



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

Morrow County Planning Commission
Tuesday, April 25, 2023, 6:00 pm
Morrow County Government Building
Irrigon, OR 97844

[For Electronic Participation See Meeting Information on Page 3](#)

Members of Commission

Stanley Anderson
Charlene Cooley
Stacie Ekstrom

John Kilkenny
Mary Killion
Elizabeth Peterson

Wayne Seitz
Karl Smith
Brian Thompson

Members of Staff

Tamra Mabbott, Planning Director
Stephen Wrecsics, GIS Planning Tech
Katie Keely, Compliance Planner

Stephanie Case, Planner II
Michaela Ramirez, Office Manager

- 1. Call to Order**
- 2. Roll Call**

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.

- 3. Minutes:** January 31, 2023 [pages 3-5](#)

- 4. PUBLIC HEARINGS** to begin at 6:00 pm (COMMISSION ACTION REQUIRED):

Presented By: Stephanie Case, Planner II [pages 6-23](#)

Subdivision SD-N-226-23: Albert and Barbara Phillips, Applicants and Owners. The property is described as tax lot 1901 of Assessor's Map 5N 26E 23D. The property is zoned Rural Residential (RR) and located west of Irrigon on Columbia Lane, east of the Seventh Road intersection. The request is to partition an approximately 18.62-acre parcel into seven lots. Criteria for approval includes Morrow County Zoning Ordinance (MCZO) Section 3.040 RR Zone and the Morrow County Subdivision Ordinance (MCSO).

Presented By: Katie Keely, Compliance Planner

Conditional Use Permit Compliance Review CUP-N-337-19: Joshua and Shannon Karl, applicants and owners. The property is described as Tax Lot 202 of Assessor's Map 4N 25E 21, and is located on Kunze Lane adjacent to the intersection of Kunze Lane and S. Main Street, Boardman. Property is zoned Suburban Residential (SR) and is within the Boardman UGB. This is a review of a previously approved conditional use permit for a home occupation supporting the applicants towing and short-term storage of vehicles. Criteria for approval are found in the MCZO Article 3 Section 3.050 SR and Article 6 Conditional Uses.

Presented By: Katie Keely, Compliance Planner pages 68-105

Conditional Use Permit Compliance Review CUP-N-339-19: Cesar Andrade applicant, Victor Nunez owner. The property is described as tax lot 1600 of Assessor's Map 5N 26 36BC. The property is zoned Rural Residential (RR) and located southwest of Irrigon on the south corner of Wagon Wheel Loop. This is a review of a previously approved conditional use permit for a home occupation supporting the applicants trucking business. Criteria for approval is found in the MCZO Article 3 Section 3.040 RR Zone and Article 6 Conditional Uses.

5. **OTHER BUSINESS** -Planning update pages 106-110

6. **Correspondence-Rev-Rural Engagement and Vitality Center 2022 Highlights,** pages 111-114
LUBGWMA Funding Chart page 115

7. **Public Comment**

8. **Adjourn**

Next Meeting: Tuesday, May 30, 2023, at 6:00 p.m.
Location: Bartholomew Building, Heppner, OR

ELECTRONIC MEETING INFORMATION

Morrow County Planning is inviting you to a scheduled Zoom meeting. Topic: Planning Commission
Time: January 31, 2023, 07:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88418473795?pwd=OXZwdHV3L2VFZ1Y3b1g4TFBzYVM5UT09>

Meeting ID: 884 1847 3795

Passcode: 672266

Find your local number: <https://us02web.zoom.us/j/88418473795?pwd=OXZwdHV3L2VFZ1Y3b1g4TFBzYVM5UT09>

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.



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**Minutes of the Public Meeting of the
Morrow County Planning Commission
Tuesday, January 31, 2023, 7:00 pm
Morrow County Bartholomew Building
Heppner, OR**

(Meeting was held in person and through video conference via Zoom in Irrigon)

Morrow County Planning Commissioners Present: John Kilkenny, Wayne Seitz, Brian Thompson

Attendance via Zoom: Stanley Anderson, Charlene Cooley, Karl Smith, Stacie Ekstrom

Excused Absent: Commissioner Killion and Commissioner Peterson

Morrow County Staff Present: Director Mabbott, Michaela Ramirez, Office Manager

Morrow County Staff Attendance via Zoom: Stephanie Case, Planner II-Zoom, Stephen Wrecsics, GIS Planning Tech-Zoom, Katie Keely, Compliance Planner -Zoom, Dan Kearns, Counsel – Zoom.

Call to Order-meeting was called to order at 7:00 PM by Commissioner Seitz

Roll Call

The Pledge was recited.

Election of Officers- Commissioner Seitz nominated Commissioner Ekstrom for the Chair position and was seconded by Commissioner Thompson. Commissioner Seitz nominated Commissioner Kilkenny for Vice Chair and Commissioner Thompson seconded it. No other nominations were made and it was a unanimous vote for both positions.

Approval of Minutes: Chair Ekstrom gave a minute so that everyone glanced through December's minutes and then Commissioner Seitz moved for approval and Commissioner Thompson seconded the motion. They were unanimously approved.

PUBLIC HEARINGS Chair Ekstrom read the Planning Commission statement and Hearing Procedures. Chair Ekstrom if there were any conflicts of interest, in Heppner there were none, Stephanie responded and said there were none in Irrigon.

Replat R-N-080-23: Dixie Earle and Cynthia and Barry Turner, Applicants and Owners. Planner Stephanie Case gave the staff report. The properties are described as tax lot 400 of Assessor's Map 5N 26E 23C and tax lot 1302 of 5N 26E 23B. The properties are zoned Rural Residential (RR) and located north of Washington Lane between West Seventh Road and Steagall Road. The request is to

adjust a shared property line via replat. Criteria for approval includes Morrow County Subdivision Ordinance Section 5.075 Replatting and Morrow County Zoning Ordinance (MCZO) Section 3.040 Rural Residential Zone. She pointed out that there was a change in configuration per the surveyor. She went on to ask if there were any questions. Director Mabbott commented that Parcel 2 is going to have a slight change that she hadn't noticed. Stephanie responded that the surveyor Matt Kenny had sent her the change the same day as the meeting and that both parties agreed with the change. Planner Case went on to explain that there is an existing fence, the 25-foot easement, that the access to Washington Lane has not changed, and that the access on Montana for Parcel 1 has not changed either. Chair Ekstrom asked if anyone had any comments and there were none. Chair Ekstrom asked if there was any applicant testimony or questions. There was none. Chair Ekstrom asked if the Commission had any questions.

Commissioner Seitz asked if there would be an amendment added to the Findings. Director Mabbott responded that it is just a revised plot plan and if he (Commissioner Seitz) was inclined to approve it that the changes would be with the revised plot plan. Chair Ekstrom asked if there was anyone in opposition. There was no one in opposition. Chair Ekstrom also asked if there was anybody with neutral comments. There was none. Chair Ekstrom closed the hearing and called for a motion. Commissioner Seitz made the motion to approve the motion R-N-080-23 with the revision and Commissioner Kilkenny seconded. Chair Ekstrom called for a vote. All Commissioners voted in favor and the motion R-N-080-23 passed unanimously.

Variance V-S-047-23: Allstott Construction LLC., Applicant. Mike and Christy Correa, Owners. GIS Planning Tech Stephen Wrecsics gave the staff report. The property is described as Tax Lot 1100 of Assessor's Map 2S 26E 34DD. The property is zoned Suburban Residential. The request is for a variance to setbacks stipulated in MCZO Section 3.020H Setback Requirements to site a shop. Criteria for approval include MCZO Article 7 Variances. GIS Planning Tech Wrecsics pointed out that he didn't get any opposition from his mailings or publications and asked if anyone had questions. Chair Ekstrom asked if anyone had any opposition or questions from applicants in Heppner. Director Mabbott pointed out there were no guests. Chair Ekstrom commented there were no guests so we would skip the through comments or questions so she would close that part.

Commissioner Seitz said he wasn't clear by looking at the map of the location of existing or adjoining structures and if there was a fire hazard. GIS Planning Tech Wrecsics responded that the map was an old image and pointed out that the adjoining structure was not there anymore. He also pointed out there were other structures on the map that no longer existed. Commissioner Seitz asked if both landowners have garages that were touching. GIS Planning Tech Wrecsics responded that the garages were very close and one of them no longer existed. Chair Ekstrom asked for additional questions and there were none. Chair Ekstrom called for a motion. Commissioner Seitz moved to approve the motion V-S-047-23 and Commissioner Thompson seconded it. Chair Ekstrom called for a vote. Planning Commission voted unanimously in favor of the motion.

Chair Ekstrom introduced the next item on the Agenda. Director Mabbott commented that meetings are better when everyone is together, so for future Planning Commission Meetings, she asked Commissioners to try to attend in person at one location, rather than two. And Zoom is now permanently an option for remote participation. Director Mabbott welcomed the new Planning Commissioners. Commissioner Charlene Cooley introduced herself. Commissioner Elizabeth Peterson was absent. Director Mabbott suggested that Planning Commission meetings begin at 6 O'clock. Everyone at the meeting agreed to the new time. The new schedule for the year was handed out.

Correspondence-

Population Data -Director Mabbott commented that she and Stephen worked on a memo for the CREZ Board.

- Water Planning and Land Use Planning-Director Mabbott commented that she is on the Oregon Water Resources Department Rule Advisory Committee. The state is looking at changing criteria and processes for establishing new Critical Groundwater Boundaries. Morrow county has four 4-
- Morrow County Water Coordinator. Director Mabbott says the water coordinator services will help the Board of Commissioners with policies. The county hired GSI Water Solutions, Inc. which is familiar with our basin so they are a good choice. GSI Solutions will be attending a Board of Commissioners work session via zoom on February 8th, if anyone is interested. The Board is looking to form a Water Committee to inform the public.
- Planner Case reported that she held a stakeholder's meeting and shared information about the Heritage Trail interpretive panels and has applied for a couple of grants. One of the grants will help with accessibility to the trail. She invited anyone who is interested to participate in future meetings.

Planner Case asked Chair Ekstrom how she would like to receive the findings (to sign). Chair Ekstrom responded that she preferred email. Director Mabbott welcomed and thanked the Chair and Vice Chair for accepting the positions.

Public Comment: There were none

Adjourn : Meeting adjourned at 7:36 PM

Next Meeting: Tuesday, February 28, 2023, at 7:00 p.m. Meeting is canceled due to no Planning Commission permit actions. The March meeting will be held in Heppner, OR in the Bartholomew Building.

Respectfully submitted,

Michaela Ramirez

**PRELIMINARY FINDINGS OF FACT
SUBDIVISION REQUEST SD-N-226-23**

REQUEST: To subdivide an approximate 18.63-acre parcel to create seven parcels.

APPLICANTS/OWNERS: Albert and Barbara Phillips
80610 Wagon Wheel Loop
Irrigon, OR 97844

PROPERTY DESCRIPTION: Tax lot 1901 of Assessor's Map 5N 26 23D

PROPERTY LOCATION: West of Irrigon near the intersection of Columbia Lane and West Sixth Road

FINDINGS OF FACT:

I BACKGROUND INFORMATION:

The property is zoned Rural Residential (RR) with a two-acre minimum lot size and is located outside the Urban Growth Boundary of the City of Irrigon. The current use of the property is residential and agricultural use. The property has an existing approval for one single family dwelling, though that dwelling has not been constructed at the time of this staff report.

II SUBDIVISION REVIEW COMMITTEE

The preliminary subdivision plat was reviewed by the Morrow County Subdivision Review Committee on March 20, 2023. Comments from the meeting are incorporated below.

PRELIMINARY PLAT REQUIREMENTS: A Tentative Plan was received with the application. The Preliminary Plat will need to comply with Section 3.060 of the Morrow County Subdivision Ordinance.

CONFORMANCE TO ZONING AND COMPREHENSIVE PLAN: The Zoning Ordinance does stipulate a minimum lot size for Rural Residential of 2 acres. The applicant will need to provide both a preliminary and final Subdivision Plat as required by the Subdivision Ordinance and ORS Chapter 92. This is recommended and listed as a Condition of Approval.

POSSIBLE ADVERSE EFFECTS ON THE DEVELOPMENT BY NATURAL HAZARDS:

Morrow County adopted the Morrow County Oregon Multi- Jurisdictional Natural Hazards Mitigation Plan that outlines natural hazards throughout the County. Those natural hazards that could be of concern are flash flooding related to a rain or snow melt event; earthquakes; wind storms; drought; winter storms; or volcanic activity to the west. None of these hazards are specific to this property, but to the County in general.

QUANTITY AND QUALITY OF EXISTING OR PROPOSED WATER SUPPLY:

According to the application water will be supplied by individual wells. Oregon water law allows for domestic water usage for individual wells at a limit of 15,000 gallons per day. This includes stock watering and irrigation of lawns or noncommercial gardens of no more than 0.5 acre. The property is served by West Extension Irrigation District (WEID) and the applicant will need to work cooperatively with the district for service to the individual lots. The property lies within the Lower Umatilla Basin Ground Water Management Area (LUB GWMA) and is subject to groundwater quality issues, especially high nitrate concentrations. It is recommended that the

applicant and future owners have their domestic wells tested annually for nitrate and nitrite levels.

ADEQUACY OF THE EXISTING OR PROPOSED SEWAGE DISPOSAL SYSTEM TO

SUPPORT THE PROJECTED POPULATION: The application indicates that septic drain fields will be installed in accordance with Umatilla County Environmental Health approvals. The applicant should make sure site suitability for septic systems can be established for each proposed lot. There was concern expressed by those in attendance at the subdivision review committee about additional nitrate loading up to 7 new septic systems would generate. Refer to discussion above regarding the LUB GWMA. It is recommended and listed as a precedent Condition of Approval that each undeveloped lot have approved site suitability for septic systems prior to signature by the Planning Director on the final Subdivision Plat.

ADEQUACY OF PUBLIC SERVICES TO SERVE THE INCREASE IN POPULATION TO BE CREATED BY THE DEVELOPMENT; INCLUDING SCHOOLS, POLICE AND FIRE PROTECTION, HEALTH FACILITIES, HIGHWAY AND ARTERIAL AND COLLECTOR ROAD NETWORKS, PARKS, ETC:

The subject property is in the Morrow County School District and the Irrigon Rural Fire Protection District. Police service is provided by the Morrow County Sheriff's Department. These entities were present for the Subdivision Review Committee meeting and shared input based on their service needs in the area of development. It is requested and recommended that the internal road be wide enough and built to a standard to support emergency and fire equipment.

Public Health and Mental Health facilities are available in Boardman. When the roads and accesses are in place the developer may be required to enter into a Mode of Delivery agreement with the Postal Service (USPS) and will need to coordinate that with the USPS. Electric, telephone and internet service are available. Representatives from Umatilla Electric and Eastern Oregon Telecom indicated that the applicant will need to submit plans to service utilities.

Access will be either direct frontage along Columbia Lane or via a proposed internal roadway off Columbia Lane. Morrow County Public Works has been notified of the proposal and participated in the Subdivision Review Committee meeting as discussed at a later point in the staff report.

POSSIBLE CONFLICTS WITH ADJOINING PROPERTY: The surrounding properties are primarily residential and this proposal is being developed in accordance with the requirements of the zone. The adjoining properties to the north and west are zoned for rural residential and developed for residential use, all about one to five acres in size. The property to the south is zoned for residential and divided into 1 acre lots, mostly bare lots currently. The property to the east is a larger residential lot that has been developed into a manufactured home park. There are no identified conflicts with the adjoining properties.

PROTECTIVE COVENANTS, DEEDS OR RESTRICTIONS: The applicant has stated that deed restrictions or protective covenants have been considered and may be created in the future, separate from this application. It is recommended and listed as a condition of approval that the applicant submit and record an agreement for road maintenance and repairs of the internal road.

CONFORMANCE WITH POLICIES AND PROVISIONS OF LOCAL AND STATE

REGULATIONS: Identified plans and policies are the Morrow County Zoning Ordinance, Subdivision Ordinance and Transportation System Plan (TSP). It is the intent of Planning staff to

apply, within these Findings of Fact, the appropriate Statute, Rule or Ordinance and incorporating Conditions of Approval as deemed necessary.

MARKETABLE TITLE OR OTHER INTEREST CONTRACTED: It is recommended and listed as a Condition of Approval that the Applicant provide proof of title, or proof of contract interest, to the property.

AGREEMENT OR BY-LAWS TO PROVIDE FOR MANAGEMENT, CONSTRUCTION, MAINTENANCE OR SERVICES PROPOSED: There needs to be arrangements for maintenance and repair of the internal road, either in the subdivision by-laws or covenants. This will be discussed later in this Staff Report.

EFFECTS OF THE SUBDIVISION FOR CONTINUITY OF PUBLIC SERVICES AND ACCESS TO ADJOINING LANDS: Public services are available along Columbia Lane. The utilities serving the area should be able to extend their services to the subdivision without affecting the continuity of service or access to adjoining lands.

III COMPLIANCE WITH COUNTY SUBDIVISION ORDINANCE

The following criteria for approval as provided for in the Subdivision Ordinance shall be considered by the Planning Commission. Ordinance criteria are listed below in bold type followed by a response in standard text.

SECTION 3.020. REQUIRED FINDINGS FOR APPROVAL. A Tentative Plan for a proposed subdivision shall not be approved unless it is found, in addition to other requirements and standards set forth in this ordinance, that the subdivision as proposed or modified will satisfy the intent of this ordinance relating to subdivision development, the intent and requirements of the applicable zoning regulations, will be in compliance with the Comprehensive Plan, and the standards set forth in this Article; such findings shall include the following:

A. The subdivision is an effective, efficient and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan relative to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as natural vegetation, and special terrain feature.

Development in the vicinity tends to be one to five acres in size and immediately adjacent to existing residential developments. This development as proposed is consistent with the Comprehensive Plan and appears to be an orderly development. The land is flat with minimal natural vegetation.

B. The subdivision will be compatible with the area surrounding the project site, and will not create an excessive demand on public facilities and services required to serve the development.

The subdivision meets this criterion. Public facilities such as telephone, electricity and public access are available to the property either from or adjacent to Columbia Lane. Staff encourages the owner to require landscaping and/or land management practices that minimize weeds, dust and blowing sand. Additionally, weed control will be required within the public right of way. Morrow County Weed Control has been notified of the proposal.

C. That there will not be any adverse impact on natural resource quality and public service and facilities.

The applicant should be aware that the subject property is in the Lower Umatilla Basin Groundwater Management Area (LUB GWMA). DEQ designated the LUB GWMA in 1990 due

to elevated nitrate concentrations in groundwater. The goal of the LUB GWMA Action Plan (which was developed in state agencies and local stakeholders) is to reduce nitrate concentrations throughout the region. It is recommended that wells used for drinking water be tested at least annually to determine nitrate concentrations.

SECTION 3.040. TENTATIVE PLAN REQUIRED. The Tentative Plan for a subdivision shall be prepared and submitted in compliance with the provision of Sections 3.050 through 3.080 of this Article.

SECTION 3.050. SCALE OF TENTATIVE PLAN. The Tentative Plan of a proposed subdivision shall be drawn on a sheet of 18 by 24 inches in size or a multiple thereof at a scale of one (1) inch equals 50 feet for subdivision up to 10 acre size, one (1) inch equals 100 feet for subdivisions up to 50 acre size, one (1) inch equals 200 feet for subdivision up to 100 acre in size, and for subdivision of more than 100 acres in size a scale not greater than one (1) inch equals 400 feet; or multiples thereof as approved by the Planning Department. The Tentative Plan must be of scale required by the County Surveyor.

SECTION 3.060. INFORMATION REQUIREMENTS. The following information shall be shown on the Tentative Subdivision Plan or provided in accompanying materials. No Tentative Plan submittal shall be considered “complete” unless all such information is provided.

This section outlines what is required of an application to be deemed complete. Planning staff have worked cooperatively with the applicant and have received the appropriate Tentative Plan.

Section 3.070 MASTER DEVELOPMENT PLAN

Not applicable; applies to subdivisions containing 100 lots.

SECTION 3.080. SUPPLEMENTAL INFORMATION REQUIRED. The following information shall be submitted with the Tentative Plan for a subdivision. If such information cannot be shown practically on the Tentative Plan of a proposed subdivision, it shall be submitted on separate documents accompanying the plan at the time of filing.

A. Proposed deed restriction or protective covenants, if such is proposed to be utilized for the proposed subdivision.

The applicant indicated that deed restrictions or protective covenants may be a part of the subdivision and will be developed at a later date. Based on the recommendation of the Subdivision Review Committee Planning staff requests the applicant to, at a minimum, have a road maintenance agreement for future owners. Submittal and recording of a road maintenance agreement has been listed as a condition of approval.

B. Certified statement from each serving utility company proposed to serve the proposed subdivision as set forth in the Tentative Plan, and the conditions of such service shall be set forth.

The utilities serving the subdivision are the West Extension Irrigation District, Umatilla Electric and telephone/internet providers. Planning staff do not have on file letters from the local utilities meeting this criterion at this time. Planning staff recommend and list as a Condition of Approval that such letters be provided prior to the signing of the final Subdivision Plat.

West Extension Irrigation District indicated that service is available to the area though the applicant will need to work with the district for delivery to the lots.

C. Proposed fire protection system for the proposed subdivision and written review thereof by the appropriate serving fire protection agency.

The subject property is within the Irrigon Rural Fire Protection District. It is recommended and listed as a Condition of Approval that applicant provide a letter from the Irrigon Rural Fire Protection District confirming that the subdivision will meet the district's requirements for fire safety and protection.

D. Title or Subdivision Guarantee Report from a licensed title company stating the record owner(s) of the land proposed to be subdivided and setting forth all Morrow County encumbrances relative to the subject property. The required title report shall have been issued within the past 60 days.

This has not been received at this time. Planning staff recommends and list as a Condition of Approval that such report be provided prior to signing of the final Subdivision Plat.

E. Reasons and justifications for any variances requested to the provisions of this ordinance or any other applicable ordinance or regulation.

This criterion is not applicable as the applicant has not requested a variance to provisions of this ordinance or any other applicable ordinance.

SECTION 3.100. SPECIFIC APPROVAL REQUIREMENTS. In addition to the requirements set forth by the provision of this ordinance and applicable local and State regulations, specific requirements for preliminary plat approval are as follows:

A. No Tentative Plan of a subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the same county, except for the words "town", "city", "place", "court", "addition", or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party that platted the subdivision bearing that name. All plats must continue the Lot and Block numbers of the plat of the same name, last filed.

The application states that the proposed name of the subdivision is Phillips Estates. This subdivision name is not used by another plat or subdivision in Morrow County.

B. No Tentative Plan for a proposed subdivision shall be approved unless:

- 1. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, improvements, general direction and in all other respects, unless the Planning Commission determines it is in the public interest to modify the street or road pattern.**

The access into the proposed subdivision will be from Columbia Lane. The internal road will have to meet the requirements of Article 8 Section 8.020(8) Design and Construction Approval standards in the Subdivision Ordinance. This Section states that the road must receive design and construction approval from the Morrow County Public Works Department. Road maintenance responsibilities will need to be stipulated through the use of subdivision protective covenants or by a subdivision road maintenance agreement.

The TSP requires a subdivision to have legal access via a right-of-way for four or more lots, not an easement. It is recommended and listed as a Condition of Approval that the dedication for the internal road be a 60-foot right-of-way. The internal road will need to meet the Rural Gravel Standard and be dedicated to the public on the Subdivision Plat. This standard is based on the Average Daily Trips (ADT) of 40 for the proposed internal road, 10 ADT for four lots. This is also recommended and listed as a Condition of Approval.

The internal road will only intersect with Columbia Lane south, with a cul-de-sac terminus easement. The terminus of the internal road will need to be designed as a cul de sac that will provide turn around capability for the Irrigon Rural Fire Protection District and other emergency services.

The final name of the road will need to be approved by the Planning Department prior to the filing of the final Subdivision Plat so that the road name can be placed on the final Subdivision Plat.

The Morrow County Zoning Ordinance Article 4 Supplementary Provisions Section 4.070 Sign Limitations and Regulation does require that for subdivisions the developer is to install street name, posted speed and other traffic control signage per standards from Morrow County Public Works and the Manual on Uniform Traffic Control Devices. A street name sign, dead end sign, and stop sign for the internal road is required under this criterion. This is listed as a Subsequent Condition of Approval.

2. Streets and roads to be held for private use are approved by the Commission and are clearly indicated to the Tentative Plan and all reservations or restrictions relating to such private streets and roads are set forth thereon; such as ownership and maintenance responsibilities.

No private roads are requested so this criterion is not applicable.

3. The Tentative Plan complies with the Comprehensive Plan and zoning.

The land is zoned Rural Residential with a two-acre minimum lot size and is outside the City of Irrigon Urban Growth Boundary. The subdivision is consistent with the Section 3.040 Rural Residential use zone of the Morrow County Zoning Ordinance. The developer or subsequent land owners shall obtain necessary Zoning and Building Permits. This is recommended and listed as a Subsequent Condition of Approval.

C. Approval or denial shall take into consideration the Subdivision Review Committees' recommendations and the factors listed in 2.060 of this ordinance.

The Subdivision Review Committee met to consider this application on March 20, 2023. The Committee's recommendations are discussed in Section II above, including appropriate conditions of approval.

A review and formal recommendation have been provided for by the affected city if located within the Urban Growth Boundary thereof, or as otherwise set for by the applicable Urban Growth Boundary management agreement.

Not applicable as the property is not located within an Urban Growth Boundary. However, the City of Irrigon was invited and participated in the Subdivision Review Committee meeting.

ARTICLE 4. FINAL PLAT

The final plat will be required to conform with the standards of Oregon Revised Statute Chapter 92 and Morrow County Subdivision Ordinance Article 4.

ARTICLE 5. LAND PARTITIONING

Not applicable.

ARTICLE 6. PLANNED UNIT DEVELOPMENT

This proposal does not include a Planned Unit Development.

ARTICLE 7 CREATION OF STREETS AND WAYS NOT PART OF A SUBDIVISION

The application does not include a request for creation of streets not part of a subdivision.

ARTICLE 8. DESIGN STANDARDS

SECTION 8.010. COMPLIANCE REQUIRED. Any land division, whether by Subdivision, creation of a street or other right-of-way, partitioning or planned unit development, shall be in compliance with the design standards set forth by this ordinance.

See responses below.

SECTION 8.020. STREETS.

- A. General.** The location, width and grade shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the street. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Streets shall be designed and constructed in conformance with the basic cross-sections in the County TSP Update, with horizontal and vertical alignment geometry conforming to the latest version of applicable ODOT and/or AASHTO standards.

The proposed internal road will be in conformance with other streets and roads in the vicinity and complies to the Transportation System Plan and Subdivision Ordinance. As discussed and addressed in these Findings, the applicant will coordinate development of the apron and internal roadway with Morrow County Public Works.

- B. Design and Construction Approval.** Any facility or improvement conditioned to be constructed as part of private development activity and subsequently dedicated to the County must first receive design approval by the Morrow County Public Works Department. Design approval shall include all other pertinent issues related to roadway construction and operations, including but not limited to drainage, maintenance, serviceability, and pavement design. Upon request of an applicant, the County shall provide applicable design criteria and the rationale for establishing the criteria. Street design plans submitted for County approval shall be stamped by a registered professional engineer with appropriate experience. The Public Works Department is responsible for providing regular inspections throughout construction, and performing final inspection upon completion and prior to acceptance of the improvement as public right-of-way. An equitable Plan Review and Construction Inspection fee shall be determined at the initiation of plan review and charged to the developer.

The roadways are not intended to be transferred to county ownership. The applicant is required to coordinate with Morrow County Public Works for design of the approaches as discussed during the Subdivision Review Committee Meeting and in these Findings.

- C. Minimum Right-of-Way and Roadway Width.** Unless otherwise approved in the tentative plan, the street right-of-way and roadway surfacing widths shall not be less than the minimum width in feet set forth in the following table. Additional right-of-way may be necessary to conform to standards and specifications set forth in current AASHTO and/or ODOT design standards, and other applicable affected City standards and specifications.

Where conditions, particularly topography or the size and shape of land parcels, make it impractical to provide buildable lots, narrower right-of-way may be accepted ordinarily not less than 40 feet. Slope easements, while generally undesirable, may be required in extreme cases.

The Roadway Standards set forth in the following table shall be observed unless a variance has been obtained.

Proposed roads include right-of-way width of 60 feet with a proposed cul-de-sac for the internal road which will allow for turnaround of emergency vehicles. The 60 foot right of way developed to a rural gravel standard is appropriate as the proposed internal road will serve four lots with no potential for further division of the land.

ROADWAY STANDARDS					
Road Classification	Right of Way (ft)	Lane Width (ft)	Paved Shoulder Width (ft)	Pavement Width (ft)	Average Daily Traffic (ADT)
Rural Access I*	60	9	1	20	100-200
Rural Access II*	60	9	1	20	50-100
Rural Collector I	60	12	3-4	30-32	300-500
Rural Collector II	60	12	2	28	200-300
Rural Collector III	60	12	1	26	100-200
Rural Arterial I	60	12	4-8	32-40	> 700
Rural Arterial II	60	12	3-6	32-40	300-700
Rural Gravel	60	11	n/a	n/a	n/a

* Rural Access I and Rural Access II differ in the surface type – Rural Access II is gravel.

MCSO Article 8.020, page 48.

D. Reserve Strips. Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required.

Reserve strips are not proposed.

E. Alignment. All streets other than minor streets, as far as is practical, shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet. The streets and roads shall be laid out so as to conform to the plat of subdivisions and maps of partitions already approved for adjoining property as to width, improvements, general direction, and in all other respects, unless it is determined to be in the public interest to modify the street or road pattern. Streets and roads shall be laid out in such a way so as to connect to existing roads at the time of development or through extension at a future date by creating deadend streets without turn-arounds.

F. Future Extension of Streets. Where necessary to give access to or permit a satisfactory future subdivision on adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions. Streets and accessways are always required unless one or more of the following conditions exists:

1. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways,

railroads, steep slopes, wetlands, or other bodies or water where a connection could not reasonably be provided;

2. Buildings or other existing development on adjacent lands physically precludes a connection now or in the future considering the potential for redevelopment; or
 3. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.
- G. Intersection Angles.** Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires a lesser angle. In no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. The intersection of more than two streets at any one point will not be approved. Right-of-way lines at street intersections shall have a minimum corner radius of 15 feet.
- H. Existing Streets.** Whenever existing streets, adjacent to or within a tract, are of inadequate width, additional right-of-way shall be provided at the time of land division by the developer. During consideration of the tentative plan for a subdivision, it shall be determined whether improvements are required to existing streets, either adjacent to or within the tract. They may require such improvements as a condition of approval of the tentative plan.
- I. Half Streets.** Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when it is found it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

Half streets are not proposed.

- J. Cul-de-Sac.** A cul-de-sac, while not encouraged, may be used as part of a development plan, consistent with other provisions of this section (refer to Section 8.020.E). A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 9 dwelling units unless approved otherwise by the Commission. A cul-de-sac shall terminate with a circular turn-around.

A cul-de-sac is proposed and appears to be reasonable as it is proposed to serve a maximum of four lots and the length of the roadway is less than 400 feet.

- K. Street Names.** Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street in the city or county. Street names and numbers shall conform to the established pattern in the affected city urban area, and shall be subject to the approval of the Planning Commission.

The applicant has not proposed road names as part of this development. The road name will need to comply with the Rural Addressing Ordinance and this criterion.

- L. Installation of Regulatory Signs in County Road Right-of-Way.** Developers are to install street name, posted speed, and other traffic control and/or regulatory signage required for private developments, per applicable standards of Morrow County and the Manual on Uniform Traffic Control Devices (MUTCD).

The applicant will have responsibility for the cost of initial installation of these various regulatory signs. Maintenance and replacement of signs should be included in the CCR's.

M. Private Signage within County Road Right-of-Way.

This criterion is not applicable as private signage has not been requested.

N. Grades and Curves.

This criterion is not applicable as roadways are not proposed with grades or curves.

O. Streets Adjacent to Railroad Right-of-Way.

This criterion is not applicable as the site is not adjacent to a Railroad Right-of-Way.

P. Marginal Access Streets.

This criterion is not applicable as the site is not adjacent to an arterial street.

Q. Alleys.

This criterion is not applicable as the proposal is not commercial or industrial.

R. Curbs.

This criterion is not applicable as the proposal is not on an urban area street.

S. Proposed Corridors.

This criterion is not applicable as Columbia Lane is not identified as a Corridor.

T. Access Management.

1. Applications for development with access onto state highways shall be provided to ODOT for review, to ensure consistency with adopted ODOT Access Management Standards (...)
2. Access within the influence area of existing or proposed state highway interchanges for which there is no adopted IAMP is regulated by standards in OAR 734-051.
3. Access within a mapped and adopted IAMP Management Area of an existing or proposed state highway interchange is regulated by the adopted plan associated with that interchange.
4. Morrow County also requires an access permit for land use development proposing access onto a County road. Access permit requirements for land use development are outlined in Section 4.010 of the Morrow County Zoning Code, and development proposing access onto a County road is subject to access spacing standards specified in the table below.

Accesses are on Columbia Lane, a Major Collector, and via a proposed internal roadway. This proposal is not within the influence of a highway interchange or adopted IAMP Management Area. It is required that the applicant obtain appropriate access permits from Morrow County Public Works and coordinate the internal road development from Columbia Lane.

RECOMMENDED ACCESS MANAGEMENT STANDARDS FOR COUNTY ROADS^a				
Functional Classification	Intersection			
	Public Road	Private Drive		
	Type	Minimum Spacing	Type	Minimum Spacing
Rural Arterial	at-grade	600 ft	Left/right turns	300 ft
Rural Collector	at-grade	300 ft	Left/right turns	100 ft
Rural Local	at-grade	200 ft	Left/right turns	Access to each lot

a. For most roadways, at-grade crossings are appropriate. Also, allowed moves and spacing requirements may be more restrictive than those shown to optimize capacity and safety. Any access to a state highway requires a permit from the district office of ODOT and is subject to the access spacing standards in the previous table in this section.

Approval of a variance from the County access spacing standards is subject to the following requirements:

1. The granting of a variance for access management standards shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is employed.
2. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
 - a. Indirect or restrict access cannot be obtained;
 - b. No engineering or construction solutions can be applied to mitigate the condition; and,
 - c. No alternative access is available from a street with a lower functional classification than the primary roadway.
3. No variance shall be granted where such hardship is self-created

The above listed criteria are not applicable as the applicant has not requested a variance.

U. Corner Clearance.

The nearest intersection from the proposed internal roadway is more than 700 feet away, exceeding the spacing criteria identified above.

- V. Driveways. Driveways onto State highways shall be consistent with ODOT Access Management Standards. Driveways onto County facilities, which require an access permit from the Morrow County Department of Public Works, shall be consistent with County access management standards and meet the following standards.**

All private access driveways shall meet the following standards. Those that do not meet these standards shall require an access variance.

Land Use	Minimum (feet)	Maximum (feet)
Single Family Residential	10	24
Multi-Family Residential	24	30
Commercial	24	40
Industrial	30	40

Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view meeting County sight distance requirement. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.

The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

For unpaved driveways connecting to paved roadways, a paved driveway apron must be provided per Morrow County Department of Public Works standards.

Access will be from a County road and the internal roadway. The applicant is required to coordinate apron and access approvals from Morrow County Public Works.

- W. Easements and Legal Access. All lots must have access onto a public right-of-way. This may be provided via direct frontage onto an existing public road, a**

private roadway, or an easement. Minimum easement requirements to provide legal access shall be as follows:

- 1. 1000 feet or less, an easement width of 20 feet**
- 2. More than 1000 feet, an easement width of 40 feet.**
- 3. Parcels where 3 or more lots share an access (current or potential), an easement of 60 feet.**

The proposed internal road is less than 1000 feet, however because two lots front on more than one street, the proposed internal road will serve four lots requiring an easement of 60 feet. Table 6-5 in the TSP requires legal access via r/w for subdivisions of 4 to 39 lots. Due to this requirement, it is listed as a condition of approval that the proposed internal road be a dedicated 60-foot Right-of-Way to serve the four lots.

X. Joint and Cross Access.

This criterion is not applicable as the development is not for commercial or office development.

Y. Requirements for Phased Development Plans.

This criterion is not applicable as the proposal is not for Phased Development Plan.

Z. Nonconforming Access Features.

This criterion is not applicable as no nonconforming access features exist at the site.

AA. Reverse Frontage. Lots that front on more than one street shall be required to locate motor vehicle access on the street with the lower functional classification.

Lots 5 and 6 will have frontage on both Columbia Lane and the proposed internal roadway. It is listed as a subsequent condition of approval that the lots locate motor vehicle access on the street with the lower functional classification, which would be the internal roadway.

BB. Shared Access.

This criterion is not applicable as the proposal is not on a State Highway.

CC. Connectivity.

This proposal is designed to coordinate with existing streets outside the subdivision and the intersection with Columbia Lane is orderly. While a cul-de-sac is not required, the applicant has proposed a cul-de-sac easement to allow for turn-around. The properties to the north of the proposal are developed and the roadway would not connect in the future. This criterion is met through addressing the other requirements in these Findings.

DD. Private Streets Outside an Urban Growth Boundary. All private streets providing access from a public roadway to a proposed land division shall meet the following standards:

- 1. Have a minimum sight distance in compliance with adopted County Standards at any intersection with a public road. Additional sight distance or advance warning signage or other devices may be required where known safety hazards exist.**
- 2. For each private street, there shall be a legal recorded document which includes:**
 - a. A legal description of the proposed easement;**
 - b. Ownership of the street;**
 - c. Use rights; and**
 - d. A maintenance and construction agreement which includes Fire Marshal approved street specifications and turn around area (if required) and the allocation and/or method of determining liability for maintenance.**
- 3. Where drainage conditions require it, a private street shall be ditched in conformance with the County Road Standards.**
- 4. Private streets which access public or County roads shall be located, designed and constructed (within the public right-of-way) in accordance with adopted standards for County roads.**

5. **Prior to establishing a private driveway or a private street, the owner shall obtain an access permit for access to the intersecting public road. As a condition of granting access to a public road, the County may require the applicant to clean the ditch serving the parcel and remove sight obstructing vegetation in the vicinity of the access.**

These criteria are not applicable as the internal road is not a private driveway or street, however the applicant will coordinate with Morrow County Public Works to obtain approvals for access as addressed in these Findings.

SECTION 8.030. BLOCKS.

A. General. The length, width, and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

B. Minimum Block Lengths. Minimum block lengths of 600 feet shall be established within urban growth boundaries. A goal for areas outside of urban growth boundaries is a minimum of 1,200 feet. A block shall have sufficient width to provide for two tiers of building site unless topography or the location of adjoining streets justifies an exception.

C. Easements.

1. **Utility Lines.** Easements for sewers, water mains, electric lines or other public utilities shall be at least 12 feet wide and centered on lot or parcel rear lot lines, except for utility pole tieback easements which may be reduced to six feet in width.

2. **Water Courses.** If a tract is traversed by a water course, such (as) a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further widths as will be adequate for the purpose. Streets or parkways parallel to the major watercourses may be required.

3. **Pedestrian and Bicycle Ways.** When desirable for public convenience, a pedestrian or bicycle way at least 10 feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation.

The proposed subdivision does not contain blocks per se. Rather, the layout includes one road of approximately 300 feet (north-south) designed to provide access to four of the seven lots. Each parcel has a single access or street frontage with a dead-end road with a cul-de-sac at the end rather than a thru street surrounding a block. Based on this the block lengths would not be relevant and the block length standard would not apply to this subdivision.

The land is not located inside an urban growth boundary and is more than a half mile west of the City of Irrigon UGB. Domestic wells and onsite septic systems will be installed on each individual lot. No separate pedestrian or bike lanes are proposed.

SECTION 8.040. BUILDING SITES.

A. Size and Shape. The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

1. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of soil structure and water table as related to sewage disposal by septic tank.
2. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for

commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

On-site septic inspection program is provided by Umatilla County Public Health via a contract with Morrow County. Site suitability for parcels has not yet been secured but is recommended as a condition of approval prior to signing the final plat.

B. Access. Each lot and parcel shall abut upon a street other than an alley for a width of at least 50 feet.

Based on the preliminary plat, each of the proposed lots will abut a public roadway with a width greater than 50 feet. Lot frontage for the 7 lots varies from 50 feet to 300 feet of road frontage.

C. Through Lots and Parcels. Through lots and parcels shall be avoided, except where they are essential to provide separation of residential development from major traffic arterials or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic arterial or other incompatible uses.

No through lots or parcels are proposed. This is not applicable.

D. Lot and Parcel Side Lines. The lines of lots and parcels, as far as it is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

All parcels have side lines at right angles to the abutting road.

E. Division by ROW, Drainage Ways. No lot shall be divided by the boundary line of the County, City, or other taxing or service district, or by the right-of-way of a street utility line or drainage way, or by an easement for utilities or other services.

No lots are divided by any boundary lines or utility right-of-way.

SECTION 8.050. GRADING OF BUILDING SITES. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the priority of other standards.

A. Cut slopes shall not exceed one foot vertically to one-half feet horizontally.

B. Fill slopes shall not exceed one foot vertically to two feet horizontally.

C. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

The topography of the subject property is relative flat; grading for site development will be minimal. The development will comply with these standards.

SECTION 8.060. BUILDING LINES. If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat and included in the deed restrictions.

The applicant acknowledges setbacks in the Rural Residential zone.

SECTION 8.070. LARGE BUILDING SITES. In dividing tracts into large lots or parcels, which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, so that they may so be divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

The entire acreage of the subject parcel is proposed for development into seven residential lots. No remainder acreage is anticipated or planned.

SECTION 8.080. LAND FOR PUBLIC PURPOSES.

- A. If the county or affected city has an interest in acquiring a portion of a proposed subdivision for a public purpose, or if the county has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision to be reserved for public acquisition, for a period not to exceed one year.
- B. Within or adjacent to a subdivision, a parcel of land of not more than five (5) percent of the gross area of the subdivision may be required to be set aside as and dedicated to the public by the Planning Commission as being suitable and adaptable for park and recreation uses. In the event no such area is suitable for park and recreation purposes, the subdivider may be required, in lieu of setting aside land, to pay into a public fund an amount equal to the value of the area required for dedication above in the subdivision. If the nature of the subdivision is being dedicated to the public for streets and other public uses, the requirements of this section shall be reduced so that the total obligation of the subdivider does not exceed 40 percent.

The applicant does not propose dedication of land for a school or park.

IV AGENCIES NOTIFIED: Dawn Hert, Oregon Department of Land Conservation and Development; Patty Isaak, Department of Environmental Quality; Greg Silbernagel and Chris Cowitz, Watermaster Oregon Water Resources Department; Bev Bridgewater, West Extension Irrigation District; Brandilyn Bridges, Umatilla County Public Health; U.S. Post Office, Irrigon; Aaron Palmquist, City of Irrigon; Thomas Roberts, Irrigon Rural Fire Protection District; Matt Kenny, County Surveyor; Eric Imes and Mike Haugen, County Public Works; Mike Gorman, Morrow County Assessor; John Bowles, Morrow County Sheriff; Corey Sweeney, Morrow County Weed Control; Greg Barron, North Morrow County Vector Control; Matt Combe, Morrow County School District.

V PROPERTY OWNERS NOTIFIED: April 5, 2023

VI PUBLIC NOTICE PUBLISHED: April 4, 2023
East Oregonian

April 5, 2023
Heppner Gazette Times

VII HEARING DATE: April 25, 2023
Morrow County Government Center Irrigon, Oregon

ACTION OF THE PLANNING COMMISSION: Planning staff finds that the applicant has or can meet the requirements through the Conditions of Approval identified below.

PRECEDENT CONDITIONS (must be completed prior to approval of the final plat):

1. Provide both a preliminary and final Subdivision Plat as required by the Subdivision Ordinance and ORS Chapter 92.
2. Each undeveloped lot shall have approved site suitability for septic systems prior to signature by the Planning Director on the final Subdivision Plat.

PHILLIPS ESTATES

Irrigon, Morrow County, Oregon
T. 5N., R. 26E., W.M. Section 23, W 1/2 of SE 1/4
 for:

Albert J. & Barbara Phillips
 80610 Wagon Wheel Loop
 Irrigon., Oregon 97844

LEGAL DESCRIPTION:

Deed 2022-52345 of Morrow County:
 A Parcel of land located in Section 23, township 5 North, Range 26, East of the Willamette Meridian, in the County of Morrow and State of Oregon, more particularly described as follows:
 That portion of the Southwest Quarter of the Southeast Quarter lying North of the North right of way line of Columbia Lan, formerly known as South Main Avenue in said Section 23.
 ALSO the portion of Columbia Lane that inured thereto, as disclosed in Morrow County Ordinance No. MC.06.2010, recorded November 30, 2012, as Microfilm No. 2012-31256, Morrow County Microfilm Records.
 EXCEPTING THEREFROM the West 9.32 feet as conveyed in Deed recorded May 18, 2000 as Microfilm No. 2000-1140, Morrow County Microfilm Records.

RECORD SURVEYS:

- R1 - Flowers for Aylett, C.S.#D-1443-E, Folder 1017, 1999
- R2 - McKinnis for Brace, C.S.#C-1060-E, P.P. 1995-06, Folder 833, 1995
- R3 - Edwards fro Brace, C.S.#C-1222-E, P.P. 1999-12, Folder 996, 1999
- R4 - Wagner for Fasciona, C.S.#C-1268-E, Sunnyside Park, Folder 1041, 1998
- R5 - Primm for Hellberg, C.S.#C-1394-M, Railways West, Folder 1394, 2003
- R6 - Krumbain for Morrow County, C.S.#D-303-K, Folder 612, 1980

SUVEYORS NARRATIVE & CERTIFICATE:

This Survey is Based on - - - - -

I, Ronald V. McKinnis, being a Registered Professional Land Surveyor of the State of Oregon, certify that I have correctly surveyed and monumented the lands portrayed on the face of this plat. I also certify that this plat complies with all provisions of Chapter 92 of the Oregon Revised Statutes.

ACKNOWLEDGEMENT/DEDICATION:

Know All Men By These Presents, that owners of the lands shown on this plat do hereby Dedicate All Easements for the Uses as shown on this Plat. We also hereby establish and acknowledge we have caused this Plat to be created and we recognize this Plat as the Official Map and Plat of the Partition as designated by the County Official, and filed in the County of Morrow, State of Oregon.

Albert J. Phillips

Barbra Phillips

On this _____ day of _____, 2023, Lemmons appeared personally before me and is known to me to be the identical individual who executed this plat and acknowledged that he did so freely and voluntarily of his own will.

Before me: _____
 Notary Public for Oregon

My Printed Name is _____

My Commission No. is _____

My Commission Expires _____

APPROVALS:

I certify that I have examined and approved this Subdivision Plat on this _____ day of _____, 2023

Morrow County Surveyor

I certify that I have examined and approved this Subdivision Plat on this _____ day of _____, 2023

Morrow County Planning Director

I certify that I have examined and approved this Partition Plat on this _____ day of _____, 2023

Morrow County Tax Assessor
 Morrow County Tax Collector

Morrow County Board of Commissioners
 We hereby approved this Subdivision Plat for Recording in the Morrow County Subdivision Records

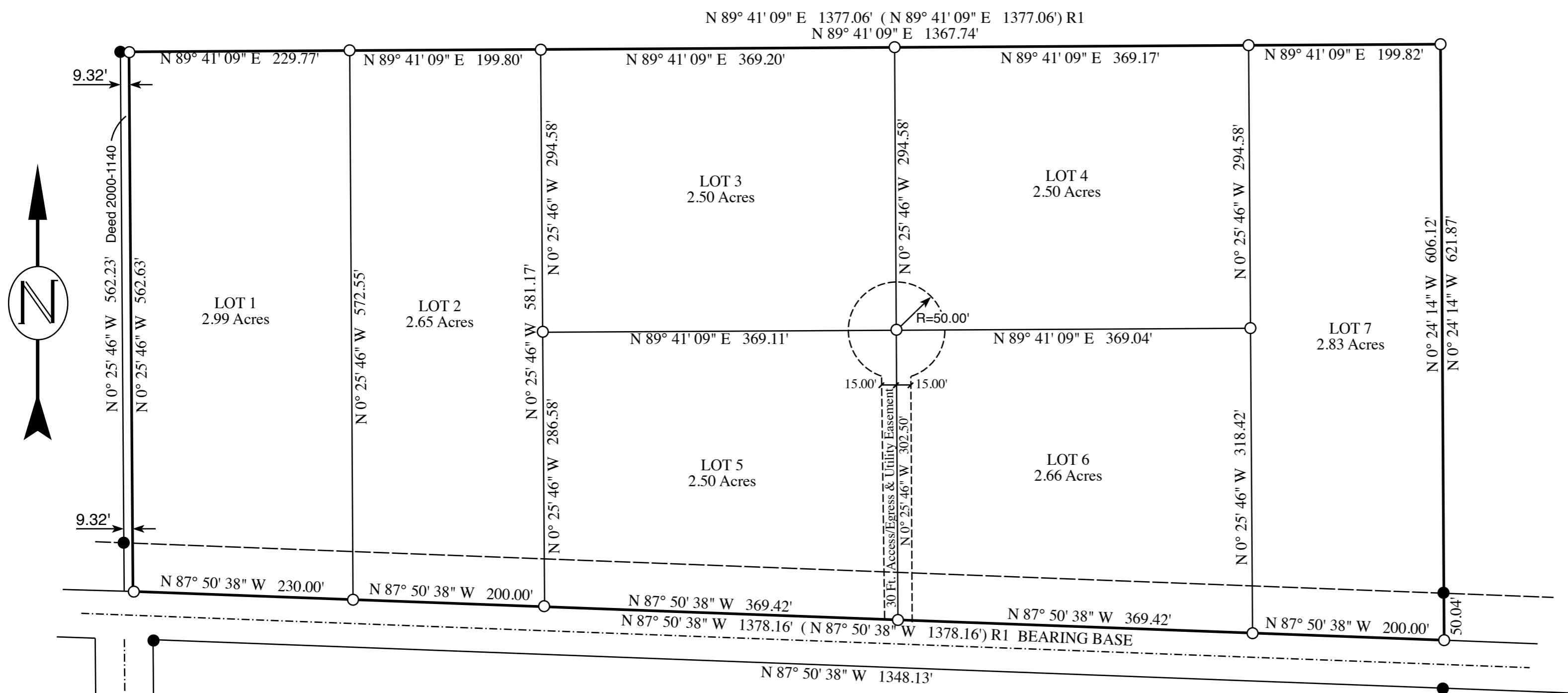
_____ day of _____, 2023

Morrow County Commissioner

Morrow County Commissioner

Morrow County Commissioner

Morrow County Clerk
 Recording Information
 SEAL



LEGEND

- SET MONUMENTS - 5/8" X 30" Iron Rebar W/ Yellow Plastic Caps Stamped - L.S. #2431
- Found Monuments - as Noted
- ⊙ Calculated Point - Not Set
- ⊗ FOUND SECTION MONUMENTS - AS NOTED
- SUBDIVISION BOUNDARY.
- (000) Record Distances - P.P. 2006-33

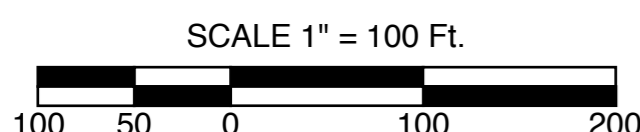
RECEIVED BY
 Morrow County Surveyor
 Date _____
 Rec'd By _____
 No. _____

I certify that this is a true and exact copy of the Original Subdivision Plat as filed for Albert & Barbara Phillips in Morrow County, Oregon

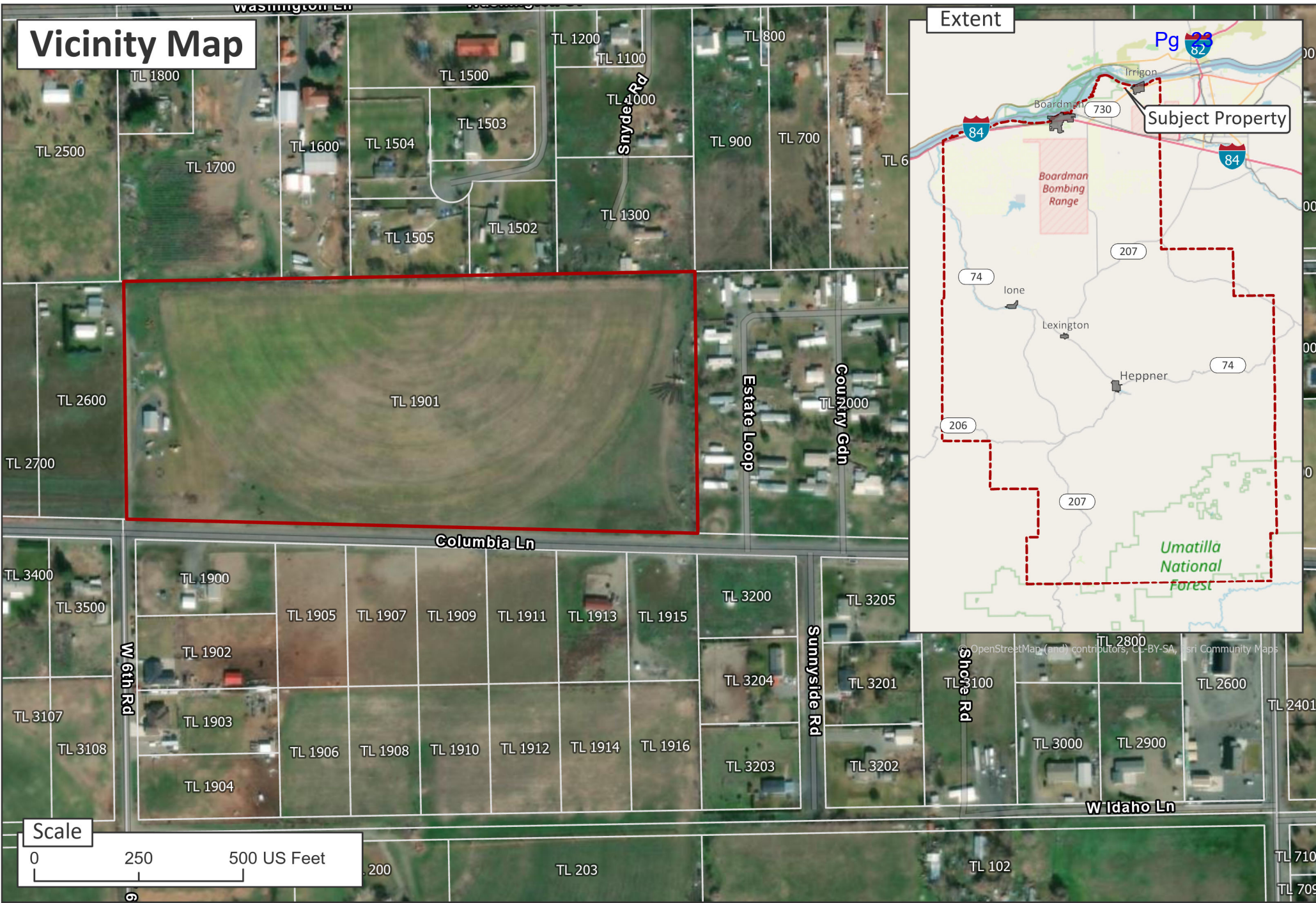
REGISTERED PROFESSIONAL LAND SURVEYOR
PRELIMINARY
 OREGON
RONALD V. MCKINNIS
 JAN. 23, 1990
 2431
 Expires 12-31-24

SCALE 1" = 100 Ft.
 January, 2023

ENGINEERING - LAND SURVEYING - WATER RIGHTS
R. V. MCKINNIS ENGINEERING
 79980 Prindle Loop Road
 Hermiston, Oregon 97838
 (541) -567-2017



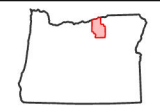
Vicinity Map



SD-N-226-23
 Albert and Barbara Phillips
5N26E23D TL1901

Legend

- Taxlot
- Subject Property



Date Saved: 3/22/2023 1:54 PM

Cartography By: Stephen Wrecsics
 Morrow County Planning Department
 Coordinate System: NAD83 Oregon GIC Lambert ft
 Datum: North American 1983
 Projection: Lambert Conformal Conic
Folder: S:\Planning\Subdivision\SD-N-226 A\Phillips\GIS\



FINAL FINDINGS OF FACT
CONDITIONAL USE REQUEST
Application Number CUP-N-337-19

2023 COMPLIANCE REVIEW

The purpose of the Planning Commission hearing and these updated Findings is to evaluate the 2019 land use permit and determine if the permittee is in compliance with conditions of approval and then take action on the permit.

Findings for the original request is shown below in standard font. The 2023 compliance review is shown in blue italic font.

ORIGINAL REQUEST: To allow a home occupation to support applicants towing and short-term storage of vehicles.

REVIEW REQUEST: To review Conditional Use permit for Home Occupation.

APPLICANT: Josh and Shannon Karl
125 E Humphrey St.
Yacolte, WA 98675

OWNER: Mildred Baker
70270 Kunze Lane
Boardman, OR 97818

PROPERTY DESCRIPTION: Tax Lot 200 of Assessor's Map 4N 25E 21

PROPERTY LOCATION: Located on Kunze Lane adjacent the intersection of Kunze Lane and S. Main Street, Boardman.

FINDINGS OF FACT:

- I. **BACKGROUND INFORMATION:** Applicants currently own and operate a vehicle towing company in Washington State. Applicant wishes to utilize this property and an existing accessory structure for the storage of vehicles in a controlled area. This proposed use would utilize an existing Quonset type structure to store vehicles until VIN numbers are cleared by the Oregon State Patrol and can be transported out of area for auction.

2023 Updated Findings BACKGROUND INFORMATION

This "home occupation" was approved in 2019 based on the applicant's representations that the site would be a temporary (no longer than 30 days) storage lot for towed vehicles, with no operations occurring after 11 p.m. or before 7 a.m. Since then, the site has accumulated a large number of vehicles, many of which have been on site for several years and operations occur at all hours of the day and

night. It is not clear who, if anyone, lives on site, and there is no indication that any of the employees are family members. The operation now resembles a wrecking yard and long-term storage compound. Planning Department has observed and documented vehicles being stored on the property in excess of 30 days. The accumulation of these vehicles is not only out of compliance with the original Conditional Use Permit, it is also in violation of the permit. County staff note that numerous RV's, vehicles, trucks, military vehicles, boats and several tow trucks are located on the property. See attached photos.

As documented herein, this full-scale wrecking yard and long-term vehicle storage yard operation dominates the site, does not qualify as a "home occupation," has several nuisance impacts on the surrounding residential neighbors, is in violation of the conditions of the 2019 permit approval and the original approval criteria for "home occupations" in a residential zone. The property owner was also required to obtain an access permit from Public works or letter stating that there was no need for a permit. The operator has failed to do either, and staff have observed multiple access points being used for the property onto the public right-of-way.

2. **Storage of any vehicle as related to the occupation shall not exceed 30 days in duration.** *Planning staff have been observed and documented numerous vehicles are stored on the subject property in excess of 30 days. For example, one RV was towed in November of 2021 and remains on the property as of April 13, 2023. See Attached Photos.*
3. **The applicant must obtain either an Access Permit or a letter indicating that no Access Permit is required from Public Works.** *Planning Staff confirmed that county Public Works Department provided communicated with the applicant and that he did pick up an application for a County Access Permit. However, applicant failed to turn in the Access Permit in order for Public Works to review and process. See attached correspondence from Public Works Department.*
4. **Any persons employed at this location will be limited to immediate family members.** *The applicant has employed persons other than immediate family members. For example, Mr. Karl is currently advertising on public forums for employment of a tow truck driver, proving that he indicates that he intends to hire someone outside of immediate family. Additional evidence that non-family members are employed is that the applicant resides outside of the area yet the tow truck business remains active.*
5. **Obtain zoning or building permits for all fencing six feet in height or greater.**

- II. **COMPLIANCE WITH MORROW COUNTY ZONING ORDINANCE SECTIONS 6.020, 6.030, 6.050.** The requirements for approval are listed below in bold type, followed by a response in standard type.

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.

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

The proposed use is allowed as a Conditional Use Permit in the Suburban Residential Use Zone. Staff would find that the proposed use would be consistent with the Comprehensive Plan and Zoning Ordinance once approved with the outlined conditions.

(2) 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.

The proposed use is located in the Boardman Urban Growth Boundary. The City of Boardman has been provided with the application materials and a copy of these findings for their review.

2023 Review. City of Boardman was provided a copy of the public notice and will be provided an opportunity to Respond.

(3) The proposal will not exceed carrying capacities of natural resources or public facilities.

Planning staff have determined that the proposed use will not place any additional burden on the carrying capacities of the natural resources or public facilities in the area. All activities are proposed within existing, privately-owned buildings with established services.

2023 Review. The business is being conducted in a residential zone which is intended for homes and associated residential structures and uses such as a garden, lawn, etc. The tow business vehicles generate traffic at a level commensurate with a commercial or industrial zone. The accumulation of numerous vehicles in a field have potential to leak vehicle fluids and otherwise harm land and groundwater. Based on this, the home occupation business does not comply with this standard.

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 proposed use shall be conducted in a way that will not disturb neighboring residences. The proposed business shall abide by Section 8 of the Morrow County Code Enforcement Ordinance related to Noise as a Public Nuisance. Section 8 of the Code Enforcement Ordinance establishes that noise made between the hours of 11:00pm and 7:00am is a public nuisance, therefore, all loading and unloading of vehicles shall take place between the hours of 7:00am and 11:00pm. This is recommended and listed as a condition of approval. Any complaints received will result in a review of the activity and potential revocation of the permit.

2023 Findings. Since 2019 the Planning Department has received complaints. Additionally, Planning staff have observed the traffic and accumulation and storage of vehicles. See attached photos. The use is in violation of this condition.

- B. Establishing a special yard or other open space or lot area or dimension.**
This proposed use will utilize existing structures and lot area, and proposes a 40'x40' secured fenced area. Please see Subsection J for fencing discussion. Planning staff would not recommend any additional requirements for open space.
- c. Limiting the height, size or location of a building or other structure.**
Applicant has not made any requests for changes to the height, size, or location of any buildings or structures.
- 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.
Access is from Kunze Lane. The applicant has indicated that only passenger type vehicles and standard towing equipment will be used to transport vehicles in and out of the facility. Planning staff recommend and list as a condition of approval that the applicant obtain either an Access Permit or a letter indicating that no Access Permit is required from Public Works.

2023 Findings. Applicant has failed to submit an Access Permit application to County Public Works Department, much less obtain an access permit, and is therefore in violation of this requirement.

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.

The applicant did not indicate the total number of trips in the application. Should this home occupation generate more than 400 trips per day or should complaints be received additional review may be required up to and including a Traffic Impact Analysis. Should equipment outside of standard service-type vehicles be employed in the proposed occupation additional Public Works review and approval could be warranted.

- E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.**
No increase in street dedication, roadway width, or improvements in the right-of-way are proposed. These preliminary Findings of Fact have been provided to Morrow County Public Works for their review and comment.

1. It is the responsibility of the land owner to provide appropriate access for emergency vehicles at the time of development.

The existing driveway and parking area provide appropriate access for emergency vehicles. Preliminary Findings of Fact have been provided to the Boardman Rural Fire Protection District for their review and comment.

2023 Findings. Public Notice has been mailed to Boardman Fire Department and their comments will be incorporated here.

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

Existing improvements to the proposed parking and loading area provide appropriate drainage and surface to support the proposed use. This area is currently used in residential and farming applications. Planning staff would not add any new conditions and would find this criterion met.

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

No business signs are required or intended to be used according to the application. Should any be installed they 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. Home Occupations are secondary to the primary use of a residential dwelling; therefore, the dwelling should be maintained as such. The application indicates that no alterations are required or requested, therefore any outdoor lighting should be for residential use. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance. The proposed use will be conducted within an existing accessory structure. Planning staff would not require any of these provisions due to the location and distance to adjacent properties.

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

Though not required, the Applicant has proposed a sight-obscuring fence to ensure the security of the vehicles. Any fencing over six feet in height will require zoning and building permit approval. This is recommended and listed as a Condition of Approval. Planning staff would not require any actions under this criterion.

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

All activities are within private buildings with established services and would have minimal if any impact on natural resources or existing vegetation. Planning staff would not place any additional requirements under this criterion.

2023 Findings. The accumulation of vehicles and tow equipment creates an environment that prevents vegetation from growing, except weeds growing around the vehicles in the field. Based on this it can be found that the applicant does not comply with this standard and the business is negatively impacting the natural environment.

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.

Home Occupations are secondary to the primary use of a residential dwelling; therefore, the dwelling should be maintained as such.

This application is related only to the storage of vehicles and is not a permit for the operation of a vehicle wrecking yard, therefore, no dismantling of vehicles for their usable parts or unusable parts for purposes of scrapping should take place.

The Applicant has indicated that storage of any vehicle as related to the occupation shall not exceed 30 days in duration. If it is found that the approved Home Occupation is operating outside of these parameters, review and/or revocation of this permit may occur. This is recommended and listed as a Condition of Approval. No additional requirements are deemed necessary by Planning staff.

Staff has observed and documented vehicle storage surpassing 30 day. See attached photos.

SECTION 6.050 STANDARDS GOVERNING CONDITIONAL USES

G. Home Occupations, when permitted as a conditional use and conducted as an accessory use, shall be subject to the following limitations:

1. The home occupation is to be secondary to the main use of the property as a residence and shall be conducted only by the resident of such dwelling within the same dwelling or in an accessory building on the same or adjacent property.

The proposed occupation will be a secondary use of the property and will be operated by the residents of the dwelling. Storage of vehicles shall be conducted in an accessory building located on the subject property.

2023 Findings. Based on the number of vehicles stored on the property and the high volume of business activity, the home occupation appears to be the primary rather than the secondary use of the property. For these reasons, the applicant is found to be out of compliance with this standard.

2. No structural alterations shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alteration have been reviewed and approved by the Planning Commission. Such structural alterations shall not detract from the outward appearance of the building as an accessory structure to a residence. Home Occupations are secondary to the primary use of a residential dwelling; therefore, the dwelling should be maintained as such. No structural alterations are proposed by the applicants or required for the proposed use.
3. One non-illuminated sign not to exceed 200 square inches and bearing only the name and occupation of the resident shall be permitted.

No signs have been proposed by the applicants. Please see the discussion above in Section 6.030 General Conditions.

4. **No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interferences with radio or television reception, or other factors.**
Please see the discussion above in Section 6.030 General Conditions.
5. **No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customer's vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking.**
Parking facilities are adequate as to not require off-street parking.

2023 Findings. The tow business is a commercial use. Although permitted as a home occupation and a secondary use in 2019, the business has grown to a commercial scale considering the traffic volume and accumulation of vehicles. The applicant is not in compliance with this standard.

6. **Retail sales shall be limited or accessory to a service.**
No retail sales are proposed. Planning Staff would find this criterion met.
7. **No persons shall be employed except members of the immediate family. Applicants are the owners/operators of the business and should employees be needed in the future this standard would be applied. This is a requirement under this section and is listed as a condition of approval.**
Josh Karl posted on The New Boardman Community Public Facebook Page on Thursday April 6th, 2023 at 6:03pm "Looking for tow truck driver. Needs good driving record and willing to work all hours. No experience required." Posting on a public forum for employment indicates that he is looking to hire someone outside of immediate family.
8. **The permit allowing a home occupation shall be reviewed every 12 months following the date the permit was issued and may continue the permit if the home occupation continues to comply with the requirements of this section.**
This permit shall be reviewed annually with other home occupation permits as long as the proposed use continues.

This permit has been reviewed annually and has been found to not be in compliance with the conditions of approval. See attached letters to landowner from County Planning.

III. LEGAL NOTICE PUBLISHED: *April 5th & 6th, 2023*
Heppner Gazette and East Oregonian

- IV. **PROPERTY OWNERS NOTIFIED:** *April 7, 2023*
- V. **AGENCIES NOTIFIED:** Mike Gorman, Morrow County Assessor; Eric Imes, Morrow County Public Works Director; Mike Hughes, Boardman Rural Fire Protection District; Justin Nelson, Morrow County Counsel; City of Boardman, Dan Kearns, Land Use Counsel.
- VI. **HEARING DATE:** *April 25th, 2023*
North Morrow Annex Building, Irrigon, Oregon
- VII. **DECISION OF PLANNING COMMISSION: The Planning Director recommends approval of the application subject to the following CONDITIONS OF APPROVAL**
1. All loading and unloading of vehicles shall take place between the hours of 7:00 AM and 11:00 PM.
 6. Storage of any vehicle as related to the occupation shall not exceed 30 days in duration. *It has been observed and documented that there are vehicles stored in excess of 30 days. An RV that was towed in November of 2021 is still being stored on the property. See Attached Photos.*
 7. The applicant must obtain either an Access Permit or a letter indicating that no Access Permit is required from Public Works. *Public Works provided documentation of their communication with Mr. Karl. He picked up the Application for an access permit. However, failed to turn it back in for processing and approval. See attached correspondence.*
 8. Should any signs be installed in the future they would need to comply with the regulations in place at that time.
 9. Any persons employed at this location will be limited to immediate family members. *The applicant lives out of the area yet the business is thriving. Additionally, the applicant is advertising on public forums for employment of a tow truck driver.*
 10. Obtain zoning or building permits for all fencing six feet in height or greater.

2023 Updated DECISION OF THE PLANNING COMMISSION: Based on the above Findings, Planning staff provides the Planning Commission with three options:

- 1. Find that the applicant is not in compliance with the original permit and the conditions of approval and revoke the permit, or,*
- 2. Find the applicant can come into compliance with the underlying home occupation approval criteria and the conditions of 2019 approval and allow the operator a set period of time to achieve/demonstrate compliance, not to exceed one year, or*
- 3. Continue the hearing to the May meeting, allowing the applicant time to make changes to the business operation and prove that the business can be operated in compliance with the permit.*

Attachments:
Vicinity Map
Photos
Letters



Cartography By: Stephen Wrecces
 Morrow County Planning Department
 Date Saved: 8/2/2019 2:22:12 PM

Coordinate System: NAD 1983 HARN StatePlane Oregon North FIPS 3601
 Projection: Lambert Conformal Conic
 Datum: North American 1983 HARN

Legend

1234 Taxlots

Subject Parcels

4N 25E 21 TL200

CUP-N-337-19

Josh and Shannon Karl

From: [Kirsti Cason](#)
To: [Sandra Pointer](#)
Subject: RE: Voice mail... Josh Karl - Kunze Permit #250
Date: Wednesday, March 24, 2021 11:34:55 AM
Attachments: [Voice.WAV](#)

I called Josh today following up on the voicemail you had forwarded to me, I also talked with Stephanie in planning about it as well. this is the one that I talked to you about yesterday with multiple approaches and business.

Kirsti

-----Original Message-----

From: Sandra Pointer
Sent: Monday, March 22, 2021 1:12 PM
To: Kirsti Cason <kcason@co.morrow.or.us>
Subject: FW: Message from Unknown sender

Can you reach out to him and see what he needs for sure.

-----Original Message-----

From: Morrow Co Voicemail <voicemail@co.morrow.or.us>
Sent: Monday, March 22, 2021 12:57 PM
To: Sandra Pointer <spointer@co.morrow.or.us>
Subject: Message from Unknown sender

STOP and VERIFY - This message came from outside of Morrow County Government.

Hello Public Works MB,

You have received a new forwarded Voice message from Unknown sender (058) on March 22, 2021 12:56 PM.

Sent by Morrow County Government Voicemail System.



Kirsti Cason 4/29/21 9:45 AM Edited

70270 Kunze Lane - Josh Karl - Approach/s

70270 Kunze Lane - Josh Karl contacted MCPW regarding access to property explained to him that there were no permits on file for any of the three approaches he is currently using. He argued this but in end understood that he would need to select one of the access point and submit an approach permit for that location. His application is being mailed to him today.

▼ Collapse all



Kirsti Cason 6/9/21 10:46 AM

Stephanie here is the last bit of information that I had from Mr. Karl. As of today (06.09.2021 @1045a) we have not received a completed approach application indicating what access point he would like to utilize.



Kirsti Cason 7/22/21 8:32 AM

As of today I have no updates status is the same as previous regarding Mr. Karl.



Stephanie Case 7/26/21 8:17 AM

Thank you, Kirsti. His deadline was 7/23, I will be sending a letter to him as a final notice or we will take action to rescind his permit for the business.



Kirsti Cason 8/9/21 3:17 PM Edited

Attaching PDF email chain 08.05.2021 - 08.09.2021 & 07.25.2021 Final Notice mailed by Planning. again attempting to keep all communication in one location for easier reference for everyone to see. Should anyone need to speak with Mr. Karl or Mr. Baker separately.



Emails 08.05-09.2021 - Josh Karl_Randy Baker.pdf
MCPWandPlanningprojects >General



07282021 Final Notice.pdf
MCPWandPlanningprojects >General



Kirsti Cason 9/27/21 3:49 PM

I received a voicemail from Stephanie and I have not heard anything from Mr. Karl other than what is noted here. I will ask Eric or Sandi if they have heard anything but doubt they have either.

↩ Reply

Note: the attachments are also in the file

From: [Tamra Mabbott](#)
To: [Stephanie Case](#); [Shambra Cooper](#)
Cc: [Kirsti Cason](#); [Stephen Wrecsics](#)
Subject: RE: Home Occupations
Date: Wednesday, June 9, 2021 5:56:29 PM

Thank you for the update Stephanie!

I agree that Andrade should have a letter about the solid waste violation and any other possible violation.

Great that you are tracking the Josh Karl property as well.

From: Stephanie Case <scase@co.morrow.or.us>
Sent: Wednesday, June 9, 2021 12:20 PM
To: Shambra Cooper <scooper@co.morrow.or.us>; Tamra Mabbott <tmabbott@co.morrow.or.us>
Cc: Kirsti Cason <kcason@co.morrow.or.us>; Stephen Wrecsics <swrecsics@co.morrow.or.us>
Subject: Home Occupations

Good Afternoon,

I checked in with Kirsti this morning, Andrade has submitted application for access permits, etc. Matt is currently reviewing to evaluate what the next steps are. I was in the area on Monday and they have a lot of "stuff" (debris, tires, junk, vehicle pieces). I am wondering if we should send them a letter and remind them that their property still needs to be in compliance with the Morrow County Code, as it appears to me to be a violation of the Nuisance Ordinance. What do you think?

Also Josh Karl has not provided evidence of the access permits that he told me he has, and after talking with Kirsti this morning, he has not completed an approach application to indicate which access point he will be utilizing. Additionally, the last time I was out there, he was not in compliance with his CUP as the vehicles were being stored for longer than 30 days and were outside the approved areas. He claimed that they are, in fact, not there for longer than 30 days. I took photos when I was there in March. We need to get some updated photos, and make contact about these issues.

I will add both of these to the Code Enforcement Doc so they don't fall off the radar.

Thanks!

Stephanie Case

Planner II

Morrow County Planning Department

PO Box 40

Irrigon, OR 97844

(541) 922-4624

From: [Staci Osmin](#)
To: [Matt Scrivner](#)
Cc: [Eric Imes](#); [Kirsti Cason](#); [Sandra Pointer](#)
Subject: Josh Karl
Date: Thursday, August 5, 2021 11:11:58 AM

Josh, was sent a Permit. He is wanting to know why there is a need to do the Permit in the first place? The land has been in the family for 70 years. He is wanting to talk to someone before tomorrow.

Josh Karl
biggee4x4@gmail.com
541-656-6008

MORROW COUNTY PUBLIC WORKS
Staci L Osmin
Office Support Specialist
P.O. Box 428
365 West Highway 74
Lexington, Oregon 97839
Reservation Line 541-989-8214
Office phone 541-989-9500
Fax: 541-989-8352
E-Mail: sosmin@co.morrow.or.us

Planner II

Morrow County Planning Department
PO Box 40
Irrigon, OR 97844
(541) 922-4624

From: Stephanie Case <stephk.case@gmail.com>
Sent: Monday, August 9, 2021 7:54 AM
To: Stephanie Case <scase@co.morrow.or.us>
Subject: Fwd: Josh Karl

STOP and VERIFY - This message came from outside of Morrow County Government.

----- Forwarded message -----

From: **Kirsti Cason** <kcason@co.morrow.or.us>
Date: Fri, Aug 6, 2021 at 10:53 AM
Subject: Re: Josh Karl
To: Staci Osmin <sosmin@co.morrow.or.us>
Cc: Matt Scrivner <mscrivner@co.morrow.or.us>, Eric Imes <eimes@co.morrow.or.us>, Sandra Pointer <spointer@co.morrow.or.us>, Stephanie Case <stephk.case@gmail.com>

This is the individual that we have been trying to get his approach permit for. I know Stephanie matt and I have been trying our best to document all communications with Mr. Karl so adding Stephanie to this email so all are in the loop that he is once again reaching out asking why. When he has been talked to a few times prior to this.

Thank you
~Kirsti

Kirsti Cason
Administrative Assistant
Morrow County Public Works Dept.
365 West Highway 74
P.O. Box 428
Lexington, Oregon 97839
Office Phone: 541-989-9500
Fax: 541-989-8352
Cell: 541-256-0186
Email: kcason@co.morrow.or.us

On Aug 5, 2021, at 11:11 AM, Staci Osmin <sosmin@co.morrow.or.us> wrote:

Josh, was sent a Permit. He is wanting to know why there is a need to do the Permit in the first place? The land has been in the family for 70 years. He is wanting to talk to someone before tomorrow.

Josh Karl

biggee4x4@gmail.com

541-656-6008

MORROW COUNTY PUBLIC WORKS

Staci L Osmin

Office Support Specialist

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Reservation Line 541-989-8214

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Stephanie Case

Planner II

Morrow County Planning Department

PO Box 40

Irrigon, OR 97844

(541) 922-4624

3/22/2569

Josh Call

- conditional use permit Approach
- 541.656.6008

1/4

03/24 Karl
11:00 AM Josh ~~Hill~~ - 6056-6008
70270 Lunze Lane
202 TL Paulz

Access permit has 3 access points ? if

Same approach for Both residence + Business

1 main residence

1 shared residence + Business

3rd not used at all

=> 2 have paved apron

corner of Lunze + Main

= Baker's old Property

=> March 22 2021 Voice mail

Received by MPW

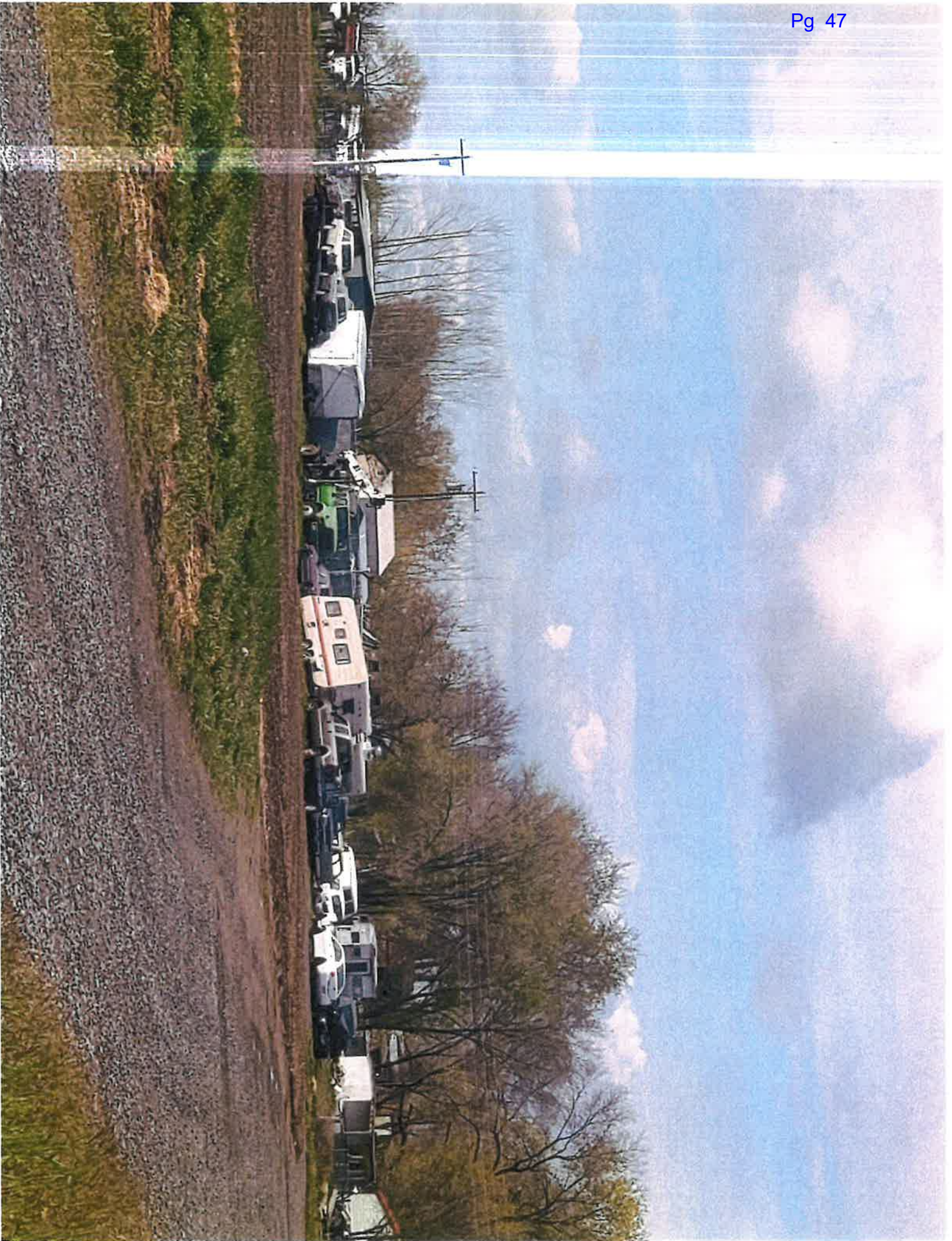
MPW
1/1/2021
1/1/2021
1/1/2021

3/21	Josh Kaul - Mt Voice mail
3:40p	- to call regarding approach/access
	- Baker Permit













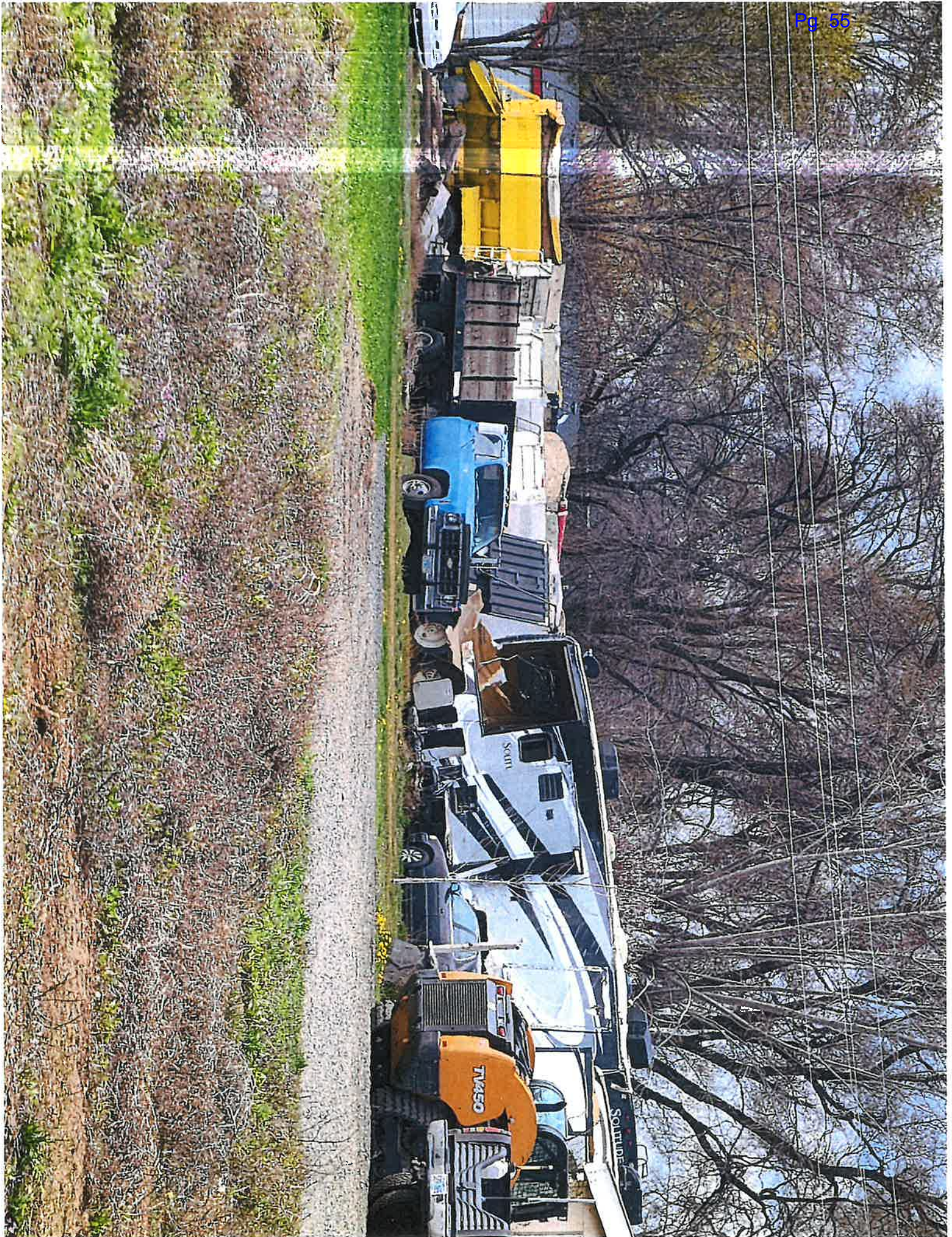
















PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

February 17, 2021

Josh and Shannon Karl
70270 Kunze Lane
Boardman, OR 97818

Dear Josh and Shannon,

The Morrow County Planning Commission approved your request for a Conditional Use Permit for a Home Occupation in 2019 on your property at 70270 Kunze Lane, also identified as Assessor's Map 4N 25E 21 Tax Lot 202. See the attached approval letter dated August 27, 2019. Your permit, CUP-N-337-19, was approved subject to the following Conditions of Approval:

1. All loading and unloading of vehicles shall take place between the hours of 7:00 AM and 11:00 PM.
2. Storage of any vehicle as related to the occupation shall not exceed 30 days in duration.
3. The applicant must obtain either an Access Permit or a letter indicating that no Access Permit is required from Public Works.
4. Should any signs be installed in the future they would need to comply with the regulations in place at that time.
5. Any persons employed at this location will be limited to immediate family members.
6. Obtain zoning or building permits for all fencing six feet in height or greater.

Upon review of your file, Condition of Approval #3 still needs to be met. **Please contact Morrow County Public Works at (541) 989-9500 as soon as possible, within 30 days of the date of this letter.**

As a reminder, please review and abide by the above conditions of approval for continued operations. If at any time you are found to be in violation of the conditions of approval, your permit will be subject to revocation and you may face enforcement action.

If you have any questions regarding this, or if our records are incomplete, please contact our office at (541) 922-4624.

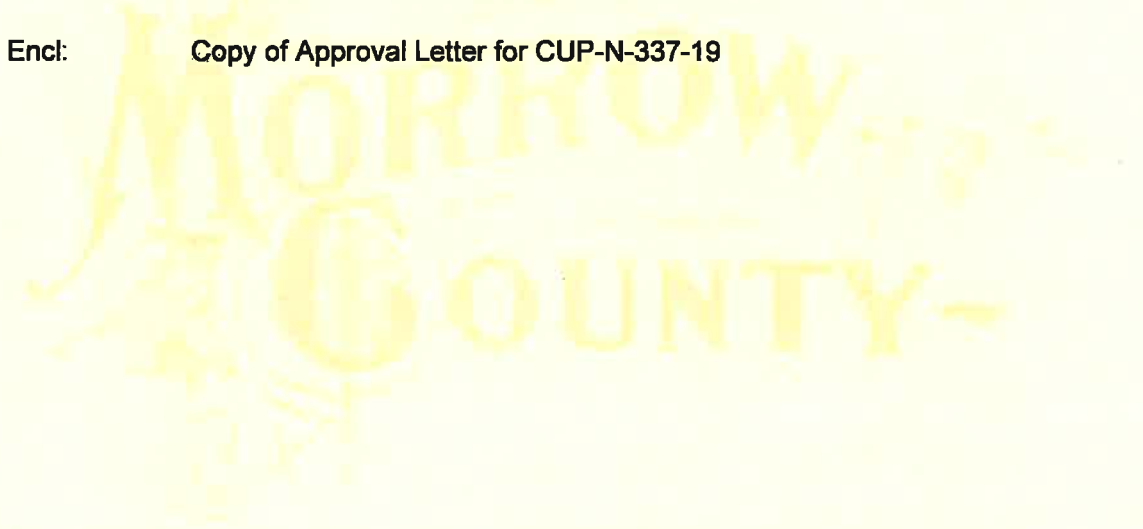
Cordially,



Stephanie Case
Planner II

Cc: Shambra Cooper, Planning Outreach Coordinator
Matt Scrivner, Public Works Director
Eric Imes, Assistant Road Master
Oscar Madrigal, Code Enforcement Deputy

Encl: Copy of Approval Letter for CUP-N-337-19



July 28, 2021

FINAL NOTICE

Josh and Shannon Karl
70270 Kunze Lane
Boardman, OR 97818

Dear Josh and Shannon,

This letter is a follow up to the letter that was sent to you on June 24, 2021 regarding your Conditional Use Permit approval for your Home Occupation at 70270 Kunze Lane.

At this time, your Home Occupation is not being conducted in compliance with the stated conditions of your Conditional Use Permit CUP-N-337-19. For your reference, a copy of the approved Findings of Fact for the permit is enclosed.

It has been observed that numerous vehicles are being stored on the property for extended periods of time, which is a violation of Condition #2. Additionally, the Planning Department has not received documentation that Condition #3 has been met, which would be either an approved Access Permit from Morrow County Public Works or a letter indicating that an Access Permit is not required.

Please bring your Home Occupation into compliance by August 31, 2021 or your Conditional Use Permit will be considered for revocation.

In order to obtain compliance, you must do the following:

- **Remove vehicles that have been stored on the property for more than 30 days to meet Condition of Approval #2.**
- **Obtain either an Access Permit or a letter from Morrow County Public Works indicating that an Access Permit is not required to complete Condition of Approval #3.**

If you would like to discuss this matter or have any questions regarding this notice, please contact our office at (541) 922-4624.

Cordially,

Stephanie Case
Planner II

Encl: Final Findings of Fact CUP-N-337-19

Cc: Matt Scrivner and Kirsti Cason, Public Works Director
Justin Nelson and Rich Tovey, Morrow County Counsel



4N 25 21 Pg 60 202

PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

Josh & Shannon Karl
70270 Kunze Lane
Boardman, Oregon 97818

March 22, 2023

Re: Conditional Use Permit Compliance Review for 4N 25 21 Tax Lot 202 in association with address 70270 Kunze Lane Boardman, Oregon.

Dear Josh and Shannon;

During review of CUP-N-337-19 numerous concerns were identified. Specifically, violation of the Conditions of Approval including complaints about the number of vehicles stored on the property and failure to provide Access permit or Letter from Public works that no Access permit is required. The Planning Department has determined that your permit, CUP-N-337-19, is not in compliance with the conditions of approval listed below

- Condition 2- Storage of any vehicle as related to the occupation shall not exceed 30 days in duration.
- Condition 3- The applicant must obtain either an Access permit or a letter indicating that no Access permit is required from public works.

Due to the violations on this property, your Conditional Use Permit will be reviewed by the Planning Commission on April 25, 2023. The Commission may amend or revoke your permit at that time.

If you believe we have erred or if you would like to remedy the violations please contact me as soon as possible at (541)-922-4624

Cordially,

Katie Keely
Compliance Planner

A handwritten signature in blue ink that reads "Katie Keely".

Encl: Final Findings of Facts CUP-N-337-19

CC: Eric Imes, Mike Haugen, Public Works
Justin Nelson & Zach Williams, Morrow County Counsel

S/planning/code enforcement/2023 CE/Boardman/Karl

**FINAL FINDINGS OF FACT
CONDITIONAL USE REQUEST
Application Number CUP-N-337-19**

REQUEST: To allow a home occupation to support applicants towing and short-term storage of vehicles.

APPLICANT: Josh and Shannon Karl
125 E Humphrey St.
Yacolt, WA 98675

OWNER: Mildred Baker
70270 Kunze Lane
Boardman, OR 97818

PROPERTY DESCRIPTION: Tax Lot 200 of Assessor’s Map 4N 25E 21

PROPERTY LOCATION: Located on Kunze Lane adjacent the intersection of Kunze Lane and S. Main Street, Boardman.

FINDINGS OF FACT:

I. **BACKGROUND INFORMATION:** Applicants currently own and operate a vehicle towing company in Washington State. Applicant wishes to utilize this property and an existing accessory structure for the storage of vehicles in a controlled area. This proposed use would utilize an existing quonset type structure to store vehicles until VIN numbers are cleared by the Oregon State Patrol and can be transported out of area for auction.

II. **COMPLIANCE WITH MORROW COUNTY ZONING ORDINANCE SECTIONS 6.020, 6.030, 6.050.** The requirements for approval are listed below in **bold type**, followed by a response in standard type.

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.

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

The proposed use is allowed as a Conditional Use Permit in the Suburban Residential Use Zone. Staff would find that the proposed use would be consistent with the Comprehensive Plan and Zoning Ordinance once approved with the outlined conditions.

(2) 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.

The proposed use is located in the Boardman Urban Growth Boundary. The City of Boardman has been provided with the application materials and a copy of these findings for their review.

(3) The proposal will not exceed carrying capacities of natural resources or public facilities.

Planning staff have determined that the proposed use will not place any additional burden on the carrying capacities of the natural resources or public facilities in the area. All activities are proposed within existing, privately-owned buildings with established services.

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 proposed use shall be conducted in a way that will not disturb neighboring residences. The proposed business shall abide by Section 8 of the Morrow County Code Enforcement Ordinance related to Noise as a Public Nuisance. Section 8 of the Code Enforcement Ordinance establishes that noise made between the hours of 11:00pm and 7:00am is a public nuisance, therefore, all loading and unloading of vehicles shall take place between the hours of 7:00am and 11:00pm. This is recommended and listed as a condition of approval. Any complaints received will result in a review of the activity and potential revocation of the permit.
- B. Establishing a special yard or other open space or lot area or dimension.**
This proposed use will utilize existing structures and lot area, and proposes a 40'x40' secured fenced area. Please see Subsection J for fencing discussion. Planning staff would not recommend any additional requirements for open space.
- C. Limiting the height, size or location of a building or other structure.**
Applicant has not made any requests for changes to the height, size, or location of any buildings or structures.
- 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.**
Access is from Kunze Lane. The applicant has indicated that only passenger type vehicles and standard towing equipment will be used to transport vehicles in and out of the facility. Planning staff recommend and list as a condition of approval that the applicant obtain either an Access Permit or a letter indicating that no Access Permit is required from Public Works.
 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.**
The applicant did not indicate the total number of trips in the application. Should this home occupation generate more than 400 trips per day or should complaints be received additional review may be required up to and including a Traffic Impact Analysis. Should equipment outside of standard service-type vehicles be

employed in the proposed occupation additional Public Works review and approval could be warranted.

E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.

No increase in street dedication, roadway width, or improvements in the right-of-way are proposed. These preliminary Findings of Fact have been provided to Morrow County Public Works for their review and comment.

1. It is the responsibility of the land owner to provide appropriate access for emergency vehicles at the time of development.

The existing driveway and parking area provides appropriate access for emergency vehicles. Preliminary Findings of Fact have been provided to the Boardman Rural Fire Protection District for their review and comment.

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

Existing improvements to the proposed parking and loading area provide appropriate drainage and surface to support the proposed use. This area is currently used in residential and farming applications. Planning staff would not add any new conditions and would find this criterion met.

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

No business signs are required or intended to be used according to the application. Should any be installed they 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.

Home Occupations are secondary to the primary use of a residential dwelling; therefore, the dwelling should be maintained as such. The application indicates that no alterations are required or requested, therefore any outdoor lighting should be for residential use.

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

The proposed use will be conducted within an existing accessory structure. Planning staff would not require any of these provisions due to the location and distance to adjacent properties.

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

Though not required, the Applicant has proposed a sight-obscuring fence to ensure the security of the vehicles. Any fencing over six feet in height will require zoning and building permit approval. This is recommended and listed as a Condition of Approval. Planning staff would not require any actions under this criterion.

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

All activities are within private buildings with established services and would have minimal if any impact on natural resources or existing vegetation. Planning staff would not place any additional requirements under this criterion.

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.

Home Occupations are secondary to the primary use of a residential dwelling; therefore, the dwelling should be maintained as such.

This application is related only to the storage of vehicles and is not a permit for the operation of a vehicle wrecking yard, therefore, no dismantling of vehicles for their usable parts or unusable parts for purposes of scrapping should take place.

The Applicant has indicated that storage of any vehicle as related to the occupation shall not exceed 30 days in duration. If it is found that the approved Home Occupation is operating outside of these parameters, review and/or revocation of this permit may occur. This is recommended and listed as a Condition of Approval

No additional requirements are deemed necessary by Planning staff.

SECTION 6.050 STANDARDS GOVERNING CONDITIONAL USES

- G. Home Occupations, when permitted as a conditional use and conducted as an accessory use, shall be subject to the following limitations:**
1. **The home occupation is to be secondary to the main use of the property as a residence and shall be conducted only by the resident of such dwelling within the same dwelling or in an accessory building on the same or adjacent property.**
The proposed occupation will be a secondary use of the property and will be operated by the residents of the dwelling. Storage of vehicles shall be conducted in an accessory building located on the subject property.
 2. **No structural alterations shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alteration have been reviewed and approved by the Planning Commission. Such structural alterations shall not detract from the outward appearance of the building as an accessory structure to a residence.**
Home Occupations are secondary to the primary use of a residential dwelling; therefore, the dwelling should be maintained as such. No structural alterations are proposed by the applicants or required for the proposed use.
 3. **One non-illuminated sign not to exceed 200 square inches and bearing only the name and occupation of the resident shall be permitted.**
No signs have been proposed by the applicants. Please see the discussion above in Section 6.030 General Conditions.
 4. **No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interferences with radio or television reception, or other factors.**
Please see the discussion above in Section 6.030 General Conditions.
 5. **No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customer's vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking.**
Parking facilities are adequate as to not require off-street parking.
 6. **Retail sales shall be limited or accessory to a service.**
No retail sales are proposed. Planning Staff would find this criterion met.
 7. **No persons shall be employed except members of the immediate family.**
Applicants are the owners/operators of the business and should employees be needed in the future this standard would be applied. This is a requirement under this section and is listed as a condition of approval.
 8. **The permit allowing a home occupation shall be reviewed every 12 months following the date the permit was issued and may continue the permit if the**

home occupation continues to comply with the requirements of this section.

This permit shall be reviewed annually with other home occupation permits as long as the proposed use continues.

- III. **LEGAL NOTICE PUBLISHED:** August 7, 2019
Heppner Gazette and East Oregonian

- IV. **PROPERTY OWNERS NOTIFIED:** August 7, 2019

- V. **AGENCIES NOTIFIED:** Mike Gorman, Morrow County Assessor; Matt Scrivner, Morrow County Public Works Director; Mark Rogelstad, Boardman Rural Fire Protection District; Justin Nelson, Morrow County Counsel; Karen Pettigrew and Barry Beyeler, City of Boardman

- VI. **HEARING DATE:** August 27, 2019
Port of Morrow, Riverfront Center
Boardman, Oregon

- VII. **DECISION OF PLANNING COMMISSION:** The Planning Director recommends approval of the application subject to the following **CONDITIONS OF APPROVAL**
 - 1. All loading and unloading of vehicles shall take place between the hours of 7:00 AM and 11:00 PM.
 - 2. Storage of any vehicle as related to the occupation shall not exceed 30 days in duration.
 - 3. The applicant must obtain either an Access Permit or a letter indicating that no Access Permit is required from Public Works.
 - 4. Should any signs be installed in the future they would need to comply with the regulations in place at that time.
 - 5. Any persons employed at this location will be limited to immediate family members.
 - 6. Obtain zoning or building permits for all fencing six feet in height or greater.



Jeff Wenholz, Chair



Date

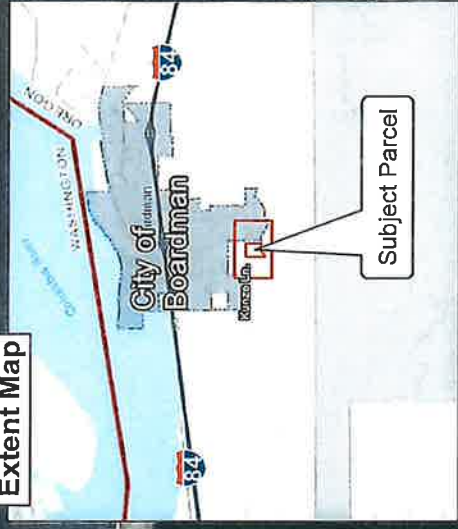
Attachments:
Vicinity Map

Vicinity Map



City of Boardman
City Limits

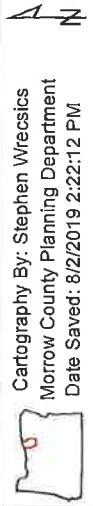
Extent Map



Subject Parcel

Legend

- 1234 Taxlots
- Subject Parcels



Cartography By: Stephen Wreccics
 Morrow County Planning Department
 Date Saved: 8/2/2019 2:22:12 PM



Coordinate System: NAD 1983 HARN StatePlane Oregon North FIPS 3601
 Projection: Lambert Conformal Conic
 Datum: North American 1983 HARN

4N 25E 21 TL200

CUP-N-337-19

Josh and Shannon Karl





4N 25 21 Pg 67 202

PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

Josh & Shannon Karl
70270 Kunze Lane
Boardman, Oregon 97818

March 22, 2023

Re: Conditional Use Permit Compliance Review for 4N 25 21 Tax Lot 202 in association with address 70270 Kunze Lane Boardman, Oregon.

Dear Josh and Shannon;

During review of CUP-N-337-19 numerous concerns were identified. Specifically, violation of the Conditions of Approval including complaints about the number of vehicles stored on the property and failure to provide Access permit or Letter from Public works that no Access permit is required. The Planning Department has determined that your permit, CUP-N-337-19, is not in compliance with the conditions of approval listed below

- Condition 2- Storage of any vehicle as related to the occupation shall not exceed 30 days in duration.
- Condition 3- The applicant must obtain either an Access permit or a letter indicating that no Access permit is required from public works.

Due to the violations on this property, your Conditional Use Permit will be reviewed by the Planning Commission on April 25, 2023. The Commission may amend or revoke your permit at that time.

If you believe we have erred or if you would like to remedy the violations please contact me as soon as possible at (541)-922-4624

Cordially,

Katie Keely
Compliance Planner

A handwritten signature in blue ink that reads "Katie Keely".

Encl: Final Findings of Facts CUP-N-337-19

CC: Eric Imes, Mike Haugen, Public Works
Justin Nelson & Zach Williams, Morrow County Counsel

S/planning/code enforcement/2023 CE/Boardman/Karl

FINAL FINDINGS OF FACT
CONDITIONAL USE REQUEST
Application Number CUP-N-339-19

2023 COMPLIANCE REVIEW

The purpose of the Planning Commission hearing and these updated Findings is to evaluate the 2019 land use permit and determine if the permittee is in compliance with conditions of approval and then take action on the permit.

Findings for the original request is shown below in standard font. The 2023 compliance review is shown in blue italic font.

ORIGINAL REQUEST: To allow a home occupation to support the applicant’s trucking business.

REVIEW REQUEST: To review Conditional Use permit for Home Occupation.

APPLICANT: Cesar Andrade
81032 Wagon Wheel Loop
Irrigon, OR 97844

OWNER: Victor & Susana Nunez
30687 Birtrand St.
Hermiston, OR 97838

PROPERTY DESCRIPTION: Tax Lot 1600 of Assessor's Map 5N 26 36BC

PROPERTY LOCATION: Located on the South corner of Wagon Wheel Loop
approximately one mile southwest of Irrigon.

FINDINGS OF FACT:

- I. **BACKGROUND INFORMATION:** The applicant currently owns and operates a trucking company and this proposal is the result of Code Enforcement for operation of a home occupation without first being properly permitted. The applicant wishes to continue to utilize this property for storage of all trucks and move them in and out of the property primarily during harvest season.

2023 Updated Findings BACKGROUND INFORMATION (KATIE)

This operation was originally permitted in 2019 as a “home occupation” that was described as “2 semi-trucks that work nearly all year round and only enter and leave the property once per week. The seven other smaller trucks are only active and moving one month per year. Throughout this month, the smaller trucks enter and leave the property one time each week.” Since then, the Planning Department has observed what appears to be a full-time trucking company operated from this residential property. The original proposal, storage of trucks during the harvest season, has grown to a large fleet of continuously circulating trucks, truck storage and truck repair on-site operating under the business name of Andrade Repair. Planning Department has received noise complaints from the

residential neighbors of trucks running and being moved during all hours day and night. The Compliance Planner has observed employees working on trucks in the shop. The shop that is being used for service and repair of commercial vehicles was built and started operation without obtaining permits from the Planning Department or the Building Official. Staff have sent 6 letters to the applicant describing the nature of the problem. The applicant has not responded to any of the letters. The applicant's trucking operation dominates the site, does not qualify as a "home occupation," has several nuisance impacts on the surrounding residential neighbors, is in violation of the conditions of the 2019 permit approval and the original approval criteria for "home occupations" in a residential zone.

II. COMPLIANCE WITH MORROW COUNTY ZONING ORDINANCE SECTIONS 6.020, 6.030, 6.050. The requirements for approval are listed below in bold type, followed by a response in standard type.

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.

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

The proposed use is allowed as a Conditional Use Permit in the Rural Residential Use Zone. Staff would find that the proposed use would be consistent with the Comprehensive Plan and Zoning Ordinance once approved with the outlined conditions.

The traffic from multiple trucks has been shown to not be compatible with the rural residential character of the neighborhood. The scope of the original proposal has evolved to be a full-blown commercial/industrial scale business rather than a use that is compatible in a rural residential area. Given the applicant is not able to comply with the conditions of approval and the trucking business has become a nuisance in the residential neighborhood, county finds the applicant does not comply with this criterion.

(2) 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 proposed use is located outside the Urban Growth Boundary.

(3) The proposal will not exceed carrying capacities of natural resources or public facilities.

Planning staff have determined that the proposed use will not affect natural resources and public facilities are not needed the applicant states that the trucks travel on gravel roads and public roads, therefore there is no demolishing of natural habitat. See discussion below regarding the public access entrance of Wagon Wheel Loop from the County Road System.

County finds that the heavy traffic volume exceeds the carrying capacity of the county and public roadways. County also finds that the oil, petroleum products and other waste noted by photo

and record by the Compliance Planner is not consistent with this standard. Based on this, staff finds the applicant cannot meet this criterion.

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 proposed use shall be conducted in a way that will not disturb neighboring residences. The proposed business shall abide by Section 8 of the Morrow County Code Enforcement Ordinance related to Noise as a Public Nuisance. Section 8 of the Code Enforcement Ordinance establishes that noise made between the hours of 11:00pm and 7:00am is a public nuisance, therefore, all heavy equipment and truck traffic shall take place between the hours' of 7:00am and 11:00pm. This is recommended and listed as a condition of approval, any complaints received will result in a review of the activity and potential revocation of the permit.
County has received complaints as recently as 4/8/2023 of Semi trucks being left running late at night. Compliance Planner has a record of complaints received over the past several years. Truck traffic is constant, coming in and out during the daytime and night, which is in direct violation of the original conditions.
- B. Establishing a special yard or other open space or lot area or dimension.**
 This proposed use will utilize existing structures and lot area, the application states that fencing is already in place and surrounds the entire property. Please see Subsection J for fencing requirements. Planning staff would not recommend any additional requirements for open space.
- c. Limiting the height, size or location of a building or other structure.**
 The applicant has not made any requests for changes to the height, size, or location of any buildings or structures.
- 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*
 Access is from Wagon Wheel Loop, a public right of way from Depot Lane, which is a County Road. Due to the nature of the proposal, the applicant will need to coordinate with Morrow County Public Works to make any necessary improvements to the public access entrance of Wagon Wheel Loop to minimize impact to the County Road System Planning staff recommend and list as a condition of approval that the applicant obtain approval from Morrow County Public Works for improvements and maintenance of the public access entrance of Wagon Wheel Loop from Depot Lane.

- 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.

The applicant indicated the total number of trips to be 60 automobile trips per week. The application states, "there are 2 semi-trucks that work nearly all year round and only enter and leave the property once per week. The seven other smaller trucks are only active and moving one month per year. Throughout this month, the smaller trucks enter and leave the property one time each week. The average automobile trips is well below the 400 automobile mark. Should this home occupation generate more than 400 trips per day or should complaints be received additional review may be required up to and including a Traffic Impact Analysis. Should operations outside of those identified in the application, additional review and approval could be warranted.

Application narrative from the original 2019 application shows the original intent as to permit two semi-trucks that would be working nearly all year round. Those 2 trucks would be entering and leaving property one time per week. Compliance planner has observed and documented 6 to 8 semi-trucks on the property being stored, serviced or operating at any given time.

- E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.
No increase in street dedication, roadway width, or improvements in the right-of-way are proposed by the applicant. See discussion below regarding the public access entrance of Wagon Wheel Loop from Depot Lane. These preliminary Findings of Fact have been provided to Morrow County Public Works for their review and comment.
1. It is the responsibility of the land owner to provide appropriate access for emergency vehicles at the time of development.
The existing driveway and parking area provides appropriate access for emergency vehicles. Preliminary Findings of Fact have been provided to the Irrigon Rural Fire Protection District for their review and comment.
- F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.
The application states that no portion of the land is subject to flooding. This area is currently used in residential and farming applications. Planning staff would not add any new conditions and would find this criterion met.
- G. Limiting or otherwise designating the number, size, location, height, and lighting of signs.
No business signs are required or intended to be used according to the application. Should any be installed they 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. Home Occupations are secondary to the primary use of a residential dwelling. The application

indicates that no alterations are required or requested, therefore any outdoor lighting should be for residential use.

- I. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance. The proposed use would not require diking, screening or landscaping to protect nearby property. Planning staff would not require any of these provisions due to the proposed use.
- J. Designating the size, height, location and materials for a fence. Any fencing over six feet in height will require zoning and building permit approval. Planning staff would not require any actions under this criterion at this time.
- K. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources. The application states that the occupation has the ability to use the existing entries, gravel roads, and public roads for transportation. The business is compatible with surrounding land uses. Planning staff would not place any additional requirements under this criterion.
- 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. Home Occupations are secondary to the primary use of a residential dwelling; therefore, the dwelling should be maintained as such. This application would allow the property to be used as part of the semi-trucking business of the applicant. The proposed use is in support of surrounding agricultural operations; however, the operations are in a residential zone and should not interrupt or interfere with surrounding residential uses. This is listed as a condition of approval.

No additional requirements are deemed necessary by Planning staff.

Since 2019, there have been a number of complaints about the truck traffic and trucking repair business. The business has grown in scope, volume and intensity. See attached photos. The business exceeds what was originally requested and approved for parking trucks on the parcel seasonally. Even if conditions could mitigate the impacts, the record since 2019 is that the applicant is operating a much different business than what was proposed or approved and has not complied with conditions of approval.

SECTION 6.050 STANDARDS GOVERNING CONDITIONAL USES

- G. Home Occupations, when permitted as a conditional use and conducted as an accessory use, shall be subject to the following limitations:
 - 1. The home occupation is to be secondary to the main use of the property as a residence and shall be conducted only by the resident of such dwelling within the same dwelling or in an accessory building on the same or adjacent property.

The proposed occupation will be a secondary use of the property and will be operated by the residents of the dwelling. This criterion has been met.

The trucking business is not being operated in a manner that is secondary to the residential use of the property or the residential nature of the area. The current business operation dwarfs any residential use of the property. Under the Morrow County Development Code, the business operation is supposed to be secondary/accessory to the primary residential use of the property. In this case, however, the business amounts to a full-on commercial trucking business operation, with a large fleet of ever-circulating trucks, truck repair and everything needed to support a full trucking business on-site. The residential use is distinctly secondary to this level of business use.

2. **No structural alterations shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alteration have been reviewed and approved by the Planning Commission. Such structural alterations shall not detract from the outward appearance of the building as an accessory structure to a residence. No structural alterations are proposed by the applicants or required for the proposed use. This criterion is met.**

The applicant built a large shop which appears to be intended for truck repair without obtaining Zoning or Building permits for the new shop building. Andrade Repair, registered with the Corporation Division of Oregon Secretary of state on April 1, 2021, Cesar Andrade Morales as the Authorized representative. Compliance Planner has observed employees working on trucks inside the Bay of the truck repair shop. (See attached photos with date stamp.)

3. **One non-illuminated sign not to exceed 200 square inches and bearing only the name and occupation of the resident shall be permitted. No signs have been proposed by the applicants. See the discussion above in Section 6.030 General Conditions.**
4. **No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interferences with radio or television reception, or other factors. Please see the discussion above in Section 6.030 General Conditions.**

Planning Department has received complaints of improper disposal of Solid waste (garbage) and hazardous waste (oil and petroleum products). Decomposing agricultural waste has been observed dumped in piles on the property. Noise complaints pertaining to the trucks being left running at all hours and truck movement have been reported. The operation is not in compliance with this standard.

5. **No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customer's vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking. Parking facilities are adequate as to not require off-street parking. See above discussion and Conditions of Approval relating to uses in the residential area.**

Given the number of trucks being stored on the property there does not appear to be adequate parking on the subject parcel, even if that level of truck/vehicle use could be allowed as a "home occupation."

6. Retail sales shall be limited or accessory to a service.

No retail sales are proposed. This criterion is met.

7. No persons shall be employed except members of the immediate family. The applicants are the owners/operators of the business and should employees be needed in the future; the applicant has stated this standard would be applied. This is a requirement under this section and is listed as a condition of approval.

Planning Department staff have researched and obtained information on several businesses registered and operated from this location with the Secretary of State and USDOT. Gilberto C Chapa is registered with 7 employees; Cesarin Trucking LLC registered with 5 employees; Monarch Transport LLC registered with 4 employees. Andrade Repair number of employees unknown. A condition of the 2019 permit limited employees at the site to family members only.

8. The permit allowing a home occupation shall be reviewed every 12 months following the date the permit was issued and may continue the permit if the home occupation continues to comply with the requirements of this section.

This permit shall be reviewed annually by Planning Department staff with other home occupation permits as long as the proposed use continues. This is listed as a Condition of Approval.

This permit has been reviewed annually and has been found to not be in compliance with the conditions of approval.

III.LEGAL NOTICE PUBLISHED: April 5 & 6th, 2023
Heppner Gazette and East Oregonian

IV.PROPERTY OWNERS NOTIFIED: April 7, 2023

V.AGENCIES NOTIFIED: Mike Gorman, Morrow County Assessor; Eric Imes, Morrow County Public Works Director; Irrigon Rural Fire Protection District; Morrow County Land Use Counsel; Morrow County Sheriff's Office.

VI.HEARING DATE: April 25, 2023

North Morrow Annex Building, Irrigon, Oregon

VII. DECISION OF PLANNING COMMISSION: The Planning Director recommends approval of the application subject to the following **CONDITIONS OF APPROVAL:**

1. Operations related to this permit should not interrupt or interfere with surrounding residential uses. *The business is a nuisance and disruptive to adjoining residential properties. The applicant has not operated the business in compliance with this condition.*
2. All heavy equipment and truck traffic shall take place between the hours of 7:00am and 1:00pm, consistent with the Morrow County Noise Ordinance. *Truck traffic has operated outside the bounds of this condition.*
3. The applicant must obtain approval from Morrow County Public Works for improvements and maintenance of the public access entrance of Wagon Wheel Loop from Depot Lane.
4. Should any signs be installed in the future they would need to comply with the regulations in place at that time.
5. Any persons employed at this location will be limited to immediate family members. *Based on evidence attached, there are at least 16+ employees at this location.*
6. This permit shall be reviewed annually by Planning Department staff with other home occupation permits as long as the proposed use continues.

2023 Updated DECISION OF THE PLANNING COMMISSION: Based on the above Findings, Planning staff provides the Planning Commission with three options:

1. *Find that the applicant is not in compliance with the original permit and the conditions of approval and revoke the permit, or,*
2. *Find the applicant can come into compliance with the underlying home occupation approval criteria and the conditions of 2019 approval and allow the operator a set period of time to achieve/demonstrate compliance, not to exceed one year, or*
3. *Continue the hearing to the May meeting, allowing the applicant time to make changes to the business operation and prove that the business can be operated in compliance with the permit.*

Chair, Morrow County Planning Commission

Attachments:

Vicinity Map

Documents from Compliance Planner

HOME

Business Xpress

business name search

oregon business guide

license directory

business registry/renewal

forms/fees

notary public

uniform commercial code

uniform commercial code search

documents & data services

Business Name Search

[New Search](#)

[Printer Friendly](#)

Business Entity Data

01-10-2020
10:30

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1692205-98	DLLC	ACT	OREGON	07-09-2020	07-09-2023	
Entity Name		CA HAULING LLC				
Foreign Name						

[New Search](#)

[Printer Friendly](#)

Associated Names

Type	PPB		PRINCIPAL PLACE OF BUSINESS			
Addr 1	81032 WAGON WHEEL LOOP					
Addr 2						
CSZ	IRRIGON	OR	97844	Country	UNITED STATES OF AMERICA	

please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	07-09-2020	Resign Date	
Of Record	1056383-99	1 OFFICE SOLUTIONS LLC				
Addr 1	1055 NE MOE LN					
Addr 2						
CSZ	HERMISTON	OR	97838	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS			
Addr 1	PO BOX 472				
Addr 2					
CSZ	IRRIGON	OR	97844	Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER		Resign Date	
Name	ELIZABETH		ANDRADE		
Addr 1	81032 WAGON WHEEL LOOP				
Addr 2					
CSZ	IRRIGON	OR	97844	Country	UNITED STATES OF AMERICA

Type	MGR	MANAGER		Resign Date	
Name	ELIZABETH		ANDRADE		
Addr 1	81032 WAGON WHEEL LOOP				
Addr 2					
CSZ	IRRIGON	OR	97844	Country	UNITED STATES OF AMERICA



Business Entity Name	Name Type	Name Status	Start Date	End Date
A HAULING LLC	EN	CUR	07-09-2020	

lease read before ordering Copies.

[New Search](#)

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Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	REINSTATEMENT AMENDED	07-28-2022		FI		
	ADMINISTRATIVE DISSOLUTION	09-09-2021		SYS		
	ARTICLES OF ORGANIZATION	07-09-2020		FI	Agent	

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For comments or suggestions regarding the operation of this site, please contact : corporation.division@sos.oregon.gov

APPLICATION FOR REGISTRATION

Pg 78



Corporation Division
www.filinginoregon.com

E-FILED
Apr 01, 2021

OREGON SECRETARY OF STATE

REGISTRY NUMBER

180446495

TYPE

ASSUMED BUSINESS NAME

ENTITY NAME

ANDRADE REPAIR

BUSINESS ACTIVITY

REPAIR OF SEMI TRUCK

PRINCIPAL PLACE OF BUSINESS

81032 WAGON WHEEL LOOP
IRRIGON OR 97844 USA

NAME & ADDRESS OF AUTHORIZED REPRESENTATIVE

CESAR ANDRADE MORALES

81032 WAGON WHEEL LOOP
IRRIGON OR 97844 USA

REGISTRANT/OWNER

CESAR ANDRADE MORALES

81032 WAGON WHEEL LOOP
IRRIGON OR 97844 USA

COUNTIES

MORROW



I declare as an authorized signer, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

CESAR ANDRADE MORALES

TITLE

REGISTRANT

DATE SIGNED

03-31-2021

USDOT Number MC/MX Number Name

Enter Value: 3973946

Search

Company Snapshot

MONARCH TRANSPORT LLC

USDOT Number: 3973946

[ID/Operations](#) | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

Carriers: If you would like to update the following ID/Operations information, please complete and submit form [MCS-150](#) which can be obtained [online](#) or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's [DataQs](#) system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance than what is captured in the Company Snapshot. To obtain a CSP please visit the [CSP order page](#) or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to [SAFER General Help](#).

The information below reflects the content of the FMCSA management information systems as of 04/10/2023. Carrier VMT Outdated.

To find out if this entity has a pending insurance cancellation, please [click here](#).

Other Information for this Carrier

[SMS Results](#)

[Licensing & Insurance](#)

Entity Type:	CARRIER	
Operating Status:	AUTHORIZED FOR Property	Out of Service Date: None
Legal Name:	MONARCH TRANSPORT LLC	
DBA Name:		
Physical Address:	31099 BODE LN HERMISTON, OR 97838	
Phone:	(541) 561-4981	
Mailing Address:	31099 BODE LN HERMISTON, OR 97838-7236	
USDOT Number:	3973946	State Carrier ID Number:
MC/MX/FF Number(s):	MC-1485852	DUNS Number: --
Power Units:	3	Drivers: 4
MCS-150 Form Date:	10/21/2022	MCS-150 Mileage (Year):
Operation Classification:		
<input checked="" type="checkbox"/> Auth. For Hire	<input type="checkbox"/> Priv. Pass.(Non-business)	<input type="checkbox"/> State Gov't
<input checked="" type="checkbox"/> Exempt For Hire	<input type="checkbox"/> Migrant	<input type="checkbox"/> Local Gov't
<input type="checkbox"/> Private(Property)	<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> Indian Nation
<input type="checkbox"/> Priv. Pass. (Business)	<input type="checkbox"/> Fed. Gov't	
Carrier Operation:		
<input checked="" type="checkbox"/> Interstate	<input type="checkbox"/> Intrastate Only (HM)	<input type="checkbox"/> Intrastate Only (Non-HM)
Cargo Carried:		
<input checked="" type="checkbox"/> General Freight	<input type="checkbox"/> Liquids/Gases	<input type="checkbox"/> Chemicals
<input type="checkbox"/> Household Goods	<input type="checkbox"/> Intermodal Cont.	<input type="checkbox"/> Commodities Dry Bulk
<input type="checkbox"/> Metal: sheets, coils, rolls	<input type="checkbox"/> Passengers	<input checked="" type="checkbox"/> Refrigerated Food
<input type="checkbox"/> Motor Vehicles	<input type="checkbox"/> Oilfield Equipment	<input type="checkbox"/> Beverages
<input type="checkbox"/> Drive/Tow away	<input type="checkbox"/> Livestock	<input type="checkbox"/> Paper Products
<input type="checkbox"/> Logs, Poles, Beams, Lumber	<input checked="" type="checkbox"/> Grain, Feed, Hay	<input type="checkbox"/> Utilities
<input type="checkbox"/> Building Materials	<input type="checkbox"/> Coal/Coke	<input type="checkbox"/> Agricultural/Farm Supplies
<input type="checkbox"/> Mobile Homes	<input type="checkbox"/> Meat	<input type="checkbox"/> Construction
<input type="checkbox"/> Machinery, Large Objects	<input type="checkbox"/> Garbage/Refuse	<input type="checkbox"/> Water Well
<input checked="" type="checkbox"/> Fresh Produce	<input type="checkbox"/> US Mail	

[ID/Operations](#) | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

US Inspection results for 24 months prior to: 04/10/2023

Total Inspections: 2
Total IEP Inspections: 0

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to [Inspections Help](#) for further information.

Inspection Type	Inspections:			
	Vehicle	Driver	Hazmat	IEP
Inspections	2	2	0	0
Out of Service	2	0	0	0
Out of Service %	100%	0%	%	0%
Nat'l Average % as of DATE 03/31/2023*	22.14%	6.65%	4.48%	N/A

*OOS rates calculated based on the most recent 24 months of inspection data per the latest monthly SAFER Snapshot.

Crashes reported to FMCSA by states for 24 months prior to: 04/10/2023

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility.

Type	Crashes:			
	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

[ID/Operations](#) | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

Canadian Inspection results for 24 months prior to: 04/10/2023

Total inspections: 0

Note: Total inspections may be less than the sum of vehicle and driver inspections. Go to [Inspections Help](#) for further information.

Inspection Type	Inspections:	
	Vehicle	Driver
Inspections	0	0
Out of Service	0	0
Out of Service %	0%	0%

Crashes results for 24 months prior to: 04/10/2023

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility.

Type	Crashes:			
	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

[ID/Operations](#) | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 04/10/2023

Review Information:

Rating Date:	None	Review Date:	None
Rating:	None	Type:	None

USDOT Number MC/MX Number Name

Enter Value: CESARIN TRUCKING LLC

Company Snapshot

CESARIN TRUCKING LLC
USDOT Number: 2535433

ID/Operations | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

Carriers: If you would like to update the following ID/Operations information, please complete and submit form [MCS-150](#) which can be obtained [online](#) or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's [DataQs](#) system.

Other Information for this Carrier

- ▼ [SMS Results](#)
- ▼ [Licensing & Insurance](#)

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance than what is captured in the Company Snapshot. To obtain a CSP please visit the [CSP order page](#) or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to [SAFER General Help](#).

The information below reflects the content of the FMCSA management information systems as of 04/10/2023. Carrier VMT Outdated.

To find out if this entity has a pending insurance cancellation, please [click here](#).

Entity Type:	CARRIER	
Operating Status:	NOT AUTHORIZED	Out of Service Date: None
Legal Name:	CESARIN TRUCKING LLC	
DBA Name:		
Physical Address:	81032 WAGON WHEEL LOOP IRRIGON, OR 97844	
Phone:	(541) 720-0937	
Mailing Address:	PO BOX 441 BOARDMAN, OR 97818	
USDOT Number:	2535433	State Carrier ID Number:
MC/MX/FF Number(s):	MC-1040985	DUNS Number: --
Power Units:	4	Drivers: 5
MCS-150 Form Date:	04/12/2021	MCS-150 Mileage (Year): 100,471 (2020)
Operation Classification:		
<input checked="" type="checkbox"/> Auth. For Hire	<input type="checkbox"/> Priv. Pass.(Non-business)	<input type="checkbox"/> State Gov't
<input checked="" type="checkbox"/> Exempt For Hire	<input type="checkbox"/> Migrant	<input type="checkbox"/> Local Gov't
<input type="checkbox"/> Private(Property)	<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> Indian Nation
<input type="checkbox"/> Priv. Pass. (Business)	<input type="checkbox"/> Fed. Gov't	
Carrier Operation:		
<input checked="" type="checkbox"/> Interstate	<input type="checkbox"/> Intrastate Only (HM)	<input type="checkbox"/> Intrastate Only (Non-HM)
Cargo Carried:		
<input type="checkbox"/> General Freight	<input type="checkbox"/> Liquids/Gases	<input type="checkbox"/> Chemicals
<input type="checkbox"/> Household Goods	<input type="checkbox"/> Intermodal Cont.	<input type="checkbox"/> Commodities Dry Bulk
<input type="checkbox"/> Metal: sheets, coils, rolls	<input type="checkbox"/> Passengers	<input type="checkbox"/> Refrigerated Food
<input type="checkbox"/> Motor Vehicles	<input type="checkbox"/> Oilfield Equipment	<input type="checkbox"/> Beverages
<input type="checkbox"/> Drive/Tow away	<input type="checkbox"/> Livestock	<input type="checkbox"/> Paper Products
<input type="checkbox"/> Logs, Poles, Beams, Lumber	<input checked="" type="checkbox"/> Grain, Feed, Hay	<input type="checkbox"/> Utilities
<input type="checkbox"/> Building Materials	<input type="checkbox"/> Coal/Coke	<input type="checkbox"/> Agricultural/Farm Supplies
<input type="checkbox"/> Mobile Homes	<input type="checkbox"/> Meat	<input type="checkbox"/> Construction
<input type="checkbox"/> Machinery, Large Objects	<input type="checkbox"/> Garbage/Refuse	<input type="checkbox"/> Water Well
<input checked="" type="checkbox"/> Fresh Produce	<input type="checkbox"/> US Mail	

[ID/Operations](#) | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

US Inspection results for 24 months prior to: 04/10/2023

Total Inspections: 6
Total IEP Inspections: 0

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to [Inspections Help](#) for further information.

Inspection Type	Inspections:			
	Vehicle	Driver	Hazmat	IEP
Inspections	5	6	0	0
Out of Service	2	1	0	0
Out of Service %	40%	16.7%	%	0%
Nat'l Average % as of DATE 03/31/2023*	22.14%	6.65%	4.48%	N/A

*OOS rates calculated based on the most recent 24 months of inspection data per the latest monthly SAFER Snapshot.

Crashes reported to FMCSA by states for 24 months prior to: 04/10/2023

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility.

Type	Crashes:			
	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

[ID/Operations](#) | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

Canadian Inspection results for 24 months prior to: 04/10/2023

Total inspections: 0

Note: Total inspections may be less than the sum of vehicle and driver inspections. Go to [Inspections Help](#) for further information.

Inspection Type	Inspections:	
	Vehicle	Driver
Inspections	0	0
Out of Service	0	0
Out of Service %	0%	0%

Crashes results for 24 months prior to: 04/10/2023

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility.

Type	Crashes:			
	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

[ID/Operations](#) | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 04/10/2023

Review Information:

Rating Date:	08/23/2021	Review Date:	08/18/2021
Rating:	Satisfactory	Type:	Compliance Review

USDOT Number
 MC/MX Number
 Name
 Enter Value: 978404

Company Snapshot
GILBERTO C CHAPA
 USDOT Number: 978404

Other Information for this Carrier

- ▼ SMS Results
- ▼ Licensing & Insurance

Carriers: If you would like to update the following ID/Operations information, please complete and submit form MCS-150 which can be obtained [online](#) or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's [DataQs](#) system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance then what is captured in the Company Snapshot. To obtain a CSP please visit the [CSP order page](#) or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to [SAFER General Help](#).

The information below reflects the content of the FMCSA management information systems as of 04/10/2023. Carrier Registration Information Outdated. Carrier VMT Outdated.

<u>Entity Type:</u>	CARRIER	<u>Out of Service Date:</u>	None
<u>Operating Status:</u>	ACTIVE		
<u>Legal Name:</u>	GILBERTO C CHAPA		
<u>DBA Name:</u>			
<u>Physical Address:</u>	81032 WAGON WHEEL LOOP IRRIGON, OR 97844		
<u>Phone:</u>	(541) 922-6331		
<u>Mailing Address:</u>	81032 WAGON WHEEL LOOP IRRIGON, OR 97844		
<u>USDOT Number:</u>	978404	<u>State Carrier ID Number:</u>	
<u>MC/MX/FF Number(s):</u>		<u>DUNS Number:</u>	--
<u>Power Units:</u>	7	<u>Drivers:</u>	7
<u>MCS-150 Form Date:</u>	09/13/2001	<u>MCS-150 Mileage (Year):</u>	

Operation Classification:

- Auth. For Hire
- Exempt For Hire
- Priv. Pass. (Non-business)
- Migrant
- State Gov't
- Local Gov't

Private(Property) U.S. Mail Indian Nation
 Priv. Pass. (Business) Fed. Gov't X APPLYING F

Carrier Operation:

Interstate Intrastate Only (HM) X Intrastate Only (Non-HM)

Cargo Carried:

General Freight	Liquids/Gases	Chemicals
Household Goods	Intermodal Cont.	Commodities Dry Bulk
Metal: sheets, coils, rolls	Passengers	Refrigerated Food
Motor Vehicles	Offfield Equipment	Beverages
Drive/Tow away	Livestock	Paper Products
Logs, Poles, Beams, Lumber	X Grain, Feed, Hay	Utilities
Building Materials	Coal/Coke	Agricultural/Farm Supplies
Mobile Homes	Meat	Construction
Machinery, Large Objects	Garbage/Refuse	Water Well
X Fresh Produce	US Mail	

ID/Operations | Inspections/Crashes In US | Inspections/Crashes In Canada | Safety Rating

US Inspection results for 24 months prior to: 04/10/2023

Total Inspections: 0
 Total IEP Inspections: 0

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to [Inspections Help](#) for further information.

Inspection Type	Vehicle	Inspections:			IEP
		Driver	Hazmat		
Inspections	0	0	0	0	0
Out of Service	0	0	0	0	0
Out of Service %	0%	0%	0%	0%	0%
Nat'l Average % as of DATE 03/31/2023*	22.14%	6.65%	4.48%	N/A	

*OOS rates calculated based on the most recent 24 months of inspection data per the latest monthly SAFER Snapshot.

Crashes reported to FMCSA by states for 24 months prior to: 04/10/2023

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility.

Type	Crashes:			
	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

ID/Operations | Inspections/Crashes In US | Inspections/Crashes In Canada | Safety Rating

Canadian Inspection results for 24 months prior to: 04/10/2023

Total inspections: 0

Note: Total inspections may be less than the sum of vehicle and driver inspections. Go to Inspections Help for further information.

Inspection Type	Inspections:	
	Vehicle	Driver
Inspections	0	0
Out of Service	0	0
Out of Service %	0%	0%

Crashes results for 24 months prior to: 04/10/2023

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility.

Type	Crashes:			
	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

ID/Operations | Inspections/Crashes In US | Inspections/Crashes In Canada | Safety Rating

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 04/10/2023

Review Information:

Rating Date:	None	Review Date:	None
Rating:	None	Type:	None

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Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5660 • TTY: 1-800-877-8339 • Field Office Contacts

USDOT Number MC/MX Number Name

Enter Value: CA HAULING LLC

Company Snapshot

CA HAULING LLC

USDOT Number: 3451544

ID/Operations | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

Carriers: If you would like to update the following ID/Operations information, please complete and submit form [MCS-150](#) which can be obtained [online](#) or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's [DataQs](#) system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance than what is captured in the Company Snapshot. To obtain a CSP please visit the [CSP order page](#) or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to [SAFER General Help](#).

The information below reflects the content of the FMCSA management information systems as of 04/10/2023.

For more information about the Out of Service status of this company, click on [OOS Details](#).

Other Information for this Carrier

Entity Type: CARRIER		Out of Service Date: 02/03/2023	
Operating Status: OUT-OF-SERVICE			
Legal Name: CA HAULING LLC			
DBA Name:			
Physical Address: 81032 WAGON WHEEL LOOPS IRRIGON, OR 97844			
Phone: (541) 720-0937			
Mailing Address: PO BOX 472 IRRIGON, OR 97844			
USDOT Number: 3451544	State Carrier ID Number:		
MC/MX/FF Number(s):	DUNS Number: --		
Power Units: 1	Drivers: 1		
MCS-150 Form Date: 07/27/2022	MCS-150 Mileage (Year): 1 (2021)		
Operation Classification:			
<input checked="" type="checkbox"/> Auth. For Hire	<input type="checkbox"/> Priv. Pass.(Non-business)	<input type="checkbox"/> State Gov't	
<input checked="" type="checkbox"/> Exempt For Hire	<input type="checkbox"/> Migrant	<input type="checkbox"/> Local Gov't	
<input type="checkbox"/> Private(Property)	<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> Indian Nation	
<input type="checkbox"/> Priv. Pass. (Business)	<input type="checkbox"/> Fed. Gov't		
Carrier Operation:			
<input checked="" type="checkbox"/> Interstate	<input type="checkbox"/> Intrastate Only (HM)	<input type="checkbox"/> Intrastate Only (Non-HM)	
Cargo Carried:			
<input type="checkbox"/> General Freight	<input type="checkbox"/> Liquids/Gases	<input type="checkbox"/> Chemicals	
<input type="checkbox"/> Household Goods	<input type="checkbox"/> Intermodal Cont.	<input type="checkbox"/> Commodities Dry Bulk	
<input type="checkbox"/> Metal: sheets, coils, rolls	<input type="checkbox"/> Passengers	<input type="checkbox"/> Refrigerated Food	
<input type="checkbox"/> Motor Vehicles	<input type="checkbox"/> Oilfield Equipment	<input type="checkbox"/> Beverages	
<input type="checkbox"/> Drive/Tow away	<input type="checkbox"/> Livestock	<input type="checkbox"/> Paper Products	
<input type="checkbox"/> Logs, Poles, Beams, Lumber	<input type="checkbox"/> Grain, Feed, Hay	<input type="checkbox"/> Utilities	
<input type="checkbox"/> Building Materials	<input type="checkbox"/> Coal/Coke	<input type="checkbox"/> Agricultural/Farm Supplies	
<input type="checkbox"/> Mobile Homes	<input type="checkbox"/> Meat	<input type="checkbox"/> Construction	
<input type="checkbox"/> Machinery, Large Objects	<input type="checkbox"/> Garbage/Refuse	<input type="checkbox"/> Water Well	
<input checked="" type="checkbox"/> Fresh Produce	<input type="checkbox"/> US Mail		

Total Inspections: 0
 Total IEP Inspections: 0

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to [Inspections Help](#) for further information.

Inspection Type	Inspections:			
	Vehicle	Driver	Hazmat	IEP
Inspections	0	0	0	0
Out of Service	0	0	0	0
Out of Service %	0%	0%	0%	0%
Nat'l Average % as of DATE 03/31/2023*	22.14%	6.65%	4.48%	N/A

*OOS rates calculated based on the most recent 24 months of inspection data per the latest monthly SAFER Snapshot.

Crashes reported to FMCSA by states for 24 months prior to: 04/10/2023

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility.

Type	Crashes:			
	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

[ID/Operations](#) | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

Canadian Inspection results for 24 months prior to: 04/10/2023

Total inspections: 0

Note: Total inspections may be less than the sum of vehicle and driver inspections. Go to [Inspections Help](#) for further information.

Inspection Type	Inspections:	
	Vehicle	Driver
Inspections	0	0
Out of Service	0	0
Out of Service %	0%	0%

Crashes results for 24 months prior to: 04/10/2023

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility.

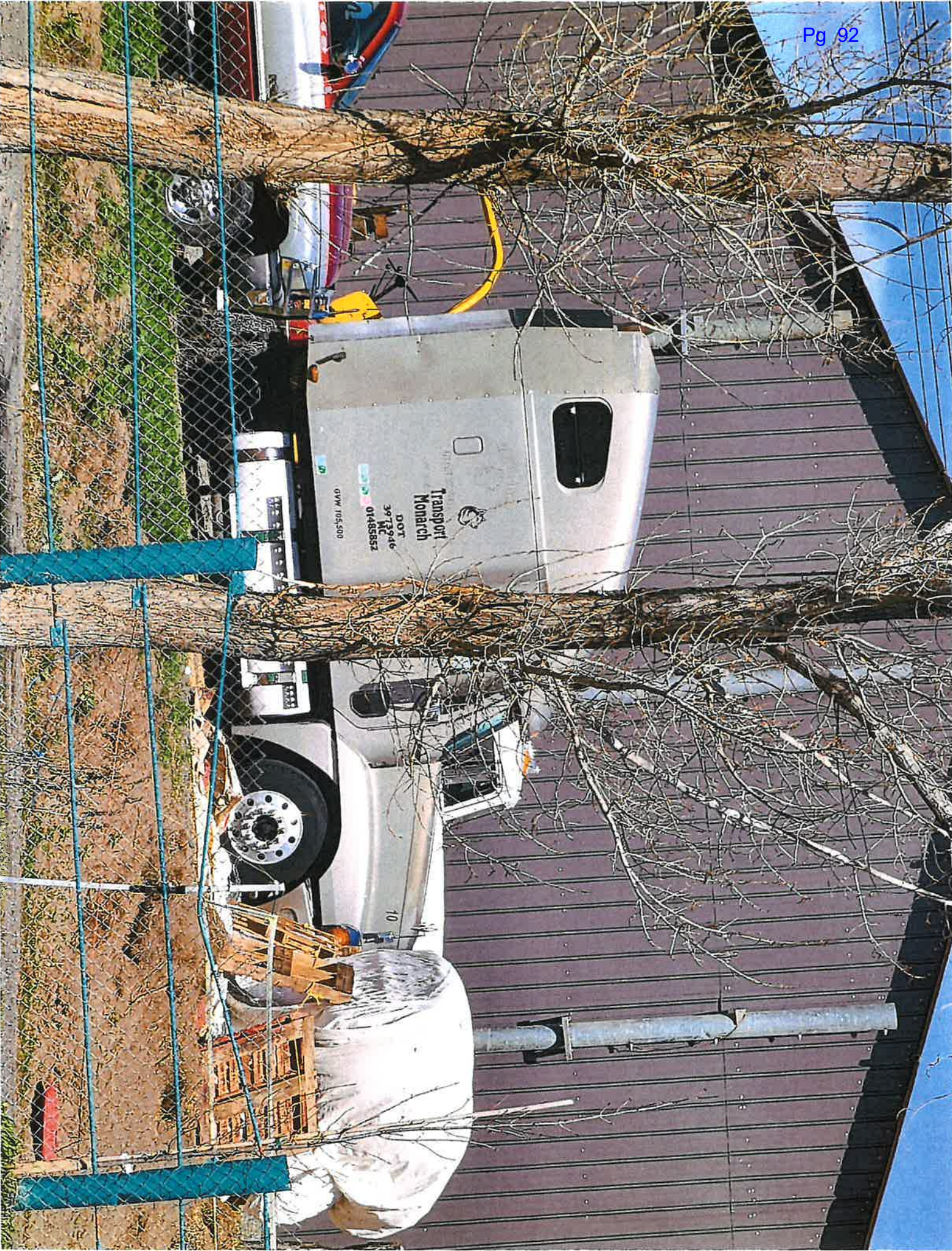
Type	Crashes:			
	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

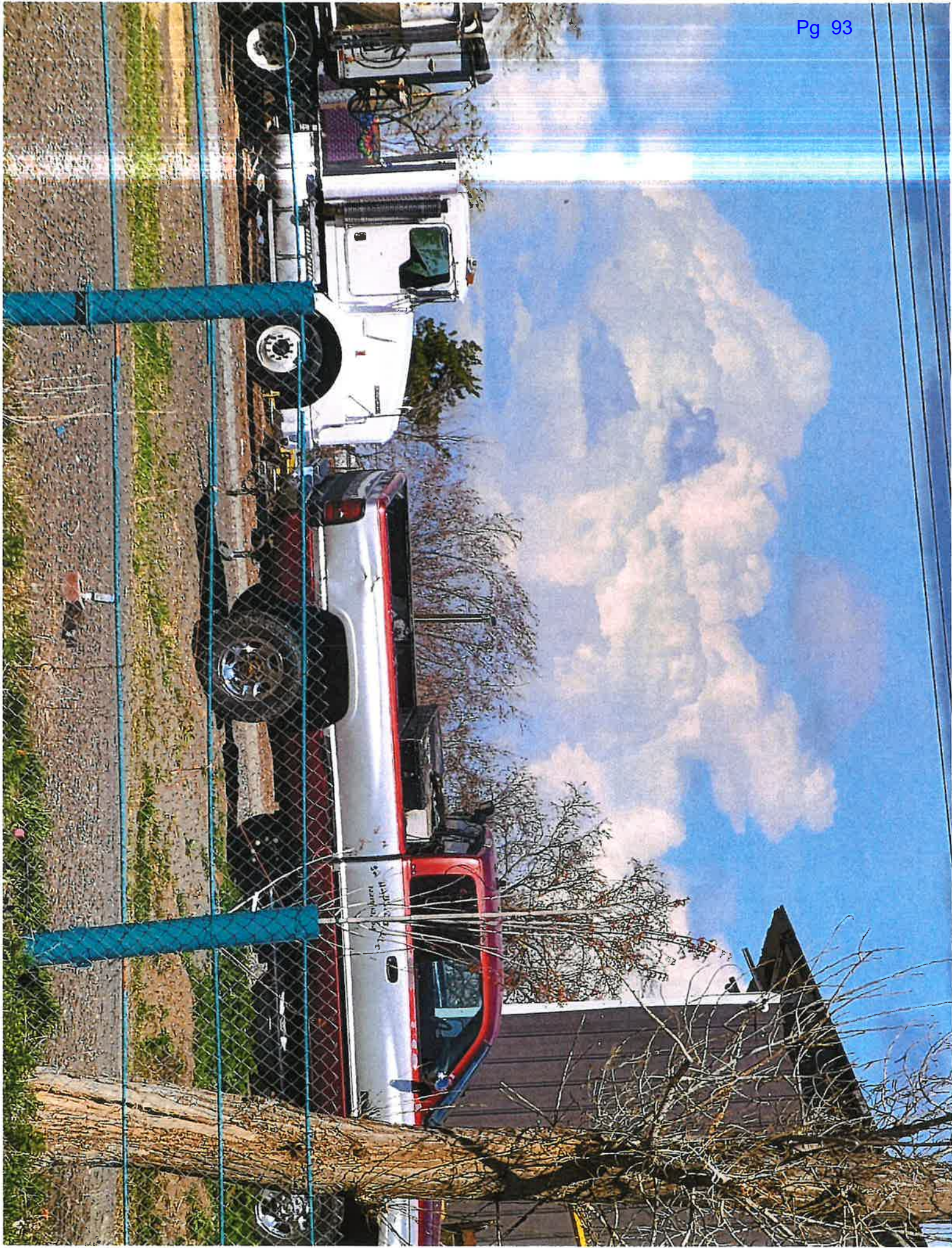
[ID/Operations](#) | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.



















5N 26E 36BC TL
Pg 98
1600

PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

March 15, 2023

Victor & Susana Nunez, landowner

~~30687 Birtrand St. Hermiston, OR 97838~~ **81371 W. Sixth Rd. Irrigon, OR, 97844**

Cesar Andrade and/or current occupant

81032 Wagon Wheel Loop
Irrigon, OR 97844

Re: Conditional Use Permit Compliance Review
5N 26E 36BC Tax Lot 1600
81032 Wagon Wheel Loop, Irrigon, Oregon.

Dear Mr. & Mrs. Nunez & Mr. Andrade:

During review of Conditional Use Permit, CUP-N-339-19, numerous concerns were identified and your business is found to be out of compliance with the following Conditions of Approval:

- Condition 1- Operations related to this permit should not interrupt or interfere with surrounding residential uses.
- Condition 5- Any persons employed at this location will be limited to immediate family members.

Additionally, this office has received complaints about the number of employees on the property, outside storage of unlicensed/inoperable vehicles and general nuisance disruption in the neighborhood.

You also have constructed a new structure (shop) without land use or building permits.

Due to these violations, your Conditional Use Permit will be reviewed by the Planning Commission on April 25th, 2023. The Commission may amend or revoke your permit at that time.

If you believe information in this letter is incorrect or if you would like to discuss a plan to immediately remedy the violations and bring your property into compliance, please contact me as soon as possible at (541)-922-4624.

Sincerely,


Katie Keely
Compliance Planner

Encl: Final Findings of Facts CUP-N-339-19

CC: Eric Imes, Public Works Director
Justin Nelson & Zach Williams, Morrow County Counsel

S:/planning/code enforcement/2023 CE/Irrigon/Andrade/CUP Letter



PLANNING DEPARTMENT

P.O. Box 40 • 215 NE Main Ave. Irrigon, Oregon 97844
(541) 922-4624 • www.morrow.or.us/planning

December 15, 2022

Victor & Susana Nunez
30687 Birtrand St.
Hermiston, OR 97838

Cesar Andrade and/or Occupants
81032 Wagon Wheel Loop
Irrigon, OR 97844

RE: **STOP WORK & STOP USE** order for Tax Lot 1600 of Assessor's Map 5N 26E 36BC,
Tax Account # 2564.

Dear Mr. and Mrs. Nunez, Mr. Andrade, and Occupants:

As of the date of this letter we have not approved a Zoning Permit for the construction of a shop building at 81032 Wagon Wheel Loop in Irrigon, Oregon, which is in violation of the Morrow County Zoning Ordinance Article 1 Section 1.050.

Prior to the construction or reconstruction of any structure larger than 100 sq. ft. approved Zoning Permits are required and a Building Permit is required for any structure larger than 200 sq. ft.

Consider this a **STOP WORK & STOP USE** order, effective immediately, and all construction must cease until the you obtain a valid Zoning Permit and any necessary building permits to continue construction on the premises. Failure to obtain valid Zoning and Building permits will result in a violation of the Morrow County Code Enforcement Ordinance.

If you have any questions please feel free to contact our office.

Cordially,

A handwritten signature in blue ink that reads "Tamra Mabbott".

Tamra Mabbott
Planning Director

cc: Morrow County Sheriff's Office
Glenn McIntire, Building Official, City of Boardman
Justin Nelson, County Counsel

encl: Morrow County Zoning Ordinance Article 1 Section. 1.050



PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

June 11, 2021

Cesar Andrade
81032 Wagon Wheel Loop
Irrigon, OR 97844

Victor & Susana Nunez
30687 Birtrand St.
Hermiston, OR 97838

Dear Mr. & Mrs. Nunez & Mr. Andrade:

This letter is to inform you of violations of Morrow County Ordinances at your property located at 81032 Wagon Wheel Loop in Irrigon, otherwise described as tax lot 1600 on Assessor's Map 5N 26 36BC.

You have a Conditional Use Permit for a Home Occupation for this property, CUP-N-339-19. This CUP allows you to have no more than 5 employees that are immediate family members. It has been observed that there are more than 5 people working on the property most of the time.

Another violation is the junk and debris on the property. This needs to be cleaned up as to not cause a nuisance. Please refer to the Code Enforcement Ordinance section 5.200 that is attached.

Please call our office at (541) 922-4624 to discuss the situation before June 25, 2021 or further enforcement action will be taken.

Cordially,

A handwritten signature in black ink that reads "Shambra Cooper".

Shambra Cooper
Outreach Coordinator

encl: Morrow County Code Enforcement Ordinance Section 5.200



PO Box 40 • 205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

February 17, 2021

Cesar Andrade
81032 Wagon Wheel Loop
Irrigon, OR 97844

Dear Cesar,

The Morrow County Planning Commission approved your request for a Conditional Use Permit for a Home Occupation in 2019 on your property at 81032 Wagon Wheel Loop, also identified as Assessor's Map 5N 26E 36BC Tax Lot 1600. See the attached approval letter dated December 13, 2019. Your permit, CUP-N-339-19, was approved subject to following Conditions of Approval:

1. Operations related to this permit should not interrupt or interfere with surrounding residential uses.
2. All heavy equipment and truck traffic shall take place between the hours of 7:00am and 11:00pm, consistent with the Morrow County Noise Ordinance.
3. The applicant must obtain approval from Morrow County Public Works for improvements and maintenance of the public access entrance of Wagon Wheel Loop from Depot Lane.
4. Should any signs be installed in the future they would need to comply with the regulations in place at that time.
5. Any persons employed at this location will be limited to immediate family members.
6. This permit shall be reviewed annually by Planning Department staff with other home occupation permits as long as the proposed use continues.

Upon review of your file, Condition of Approval #3 still needs to be met. **Please contact Morrow County Public Works at (541) 989-9500 as soon as possible, within 30 days of the date of this letter.**

As a reminder, please review and abide by the above conditions of approval for continued operations. If at any time you are found to be in violation of the conditions of approval, your permit will be subject to revocation and you may face enforcement action.

If you have any questions regarding this, or if our records are incomplete, please contact our office at (541) 922-4624.

Cordially,

A handwritten signature in black ink that reads "Stephanie Case". The signature is written in a cursive, flowing style.

Stephanie Case
Planner II

Cc: Shambra Cooper, Planning Outreach Coordinator
Matt Scrivner, Public Works Director
Eric Imes, Assistant Road Master
Oscar Madrigal, Code Enforcement Deputy

Encl: Copy of Approval Letter for CUP-N-339-19



PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

December 13, 2019

Cesar Andrade
81032 Wagon Wheel Loop
Irrigon, OR 97844

Victor & Susana Nunez
30687 Birtrand St.
Hermiston, OR 97838

Dear Mr. Andrade and Mr. & Mrs. Nunez,

At their regular meeting on December 10, 2019 the Morrow County Planning Commission unanimously **approved** Conditional Use Permit request CUP-N-339-19 on property described as Tax lot 1600 of Assessor's Map 5N 26 36BC in the Rural Residential (RR) zone. The request was to allow a home occupation at a residence located on Wagon Wheel Loop outside the Irrigon Urban Growth Boundary. Specifically, the request is to allow a trucking business. The land use permit was approved subject to the following Conditions of Approval:

1. Operations related to this permit should not interrupt or interfere with surrounding residential uses.
2. All heavy equipment and ruck traffic shall take place between the hours of 7:00am and 11:00pm, consistent with the Morrow County Noise Ordinance.
3. The applicant must obtain approval from Morrow County Public Works for improvements and maintenance of the public access entrance of Wagon Wheel Loop from Depot Lane.
4. Should any signs be installed in the future they would need to comply with the regulations in place at that time.
5. Any persons employed at this location will be limited to immediate family members.
6. This permit shall be reviewed annually by Planning Department staff with other home occupation permits as long as the proposed use continues.

If you do not agree with this decision an appeal to the Morrow County Court may be requested within 15 days of final approval, December 10, 2019. The appeal deadline is 5:00 p.m. December 28, 2019.

If you have any questions please feel free to call us at 541-922-4624 or email me at scase@co.morrow.or.us.

Cordially,

A handwritten signature in cursive script that reads "Stephanie Case".

Stephanie Case
Planner I / Interim Planning Director

enclosures: Final Findings of Fact



PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

April 22, 2021

Cesar Andrade
81032 Wagon Wheel Loop
Irrigon, OR 97844

Dear Cesar,

This letter is a follow up to the letter that was sent to you on February 17, 2021 regarding your Conditional Use Permit approval for your Home Occupation at 81032 Wagon Wheel Loop. I have enclosed the letter for your reference which requested that you contact the Morrow County Public Works for an access permit to meet a condition of approval on your permit. At this time, there is no record that appropriate access permits have been obtained.

Please contact Morrow County Public Works at (541) 989-9500 by May 25, 2021 or your permit is subject to revocation.

Additionally, our office has received complaints about the number of trucks entering, exiting, and being stored on your property outside of what was approved in your permit.

As a reminder, please review and abide by the conditions of approval for continued operations. If at any time you are found to be in violation of the conditions of approval, your permit will be subject to revocation and you may face enforcement action.

If you have any questions regarding this, or if our records are incomplete, please contact our office at (541) 922-4624.

Cordially,

A handwritten signature in blue ink that reads "Stephanie Case".

Stephanie Case
Planner II

Cc: Shambra Cooper, Planning Outreach Coordinator
Matt Scrivner, Public Works Director
Eric Imes, Assistant Road Master

Encl: Copy of Letter dated February 17, 2021
Copy of Approval Letter for CUP-N-339-19 dated December 13, 2019



MEMORANDUM

To: Morrow County Board of Commissioners
 From: Tamra Mabbott, Planning Director
 CC: Planning Commission
 BOC Date: April 19, 2023
 RE: Monthly Planning Update

APRIL

Mission Statement

Morrow County Planning Department provides guidance and support to citizens for short term and long-range planning in land use, to sustain and improve the county's lands for future generations. Our goal is to foster development where people can live, work & play.

Planning Permits **March 2023**

Zoning Permits	6
Land Use Compatibility Reviews	8
Land Use Decisions	1
Rural Addresses	1

Energy Projects

Status of energy projects in Morrow County is found here on the department webpage:

<https://www.co.morrow.or.us/planning/page/renewable-energy-1>

County issued the Conditional Use Permit for the Idaho Power Company (IPC) 500 kV transmission line known as Boardman to Hemingway, as required in ORS 469.401. Planning Department is now waiting on landowner authorizations before processing Zoning Permit applications for individual parcels. Additional permits will be required after Oregon Department of Energy (ODOE) approves IPC Request for Amendment 1 (RFA1).



The five affected counties in Oregon will begin evaluation of several pre-construction reports required by the ODOE as conditions of the Site Certificate (SC). The review will include coordination with other county departments and local agencies.

Staff coordinated a meeting with cities and owners of a large solar development project, Echo Solar, to discuss opportunities and challenges for workforce housing during construction of the

10,000-acre project. The developer estimates 600 construction workers in Morrow County over a 3–5-year period. The solar application is currently under review with the EFSC. Anyone interested in partnering with the developer to construct housing or RV park please contact Planning Director Tamra Mabbott.

Morrow County Heritage Trail

Planner Stephanie Case and High School Intern Caren Cardenas continue to work on updating and replacing the Interpretive panels. Most recently they secured cost estimates for design content and panel production. Next steps will be to develop a request for proposal for design and

production. People interested in serving on a short-term committee to help design the Interpretive Panels please contact Stephanie at scase@co.morrow.or.us or (541) 922-4624 Ext 5506.

Staff is working with Ducote Consulting on planning grant applications to update the Heritage Trail Concept Plan. If approved, the project would include landscape design and preliminary engineering.



Willow Creek Valley Community Development Projects

After meetings with Heppner City Council and community members and Lexington Town Council and community members, Points Consulting is finalizing the Buildable Lands Inventory (BLI) for employment lands (industrial and commercial zoned properties). The BLI will also include an analysis of projected employment growth – which is always challenging to reconcile with US Census population projections. The next phase of the work will also include a draft Goal 9 Economic Development code update for each city. A meeting in Lone is scheduled for April 18th.

Data Centers

Multiple data center projects are underway in the Boardman area. Each new data center now undergoes a pre-application meeting to foster a smoother process for permitting and for interagency review. Each data center also is required to provide a Traffic Impact Analysis (TIA). Staff have been working with AWS and County Legal Counsel on an agreement to defer a traffic study and combine traffic evaluation of multiple campuses into a single review given three data centers are in close proximity in the Port of Morrow Industrial Park. Parties agree that a combined study and associated improvements is more practical. Although the TIA will assess local access roads owned by the Port of Morrow, traffic will impact Highway 730 intersection and county

development standards require a TIA apply regardless of ownership. Coordination among the parties will continue until a final agreement is reached, which will be forwarded to Board of Commissioner for final approval.

Building Inspection Program

Staff is working with city staff on an amendment/update to the City of Boardman – Morrow County Intergovernmental Agreement (IGA) to continue the program.

Columbia Development Authority (CDA)

Morrow and Umatilla County Planning Directors are coordinating with CDA staff and legal counsel on next steps to transfer approximately 4,000 acres to the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The lands are primarily in Umatilla County and a small portion is in Morrow County.

Access to Transportation – Rural Transit Equity (RTE) Pilot Project

Friday, April 7th was the deadline for surveys, although a few surveys are still coming in and will be added to results which are being tallied and evaluated by faculty and staff from Eastern Oregon University and the Rural Engagement and Vitality (REV) center. See attached sheet for more information about EOU's REV Program. A preliminary report will be presented to the Technical Advisory Committee on April 25th. Planning and Transportation/Transit staff are collaborating on the project, although the outcome will have more direct use for the county transit program. The intent of the study is to understand transportation and transit needs of persons and populations that are more difficult to reach, such as non-English speaking residents, people with low and very low income, people with-out transportation, etc. Euvalcree, a local advocacy organization, conducted in person interviews with a large number of persons who do not speak English. The survey will remain available on the website.

<https://www.co.morrow.or.us/planning/page/morrow-county-transportation-survey>

WATER

GSI Water Solutions Inc., continues contractual work for Morrow County. Recruitment is underway for people to serve on the charter Water Advisory Committee. The scope of the water committee is not well defined however, generally the intent is to evaluate water quality and quantity and to advise the Board of Commissioners on policy and technical matters with the professional assistance of GSI Water Solutions. The first task for the charter committee will be to review draft papers on water quality, water quantity and drinking water. Persons interested in serving on the committee are encouraged to contact the Planning Director. Initial appointments to the committee are expected at the April 19th Board meeting, however, committee membership may expand later.

Drinking Water

Planning and Public Health Directors are working with GSI Water Solutions to submit a grant application to the Environmental Protection Agency (EPA), required in order to access the \$1.7 million congressional earmark. Following approval of the grant a Request for Proposal (RFP) will be posted late Spring. Additionally, staff submitted a request for 2023 Congressionally Direct Spending (CDS) funds which will allow Morrow County to continue the planning and preliminary

engineering work funded with the 2022 earmark. The cities of Irrigon and Boardman have agreed to participate in preliminary feasibility for water system expansion.

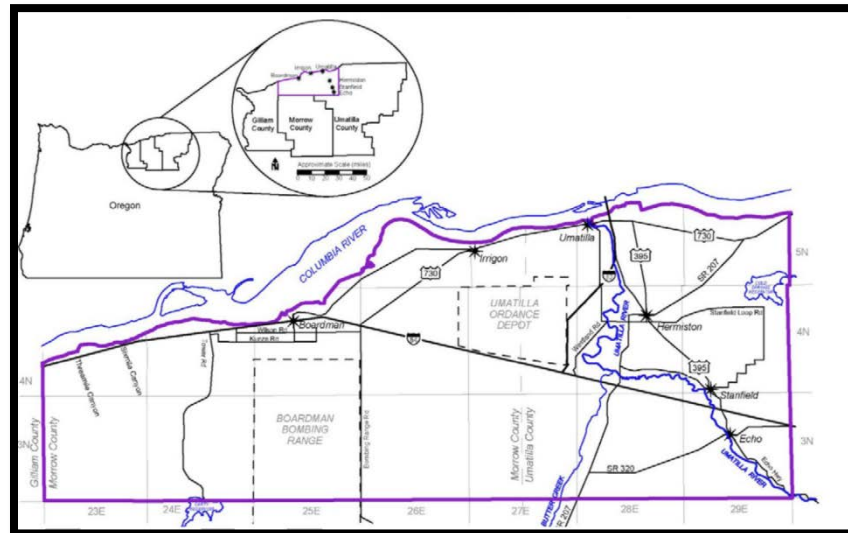
Water Data and Mapping

GIS Tech Stephen Wrecsics, is collaborating with GSI Water Solutions to correlate nitrate testing data with well data from Oregon Water Resources Department.

LUBGWMA

Commissioner Drago and Planning Director Mabbott participated in the Lower Umatilla Basin Groundwater Management Area (LUBGWMA) Committee meeting and engaged in follow up conversations with Umatilla County including meeting with an engineering firm to ascertain the suite of technical solutions available to remove nitrates. Parties recognize

this effort is ambitious and requires a long-term commitment of time and resources. The attached flow chart illustrates various LUBGWMA efforts underway in both counties.



The purpose of the LUBGWMA is to study the source of nitrate contamination, identify solutions to remediate the nitrates and then encourage implementation of programs to reduce nitrates. The LUBGWMA has been in place since 1990 when the Oregon Legislature designated the LUBGWMA due to high levels of nitrates in north Morrow and west Umatilla County. The LUBGWMA website has a lot of excellent background information. <https://lubgwma.org/>

Code Compliance

With the weather improving the Compliance Planner has been able to go out and make several site visits with property owners. This has allowed the Compliance Planner to talk options with the property owners on how they can clean up their property effectively as a way to open up communication and get properties into compliance. Staff is moving forward on our Neighborhood approach to Compliance with letters set to be mailed out to 3 neighborhoods. There has been an increase in Home Occupations, specifically trucking companies coming into residential zones and we believe this neighborhood approach will help with getting resources and information out.

Pending Cases:

- 3 new complaints- RVs as dwelling, junk & debris, solid waste and vehicle storage
- 1 complaint- RV as a dwelling, junk and debris on property.
- 2 complaint- Vehicle Storage & Solid Waste
- 2 Closed Complaints- RV as a dwelling, Junk & Debris

- 1 Complaint- Compliance achieved RV removed from property.
- 1 Complaint- Compliance achieved with clean-up of Junk and Debris.
- Communicating with 18 non-permitted trucking business operations located in residential
- 2 Conditional Use Permits for Home occupations to go before Planning Commission April 25th, 2023 for reconsideration.
- Other outstanding/ongoing cases – 34

Oregon Legislature

Staff continue to monitor land use and other natural resource bills. Laws, budgets and programs to increase the production of housing in Oregon are hot topics this legislative session, which has presented opportunities for staff to advocate for capacity and infrastructure funding for small cities, reasonable requirements for permitting dwellings and RV's in EFU-zone areas of the county, among other issues. Planning and Public Health Directors collaborated on a water testing and reporting Bill that would provide value for both public health and for understanding nitrates in the LUBGWMA.

Natural Hazard Mitigation Plan (NHMP) Update is mid-way through the process to update the countywide plan. All five cities are participating and will have an "Annex" to adopt. Steering Committee, including county staff, fire districts, stakeholders and cities from South Morrow County, held a meeting in Lexington on February 21st. The project consultant is Susan Millhauser from the Oregon Department of Land Conservation and Development (DLCD). Stephen Wrecsics, GIS Planning Tech the county project lead, stepping in for Paul Gray, Emergency Manager. Stephen is also providing maps for the project. The next Steering Committee meeting is scheduled for March 21st in Irrigon at the North Morrow Annex. Anyone interested in natural hazards or persons who have mitigation projects to consider are encouraged to attend the meeting. Project is scheduled to be complete January 2024.

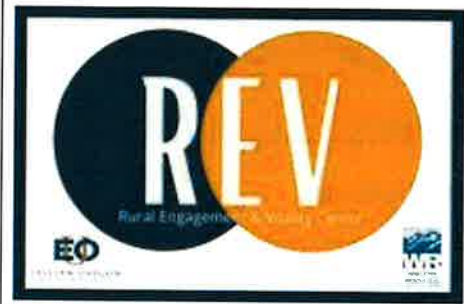
Housing

In addition to declaring a state of emergency on housing and homelessness, Governor Kotek appointed a Committee on Housing and Homelessness. Local planner JD Tovey, Director of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) was tapped to serve as co-chair. Congratulations to JD and CTUIR! Planning Director met with Mr. Tovey to share ideas about housing challenges in Morrow County, in particular financing for infrastructure in the small cities in the Willow Creek Valley. Morrow County and rural Eastern Oregon is fortunate to have JD serve in this role.

Rural Engagement and Vitality Center

A partnership of Eastern Oregon University and
Wallowa Resources

2022 Highlights



Launched in January 2020, the REV was created to develop and facilitate partnerships between Eastern Oregon University (EOU) and communities and organizations in eastern Oregon to enhance the vitality of the region and develop tomorrow's rural workforce and leaders. As we enter the fourth year of the program, the REV is in an expansion phase. In the Fall of 2022, we hired a second staff member and we will incorporate as an independent nonprofit LLC on January 1, 2023 under the joint ownership of EOU and Wallowa Resources. Founding staff member, Julie Keniry, has taken a new position at EOU and we are currently accepting applications for an Executive Director.

✓ 14
Internships

✓ 17
Projects

✓ 30
Partners

Cultivating vibrant and prosperous rural communities in Eastern Oregon

Developing tomorrow's workforce and leaders: *Prepare the next generation of rural leaders to cultivate community and economic development. Increase rural workforce capacity through internship and project-based opportunities linking students to career and service-learning work in communities.*

Enhancing community innovation and resiliency: *Engage rural communities in developing long-term social and economic strategies based on their assets and values. Generate the knowledge needed to overcome the obstacles and emerging issues facing rural communities and increase engagement in solution-oriented processes. Foster the long-term sustainability of working landscapes for the ecological, social, and economic wellbeing of the region.*

Magnifying rural voice and resources: *Enhance the rural voice at the state and federal level, partnering to support a coordinated voice. Leverage and enhance existing resources and capacity by networking and coordinating resources and initiatives in and among communities to support focused, collaborative regional solutions.*

The mission of the Rural Engagement and Vitality Center (REV) is to create partnerships between Eastern Oregon University and entities in eastern Oregon to enhance the vitality of the region and develop tomorrow's rural workforce and leaders

2022 REV Recognition and Leadership

- The REV was asked to provide facilitation services for the Blues Intergovernmental Council in Fall 2022.
- The REV is recognized as a rural leader by The Ford Family Foundation and has been offered funds in 2023 to support the hiring of an Executive Director.

Current Activities

Project	Description	EOU involvement	2023 Activities	
1	BIC Facilitation	Facilitation services provided for the Blues Intergovernmental Council (BIC)	1 faculty 1 student	Provide facilitation for monthly meetings and public engagement sessions
2	BIC Socioeconomic Profiles	Partner-driven project to provide county-level profiles for 14 counties connected to the Blue Mountains forest region	2 faculty	Final report was completed in Fall 2022 with minor edits anticipated in early 2023
	Cottonwood Crossing	Program launched in 2015 as partnership between EOU, Oregon Parks and Recreation, and Oregon Parks Forever. The program for teachers was launched in 2022.		
3	CCSI	EOU field studies course for high school students providing experiential career-connected learning and recruitment to EOU	3 faculty 4 students	Planning regular event in June 2023
4	CCTI	EOU college of education field studies course for rural teachers.	3 faculty	Planning second event in June 2023
5	East Moraine Community Forest	Partner-driven project to provide survey data and analysis	1 faculty students (class)	Support survey work
6	Euvalcree Data Analysis	Partner-driven project to provide survey data analysis to understand member community needs	1 faculty 1 student	Housing survey analysis in Umatilla county
7	GO-ASAP	After school program for middle school students to provide healthy outdoor life skills and motivate students to participate in life opportunities.	1 faculty 4 students	Second session planned for Spring 2023
8	Lewis & Clark	Provide connection to a rural partner/project for Environmental Studies class at Lewis & Clark		Select one partner/project for Fall 2023
9	Macroinvertebrate monitoring	Partner-driven project to provide macroinvertebrate monitoring at Thirtymile Creek.	1 faculty 1 student	Four sampling periods planned with accompanying data analysis
	Northern Blues All Lands Partnership	Regional partnership working on forest restoration and recently funded through CFLRP. This project replaces the original commitment to the Eagle Cap Partnership.		
10	Socioeconomic monitoring	Partner-driven project to provide socioeconomic monitoring	3 faculty students (unknown)	Provide socioeconomic monitoring for CFLR reporting
11	Sustainable Rural Systems	EOU degree program working with multiple community partners. The REV provides connections to partners for both class projects and student leadership.	3 faculty students (class)	Continue providing connections and opportunities and promoting on social media
12	OTREN	Partner-driven project to provide faculty expertise in surveys and data analysis for the purpose of understanding the professional development needs of rural K-12 teachers for the Oregon Trail Regional Educator Network	1 faculty	Development of evaluation methods and analysis of professional development opportunities
13	Regional Innovation Hub	Planning grant to apply for Hub designation and develop an innovation network		Research innovation services and needs for industry and entrepreneurs
14	Rural Transportation Equity	Working with Morrow County and Euvalcree to survey community members and plan public transportation options for residents and employees	1 faculty 1 student	Facilitate team members and coordinate activities
15	Urban Rural Ambassadors	EOU course offered in collaboration with Portland State University and the National Policy Consensus Council.	1 faculty students (class)	Facilitate collaboration and provide rural connections to meet course objectives

16	Urban Rural Theater	Partner-driven theater production to communicate on the topic of the urban rural divide in Oregon.	1 faculty 1 student	First reading of the script scheduled for spring 2023.
17	Workforce Housing	Regional collaboration to address workforce housing shortages and challenges identified through NEOEDD survey		Facilitate monthly public meeting with speakers

The REV Network and Student Opportunities

Paid Internships

	2020	2021	2022	2023
Baker Resource Coalition		1		1
Baker Traffic Garden				1
BIC Facilitation			1	1
BIC Socioeconomic	2	1	1	
CCSI		2	4	4
EOU Social Media	1	1	1	1
Euvalcree		1	1	1
GO-ASAP Coordinator		1	1	
La Grande IGNITE			1	
Launch Pad Baker			1	1
Macroinvertebrate Monitoring			1	1
OTREN		1	1	
Rail with Trail	1			
SBDC John Day		1		
SBDC Wallowa		1		
Theater	2	2	1	1

Placements

	2020	2021	2022	2023
City of John Day (PSU)		1		
GO-ASAP			7	4
Regional Solutions Equity in Recovery Council	1			
USFS Beaver Research	1			
Wallowa Resources (SRS)		1	1	

At EOU:

- The REV works with every college
- Engaged 10 different faculty in partner-driven projects (seven paid contracts)
- Facilitated 14 paid student internships in 2022
- Supported two EOU course integrations with community partners

Media	2020	2021	2022
Facebook*	0	51	65
Instagram*	0	124	169
Linkedin*	0	44	54
Website**	800	1300	1.8K

* followers
**annual visits

In the community:

- Works with over 30 different regional and statewide partner organizations

In the university community engagement network:

- Member of EPIC-N
- Partner with University of Oregon's Sustainable City Year Program

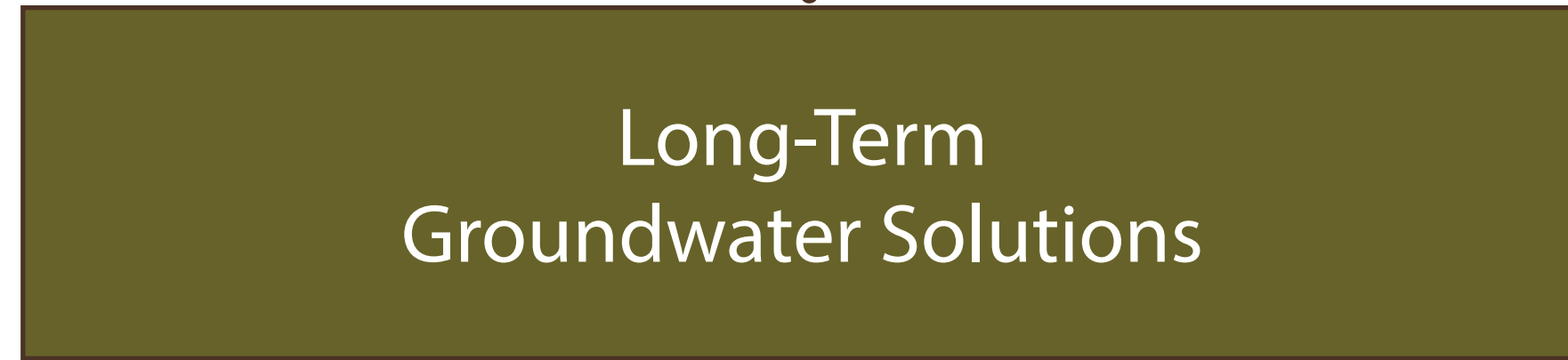
Partnerships and Support for the REV

2022 Project Funding Highlights (Awards often support work over more than one fiscal year)

All Lands Partnership \$10,000 (Socioeconomic Monitoring)
Business Oregon \$104,000 (Regional Innovation Hub)
Department of Land Conservation and Development \$93,800 (Rural Transportation Equity)
Eastern Oregon Counties Association \$56,639 (BIC Facilitation)
Gilliam County Soil & Water Conservation District \$47,228 (Macro Monitoring)
La Grande School District \$5,000 (GO-ASAP)
Oregon Community Foundation \$11,492 (CCSI)
Oregon Department of Education \$33,300 (Cottonwood Canyon Teacher Institute)
Oregon Parks and Recreation \$3,000 (CCSI)
Oregon Parks Forever \$1,500 (CCSI)
Scholarship, Internship, and/or faculty funding given directly to participants
Arlington SD – CCSI tuition and fees
Baker Launch Pad – 1 internship
Crook County SD – CCSI tuition and fees
EOU Peak Internship – 1 internship
Euvalcree – internship and faculty stipend
La Grande SD – CCSI tuition and fees
Oregon Parks Forever – CCSI scholarships

LUBGWMA Building Blocks to Solutions

• Post Doc Research
(State Funded)



..... LUBGWMA Committee

.....

Department of Environmental Quality
 Umatilla & Morrow County
 Oregon State University



..... CDS - \$1.7 M to Umatilla & Morrow
(Federally Funded)

..... CDS - \$2.3 M Requested by Morrow
Phase II Engineering of Alternatives
(Federal Funding Pending)



..... OHA Testing/Treatment - ~\$881 K
(State Funded, E-Board)

80% Testing Umatilla County
 20% Testing Morrow County
 20% Treatment Umatilla County
 80% Treatment Morrow County

..... Well Testing - Counties
(Public Health Modernization Fund)

..... Hardware/Filters - Morrow County
(Privately Funded)

