zone (see below).

2. Siting criteria satisfying Subsection 1 may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

The setbacks for the Forest Use Zone will apply to this dwelling. The dwelling will need to be sited, at minimum, 20 feet from the road, 25 feet for the side yards, and 25 feet for the rear yard. These setback requirements will be applied at the time the Zoning Permit is issued and will be enforced through the Building Permit program.

3. The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:

- a. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
- b. A water use permit issued by the Water Resources Department for the use described in the application; or
- c. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

Proposed dwelling is within the Black Mountain Water District (BMWD) boundaries, BMWD was identified as an affected agency and were provided a copy of these findings. Applicant will need to meet all BMWD requirements as related to water service connectivity.

4. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service,

then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

Hill Trail and Coyote Lane are dedicated public rights-of-way maintained by the residents of Blake Ranch Subdivision. As a Public Road an Access Permit is required in accordance with the Morrow County Transportation System Plan. Prior to obtaining Zoning Authorization it is recommended and listed as a condition of approval that the applicant obtain Access permits from the Morrow County Public Works Department.

5. Approval of a dwelling shall be subject to the following requirements:

a. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;

b. The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;

c. Stocking survey report:

(1) If the lot or parcel is more than 30 acres, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;

(2) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and

d. The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

The subject property is not currently specially assessed for forest use. The applicant meets this requirement. The standard Right-to-Forest Disclaimer Statement has already been listed as a Condition of Approval.

F. Fire-Siting Standards for Dwellings and Structures

The following fire-siting standards or their equivalent shall apply to all new dwelling or structures in a forest zone:

1. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall

provide evidence that the applicant has asked to be included within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards that shall comply with the following:

- a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
- b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year-round flow of at least one cubic foot per second;
- c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
- d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

Blake Ranch Subdivision is listed on the Federal Register for Communities-at-Risk in the Morrow County Community Wildfire Protection Plan as it contains a high density of homes in a fire-conducive landscape. The Composite Risk Priority has been listed as "extreme" as the fire behavior potential, values at risk and infrastructure all are vulnerable in case of wildfire in the Blake Ranch Subdivision. Blake Ranch Subdivision is located within the Heppner Rural Fire/ODF overlap district. The Oregon Department of Forestry patrols and protects against wildfire in the forests, but does not protect dwellings. The Preliminary Findings of Fact were provided to the local office of the Department of Forestry and the Heppner Rural Fire Protection District for comment.

For previous development of dwellings in Blake Ranch Subdivision the State Fire Marshall's office has requested that the applicant provide, based on Oregon Fire Code, a 20-foot-wide driveway with a vertical clearance of 13 feet 6 inches. It is therefore recommended and listed as a Condition of Approval that the applicant either meet the State Fire Marshall's request or provide documentation that the current driveway can be accessed by firefighting equipment typically available and used in this area should a wildfire event happen. The appropriate agency to provide such documentation would be the Oregon Department of Forestry.

Additionally, the applicant must provide self-fire protection in the form of the Conditions provided in F (3), (4), (5) and (6) below; they are recommended and listed as Conditions of Approval. It is recommended the applicant install a residential fire suppression system, such as a sprinkler system in the residence to protect against fire damage.

2. Road access to the dwelling shall meet road design standards described in OAR 660-006-0040.

Coyote Lane and Hill Trail Road are privately maintained gravel roads with

dedicated 40-foot right-of-way and are maintained by the residents of the Blake Ranch Subdivision.

3. The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry and shall demonstrate compliance with Table 3.020-1.

This is listed as a Condition of Approval.

4. The dwelling shall have a fire-retardant roof.

This is listed as a Condition of Approval.

5. The dwelling shall not be sited on a slope of greater than 40 percent.

This is listed as a Condition of Approval.

6. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

This is listed as a Condition of Approval.

III. AGENCIES NOTIFIED: Rosanne Godinez Sanchez, Umatilla County Public Health; Brandon Houck, United States Forest Service, Umatilla National Forest; Teresa Alcock, Oregon Department of Forestry; Steve Rhea, Heppner Rural Fire Protection District; Ken Thiemann, Oregon Water Resources Department; Glenn McIntire, Building Official; Matt Scrivner, Morrow County Public Works Director; Mike Gorman, Morrow County Assessor; Craig Andreson, Field Deputy State Fire Marshal; Gerry Arnson, Black Mountain Water District; Hillary Foote, DLCD Farm and Forest Specialist.

IV LEGAL NOTICE PUBLISHED: East Oregonian
March 09, 2021

Heppner Gazette-Times
March 10, 2021

V PROPERTY OWNERS NOTIFIED: March 10, 2021

VI HEARING DATE: March 30, 2021
Bartholomew Building
Heppner, Oregon

VII PLANNING COMMISSION ACTION: Staff recommend approval subject to the following Conditions of Approval:

1. The landowner shall sign and record with the Morrow County Clerk's Office a Right to Forest Disclaimer.
2. The applicant shall provide proof of a long-term road access use permit or agreement.

3. Provide a 20-foot-wide driveway with a vertical clearance of 13 feet 6 inches, or provide documentation from an appropriate agency that indicates the current driveway meets accessibility standards.
4. Maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner.
5. The dwelling shall have a fire-retardant roof.
6. The dwelling shall not be sited on a slope of greater than 40 percent.
7. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

Jeff Wenholz, Chair

Date

ATTACHMENTS:
Vicinity Map
Plot Plan
Soils Map
Area Study Map

Vicinity Map



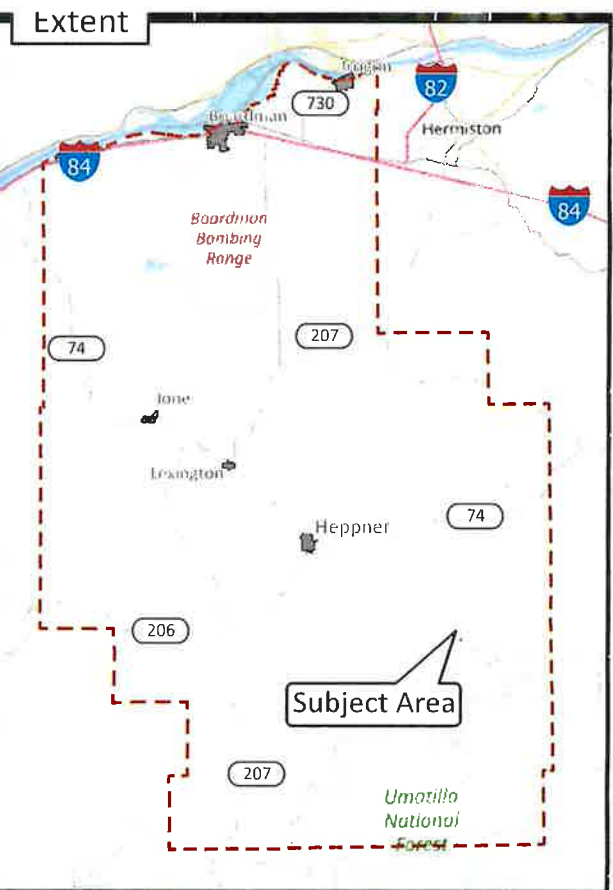
Hill Trail Road

Cougar Lane

Coyote Lane

1800

1900



Walter and Erin Mallette
LUD-S-34-21
4S 28E 11AB T1 1800 & 1900

Legend

Taxlot  Subject Properties



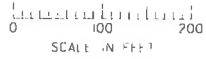
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Morrow County Planning Department
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Projection: Lambert Conformal Conic

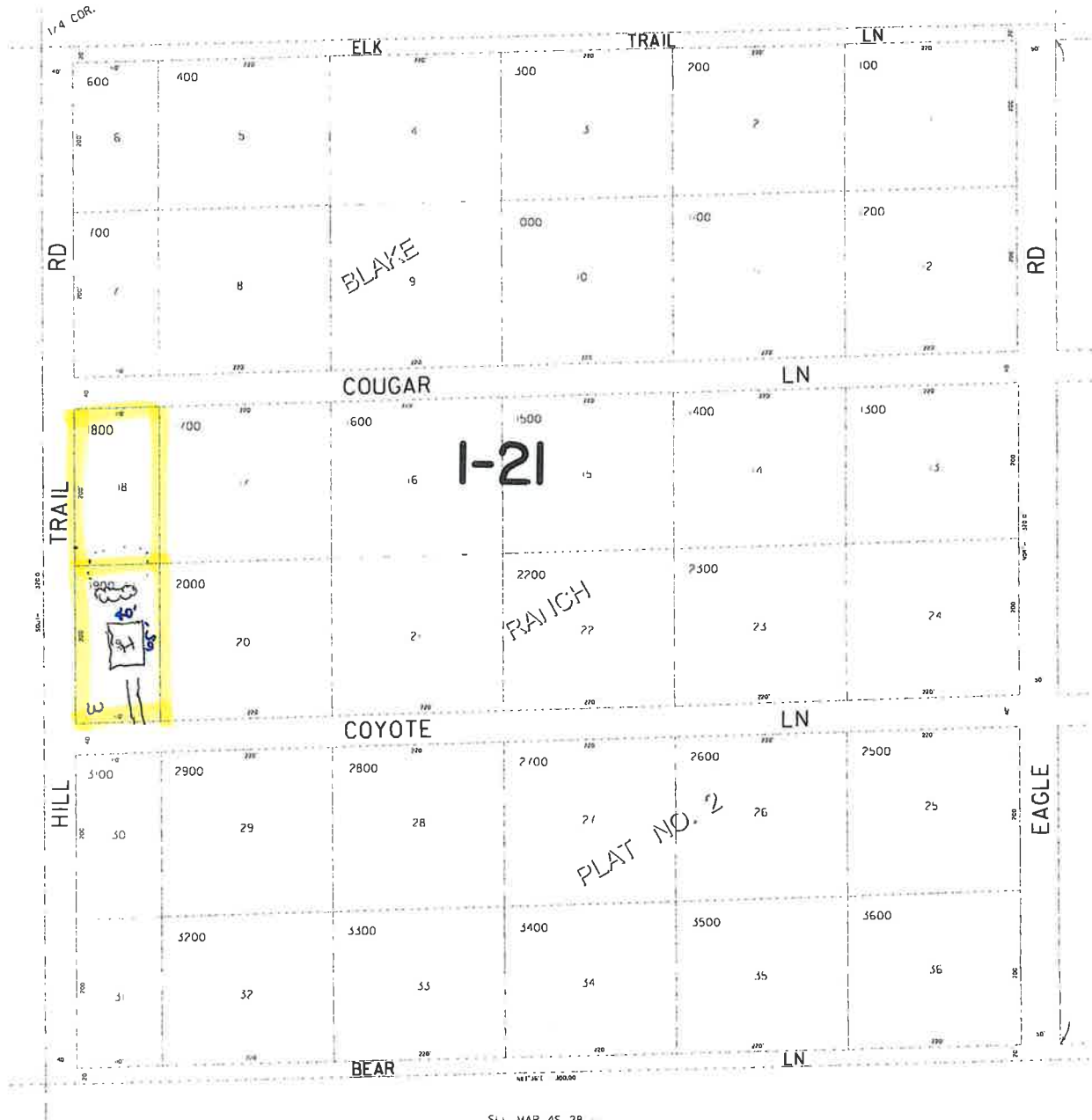


NW1/4 NE1/4 SEC. 11 T.4S. R.20E. W.M.
MORROW COUNTY

4S 28 11AB



SF: MAP 4S 28 2D



CANCELLED NO.
500
800
900
2100
2400
3000

SEE MAP 4S 28

SEE MAP 4S 28 AA

septic system
w. water
11 driveway
house

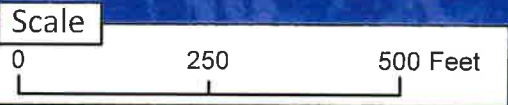
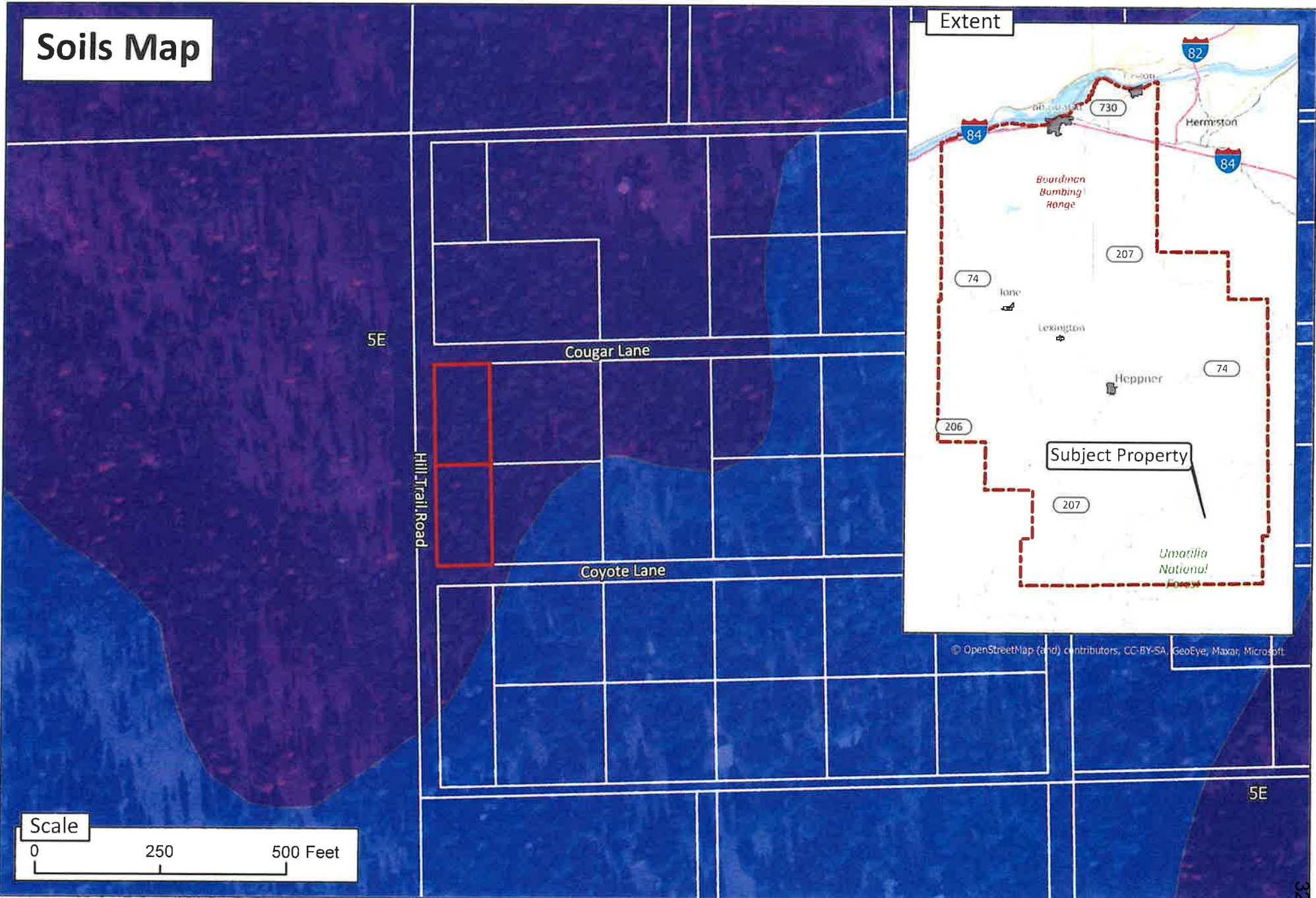
SEE MAP 4S 28

31/4/14

Revised
1/21/2014, EB

4S 28 11AB

Soils Map



Walter and Erin Mallette
LUD-S-34-21
4S 28E 11AB TL

Legend

Tax Lots Tax Lots selection



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Cartography By: Stephen Wreccics
Morrow County Planning Department
Coordinate System: NAD83 Oregon GIC Lambert ft
Datum: North American 1983
Projection: Lambert Conformal Conic



32/44

Area Study Map

160-Acre Study Area

Extent

Boardman
Bombing
Range

Subject Property

Umatilla
National




Walter and Erin Mallette

LUD-S-34-21
4S 28E 11AB TL

Legend

Tax Lots

 Tax Lots selection



Date Saved: 3/18/2021 10:42 AM

Cartography By: Stephen Wrecsics
Morrow County Planning Department
Coordinate System: NAD83 Oregon GIC Lambert ft
Datum: North American 1983
Projection: Lambert Conformal Conic



**PRELIMINARY FINDINGS OF FACT
LAND USE DECISION
Application No. LUD-N-33-21**

REQUEST: To allow construction and operation of a natural gas compressor station site on lands zoned Exclusive Farm Use.

APPLICANT: Brian Stouffer, Stahl Sheaffer Engineering for TC Energy
301 Science Park Rd. Suite 333
State College ,PA 16803

TC Energy, Richard Cole, Representative
1700 MacCorkle Avenue
Charleston, WV 25314

LANDOWNERS: Grieb Farms
70575 Bombing Range Road
Lexington, OR 97839

PROPERTY DESCRIPTION: Tax Lot 1200 of Assessor's Map 2N 26

PROJECT LOCATION: Project is located on the south side of Grieb Wood Road, adjacent to and west of Bombing Range Road, approximately 12 miles northeast of the Town of Lexington.

FINDINGS OF FACT:

- I. BACKGROUND INFORMATION:** Zoning of the subject parcel is Exclusive Farm Use (EFU). This land use application approval will allow TC Energy to construct a natural gas compressor station in order to tie into and improve performance of the existing three (3) natural gas pipelines that run through the property. Development will consist of ground mounted equipment installations, equipment shelters and other building structures, the largest being an auxiliary building with bathrooms, facility controls and a warehouse. Development is shown on the attached plans. This site is part of a federally regulated project through the Federal Energy Regulatory Commission (FERC), with FERC Docket No. CP21-29-000.

According to the applicant, "TC Energy (Gas Transmission Northwest, LLC) possesses a Blanket Certificate (CP82-530-000) from FERC, and has applied for a Blanket Prior Notice Permit (BPN Permit) under that certificate for this specific site project, which can be found under FERC Docket No. CP21-29-000. The BPN Permit is currently in the final days of a 60-day procedural waiting period, which will

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.

This project is not located near an existing urban growth boundary. Therefore, this criterion does not apply.

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

Given that there is existing natural gas infrastructure located at this site and that the new development will not impact cropland, the project would appear to be consistent with the carrying capacity of the Exclusive Farm Use Zone.

SECTION 6.025 RESOURCE ZONE STANDARDS FOR APPROVAL.

A. In the Exclusive Farm Use Zone a conditional use may be approved only when the County finds that the use will not:

- 1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or**
- 2. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

According to the application materials submitted this “use will be consistent with existing pipelines and tie-in already located at this site. The surrounding cropland should not be impacted by development. This site will be fenced and manage stormwater on-site.” Compliance with this standard is also addressed as a condition of approval.

Section 3.010 D. Use Standards

10. A utility facility that is necessary for public service.

a. A utility facility is necessary for public service if the facility must be sited in the exclusive farm use zone in order to provide the service.

The proposed compressor station and associated components is regulated by the Federal Energy Regulatory Commission (FERC) Docket No. CP21-29-000. The proposed project is required to be located on lands zoned Exclusive Farm Use because the three existing gas lines are located on EFU zoned lands. The proposed project meets this criterion.

(1) To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

- (a) Technical and engineering feasibility;**
- (b) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;**
- (c) Lack of available urban and nonresource lands;**
- (d) Availability of existing rights of way;**

(5) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the EFU Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Article 6. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.
This criterion is not applicable as there are no housing facilities proposed.

(6) In addition to the provisions of Subsection D.10.a(1) through (4), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.
This criterion is not applicable as no sewer system facilities or extensions will be required. The project will include an on-site septic system for which local permits will be required and are included below as a condition of approval.

(7) The provisions of Subsection a do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.
This criterion is not applicable as this utility is not a natural gas pipeline.

b. An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Subsection (1) or Subsection (2) of this Subsection.
This criterion is not applicable as this project does not qualify as an “associated transmission line” as defined in the Morrow County Zoning Ordinance and it is not associated with an energy generation facility.

III. DECISION OF THE PLANNING COMMISSION: The Planning Commission MAY approve Land Use Decision LUD-N-33-21 subject to the following CONDITIONS OF APPROVAL:

1. The applicant is responsible for restoration of adjacent agricultural lands that may be disturbed during construction and operation of the facility.
2. Applicant shall submit a plan or document to show how site disturbance will be minimized during construction and operation of the facility.
3. Provide to the Planning Department both a pre-construction design of the facility and a post-construction site map.
4. Obtain permits from Environmental Health for the on-site septic system.

Vicinity Map

Extent

37/44

84

74

NWSTF
Boardman

Bombing Range Road

Alpine Lane

1200

Juniper Road

Bombing Range Road


207

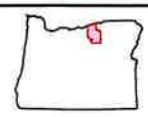
207



Grieb Farms, Inc.
LUD-N-33-21
2N 26E TL1200

Legend

Taxlot  Subject Property



Cartogr
Morrow
Coordin

Date Saved: 3/9/2021 4:32 PM

Supplement to Land Use Application

1. Proposal (identify what you are proposing):

This proposed development is a natural gas compressor station site to tie into and improve performance of the existing natural gas pipelines running through the property (there are three pipelines and a tie in as shown on the site plan). Development will consist of ground mounted equipment installations, equipment shelters, and other building structures, the largest being an Auxiliary building with bathrooms, facility controls and a warehouse. Development as shown on the attached plans. This is a federally regulated project through the Federal Energy Regulatory Commission (FERC), with FERC Docket No. CP21-29-000.

2. How the proposal will be compatible with surrounding land uses:

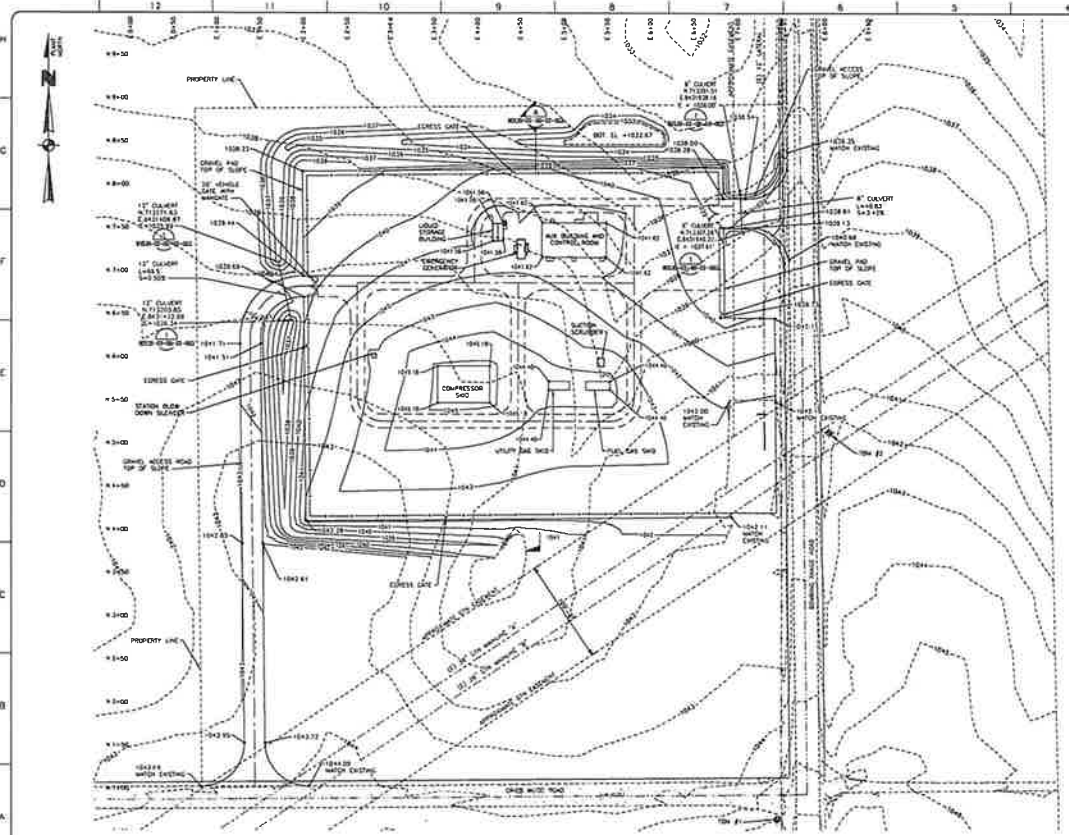
This use will be consistent with existing pipelines and tie-in already located at this site. The surrounding cropland should not be impacted by development. This site will be fenced and manage stormwater on-site.

3. How the proposal will protect and preserve existing natural resources such as trees, vegetation, water resources and wildlife habitat:

This project is regulated by the Federal Energy regulatory Commission (FERC) and is compliant with stringent federal environmental regulations. The site is currently farmland; trees and vegetation will not be impacted. The site will have a perimeter security fence and equipment will be mainly concealed within structures which will minimize wildlife interaction. Stormwater will be managed onsite. Water usage at this site will be minimal, anticipated to be less than the typical use of a single-family home, and will be served by an on-site well. Sanitation will also be managed on site via a septic system installation. This area will not be materially impacted outside of the footprint of the site.

4. Whether you believe diking, screening or other landscaping will be required to protect nearby properties and habitats:

It is not anticipated that diking, screening or other landscaping will be required at this site. Floodwaters and waterways are not a concern for this site. The surrounding area is open space and expansive farmland with no residential or commercial structures in close proximity. The only residential structures within the vicinity are due north, and overhead high-tension power lines for wind farms are located between this project site and those residences, so visual screening should not be necessary. Furthermore, because immediately surrounding area is farmland, landscaping should be avoided due to the potential negative impact of resulting shading of nearby crops.



LEGEND
 --- EXISTING GRADE
 --- FINISH GRADE
 --- SPOT ELEVATION

ITEM INFORMATION
 #1 SET REVISION 7/18/21 13 PLANT GRID N-3+18.01
 8/11/21 23 PLANT GRID E-3+12.24
 10/11 31 SPOT ELEVATION PLANT EL-1.2

#2 SET REVISION 8/12/21 82 PLANT GRID N-3+18.01
 9/12/21 28 PLANT GRID E-3+12.24
 11/11 27 PLANT EL-1.2

HORIZONTAL DATUM: NAD83 (SPCA STATE PLANS)
 (POLYCONIC STATE PLANS)
 NORTH ZONE: VINNY FOOT
 HORIZONTAL DATUM: NAD 83

- CONSTRUCTION NOTES**
- REFER TO FABRICATION/CONSTRUCTION DETAILS OF OTHER DOCUMENTS FOR ICE ENERGY SPECIFICATIONS & PROCEDURES INCLUDING BUT NOT LIMITED TO: STRUCTURAL STEEL FABRICATION, CONCRETE, GROUND EXCAVATION, BACKFILLING, AND ICE-ENTERING.
 - CONTRACTOR SHALL CONFORM TO STANDARD ICE ENERGY SPECIFICATIONS.
 - ALL SITE EXCAVATION BACKFILL AND GRADING SHALL ADHERE TO ICE ENERGY SPECIFICATION TES-03-EARTH-05.
 - CONTRACTOR SHALL REMOVE ALL BURIED FIELD TRAIL LIGHTINGS AND DETONATE ANY BURIED SNARE OBSTRUCTIONS WHICH MAY EXIST IN THESE AREAS AND WHICH ARE NOT DELETED BY THE CONTRACT DRAWINGS.
 - CONTRACTOR SHALL TAKE PRECAUTIONS DURING CONSTRUCTION TO MINIMIZE SETTLEMENT OF THE FOUNDATION SOILS.
 - ALL UTILITY TRENCHES SHALL BE BACK-FILLED AND COMPACTED PER ICE ENERGY SPECIFICATION TES-03-EARTH-04.
 - UNDERGROUND INSTALLATIONS SHALL NOT BE BACK-FILLED WITHOUT APPROVAL OF ICE ENERGY FIELD REPRESENTATIVE.
 - MINIMIZE DISTURBANCE AND SCARPIFICATION OF SURFACE AND SURROUND DURING CONSTRUCTION. FILL LOW SPOTS WITH APPROVED FILL MATERIAL AND COMPACT.
 - REMOVE EXISTING UNDESIRABLE NATURAL VEGETATION AT 1:17 AND REPLACE WITH FULL WINDROW. RE-SEED PER ICE ENERGY SPECIFICATION TES-03-EARTH-04. VERIFY PLANTING DATES WITH ICE ENERGY FIELD REPRESENTATIVE.
 - RESTORE RE-CREATED AREAS OUTSIDE OF THE PROPOSED GRASSLAND AND/OR WETLAND AND ACCESS ROADS WITH 5% SLOPE, AND MAINTAIN VEGETATION. VEGETATION WITH 50% OR MORE THAT MEETS LOCAL VEGETATION REQUIREMENTS (SEE LOCAL REGULATIONS) SHALL BE PROTECTED WITH A TANGIBLE PHYSICAL BARRIER (FENCE) WITH SIGNAGE IS SUFFICIENT TO PROMOTE ADEQUATE PROTECTION.
 - GRADE, SECTION MATERIAL SHALL BE PER ICE ENERGY SPECIFICATION TES-03-EARTH-04. SEE DRAWING SITE DETERMINATION TABLE SHEET 80330-02-00-21-003.
 - ICE ENERGY FIELD REPRESENTATIVE SHALL VERIFY AND ADJUST AT 1:2-BAL.

REQUIRE VERIFICATION
 (CHANGES REQUIRED) Y / N /
 REVISION BY: _____
 DATE: _____

DRAWING No.	REFERENCE DRAWINGS	TITLE
80330-02-00-13-00	STANDARD (CONCRETE) SPEC.	
80330-02-00-17-00	TRAILING CABLE SPEC.	

REV.	DATE	REVISION	DESCRIPTION	DESIGNED	CHECKED	APPROVED	DATE	BY	DATE	BY
01	2021-03-18	ISSUE FOR CONSTRUCTION	1" DIA. 12" DEEP W/ 12" CONC. COMPRESSOR FOUNDATION	A. B. C.	D. E.	F. G.	H. I.	J. K.	L. M.	N. O.

PROFESSIONAL ENGINEER
 STATE OF TEXAS
 No. 12345
 EXPIRES 12/31/2023

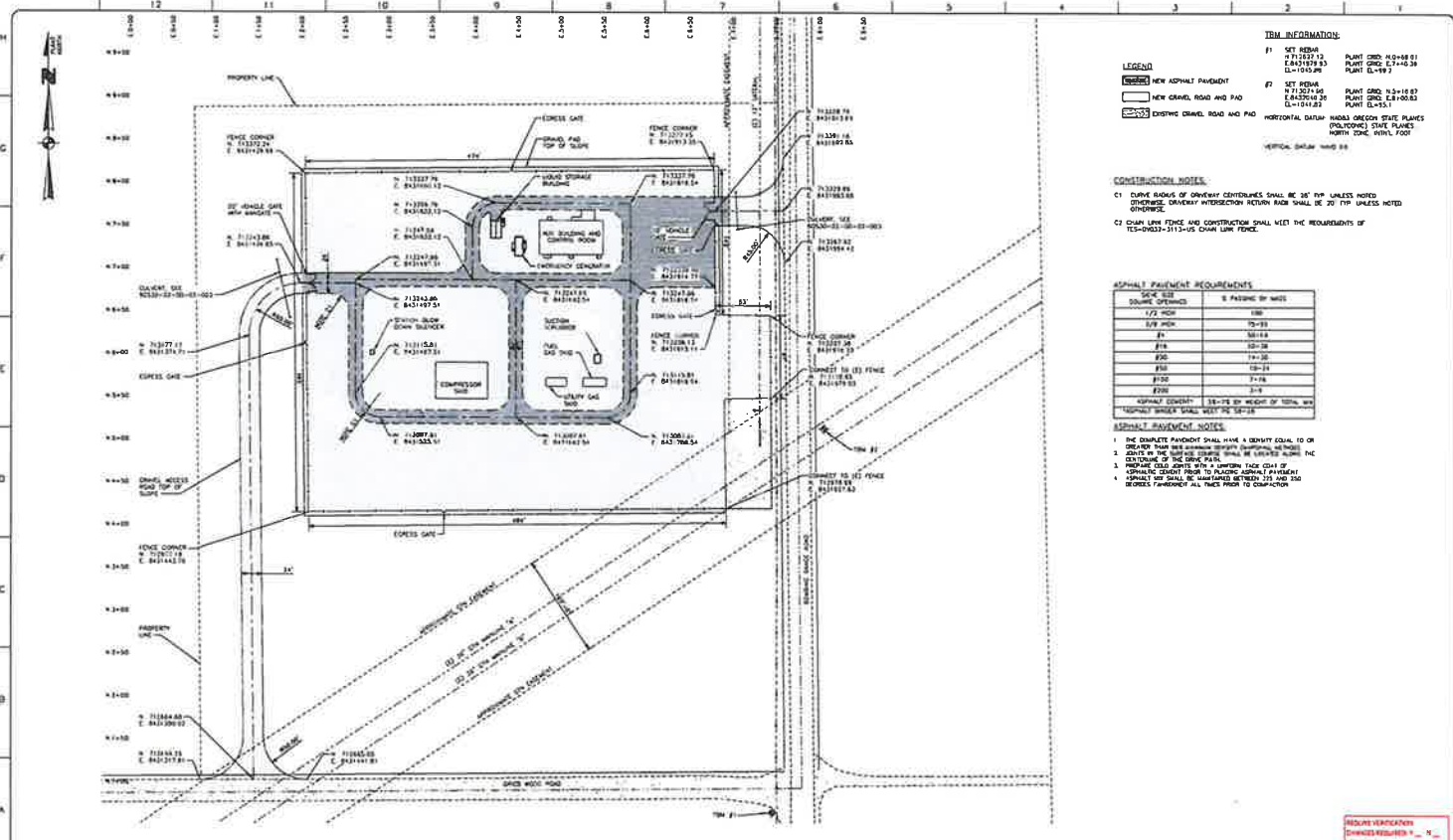
DATE: 2021-03-18
 REV. NO.: 01
 SHEET NUMBER: 39/44

TC Energy

COFFMAN ENGINEERS

COMPTON SPRINGS COMPRESSOR STATION
 SHEET # 39/44
 SITE GRADING PLAN

PROJECT NO.: 80330-02-00-02-001
 DATE: 2021-03-18
 PLOTTED SIZE: ARCH D (34.4x44)



ITEM INFORMATION:

#1 SET BEAM N 712227.75 E 843190.14 U-1015.00	PLATE ORG. H2+H2.01 PLATE ORG. E2+H2.24 PLATE U-1015.00
#2 SET BEAM N 712227.75 E 843190.14 U-1015.00	PLATE ORG. H2+H2.01 PLATE ORG. E2+H2.24 PLATE U-1015.00

LEGEND

- NEW ASPHALT PAVEMENT
- NEW GRAVEL ROAD AND PAD
- EXISTING GRAVEL ROAD AND PAD

HORIZONTAL DATUM: NAD83 OREGON STATE PLATES (POLYCON) STATE PLATES NORTH OREGON STATE PLATE

VERTICAL DATUM: NAVD83

CONSTRUCTION NOTES:

- CURVE RADIUS OF DRIVEWAY CENTERLINES SHALL BE 35' UNLESS NOTED OTHERWISE. DRIVEWAY INTERSECTION ANGLE SHALL BE 20' UNLESS NOTED OTHERWISE.
- DUAL LANE FENCE AND CONSTRUCTION SHALL MEET THE REQUIREMENTS OF TECHNICAL SPECIFICATION 311.01 DUAL LANE FENCE.

ASPHALT PAVEMENT REQUIREMENTS

THICKNESS	PERCENT BY WEIGHT
1 1/2" MIN.	100
2" MIN.	100
2 1/2" MIN.	100
3" MIN.	100
3 1/2" MIN.	100
4" MIN.	100
4 1/2" MIN.	100
5" MIN.	100
5 1/2" MIN.	100
6" MIN.	100

MINIMUM GRANULAR SHALL MEET THE SPECIFICATIONS

MINIMUM GRANULAR SPECIFICATIONS:

- THE GRANULAR PAVEMENT SHALL HAVE A DENSITY EQUAL TO OR GREATER THAN THE MAXIMUM DENSITY (AS DETERMINED BY THE METHOD OF THE TEST) OF THE GRANULAR SHALL BE 98% UNLESS NOTED OTHERWISE.
- THE GRANULAR SHALL BE 100% PASSING THE 4.75mm (NO. 40) SIEVE.
- THE GRANULAR SHALL BE 100% PASSING THE 75µm (NO. 200) SIEVE.
- THE GRANULAR SHALL BE 100% PASSING THE 150µm (NO. 100) SIEVE.
- THE GRANULAR SHALL BE 100% PASSING THE 300µm (NO. 60) SIEVE.

REFERENCE DRAWINGS

DRAWING NO.	TITLE
805-02-02-01-11A-00	PRELIMINARY FENCING PLAN
805-02-02-01-11B-00	PRELIMINARY FENCING PLAN
805-02-02-01-11C-00	PRELIMINARY FENCING PLAN
805-02-02-01-11D-00	PRELIMINARY FENCING PLAN
805-02-02-01-11E-00	PRELIMINARY FENCING PLAN
805-02-02-01-11F-00	PRELIMINARY FENCING PLAN

REVISION

NO.	DATE	DESCRIPTION
1	08/11/11	ISSUE FOR CONSTRUCTION - 20% OF 10% BIDDING CONTRACT VALUE

PROFESSIONAL ENGINEER

Paul R. Pelt

STATE OF OREGON

NO. 113227.75
001 2011-003-11

DATE: 08/11/11

TC Energy

COFFMAN ENGINEERS

CONCRETE SPRINGS COMPRESSION STATION

805-38-02-00-02-002

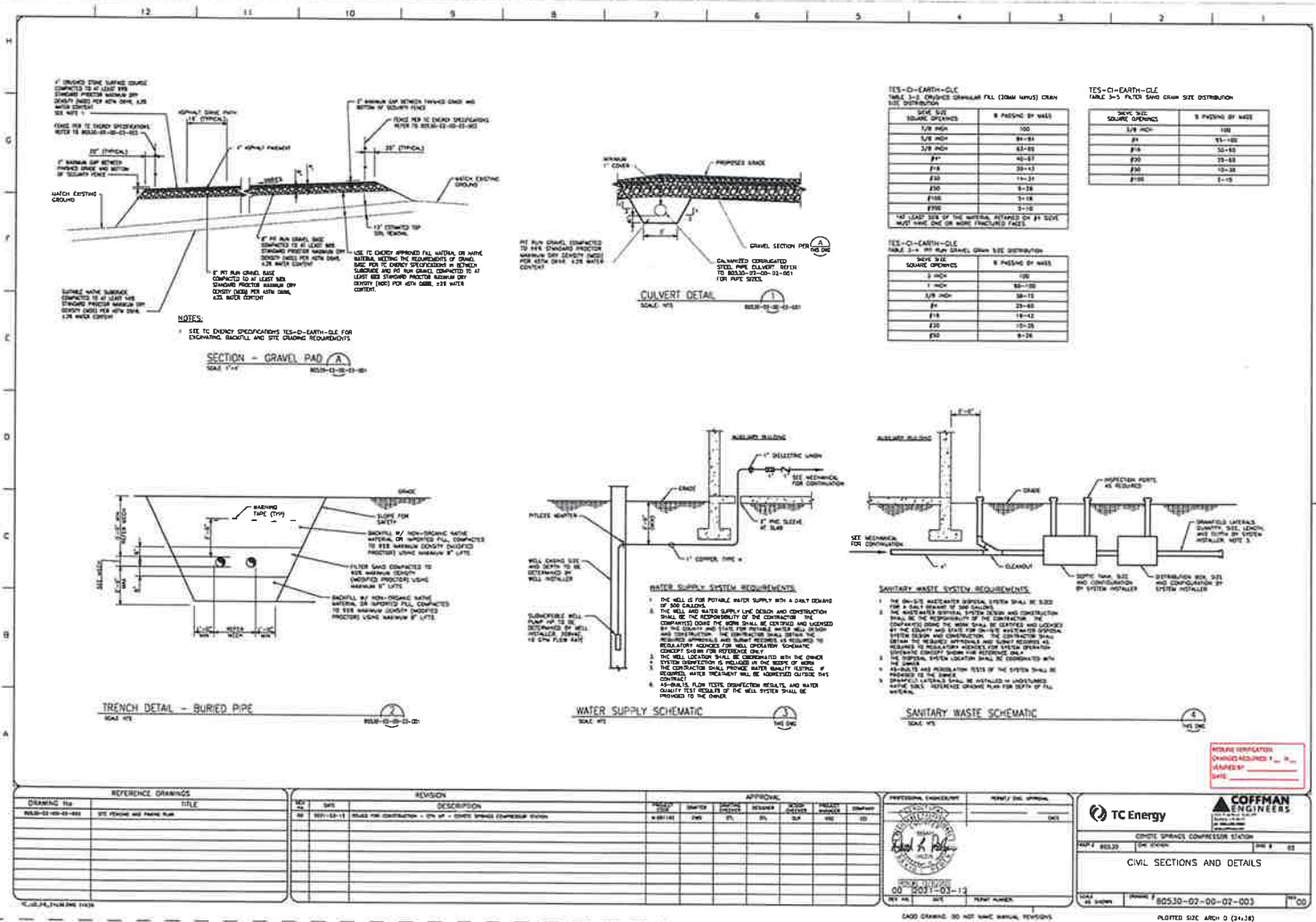
SITE FENCING AND PAVING PLAN

DATE: 08/11/11

PROJECT NO.: 805-38-02-00-02-002

PLotted SIZE: ARCH D (24x36)

REQUIRE VERIFICATION
CHANGES REQUIRED: 0, N, U
DATE:



NOISE VERIFICATION
CHANGES REQUIRED? YES
APPROVED BY: _____
DATE: _____

DRAWING NO.	REFERENCE DRAWING	TITLE	REVISION		APPROVAL						PROFESSIONAL ENGINEER	PERMIT NO. / APPROVAL
			NO.	DATE	DESIGNED	CHECKED	IN CHARGE	SCALE	DATE	DATE		
80530-02-00-00-03	80530-02-00-00-03	CIVIL SECTIONS AND DETAILS	01	02/11/13	DESIGNED	CHECKED	IN CHARGE	SCALE	DATE	DATE	[Signature]	80530-02-00-00-03

TC Energy

COFFMAN ENGINEERS

CIVIL SECTIONS AND DETAILS

80530-02-00-00-03

PLOTTED SITE ARCH D (24x36)



MEMORANDUM

To: Morrow County Board of Commissioners
 From: Tamra Mabbott, Planning Director
 CC: Gregg Zody, Community Development Director
 Planning Commission
 BOC Date: March 10, 2021
 RE: Monthly Planning Update

Planning Commission Update

Planning Commission approved two land use applications and recommended Board of Commissioner approval for two legislative applications at their February 23rd meeting.

Planning Commission meeting materials are posted on the Department website one week prior to the meeting. Commission typically meets the last Tuesday of the month. Here is the 2021 calendar.

https://www.co.morrow.or.us/calendar?field_microsite_tid_1=28 Visitors are welcome. And with our virtual meetings it is very convenient.

Current Planning Activity February 2021:

• Zoning Permits	10
• Land Use Compatibility (LUCS Review)	10
• Rural Address	3
• Land Use Decisions	1
• Conditional Use Permits	1
• Land Partition Replat	1
• Variance	0
• Research/Public Records Request	2

Long Range Planning

Planning Commission reviewed and recommended approval of a new Goal 10 Housing Chapter for the Comprehensive Plan and creation of a new Rural Residential 10-acre zone. The Board of Commissioners hearing to consider adoption is scheduled for March 24, 2021 at their regularly scheduled Wednesday meeting.

Staff met with Irrigon City Manager to discuss land use issues in the city Urban Growth Boundary. An update to the Joint Management Agreement between city and county is forthcoming.

Energy Projects

Several new and renewed/amended energy projects are in the process. This included staff meeting with developers and state agency staff as well as coordinating with County Public Works. Majority of staff work with these projects is not reflected in the permit summary. See attached summary of all *renewable projects in Morrow County* to date.

Code Enforcement

Planning Staff continue to work with Code Enforcement Office Deputy Oscar Madrigal. Planning Staff has drafted an update to the Code Enforcement Ordinance to address junk vehicles. County Counsel will be making final edits and routing to a formal hearing.

with a focus on clarifying definition and process for abatement of junk vehicles. The draft proposed changes will allow a landowner to keep two or three project vehicles.

Other Projects:

Stephanie Case, Planner II is working on an update to the Subdivision Ordinance.

Staff are working with Oregon Department of Land Conservation and Development (DLCD) to host a training on Oregon's Statewide Planning Program, Land Use Review Process and more. The training will be both in-person and virtual and is open to all city planning commissions councils as well as county Planning Commission and Board of Commissioners. Tentative dates for the training are May 6 or May 13 in the evening.

Legislation

Planning Director is monitoring land use and building legislation of interest or application to Morrow County. Land use related bills and bills that would make funding available to Morrow County is being monitored closely. Formal written testimony approved by the Board of Commissioners was submitted on two bills, along with oral testimony by the Planning Director.

Building Inspections

Planning Director was asked to review the Building Inspection Program and the county agreement (Intergovernmental Agreement) with City of Boardman. The IGA between city and county is under review.

Umatilla Army Depot and Military Coordination

Planning Director spent time coordinating with staff of the Columbia Development Authority regarding a section of Oregon Trail located on the depot. Staff is coordinating a tour of the 7,500 acres managed by the Oregon Military Department of the Army Depot and, researching possible grant funds from the USN and OMD.

Website and GIS Mapping

Planners have made several updates to the department website including applications and other informational forms explaining processes.

The online interactive map was launched in January and refinement continues

<https://morrow-co-or.maps.arcgis.com/apps/webappviewer/index.html?id=c24654713b7d424f968c11b9c9e43a23>

Planning Trivia Question of the Month:

Is a county or city responsible for planning and zoning of lands inside an Urban Growth Boundary?

Answers to last month's trivia questions.

The first Planning Director in Morrow County was George D. Smith, in 1972. According to records shared by County Clerk Bobbi Childers, the County Court passed a Resolution to create a planner position on April 6, 1960.

Energy Projects in Morrow County

EFSC Permitted

WIND	Capacity	Facility Status	Notes	Local Permits Issued	Local Permit Actions
Wheatridge I	100 MW	Operating	PGE Ownership		
Wheatridge II	550 MW	Operating	Under Review to split as: WREF II (200 MW Wind); WREFIII (150 MW solar); WREFE (200 MW wind)	CUP-N-328 (2018)	RFACOMMENT Letter submitted to EFSC 28OCT2020
Wheatridge Renewable Energy Facility East	200 MW	EFSC Approved	Umatilla County and Morrow County, Approved not built.	CUP-N-328 (2018)	No local actions at this time.
Shepherds Flat Central	290 MW	Operating	2 Turbine Repower 2020	CUP-N-279 (2010)	Comment Letters Submitted to EFSC
Shepherds Flat South	290 MW	Operating	Repower Pending (January 2023)	CUP-N-278 (2010)	Comment Letters Submitted to EFSC
Heppner Wind	500-MW	Terminated	N/A	N/A	No Action Needed
Saddle Butte Wind	399-MW	Terminated	N/A	N/A	No Action Needed
SOLAR	Capacity	Status	Notes	Local Permits Issued	Current/ Recent Local Permit Actions
Boardman Solar	75 MW	EFSC Approved	Construction Pending, T Line Is In Gilliam Co.	CUP-N-333 (2018)	CUP extension approved. Expires 21NOV2021
Wheatridge III	150 MW	EFSC SC Amendment Approved	Road Use Agreement update pending w Public Works	CUP-N-328 (2020)	Zoning and Building pending.
Wagon Trail Solar	500 MW	Proposed/Pending	NextEra, new project, a subsidiary to Wheatridge but NOT the Wheatridge Energy Facility.	Pending (Not Submitted)	County notified adj. landowners of NOI. BOC/SAG comments submitted to EFSC.
TRANSMISSION	Capacity	Status	Notes	Local Permits Issued	Current/ Recent Local Permit Actions
Boardman to Hemingway	300-mile, 500 kV	Proposed	In Contested Case (64 Petitioners)	Pending	Waiting on Contested Case Outcome
Cascade Crossing	424-mile, 500kV	Terminated	N/A	N/A	No Action Needed
GENERATING FACILITY	Capacity	Status	Notes	Local Permits Issued	Current/ Recent Local Permit Actions
Carty Generating Facility	50 MW Solar 400 MW Natural Gas	Under EFSC Review/Operating	RFA2 to incorporate existing BCP facility components.	CUP-N-307 (2013)	Notice of Proposed Order of RFA2 issued 12NOV20
Boardman Coal Plant	550-MW	Decommissioned	T Line in Gilliam Co.	Pre-dates Planning?	No Action Needed
Columbia Ethanol Project	44 MGPY	Temporarily Shut Down	Local approval letter sent 11APR2006	ZP1701.01MAY2006 (Pacific Ethanol)	No local actions at this time.

Locally Permitted

WIND	Capacity	Status	Notes	Local Permits Issued	Current/ Recent Local Permit Actions
Orchard Wind	40 MW	Operating	Construction was delayed due to COVID-19	CUP-N-324 (2016) Extension was granted 2019	No local actions at this time.
Echo Wind South	60 MW	Operating	Oregon Windfarms LLC / Madison Farms.	CUP-N-251 (2008)	No local actions at this time.
Threemile Turbines	15 MW	Operating	First operational turbines in Morrow County.	CUP-N-234 (2006)	No local actions at this time.
Elle Butte	104 MW	Permitted, Never Built	N/A	CUP-N-291 (2011)	No local actions at this time.
Butter Creek	40 MW	Permitted, Never Built	N/A	CUP-N-285 (2010)	No local actions at this time.
Mariah Wind	20 MW	Permitted, Never Built	N/A	CUP-N-290 (2011)	No local actions at this time.
Willow Creek Wind	50 MW	Permitted, LUBA Remand	N/A	CUP-N-213 (2005)	No local actions at this time.
SOLAR	Capacity	Status	Notes	Local Permits Issued	Current/ Recent Local Permit Actions
Harp Solar	10 MW	Permitted	Project sold to Avangrid Renewables by OneEnergy.	CUP-N-331 (2018)	Extension Request Granted
Tower Road	Pending	Proposed	To date, no applications submitted.	Not Permitted	Application Pending
Stark Solar	10-MW	Withdrawn	N/A	CUP-N-332-18	No Action Needed
Columbia Solar	20-MW	Withdrawn	Energy Utah LLC- Bill Adams	CUP-N-343-20	No Action Needed
Trail Solar	160 MW	Proposed	OneEnergy. Proposed, pending application		