



PLANNING DEPARTMENT

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

AGENDA

Morrow County Planning Commission

Tuesday, October 29, 2024, 6:00 pm

Bartholomew Building, Heppner, OR

[For Electronic Participation See Meeting Information on Page 2](#)

Members of Commission

Stanley Anderson
 Charlene Cooley
 Stacie Ekstrom, Chair

Tripp Finch
 John Kilkenny, Vice Chair

Elizabeth Peterson
 Karl Smith
 Brian Thompson

Members of Staff

Tamra Mabbott, Planning Director
 Stephen Wrecsics, GIS Analyst
 Michaela Ramirez, Administrative Assistant

Daisy Goebel, Principal Planner
 Kaitlin Kennedy, Compliance Planner
 Clint Shoemake, Planning Tech

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Minutes:** (Draft) September 24, 2024 [pgs. 1-3](#)
5. **Public Hearings** to begin at 6:00 PM (COMMISSION ACTION REQUIRED):

5a. ~~Cancelled Continued Conditional Use permit CUP-N-374-24: Taryn Suchy Applicant, Stuart, and Julie Dick Owner This hearing has been removed.~~ [pgs. 9-10](#)

Conditional Use Permit to allow the commercial operation of a short-term rental unit within an existing residential home as a Home Occupation. The property is described as Tax Lot 400 of Assessor's Map 5N26E23B. The subject parcel is zoned Rural Residential (RR1) and is located outside of Irrigon city limits and Urban Growth Boundary (UGB). Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.040, Rural Residential, and Article 6 Section 6.050.G, Standards Governing Conditional Uses, Home Occupations.

5b. Conditional Use permit CUP-N-377-24: Tania Denova, Owner Applicant [pgs. 12-31](#)

Conditional Use Permit to allow the storage and operation of a commercial trucking business on a residential property. The property is described as Tax Lot 900 of Assessor's Map 4N25E20A. The subject parcel is zoned Suburban Residential (SR) and is located inside of the City of Boardman Urban Growth Boundary (UGB). Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.050, Suburban Residential, and Article 6 Section

6.050.G, Standards Governing Conditional Uses, Home Occupations.

5c. Conditional Use permit CUP-N-376-24: Victor Sanchez, Owner Applicant [pgs. 33-51](#)
Conditional Use Permit to allow the storage and operation of a commercial trucking business on a residential property. The property is described as Tax Lot 500 of Assessor's Map 4N25E20A. The subject parcel is zoned Suburban Residential (SR) and is inside the City of Boardman Urban Growth Boundary (UGB). Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.050, Suburban Residential, and Article 6 Section 6.050.G, Standards Governing Conditional Uses, Home Occupations.

5d. Conditional Use permit CUP-N-375-24: Carlos Colin, Owner Applicant [pgs. 53-69](#)
Conditional Use Permit to allow the storage and operation of a commercial trucking business on a residential property. The property is described as Tax Lot 4900 of Assessor's Map 4N25E20A. The subject parcel is zoned Suburban Residential (SR) and is located inside of the City of Boardman Urban Growth Boundary (UGB). Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.050, Suburban Residential, and Article 6 Section 6.050.G, Standards Governing Conditional Uses, Home Occupations.

5e. Land Use Decision LUD-N-75-24, Port of Morrow Applicant, and owner. [pgs. 71-112](#)
Land Use Decision application to allow Port of Morrow to land apply industrial wastewater on land zoned Exclusive Farm Use (EFU). The subject property includes 7,300 acres located on a number of tax lots located in Township 2N Range 26 and 3N Range 26. Property is located approximately 10 miles southwest of Irrigon and 17 miles west of Echo, east of Bombing Range Road. Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 Sections 3.010(B)(23) and (D)(8) and (D)(9) as well as ORS 215.246 regarding land application of industrial process wastewater.

6. Other Business: We would like to thank Commissioner Killion for her years of dedication. We appreciate her time and efforts in representing our county.

October Planning Update [pgs. 114-119](#)

7. Correspondence:

8. Public Comment:

9. Adjourn:

Next Meeting: Tuesday, December 3, 2024, at 6:00 p.m.
Location: Morrow County Government Center, Irrigon, OR

ELECTRONIC MEETING INFORMATION

Morrow County Planning is inviting you to a scheduled Zoom meeting. Topic: Planning Commission
Time: October 29, 2024, 6:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/6554697321?pwd=dFMxR2xlaGZkK1ZJRrVrS1Q0SmRxUT09&omn=82399460065>

Meeting ID: 655 469 7321

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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**Draft Minutes of the Public Meeting of the
Morrow County Planning Commission
Tuesday, September 24, 2024, 6:00 pm
Morrow County Government Center
215 NE Main Ave Irrigon, OR**

COMMISSIONER PRESENT:

Stanley Anderson
Stacie Ekstrom, Chair
Mary Killion
Elizabeth Peterson
Charlene Cooley

COMMISSIONERS ABSENT:

Karl Smith

ATTENDANCE via ZOOM:

Tripp Finch
John Kilkenny
Brian Thompson

STAFF PRESENT

Daisy Goebel, Principal Planner
Stephen Wrecsics, GIS Analyst
Kaitlin Kennedy, Compliance Planner
Michaela Ramirez, Administrative Asst

1. CALL TO ORDER

Chair Ekstrom called the meeting to order at 6:00 PM

2. ROLL CALL**3. PLEDGE****4. APPROVAL OF AUGUST MINUTES**

Action: Approved as written

5. PUBLIC HEARINGS:**5a. Conditional Use permit CUP-N-373-24: Juan Sanchez, Owner Applicant**

Conflicts of interest: None

Conditional Use Permit to allow the storage and operation of a commercial trucking business on a residential property. The property is described as Tax Lot 805 of Assessor's Map 4N25E16. The subject parcel is zoned Suburban Residential (SR) and is located inside of the City of Boardman Urban Growth Boundary (UGB). Criteria for approval includes Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.050, Suburban Residential, and Article 6 Section 6.050.G, Standards Governing Conditional Uses, Home Occupations.

Questions or Comments for Staff by Commissioners: Chair Ekstrom

Testifying Parties:Applicant/Representatives:

None

Public Hearing closed:

Questions or Comments for the Staff by Commissioners: None**Questions or Comments from Staff:** NoneRecommended Action: to approve **Conditional Use Permit CUP-N-373-24**Motion: to Approve **CUP-N-373-24**

Motion by: Commissioner Peterson

Seconded by: Commissioner Killion

Vote: All voted

Action: Approved

5b. Conditional Use permit CUP-N-374-24: Taryn Suchy Applicant, Stuart, and Julie Dick Owner**Conflicts of interest:** None

Conditional Use Permit to allow the commercial operation of a short-term rental unit within an existing residential home as a Home Occupation. The property is described as Tax Lot 400 of Assessor's Map 5N26E23B. The subject parcel is zoned Rural Residential (RR1) and is located outside of Irrigon city limits and Urban Growth Boundary (UGB). Criteria for approval includes Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.040, Rural Residential, and Article 6 Section 6.050.G, Standards Governing Conditional Uses, Home Occupations.

Questions or Comments for Staff by Commissioners: Commissioner KillionTestifying Parties:Applicant/Representatives:

Julie Dick, 74369 Usage Lane, Irrigon

Taryn Suchy on behalf of the owner

Questions or Comments for the Applicant by Commissioners: None**Proponents, Opponent, Neutral:** Mike and Annette Messman 74687 Usage Lane, Irrigon, OR**Questions or Comments for the Proponents by Commissioners:** Commissioner Peterson**Proponents, Opponent, Neutral:** Larry and Glenda Starnes, 81744 W 7th Rd, Irrigon, OR**Questions or Comments for the Proponents by Commissioners:** Commissioners Peterson, Killion**Proponents, Opponent, Neutral:** Mike and Annette Messman**Applicant rebuttal:** Taryn Suchy

Public Hearing closed:

Questions or Comments for the Staff by Commissioners: Commissioners Killion, Peterson**Questions or Comments from Staff to Commissioners:** Principal Planner Daisy

The Chair adopted the written comments into the record.

Recommended Action: to approve **Conditional Use permit CUP-N-374-24**Motion: to approve **CUP-N-374-24** with conditions presented.

Motion by: Commissioner Kilkenny

Seconded by: No one seconded the motion

Vote: None

Action: Hold the record open to be continued to the October 29th Planning Commission meeting.

Other Business: September Planning Update

Correspondence: None

Public Comment: None

Adjourned: Meeting adjourned at 7:21 PM

Next Meeting: Tuesday, October 29, 2024, at 6:00 p.m. The next meeting will be held in Heppner, OR in the Bartholomew Building.

Respectfully submitted,

Michaela Ramirez

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Reeve Kearns PC

Attorneys at Law

P.O. Box 13015
Portland, OR 97213
Telephone: 503-997-6032

MEMORANDUM

To: Tamra Mabbott, Morrow County Planning Director
From: Daniel Kearns, Land Use Counsel
Date: October 9, 2024
Re: Short-term Vacation Rentals – local permitting and state law implications

You recently asked for advice as to whether and how local governments may regulate the use of private dwellings for Short-term Vacation Rentals (“STRs”) under state law. In short, the only relevant Oregon caselaw holds that, as between commercial versus residential, STRs are fundamentally residential in nature. Unless the local code categorizes STRs as commercial uses, I do not believe the County can deem them to be anything but residential uses. If the County desires to regulate STRs, the most effective way to do that is not through land use regulations, but strictly as a business operation under the County’s business and related licensing regulations.

Discussion.

As a starting point, state law does not regulate or even recognize STRs except they are subject to the state’s Transient Lodging Tax that also applies to hotels and motels (rental tenancies of 30 days or less). A common view is that STRs can and should be regulated through local land use regulations. I disagree, at least for counties. STRs clearly have certain business characteristics, but absent the local code provision expressly categorizing them as commercial uses, the only applicable appellate case holds that STRs are fundamentally residential in nature. *See Yogman v. Parrot*, 142 Or App 544, 921 P2d 1352 (1996), *aff’d* 325 Or 358, 937 P2d 1019 (1997) (operation of a home as an STR business does not change its fundamental character from residential to business or commercial use; it remains a residential use). Absent a provision in the local development code categorizing STRs as commercial uses, the County is without authority to require a home occupation or conditional use permit for operation of a dwelling as a STR. Whether the County allows an accessory dwelling unit (“ADU”) to be used for an STR is something that could be included in the County’s ADU regulations, but that is not a topic addressed in this memo.

There is a specific reason why counties should avoid regulating STRs as a type of land use in their development codes. Applicable to counties but not cities, ORS 215.130 prohibits counties from imposing restrictions on any preexisting uses that are recognized and allowed by the local development code. Consequently, if a county recognizes and allows a particular uses in its development code, ORS 215.130 preempts any subsequent regulations that might restrict those uses because they have a protected nonconforming status. *See Briggs v. Lincoln County*, ___ Or LUBA ___ (LUBA No. 2021-118, slip op Aug 8, 2022) (a voter-approved initiative that categorized preexisting STRs as nonconforming uses and purported to implement the comprehensive plan was a *de facto* land use regulation, and its STR regulations were preempted by ORS 215.130).

Reeve Kearns P.C.

October 9, 2024

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Instead, if counties are inclined to regulate STRs, they should only do so through their business licensing regulations. First, STRs are subject to state and local transient lodging taxation (“TLT”) under ORS 320.300 to 320.365. If Morrow County is inclined to undertake any regulation of STRs, it should begin by implementing and imposing a TLT on all STR operations and collect a nightly tax on all short-term rentals. In this way, the County would require all STRs to register with the County to obtain legal status, which would provide the County with an inventory of all active, lawful STRs operating in the County. Second, Morrow County should adopt a special business license requirement as part of its business regulations – a STR License – that all STRs must obtain and maintain to be lawful in addition to paying TLT. The STR Licenses should be valid for no more than one year, and all STRs should be required to renew their License annually. Finally, the County could then augment its STR licensing regulations by adopting appropriate performance and operational requirements designed to eliminate, or at least minimize, the STR’s nuisance impacts. Such regulations could include a limit on the number of rentable bedrooms and/or number of short-term occupants, limit the maximum number of nights the STR can be rented per year, minimum on-site parking requirements, garbage service requirements, special noise requirements, requirements for a local responsible contact person that can respond to any nuisance complaint about the STR within a certain period of time, etc.

Oregon Courts recognize the legal distinction between land use regulations versus business regulations and have upheld county STR regulations against a land use challenge when they are adopted as a business licensing program. *See Akiyama v. Tillamook County*, 333 Or App 315, 554 P3d 268 (2024).

Conclusion.

By requiring a land use permit (a home occupation or conditional use permit) for STRs, the County is implicitly acknowledging the commercial nature of the use and undertaking the recognition and regulation of STRs as a type of land use. In that case, any preexisting STRs would presumptively acquire protected nonconforming use status under ORS 215.130, and any subsequent land use regulations the County might impose on STRs would be inapplicable to any such nonconforming uses. In this way, the County would quickly lose its ability to regulate, or adopt new regulations for, STRs. Consequently, I do not recommend that the County require land use permits for STR operations, especially if the Development Code is currently silent on STRs as a type of land use. If the County is inclined to tax or regulate STRs, those regulations should be limited to a business licensing and taxation program, not land use regulations and not in its Development Code.

cc: Justin Nelson, Morrow County Counsel

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**PRELIMINARY FINDINGS OF FACT
CONDITIONAL USE REQUEST
CUP-N-377-24**

REQUEST: To allow a Home Occupation Permit in a Suburban Residential (SR) Zone for the operation of a small commercial trucking business.

APPLICANT/OWNER: Tania Denova
70216 Ridgecrest Drive
Boardman, OR 97818

PROPERTY DESCRIPTION: Tax Lots 900 and 1200 of Assessor's Map 4N25E20A

PROPERTY LOCATION: ±1300 feet south of Kunze Lane, within the Boardman Urban Growth Boundary (UGB) off of Ridgecrest Lane, within the West Glen Subdivision.

- I. BACKGROUND INFORMATION:** The subject site is approximately 2.7 acres and is within the County's Suburban Residential (SR) zone and the City of Boardman UGB. This Conditional Use Permit application requests a Home Occupation Permit to allow the applicant to operate and park six commercial trucks and 15 trailers on the property, which consists of two adjacent tax lots. The applicant has been operating commercial trucks on the site for some time and submitted the CUP application in response to code enforcement actions. The applicant is one of more than a dozen commercial truck operators currently utilizing residential property within the West Glen Residential Area (SR zoning) without the appropriate land use approvals. The approval of this CUP will serve to rectify outstanding code violations while providing specific parameters for the operation of the existing business.

Because the subject property is located within the Boardman UGB, there are direct concerns with the use being compatible with city zoning designations in the event of future annexation. Access to the site requires the use of approximately 2,000 feet of substandard public roads that are not currently maintained or subject to a maintenance or usage agreement.

MCZO Section 3.050.C.2 Limitations on Uses allows a landowner "to use a truck or tractor unit as personal transportation to the resident parcel. No more than one (1) truck or tractor unit is allowed per parcel." Applicant is proposing to have six commercial trucks and fifteen trailers parked on the property, operated seasonally.

- II. STAFF RECOMMENDATION:** The county has initiated a neighborhood-based code compliance effort to address growing concerns regarding unregulated commercial trucking operations and impacts to public roads in West Glen as well as other affected neighborhoods throughout the county. As with prior applications for similar uses, staff is neither recommending the approval or denial of this CUP. The applicant is requesting approval for six commercial trucks and fifteen trailers to be parked on an unimproved lot

(tax lot 1200) while the home and other residential structures associated with the residential use of the property are located on the adjacent tax lot 900. As addressed in Staff's response to MCZO Article 6.050(G), home occupations are required to be conducted *on the same property, secondary to the main use of the property as a residence*. Due to this limitation, staff recommends that the Planning Commission impose additional restrictions either limiting the home occupation to tax lot 900 or instituting a requirement that the property owner agree to a covenant not to sell separately applicable to the two lots.

- II. **COMPLIANCE WITH MORROW COUNTY ZONING ORDINANCE SECTIONS 3.050, 6.030, 6.050, and 6.075.** The requirements for approval are listed below in **bold type**, followed by a response in standard type.

SECTION 3.050 SUBURBAN RESIDENTIAL ZONE, SR

The SR Zone accommodates small lot development and transition to urban type densities and uses within an urban growth boundary. In an SR Zone, the following regulations shall apply:

...

- B. **Conditional Uses Permitted.** In an SR Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements set forth in Article 6.

...

8. **Home occupations conducted in a structure accessory to the dwelling, provided that all other limitations of home occupations are observed.**

Finding: The applicant proposes parking some of the proposed trucks and trailers in the middle of tax lot 1200, adjacent to Ridgecrest Lane, and the remaining trailers along the western boundary of tax lot 1200. The proposed location will **not** attempt to conceal the vehicles from the road or adjacent residences.

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.**

Finding: The proposed use shall be operated in a way that will not disturb neighboring residences. The county has not received any specific concerns directly related to the existing operation. Nonetheless, the county has received general complaints related to the operation of commercial trucks in the vicinity of the subject

site. The proposed home occupation has the potential to generate some noise and traffic. The recommended conditions of approval attempt to mitigate anticipated concerns. The applicant expects operations to take place between 5:00AM and 6:00PM, however the trucks typically don't return to the site daily. These hours have also been included as a Condition of Approval for this application. Any minor maintenance, such as tire and oil changes, must be conducted during hours that comply with the noise standards outlined in the Morrow County Code Enforcement Ordinance.

Any complaints received of operations outside of these hours may 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.

Finding: This proposed use will use an existing graveled area within tax lot 1200. The residence and residential accessory structures are located on Tax Lot 900. Planning staff do not recommend any additional requirements for open space.

C. Limiting the height, size or location of a building or other structure.

Finding: This application does not include the approval of new buildings or accessory structures. Staff do not recommend any additional limitations on height, size, or location of the 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.**

Finding: The existing accesses to tax lot 1200 is from Ridgecrest Lane and access to tax lot 900 is from Sundown Road. Both roads are dedicated public roadways not maintained by the county.

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.**

Finding: This action will not trigger the need for a Traffic Impact Analysis as it will not generate more than 400 passenger car equivalent trips per day. According to the Applicant's narrative, the trucks enter and exit the property once per day during the operational season, and typically don't return to the site on a daily basis. During the remaining months of the year, the trucks sit dormant on the subject parcel. This analysis does not trigger the need for a TIA analysis in and of itself.

Deviation from the proposed use plan may result in a review of the activity and potential revocation of the permit.

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

Finding: No increase in street dedication, roadway width, or improvements in the right-of-way are proposed by the applicant. The streets that will be impacted by the proposal consist of substandard Public Roads that are not owned or maintained by the County or another entity. 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.

Finding: Preliminary Findings of Fact have been provided to Boardman Fire and Rescue for their review and comment.

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

Finding: The subject parcel is located within the West Glen Residential Area. The site plan does not attempt to minimize visual impacts to neighboring properties or visibility from the roadway. No public comments were received identifying concerns with the application. Due to the temporary nature of the proposed use, staff does not recommend additional conditions of approval related to the parking of the trucks as proposed.

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

Finding: The Applicant has not requested signage for the Home Occupation. Any future signs must meet the sign requirements in the Morrow County Zoning Ordinance.

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

Finding: Lighting is not proposed with the application. Any outdoor lighting other than typical residential lighting shall be limited and shielded from the roadway and neighboring residences.

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

Finding: Unless otherwise requested by the Planning Commission, the proposed use would not require diking, screening or landscaping to protect nearby property. Planning staff are not recommending any of these provisions due to the proposed use.

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

Finding: Unless otherwise requested by the Planning Commission, the proposed use would not require limitations or requirements related to fencing on the subject property. Planning staff are not requiring any additional conditions related to fencing.

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

Finding: The proposed home occupation will be limited to existing structures and will not create any foreseeable natural resource impacts based on the proposed use. Planning staff are not recommending additional conditions related to natural resources.

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.

Finding: A copy of the Preliminary Findings of Fact has been provided to the City of Boardman for their review and comment. City may recommend additional conditions to apply at the time of any future city zoning due to annexation.

SECTION 6.050 STANDARDS GOVERNING CONDITIONAL USES

A conditional use shall comply with the standards of the zone in which it is located and with the standards set forth in this subsection.

...

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 within the same dwelling or in an accessory building on the same property.**

Finding: The property where the applicant is proposing to park the requested trucks and trailers is adjacent to the parcel where the applicant's dwelling and residential accessory structures are located. The Planning Commission can interpret this criterion one of two ways; *either* 1- because the proposed use will not be operated on the same parcel as the residence, this criterion is not met; Planning Commission should include a condition limiting the proposed home occupation to only tax lot 900 in accordance with this interpretation; *or* 2- if the applicant agrees to a covenant not to sell separately applicable to the two parcels, the site might be viewed as a single "property" for the purpose of meeting this criterion, and can be approved so long as the use is operated in a manner that is *secondary* to the proposed use. If operated in accordance with the applicant's submitted materials, for a duration not to exceed three years, Staff finds that the home occupation may be considered secondary to the residential 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.**

Finding: No structural alterations are proposed nor will be needed to accommodate the home occupation. This criterion is met.

3. **One non-illuminated sign not to exceed 200 square inches and bearing only the name and occupation of the resident shall be permitted.**

Finding: No signs are proposed with this application. Any future signs will need to meet the requirements of the Morrow County sign ordinance. This criterion is met.

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.**

Finding: No materials or mechanical equipment which is detrimental to adjoining properties is needed for the proposed use. This criterion is met.

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.**

Finding: Deliveries are not required for the proposed use. The proposal necessitates parking for six commercial trucks and 15 trailers on the subject site. Staff recognizes that the use has been ongoing for several years and does not anticipate that this will contribute to any disturbance to nearby residents. This criterion is met.

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

Finding: Retail sales are not proposed with the application. This criterion is met.

7. **Be operated by a resident or employee of a resident of the property on which the business is located.**

Finding: The applicant has made known that the commercial operation will be operated by a resident of the property or their employees. This criterion is met.

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.

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

SECTION 6.075. LENGTH OF PERMITS, PERMIT HOLDER, RENEWAL AND REVOCATION.

- A. **Length of Permit and Permit Holder:** The County may evaluate how long a particular conditional use is expected to remain valid. Some conditional uses may be considered "permanent" as a fully developed use that "runs with the land" and it attaches to and benefits the land and is not limited to a particular landowner. The County may require the owner of the original conditional use permit to record the permitted use on the deed record. The permit is the responsibility of the current owner of the property, whether that is the original applicant or a successor.

A conditional use permit may allow a use that would benefit the permit owner on a sporadic or temporary basis until the purpose for the conditional use permit no longer exists. Upon termination of the use, the land must be in a condition that it may be re-developed in compliance with its current zoning designation. The County may authorize a conditional use permit until a particular date, for a stated period of time, or until the occurrence of a particular event. Additionally, the County may stipulate that a Conditional Use Permit will be reviewed or renewable after a stated time period.

Finding: The proposed home occupation does not have a designated term length. Staff recommend Planning Commission consider approving the permit for a period of one year with the ability to renew for an additional year, up to two times. The proposed use will be permitted, subject to annual review until the ownership of the land changes, or until the City of Boardman annexes the property. At that time, the proposed use would cease, and the property shall conform to applicable city zoning standards.

- B. **Reviews and Renewals.** If a review or renewal date is included as a condition by which a conditional use permit is granted, initial review would be ministerial and completed by the Planning Director. The holder of the conditional use permit will be required to make application and pay the requisite fee for review. The review would evaluate the permit conditions and adherence to them, determine if any changes had taken place with the uses allowed in the zone, and determine whether any complaints had been logged concerning the property or the conditional use. If any concerns arise further review will take place at a public hearing with notice. If no concerns arise the permit will be renewed.

For conditional use permits without a review or renewal condition, or if complaints are received concerning a conditional use permit, the County may review any valid conditional use permit for compliance with the conditions of the permit. This review would be a ministerial review done by the Planning Director. If it is deemed necessary by the Planning Director to amend or revoke the permit, a public hearing with notice must be held before the Planning Commission. If action is based on a complaint the complainant may be required to pay any permit review or renewal application fees.

Finding: This home occupation shall be reviewed annually with other home occupations therefore no condition is necessary. However, the applicant shall maintain the home occupation as presented in the application. If complaints are received and it is found that the permit is being performed outside what has been proposed the applicant will be responsible for paying any applicable review or renewal application fees. This is listed as a condition of approval.

- C. Revocation or Vacation. Any conditional use permit may be vacated by the current landowner or by the County after appropriate notice and hearing when:**
- **The use has been terminated and there is no expectation by the land owner and the County that the use will continue;**
 - **The use is not being conducted in compliance with the stated conditions of the permit, or**
 - **The County finds that the use jeopardizes the public health, safety and welfare of Morrow County and the use does not conform to the Morrow County Code Enforcement Ordinance or other adopted ordinances. (MC OR-1-2013)**

Finding: The County reserves the right to revoke the permit based on this criterion.

III. LEGAL NOTICE PUBLISHED: October 9th, 2024
Heppner Gazette-Times

October 9th, 2024
East Oregonian

IV. AGENCIES NOTIFIED: Brandon Hammond, City of Boardman; Greg McIntire, Building Official; Eric Imes and Mike Haugen, Morrow County Public Works; Bev Bridgewater, West Extension Irrigation District; Mike Hughes and Marty Broadbent, Boardman Fire District.

V. PROPERTY OWNERS NOTIFIED: October 9th, 2024

VI. HEARING DATE: October 29th, 2024
Bartholomew Building
Heppner, Oregon

VII. PLANNING COMMISSION:

Option #1: The Planning Commission may deny CUP-N-377-24.

Option #2: The Planning Commission may approve CUP-N-377-24 subject to the following CONDITIONS OF APPROVAL:

1. The use must be subordinate to the primary use of the property as a residence and applicant must provide the county with a recorded covenant not to sell separately applicable to tax lots 900 and 1200.
2. The applicant shall maintain the home occupation as presented in the application. If complaints are received or it is found that the permit is being performed outside what has been proposed the applicant will be responsible for paying any applicable review or renewal application fees.
3. All commercial activity shall occur within the hours of 5:00 AM – 6:00 PM.
4. No more than five full-time or part-time persons will be employed on the site at any one time.
5. Noise, traffic, lighting, and other potential impacts to neighboring properties shall be limited to those generally anticipated for a typical residential use.
6. This permit is valid for one year, with annual review and an opportunity to renew the permit for up to two additional years. This permit is not valid if the ownership of either lot changes, at which time the landowner will need to apply for a new conditional use permit. This permit is not valid if the property is annexed into the City of Boardman, at which time the proposed use will cease, and the property shall conform to applicable city zoning standards and regulations.
7. Any proposed signage will need to meet the requirements of the Morrow County Zoning Ordinance and receive Zoning Permit Approval.
8. Applicant shall submit a final site plan and obtain a Zoning Permit.

MORROW COUNTY PLANNING COMMISSION

Stacie Ekstrom, Chair

Date

Attachments:

- A. Vicinity Map
- B. Application with Attachments

CORRECTED	OWNER 1	OWNER 2	MAIL ADDRESS	CITY	STATE	ZIPCODE
4N25E20A 1100	SALAS BIRRUETA, BULMARO ET AL		356 NE BOARDMAN AVE	BOARDMAN	OR	97818
4N25E20A 1400	RAMIREZ, DANIEL PUERTA		522 JUNIPER DR	BOARDMAN	OR	97818
4N25E20A 900	HERNANDEZ, LETICIA & DENOVA, TANIA		70216 RIDGE CREST LN	BOARDMAN	OR	97818
4N25E20A 1200	HERNANDEZ, LETICIA & DENOVA, TANIA		70216 RIDGE CREST LN	BOARDMAN	OR	97818
4N25E20A 6700	MOONEY, CLAYTON I & BETTY JARRET		70217 SUMMIT LN	BOARDMAN	OR	97818
4N25E20A 1000	WEST GLEN		78472 PARKSIDE RD	BOARDMAN	OR	97818
4N25E20A 1700	CHAVEZ QUINTANA, ANGEL ETAL		78473 MOUNTAIN VIEW DR	BOARDMAN	OR	97818
4N25E20A 1300	TORRES, CATALINA		PO BOX 1432	BOARDMAN	OR	97818
4N25E20A 6800	MENDOZA DE SANCHEZ, IRMA ET AL		PO BOX 163	BOARDMAN	OR	97818
4N25E20A 800	ELLIS, DEE E & ELLIS, LYNN G		PO BOX 604	BOARDMAN	OR	97818
4N25E20A 6600	KLIPFEL, JAMES & KLIPFEL, MELISSA		PO BOX 880	BOARDMAN	OR	97818
4N25E20A 1800	BARAJAS, MARIA DE LA LUZ ETAL		PO BOX 913	BOARDMAN	OR	97818

CUP-N-376-24 | Tania Denova | SR 250ft. notice.
 4N25E20A TL900.
 S:\Planning\CUP\North\2024



LAND USE APPLICATION
CONDITIONAL USE REQUEST

RECEIVED
23
SEP 17 2024

BY: MR

PAID
1000.00
PAP

FILE NUMBER CUP-N-377-24

Date Received 9.17.2024

Date Deemed Complete _____

Applicable Zoning Ordinance Criteria: _____

Applicant:

Name(s) Tania Denova

Address 70216 Ridgecrest Dr
Boardman, OR 97818

Phone (541) 667-7047 E-mail address bbyethan@gmail.com

Legal Owner: (if different from applicant)

Name(s) Tania Denova, Leticia L. Hernandez

Address 70216 Ridgecrest dr
Boardman, OR 97818.

Proposed Conditional Use:

Description of Request and the Proposed Use:

Home Occupation, please see attached.

Existing Property Description:

Township 4N Range 25E Section 20A Tax Lot(s) 900

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

Located within an UGB? Yes If yes, which city? Boardman.

Physical Address 70216 Ridgecrest Ln Boardman, OR 97818

General Location _____

Public Road Access Kunze Ln, parkside dr,
 Improvement Type and Condition of Road Gravel
 Fire Protection District or Method Boardman Fire Rescue District
 Solid Waste Disposal Method ~~same method as used by other home occupancies~~ ^{picked up by sanitary disposal}
 Existing Use of the Property Residential, truck and trailer parking

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

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

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

Signatures:

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

Signed: Tania Denova _____ (Applicant)
Tania Denova _____ (Legal Owner)

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

Date: _____ Fee: _____

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

70216 Ridgecrest Dr Boardman, OR 97818

September 17, 2024

Attention: Morrow County Planning Department

This letter is to express the intent of our application for Conditional Use Request at 70216 Ridgecrest Dr Boardman, OR 97818 (4N 25E 20A TL 1200) to allow for a home occupation.

I am requesting a permit to allow me the use of my residence at 70216 Ridgecrest Dr Boardman, OR 97818 for a home occupation. The intended use is for a trucking company which will mainly focus on just the parking of our trucks and trailers. The following is an explanation of how my home occupation will meet the listed criteria under the Morrow County Zoning Ordinance:

1. I have included a copy of our plot plan which shows the existing structures as well as current roads and accesses.
2. I will not add any structures or additions to my residence.
3. There will be no changes to the existing water supply. We do not plan or have ever used the water supply for any home occupation use due to the damage it can cause to the trucks and/or trailers exterior because of the nitrite contamination and hard water issues.
4. There will be no use of utilities of other public service rendered.
5. There will be no exterior signage or lighting.
6. There is currently no fencing for the property and that is not something that we need for it. The parking is referenced in the plot plan that is attached to this application.
7. The land is not subject to flooding.
8. There will be no change in traffic use of the existing access.
9. There will not be more than 400 automobile trips a day.
10. We do not need any new accessways other than the ones that currently exist on the property.
11. Proposed use is the same or complementary to surrounding area as many are in the same situation as I am.
12. It does not adversely affect any natural resource or environmentally sensitive area. The lot has very little existing vegetation. The home occupation will not use chemicals in quantities not commonly found in a residence. We have newer trucks which do not contaminate, leak, or cause any harm to the environment or natural resources. Our trucks are CARB compliant. A CARB compliant semi-truck is a semi-truck that meets the emissions standards and regulations set by the California Air Resources Board (CARB). CARB compliance is important because it helps reduce air pollution and protect public health in California which in turn also applies to the current state it is residing in. The goals of CARB are to: attain and maintain healthy air quality;

protect the public from exposure to toxic air contaminants; and provide innovative approaches for complying with air pollution rules and regulations

In addition, I was made aware by the planning official that we can request any number of trucks to be included in the application. Our property is close to 3 acres and our hope is that we can request the parking of approximately 6 trucks and 15 trailers. We do not perform any repairs to the equipment on site. If we need any minor maintenance such as an oil change, we go to Love's truck stop in Boardman, OR for that. Our tire changes are all done at Commercial Tire located in Hermiston, OR. We are a trucking company not a repair shop, therefore we do not perform our own repairs. We take our trucks/trailers to get work done or repairs at licensed and certified heavy-duty mechanic or shops. Please take into consideration that our expected hours of operation are 5 am to 6 pm, but most of the time the trucks do not come back home. They are expected to be out of town most of the week except for Saturdays or Sundays, which is when they might have a day off. That's when we expect them to be parked on the property. As previously stated, that is not always the plan since the drivers do take them elsewhere.

As you can see, my home occupation is a secondary and incidental use of my residence. I have included images as a reference to how the property looked before it came under our ownership. As you can see, we have improved the value of the property compared to how it was before. I believe we have improved the appearance and maintenance of this property. This is our home, this is where we reside, and where we are raising our family. We, along with other local companies are supporting our local economy. As a member of the same community where you live and work, you have the opportunity to confirm a company's reputation. These local companies have spent years of hard work and dedication building a positive reputation. Our trucking company, as well as many in our surrounding neighborhood are beneficial to the community. We are hardworking individuals who understand we need to comply, which is why we are trying to take the necessary steps to rectify the problem.

Having this as our home occupation means we are extra careful with how we handle things. We strive to maintain the property as clean and well-kept as possible. We do not have any broken-down equipment or garbage sitting on the property. We will not be having any materials or commodities delivered to or from the property. There will be no retail sales. This will be operated by a resident of the property. The only employees we have are the drivers of the semi-trucks which are around 4. As stated above, they will not be on site most of the time. Our home occupation will not reasonably interfere with other uses permitted in the zone.

I have attached a copy of the plot plans showing my entire dwelling and area of the home occupation space.

Thank you for your assistance in this matter. I am willing to work with the county to comply with any necessary requirements to achieve compliance with county code and ordinances.

Sincerely,

Tania Denova 9-17-24

Tania Denova

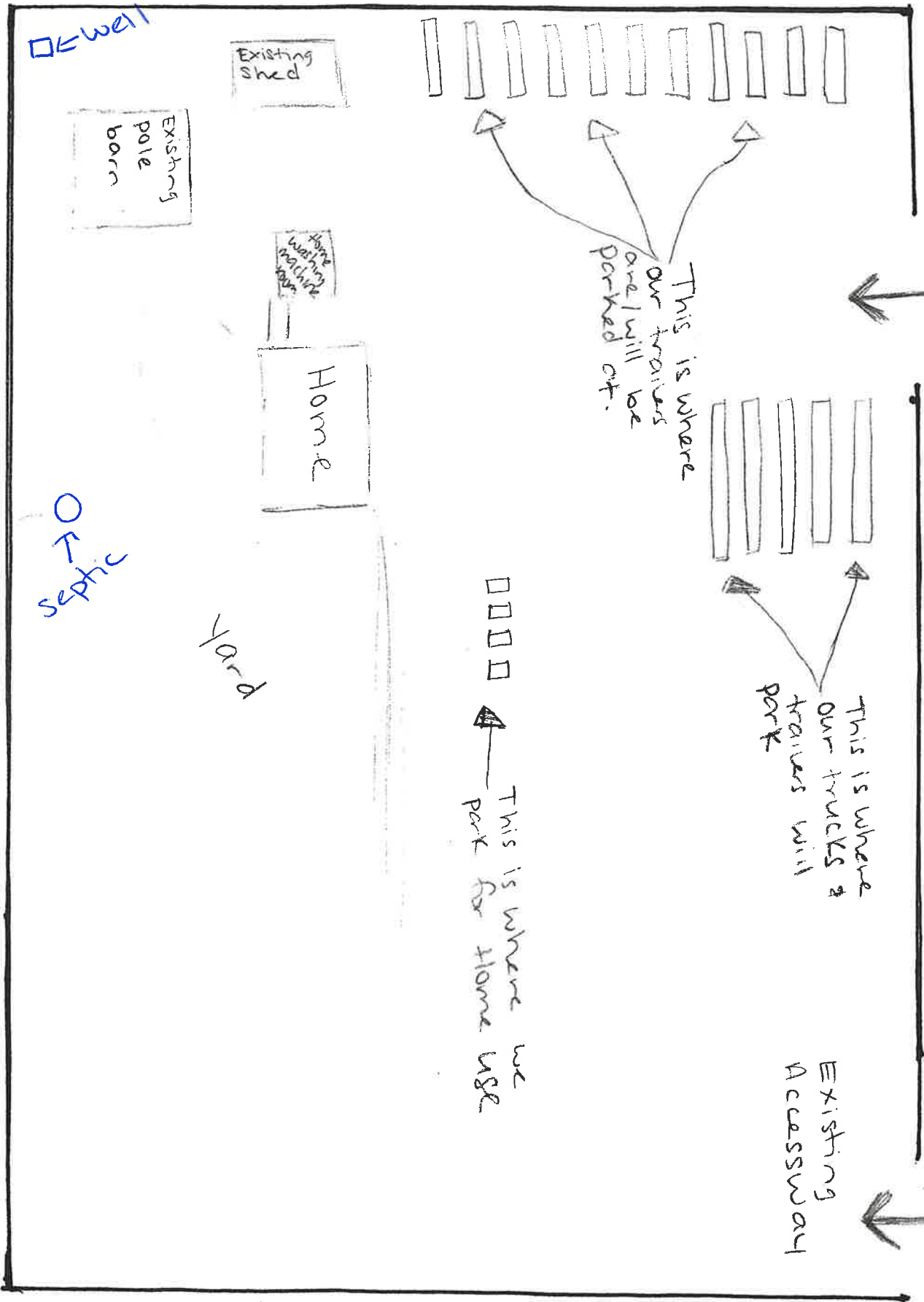
Applicant

Ridgcrest Ln

Existing Accessway

Ridgcrest Ln

Ridgcrest Ln



Boardman Canal Ln

Well

Septics

Well

Well

Ridgecrest Ln

Ridgecrest Ln

Ridgecrest Ln

Ridgecrest Ln

Ridgecrest Ln

Sundown Rd

Boardman Canal Ln

Boardman Canal Ln

70812

70000

Google

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**PRELIMINARY FINDINGS OF FACT
CONDITIONAL USE REQUEST
CUP-N-376-24**

REQUEST: To allow a Home Occupation Permit in a Suburban Residential (SR) Zone for the operation of a small commercial trucking business.

APPLICANT/OWNER: Victor Sanchez
PO Box 163
Boardman, OR 97818

PROPERTY DESCRIPTION: Tax Lot 500 of Assessor's Map 4N25E20A

PROPERTY LOCATION: ±600 feet south of Kunze Lane, within the Boardman Urban Growth Boundary (UGB) on Skyview Dr., in the eastern extent of the West Glen Subdivision.

- I. BACKGROUND INFORMATION:** The subject site is approximately 1.12 acres and is within both the Suburban Residential (SR) zone and the City of Boardman UGB. This Conditional Use Permit application requests a Home Occupation Permit to allow the applicant to operate and park five ten-wheeler commercial trucks on the property. The applicant has been operating commercial trucks on the site for some time and submitted the CUP application in response to code enforcement actions. The applicant is one of more than a dozen commercial truck operators currently utilizing residential property within the West Glen Residential Area (SR zoning) without the appropriate land use approvals. The approval of this CUP will serve to rectify outstanding code violations while providing specific parameters for the operation of the existing business.

Because the subject property is located within the Boardman UGB, there are direct concerns with the use being compatible with city zoning designations in the event of future annexation. Access to the site requires the use of approximately a quarter of a mile of substandard public roads that are not currently maintained or subject to a maintenance or usage agreement.

MCZO Section 3.050.C.2 Limitations on Uses allows a landowner "to use a truck or tractor unit as personal transportation to the resident parcel. No more than one (1) truck or tractor unit is allowed per parcel." Applicant is proposing to have five commercial trucks to be parked on his property and operated seasonally.

- II. STAFF RECOMMENDATION:** The county has initiated a neighborhood-based code compliance effort to address growing concerns regarding unregulated commercial trucking operations and impacts to public roads in West Glen as well as other affected neighborhoods throughout the county. Staff understand that this effort puts property

owners such as the Colin's in a difficult situation, as they have been operating their business on their residential property for many years for agricultural purposes. Staff is neither recommending the approval or denial of this CUP.

- II. **COMPLIANCE WITH MORROW COUNTY ZONING ORDINANCE SECTIONS 3.050, 6.030, 6.050, and 6.075.** The requirements for approval are listed below in **bold type**, followed by a response in standard type.

SECTION 3.050 SUBURBAN RESIDENTIAL ZONE, SR

The SR Zone accommodates small lot development and transition to urban type densities and uses within an urban growth boundary. In an SR Zone, the following regulations shall apply:

- ...
- B. **Conditional Uses Permitted.** In an SR Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements set forth in Article 6.
- ...
8. **Home occupations conducted in a structure accessory to the dwelling, provided that all other limitations of home occupations are observed.**

Finding: The applicant proposes parking the five ten-wheeler along the east end of the parcel where they will be minimally visible from the road and/or adjacent residences.

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.**

Finding: The proposed use shall be operated in a way that will not disturb neighboring residences. The Colin's have operated commercial trucks on the subject property for several years and the county has not received any specific concerns directly related to their existing operation. Nonetheless, the county has received general complaints related to the operation of commercial trucks in the vicinity of the subject site. The proposed home occupation has the potential to generate some noise and traffic. The recommended conditions of approval attempt to mitigate anticipated concerns. The applicant did not provide specific details on operation times or activity taking place onsite. However, similar operations have indicated that operations start at approximately 6-7AM and return approximately between 5:00PM

and 6:00PM. Previous Planning Commission approvals have included a 6:00AM to 6:00PM window for operation, this has also been included as a Condition of Approval for this application. Any minor maintenance, such as tire and oil changes, must be conducted during hours that comply with the noise standards outlined in the Morrow County Code Enforcement Ordinance.

Any complaints received of operations outside of these hours may 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.

Finding: This proposed use will use existing lot area. Planning staff do not recommend any additional requirements for open space.

C. Limiting the height, size or location of a building or other structure.

Finding: This application does not include the approval of new buildings or accessory structures. Staff do not recommend any additional limitations on height, size, or location of the 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.**

Finding: The existing accesses to the site are from Skyview Dr. and Pioneer Ln. Both roads are dedicated public roadways not maintained by the county.

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.**

Finding: This action will not trigger the need for a Traffic Impact Analysis as it will not generate more than 400 passenger car equivalent trips per day. According to the Applicant's narrative, the trucks enter and exit the property once per day during the operational season. During the remaining months of the year, the trucks sit dormant on the subject parcel. This analysis does not trigger the need for a TIA analysis in and of itself. Deviation from the proposed use plan may result in a review of the activity and potential revocation of the permit.

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

Finding: No increase in street dedication, roadway width, or improvements in the right-of-way are proposed by the applicant. The streets that will be impacted by the proposal consist of substandard Public Roads that are not owned or maintained by the County or another entity. 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.**

Finding: Preliminary Findings of Fact have been provided to Boardman Fire and Rescue for their review and comment.

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

Finding: The subject parcel is located on the east end of the West Glen Residential Area. As identified on the site plan, the trucks will be parked on the east end of the parcel to minimize impacts to neighboring properties as well as visibility from the roadway. No public comments were received identifying concerns with the application, and staff does not recommend additional conditions of approval related to the parking of the trucks as proposed.

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

Finding: The Applicant has not requested signage for the Home Occupation. Any future signs must meet the sign requirements in the Morrow County Zoning Ordinance.

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

Finding: Lighting is not proposed with the application. Any outdoor lighting other than typical residential lighting shall be limited and shielded from the roadway and neighboring residences.

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

Finding: The proposed use would not require diking, screening or landscaping to protect nearby property. Planning staff are not recommending any of these provisions due to the proposed use.

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

Finding: Based on the current and proposed uses planning staff would not require any additional conditions related to fencing.

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

Finding: The proposed home occupation will be limited to existing structures and will not create any foreseeable natural resource impacts based on the proposed use. Planning staff are not recommending additional conditions related to natural resources.

- 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.**

Finding: A copy of the Preliminary Findings of Fact has been provided to the City of Boardman for their review and comment. City may recommend additional conditions to apply at the time of any future city zoning due to annexation.

SECTION 6.050 STANDARDS GOVERNING CONDITIONAL USES

A conditional use shall comply with the standards of the zone in which it is located and with the standards set forth in this subsection.

...

- 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.**

Finding: The primary use of the property is residential. The dwelling is the applicants' home and they will be conducting the home occupation within the existing buildings, with truck parking outside of the existing structures, as shown on the applicant's site plan. This criterion is met.

- 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.**

Finding: No structural alterations are proposed nor will be needed to accommodate the home occupation. This criterion is met.

- 3. One non-illuminated sign not to exceed 200 square inches and bearing only the name and occupation of the resident shall be permitted.**

Finding: No signs are proposed with this application. Any future signs will need to meet the requirements of the Morrow County sign ordinance. This criterion is met.

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.**

Finding: No materials or mechanical equipment which is detrimental to adjoining properties is needed for the proposed use. This criterion is met.

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.**

Finding: Deliveries are not required for the proposed use. The proposal necessitates parking for five commercial trucks on the subject site. Staff recognizes that the use has been ongoing for several years and does not anticipate that this will contribute to any disturbance to nearby residents. This criterion is met.

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

Finding: Retail sales are not proposed with the application. This criterion is met.

7. **Be operated by a resident or employee of a resident of the property on which the business is located.**

Finding: The applicant has made known that the commercial operation will be operated by himself and persons which he employs. This criterion is met.

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.**

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

SECTION 6.075. LENGTH OF PERMITS, PERMIT HOLDER, RENEWAL AND REVOCATION.

- A. **Length of Permit and Permit Holder: The County may evaluate how long a particular conditional use is expected to remain valid. Some conditional uses may be considered "permanent" as a fully developed use that "runs with the land" and it attaches to and benefits the land and is not limited to a**

particular landowner. The County may require the owner of the original conditional use permit to record the permitted use on the deed record. The permit is the responsibility of the current owner of the property, whether that is the original applicant or a successor.

A conditional use permit may allow a use that would benefit the permit owner on a sporadic or temporary basis until the purpose for the conditional use permit no longer exists. Upon termination of the use, the land must be in a condition that it may be re-developed in compliance with its current zoning designation. The County may authorize a conditional use permit until a particular date, for a stated period of time, or until the occurrence of a particular event. Additionally, the County may stipulate that a Conditional Use Permit will be reviewed or renewable after a stated time period.

Finding:

The proposed home occupation does not have a designated term length. Staff recommend Planning Commission consider approving the permit for a period of one year with the ability to renew for an additional year, up to two times. The proposed use will be permitted, subject to annual review until the ownership of the land changes, or until the City of Boardman annexes the property. At that time, the proposed use would cease, and the property shall conform to applicable city zoning standards.

- B. Reviews and Renewals. If a review or renewal date is included as a condition by which a conditional use permit is granted, initial review would be ministerial and completed by the Planning Director. The holder of the conditional use permit will be required to make application and pay the requisite fee for review. The review would evaluate the permit conditions and adherence to them, determine if any changes had taken place with the uses allowed in the zone, and determine whether any complaints had been logged concerning the property or the conditional use. If any concerns arise further review will take place at a public hearing with notice. If no concerns arise the permit will be renewed.**

For conditional use permits without a review or renewal condition, or if complaints are received concerning a conditional use permit, the County may review any valid conditional use permit for compliance with the conditions of the permit. This review would be a ministerial review done by the Planning Director. If it is deemed necessary by the Planning Director to amend or revoke the permit, a public hearing with notice must be held before the Planning Commission. If action is based on a complaint the complainant may be required to pay any permit review or renewal application fees.

Finding:

This home occupation shall be reviewed annually with other home occupations therefore no condition is necessary. However, the applicant shall maintain the home occupation as presented in the application. If complaints are received and it is found that the permit is being performed outside what has been proposed the

applicant will be responsible for paying any applicable review or renewal application fees. This is listed as a condition of approval.

- C. Revocation or Vacation. Any conditional use permit may be vacated by the current landowner or by the County after appropriate notice and hearing when:**
- **The use has been terminated and there is no expectation by the land owner and the County that the use will continue;**
 - **The use is not being conducted in compliance with the stated conditions of the permit, or**
 - **The County finds that the use jeopardizes the public health, safety and welfare of Morrow County and the use does not conform to the Morrow County Code Enforcement Ordinance or other adopted ordinances. (MC OR-1-2013)**

Finding: The County reserves the right to revoke the permit based on this criterion.

- III. LEGAL NOTICE PUBLISHED:** October 9th, 2024
Heppner Gazette-Times
- October 9th, 2024
East Oregonian
- IV. AGENCIES NOTIFIED:** Brandon Hammond, City of Boardman; Greg McIntire, Building Official; Eric Imes and Mike Haugen, Morrow County Public Works; Bev Bridgewater, West Extension Irrigation District; Mike Hughes and Marty Broadbent, Boardman Fire District.
- V. PROPERTY OWNERS NOTIFIED:** October 9th, 2024
- VI. HEARING DATE:** October 29th, 2024
Bartholomew Building
Heppner, Oregon
- VII. PLANNING COMMISSION:**
- Option #1: The Planning Commission may deny CUP-N-376-24.
- Option #2: The Planning Commission may approve CUP-N-376-24 subject to the following CONDITIONS OF APPROVAL:
1. The applicant shall maintain the home occupation as presented in the application. If complaints are received or it is found that the permit is being performed outside what has been proposed the applicant will be responsible for paying any applicable review or renewal application fees.
 2. All commercial activity shall occur within regular business hours of 6:00 AM – 6:00 PM.

3. No more than five full-time or part-time persons will be employed on the site at any one time.
4. Noise, traffic, lighting, and other potential impacts to neighboring properties shall be limited to those generally anticipated for a typical residential use.
5. This permit is valid with annual review until the ownership of the land changes, at which time the landowner will need to apply for a new conditional use permit. Or until the property is annexed into the City of Boardman, at which time the proposed use will cease, and the property shall conform to applicable city zoning standards and regulations.
6. Any proposed signage will need to meet the requirements of the Morrow County Zoning Ordinance and receive Zoning Permit Approval.
7. Applicant shall submit a final site plan showing the parking area and the septic drain field area and obtain a Zoning Permit.

MORROW COUNTY PLANNING COMMISSION

Stacie Ekstrom, Chair

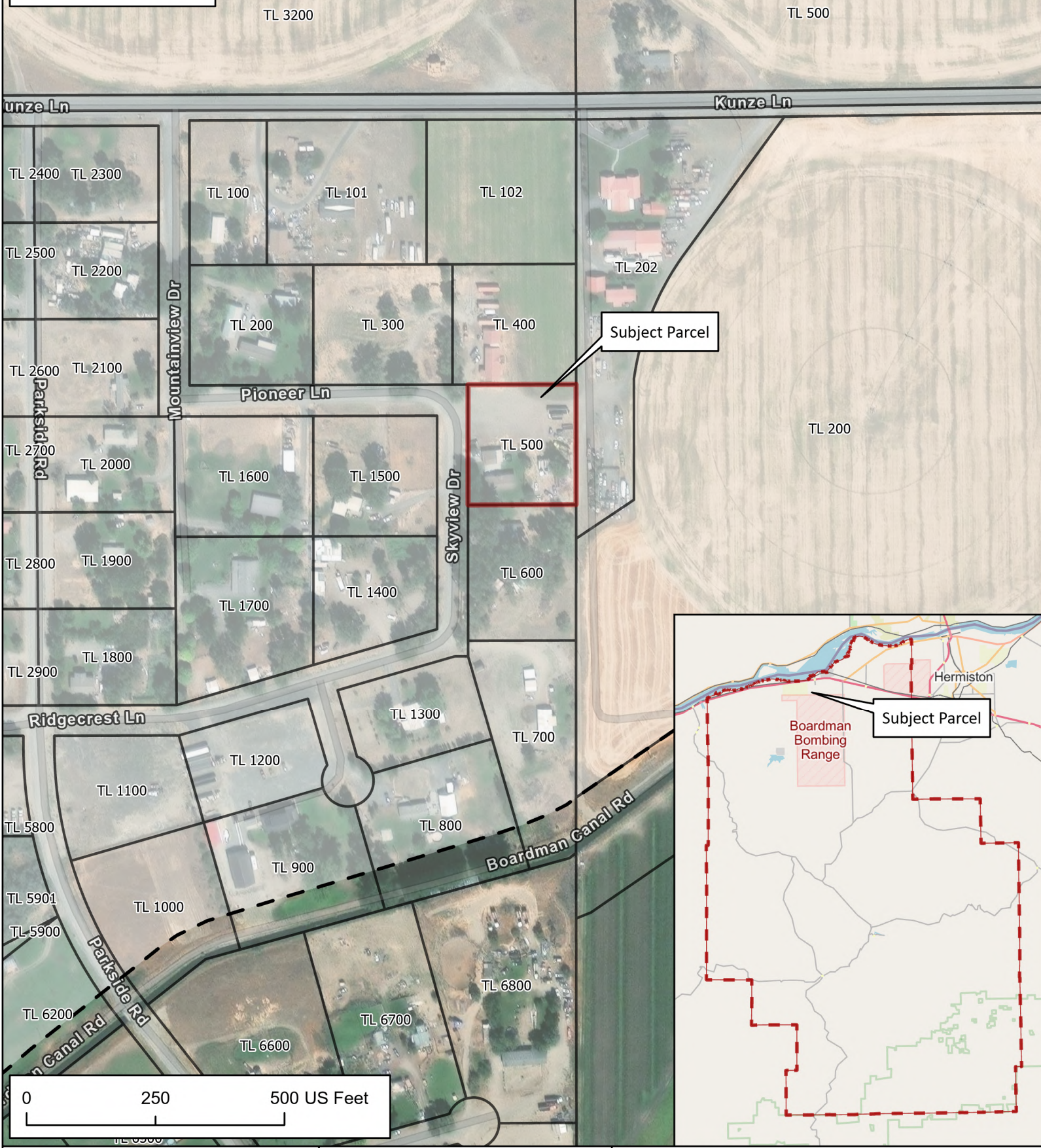
Date

Attachments:

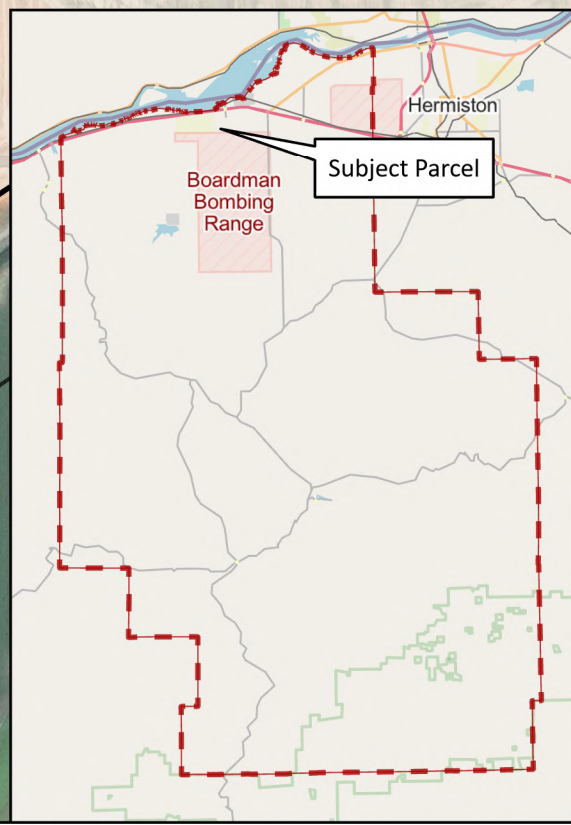
- A. Vicinity Map
- B. Application with Attachments

Vicinity Map

42



Subject Parcel







Subject Parcel

Boardman Bombing Range

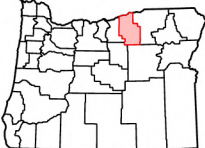

Hermiston

 **CUP-N-376-24**
Victor Sanchez
4N25E20A TL500

-  Morrow County Tax Lot
-  UGB
-  Morrow County Boundary
-  Subject Parcel

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

Cartography By: Stephen Wrecsics
Thursday, September 19, 2024
Morrow County Planning Department

CORRECTED	OWNER 1	OWNER 2	MAIL ADDRESS	CITY	STATE	ZIPCODE
4N25E21 200	MCCARTY, DAN E & BRANDY L		27471 MCCARTY RANCH LN	ECHO	OR	97826
4N25E20A 1400	RAMIREZ, DANIEL PUERTA		522 JUNIPER DR	BOARDMAN	OR	97818
4N25E20A 101	RINGEL, JAMES G		70206 KUNZE LN	BOARDMAN	OR	97818
4N25E20A 400	BAKER, RANDY L		70251 PIONEER LN	BOARDMAN	OR	97818
4N25E20A 102	BAKER, RANDY L		70251 PIONEER LN	BOARDMAN	OR	97818
4N25E21 202	KARL, JOSHUA H & SHANNON C		70270 KUNZE LN	BOARDMAN	OR	97818
4N25E20A 300	JACQUEZ, ROSA		8107 SPIEDEN DR	PASCO	WA	99301
4N25E20A 500	SANCHEZ, EFREN & SANCHEZ, VICTOR R		PO BOX 163	BOARDMAN	OR	97818
4N25E20A 600	AUNE, YVETTE		PO BOX 41	BOARDMAN	OR	97818
4N25E20A 1500	PERRY, CARL & PERRY, KARLA		PO BOX 495	BOARDMAN	OR	97818

CUP-N-376-24 | Victor Sanchez | SR 250ft. notice.
 4N25E20A TL500.
 S:\Planning\CUP\North\2024



LAND USE APPLICATION
CONDITIONAL USE REQUEST

RECEIVED
SEP 16 2024

BY: MR

PAID
(Cash 600.00)

FILE NUMBER CUP-N-376-24

Date Received _____

Date Deemed Complete _____

Applicable Zoning Ordinance Criteria: _____

Applicant:

Name(s) Victor Sanchez

Address 78669 Skyview DR Boardman OR 97818

Phone 541-5710957 E-mail address vsanchez2@wilburells.com

Legal Owner: (if different from applicant)

Name(s) _____

Address _____

Proposed Conditional Use:

Description of Request and the Proposed Use:

Home Occupation - residence and to Park
5 trucks and work on them for harvest.

The trucks are used for a month out of the year
for harvest I plan to stay and leave there as long as I can.

Existing Property Description:

Township 4N Range 25E Section 20A Tax Lot(s) 500

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

Located within an UGB? YES If yes, which city? Boardman

Physical Address _____

General Location _____

Public Road Access Pioneer LU & SkyView DR
 Improvement Type and Condition of Road N/A
 Fire Protection District or Method Boardman Fire Dept.
 Solid Waste Disposal Method N/A
 Existing Use of the Property Residential

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

1. A plot plan of the property with existing and proposed structures and roads and accesses
2. Existing and proposed water supply well pump
3. Existing and proposed sewage disposal method Septic tank
4. Utilities and other public services provided to Sanitary Disposal
5. Signs and/or lighting required NO
6. Parking/loading and fencing required NO
7. Drainage, is the land or any portion of it subject to flooding? NO
8. What, if any, change will there be in traffic use of the existing access? NO
9. Will the proposed use generate more than 400 automobile trips per day? NO
10. Will any new access be required? NO
11. A description of how the proposal will be compatible with surrounding land uses. N/A
12. How the proposal will protect and preserve existing natural resources such as trees, vegetation, water resources and wildlife habitat and whether diking, screening or other landscaping will be required to protect nearby properties and habitats. N/A

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

Signatures:

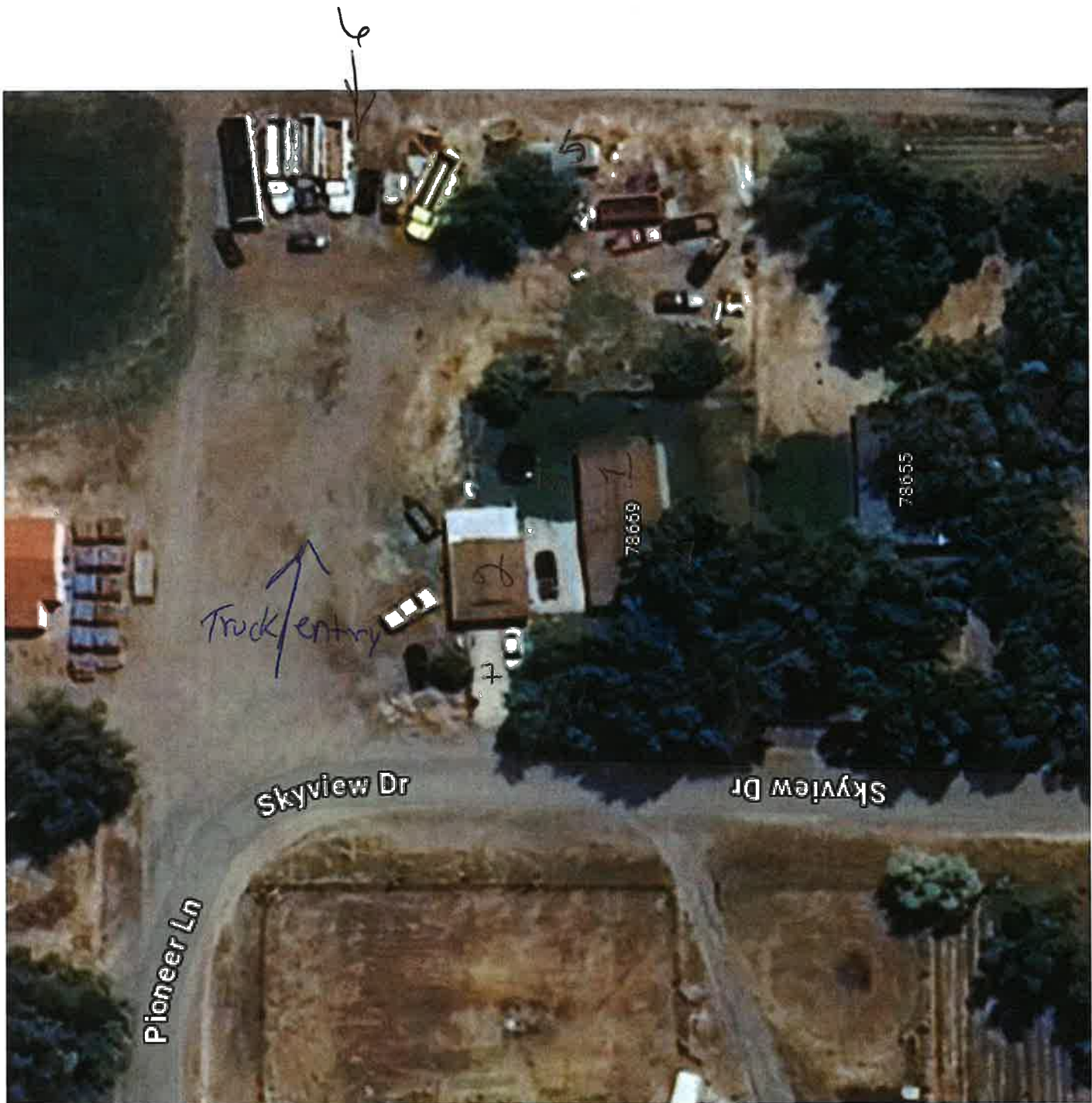
I(we), the undersigned, acknowledge that I am familiar with the standards and limitations set forth by the Morrow County Zoning Ordinance and that additional information and materials may be required, as provided by the Zoning Ordinance and Comprehensive Plan. I propose to meet all standards set forth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

Signed: *Victoria Sanchez* (Applicant) _____ (Applicant)
Victoria Sanchez (Legal Owner) _____ (Legal Owner)

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

Date: 9.16.2024 Fee: \$600-

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



- 1 - Home
- 2 - Garage
- 3 - Septic tank
- 4 - well pump house
- 5 - chicken coop house
- 6 - truck parking
- 7 - Drive way



- 1 - Home
- 2 - Garage
- 3 - Septic tank
- 4 - Well pump house
- 5 - Chicken coop base
- 6 - Truck parking
- 7 - Driveway

2. Such uses or related buildings shall be at least 30 feet from a side or rear lotline.

3. Such uses may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.

E. Clinics, clubs, lodges, fraternal organizations, community centers and grange halls, golf courses, grounds and buildings for games or sports, country clubs, swimming, boating, tennis clubs, and similar activities, governmental structures and land uses, parks, playgrounds. In considering the above, the Planning Commission may authorize the conditional use after assurance that the following are to be provided:

1. Adequate access from principal streets.

2. Adequate off-street parking.

3. Adequate building and site design provisions to minimize noise and glare from the building and site.

F. Dog Pounds and Kennels: The Planning Commission may authorize a dog pound or kennel as a conditional use provided that building and site design provisions are adequate to minimize noise and odor. When necessary to protect surrounding properties, the Planning Commission may require a sight-obscuring fence or hedge, and may restrict vehicular access and loading facilities, especially those required by trucks transporting large animals.

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 within the same dwelling or in an accessory building on the same 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. Such structural alterations shall not detract from the outward appearance of the building as an accessory structure to a residence.

3. One non-illuminated sign not to exceed 200 square inches and bearing only the name and occupation of the resident shall be permitted. Applicant must show consistency with applicable sign provisions in Article 4 of this Ordinance.

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.

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.

6. Retail sales shall be limited or accessory to a service.
7. Be operated by a resident or employee of a resident of the property on which the business is located.
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.
9. Employ on the site no more than five full-time or part-time persons.
10. Not unreasonably interfere with other uses permitted in the zone in which the property is located.
11. When a bed and breakfast facility is sited as a home occupation on the same tract as a winery established pursuant to Section 3.010 and is operated in association with the winery:
 - a. The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility; and
 - b. The meals may be served at the bed and breakfast facility or at the winery.

H. Landfill, solid waste disposal site: The Planning Commission may authorize a landfill or other solid waste disposal site as a conditional use, subject to the following standards:

1. The facility shall be designed to minimize conflicts with existing and permitted uses allowed under plan designations for adjacent parcels as outlined in policies of the Comprehensive Plan.
2. The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest, and grazing dwellings or a residential zone.
3. The facility shall be fenced when the site is located adjacent to dwelling(s) or a residential zone, and landscaping, buffering, and/or screening shall be provided.
4. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, including but not limited to requiring that the area surrounding the facility is kept free from litter and debris.
5. Access roads or easements for the facility shall be improved to the county's Transportation System Plan standards and comply with grades recommended by the Public Works Director.
6. The county may limit hours of operation for the facility to be compatible with adjacent uses.
7. Comply with other conditions deemed necessary.

1. my home ~~will be~~
my home will be the first use of my property and my trucks will be the second use of the property.
2. no no Structural alterations need to be done unless one required by law. ~~that~~
3. N/A no
4. no no materials or mechanical equipment will be used, Only air compressor and a welder.
5. N/A no
6. N/A no Sales will be made or accessories.
- ~~7. there will be no eq or em~~
7. N/A
8. yes
9. N/A
10. no
11. N/A

October 17, 2024

Re: CUP-376-24: Sanchez Conditional Use Permit

To Whom It May Concern,

I am an adjoining landowner who doesn't want a commercial trucking business operating out of TL 500. A trucking business operating out of TL 500 would have numerous trucks going to and from TL 500.

- A trucking company in TL 500 will create large amounts of dust from trucking traffic. Not pleasant when I'm outdoors.
- The trucking company will also cause more damage to the gravel road (potholes) above and beyond what normal residential traffic would cause.
- Listening to trucks coming and going from TL 500 is the last thing I want to hear when I'm sitting on my back porch relaxing or having a BBQ with friends and family.

I am adamantly against a trucking company operating out of TL 500. A trucking company should not be allowed to operate in a residential neighborhood. Would you want a trucking company operating next to your home?

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**PRELIMINARY FINDINGS OF FACT
CONDITIONAL USE REQUEST
CUP-N-375-24**

REQUEST: To allow a Home Occupation Permit in a Suburban Residential (SR) Zone for the operation of a small commercial trucking business.

APPLICANT/OWNER: Carlos G. Colin
PO Box 892
Boardman, OR 97818

PROPERTY DESCRIPTION: Tax Lot 4900 of Assessor's Map 4N25E20A

PROPERTY LOCATION: ±1600 feet south of Kunze Lane, within the Boardman Urban Growth Boundary (UGB) on Olive Lane, at the southwest extent of the West Glen Subdivision.

- I. BACKGROUND INFORMATION:** The subject site is approximately 1.04 acres and is within the Suburban Residential (SR) zone and the City of Boardman UGB. This Conditional Use Permit application requests a Home Occupation Permit to allow the applicant to operate and park one commercial truck with one trailer on the property. The applicant has been operating commercial trucks on the site for some time and submitted the CUP application in response to code enforcement actions. The applicant is one of more than a dozen commercial truck operators currently utilizing residential property within the West Glen Residential Area (SR zoning) without the appropriate land use approvals. The approval of this CUP will serve to rectify outstanding code violations while providing specific parameters for the operation of the existing business.

Because the subject property is located within the Boardman UGB, there are direct concerns with the use being compatible with city zoning designations in the event of future annexation. Access to the site requires the use of approximately half a mile of substandard public roads that are not currently maintained or subject to a maintenance or usage agreement.

MCZO Section 3.050.C.2 Limitations on Uses allows a landowner "to use a truck or tractor unit as personal transportation to the resident parcel. No more than one (1) truck or tractor unit is allowed per parcel." Applicant is proposing to have one commercial truck and one trailer to be parked on his property and operated seasonally. According to the MCZO, applicant may have one of these trucks on his property without a land use permit. The additional trailer and intended use would be in violation to the residential zone.

II. STAFF RECOMMENDATION: The county has initiated a neighborhood-based code compliance effort to address growing concerns regarding unregulated commercial trucking operations and impacts to public roads in West Glen as well as other affected neighborhoods throughout the county. Staff understand that this effort puts property owners such as the Colin's in a difficult situation, as they have been operating their business on their residential property for many years for agricultural purposes. Staff is neither recommending the approval or denial of this CUP.

II. COMPLIANCE WITH MORROW COUNTY ZONING ORDINANCE SECTIONS 3.050, 6.030, 6.050, and 6.075. The requirements for approval are listed below in **bold type**, followed by a response in standard type.

SECTION 3.050 SUBURBAN RESIDENTIAL ZONE, SR

The SR Zone accommodates small lot development and transition to urban type densities and uses within an urban growth boundary. In an SR Zone, the following regulations shall apply:

...

B. Conditional Uses Permitted. In an SR Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements set forth in Article 6.

...

8. Home occupations conducted in a structure accessory to the dwelling, provided that all other limitations of home occupations are observed.

Finding: The applicant proposes parking the primary truck and trailer at the west end of the parcel where they will be minimally visible from the road and/or adjacent residences.

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.

Finding: The proposed use shall be operated in a way that will not disturb neighboring residences. The Colin's have operated commercial trucks on the subject property for several years and the county has not received any specific concerns directly related to their existing operation. Nonetheless, the county has received general complaints related to the operation of commercial trucks in the vicinity of the subject site. The proposed home occupation has the potential to generate some

noise and traffic. The recommended conditions of approval attempt to mitigate anticipated concerns. The applicant did not provide specific details on operation times or activity taking place onsite. However, similar operations have indicated that operations start at approximately 6-7AM and return approximately between 5:00PM and 6:00PM. Previous Planning Commission approvals have included a 6:00AM to 6:00PM window for operation, this has also been included as a Condition of Approval for this application. Any minor maintenance, such as tire and oil changes, must be conducted during hours that comply with the noise standards outlined in the Morrow County Code Enforcement Ordinance.

Any complaints received of operations outside of these hours may 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.

Finding: This proposed use will use existing lot area. Planning staff do not recommend any additional requirements for open space.

C. Limiting the height, size or location of a building or other structure.

Finding: This application does not include the approval of new buildings or accessory structures. Staff do not recommend any additional limitations on height, size, or location of the 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.**

Finding: The existing access to the site is from Olive Lane. Olive Lane is a dedicated public road not maintained by the county.

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.**

Finding: This action will not trigger the need for a Traffic Impact Analysis as it will not generate more than 400 passenger car equivalent trips per day. According to the Applicant's narrative, the trucks enter and exit the property once per day during the operational season. During the remaining months of the year, the trucks sit dormant on the subject parcel. This analysis does not trigger the need for a TIA in and of itself. Deviation from the proposed use plan may result in a review of the activity and potential revocation of the permit.

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

Finding: No increase in street dedication, roadway width, or improvements in the right-of-way are proposed by the applicant. The streets that will be impacted by the proposal consist of substandard Public Roads that are not owned or maintained by the County or another entity. 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.

Finding: Preliminary Findings of Fact have been provided to Boardman Fire and Rescue for their review and comment.

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

Finding: The subject parcel is located on the southwest end of the West Glen Residential Area. As identified on the site plan, the trucks will be parked on the southern end of the parcel to minimize impacts to neighboring properties as well as visibility from the roadway. No public comments were received identifying concerns with the application, and staff does not recommend additional conditions of approval related to the parking of the trucks as proposed.

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

Finding: The Applicant has not requested signage for the Home Occupation. Any future signs must meet the sign requirements in the Morrow County Zoning Ordinance.

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

Finding: Lighting is not proposed with the application. Any outdoor lighting other than typical residential lighting shall be limited and shielded from the roadway and neighboring residences.

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

Finding: The proposed use would not require diking, screening or landscaping to protect nearby property. Planning staff are not recommending any of these provisions due to the proposed use.

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

Finding: Based on the current and proposed uses planning staff would not require any additional conditions related to fencing.

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

Finding: The proposed home occupation will be limited to existing structures and will not create any foreseeable natural resource impacts based on the proposed use. Planning staff are not recommending additional conditions related to natural resources.

- 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.**

Finding: A copy of the Preliminary Findings of Fact has been provided to the City of Boardman for their review and comment. City may recommend additional conditions to apply at the time of any future city zoning due to annexation.

SECTION 6.050 STANDARDS GOVERNING CONDITIONAL USES

A conditional use shall comply with the standards of the zone in which it is located and with the standards set forth in this subsection.

...

- 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.**

Finding: The primary use of the property is residential. The dwelling is the applicants' home and they will be conducting the home occupation within the existing buildings, with truck parking outside of the existing structures, as shown on the applicant's site plan. This criterion is met.

- 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.**

Finding: No structural alterations are proposed nor will be needed to accommodate the home occupation. This criterion is met.

3. **One non-illuminated sign not to exceed 200 square inches and bearing only the name and occupation of the resident shall be permitted.**

Finding: No signs are proposed with this application. Any future signs will need to meet the requirements of the Morrow County sign ordinance. This criterion is met.

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.**

Finding: No materials or mechanical equipment which is detrimental to adjoining properties is needed for the proposed use. This criterion is met.

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.**

Finding: Deliveries are not required for the proposed use. The proposal necessitates parking for one commercial truck and trailer on the subject site. Staff recognizes that the use has been ongoing for several years and does not anticipate that this will contribute to any disturbance to nearby residents. This criterion is met.

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

Finding: Retail sales are not proposed with the application. This criterion is met.

7. **No persons shall be employed except members of the immediate family.**

Finding: The persons conducting the business reside at the residence on the property, and only members of the immediate family will be employed for the home occupation. This criterion is met.

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.**

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

SECTION 6.075. LENGTH OF PERMITS, PERMIT HOLDER, RENEWAL AND REVOCATION.

- A. Length of Permit and Permit Holder:** The County may evaluate how long a particular conditional use is expected to remain valid. Some conditional uses may be considered "permanent" as a fully developed use that "runs with the land" and it attaches to and benefits the land and is not limited to a particular landowner. The County may require the owner of the original conditional use permit to record the permitted use on the deed record. The permit is the responsibility of the current owner of the property, whether that is the original applicant or a successor.

A conditional use permit may allow a use that would benefit the permit owner on a sporadic or temporary basis until the purpose for the conditional use permit no longer exists. Upon termination of the use, the land must be in a condition that it may be re-developed in compliance with its current zoning designation. The County may authorize a conditional use permit until a particular date, for a stated period of time, or until the occurrence of a particular event. Additionally, the County may stipulate that a Conditional Use Permit will be reviewed or renewable after a stated time period.

Finding:

The proposed home occupation does not have a designated term length. Staff recommend Planning Commission consider approving the permit for a period of one year with the ability to renew for an additional year, up to two times. The proposed use will be permitted, subject to annual review until the ownership of the land changes, or until the City of Boardman annexes the property. At that time, the proposed use would cease, and the property shall conform to applicable city zoning standards.

- B. Reviews and Renewals.** If a review or renewal date is included as a condition by which a conditional use permit is granted, initial review would be ministerial and completed by the Planning Director. The holder of the conditional use permit will be required to make application and pay the requisite fee for review. The review would evaluate the permit conditions and adherence to them, determine if any changes had taken place with the uses allowed in the zone, and determine whether any complaints had been logged concerning the property or the conditional use. If any concerns arise further review will take place at a public hearing with notice. If no concerns arise the permit will be renewed.

For conditional use permits without a review or renewal condition, or if complaints are received concerning a conditional use permit, the County may review any valid conditional use permit for compliance with the conditions of the permit. This review would be a ministerial review done by the Planning Director. If it is deemed necessary by the Planning Director to amend or revoke the permit, a public hearing with notice must be held before the Planning Commission. If action is based on a complaint the complainant may be required to pay any permit review or renewal application fees.

Finding: This home occupation shall be reviewed annually with other home occupations therefore no condition is necessary. However, the applicant shall maintain the home occupation as presented in the application. If complaints are received and it is found that the permit is being performed outside what has been proposed the applicant will be responsible for paying any applicable review or renewal application fees. This is listed as a condition of approval.

- C. Revocation or Vacation. Any conditional use permit may be vacated by the current landowner or by the County after appropriate notice and hearing when:**
- The use has been terminated and there is no expectation by the land owner and the County that the use will continue;
 - The use is not being conducted in compliance with the stated conditions of the permit, or
 - The County finds that the use jeopardizes the public health, safety and welfare of Morrow County and the use does not conform to the Morrow County Code Enforcement Ordinance or other adopted ordinances. (MC OR-1-2013)

Finding: The County reserves the right to revoke the permit based on this criterion.

III. LEGAL NOTICE PUBLISHED: October 9th, 2024
Heppner Gazette-Times

October 9th, 2024
East Oregonian

IV. AGENCIES NOTIFIED: Brandon Hammond, City of Boardman; Greg McIntire, Building Official; Eric Imes and Mike Haugen, Morrow County Public Works; Bev Bridgewater, West Extension Irrigation District; Mike Hughes and Marty Broadbent, Boardman Fire District.

V. PROPERTY OWNERS NOTIFIED: October 9th, 2024

VI. HEARING DATE: October 29th, 2024
Bartholomew Building
Heppner, Oregon

VII. PLANNING COMMISSION:

Option #1: The Planning Commission may deny CUP-N-375-24.

Option #2: The Planning Commission may approve CUP-N-375-24 subject to the following CONDITIONS OF APPROVAL:

1. The applicant shall maintain the home occupation as presented in the application. If complaints are received or it is found that the permit is being performed outside what

has been proposed the applicant will be responsible for paying any applicable review or renewal application fees.

2. All commercial activity shall occur within regular business hours of 6:00 AM – 6:00 PM.
3. Noise, traffic, lighting, and other potential impacts to neighboring properties shall be limited to those generally anticipated for a typical residential use.
4. This permit is valid with annual review until the ownership of the land changes, at which time the landowner will need to apply for a new conditional use permit. Or until the property is annexed into the City of Boardman, at which time the proposed use will cease, and the property shall conform to applicable city zoning standards and regulations.
5. Any proposed signage will need to meet the requirements of the Morrow County Zoning Ordinance and receive Zoning Permit Approval.

MORROW COUNTY PLANNING COMMISSION

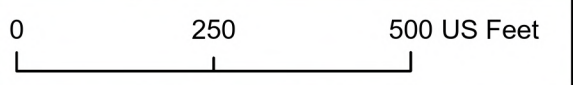
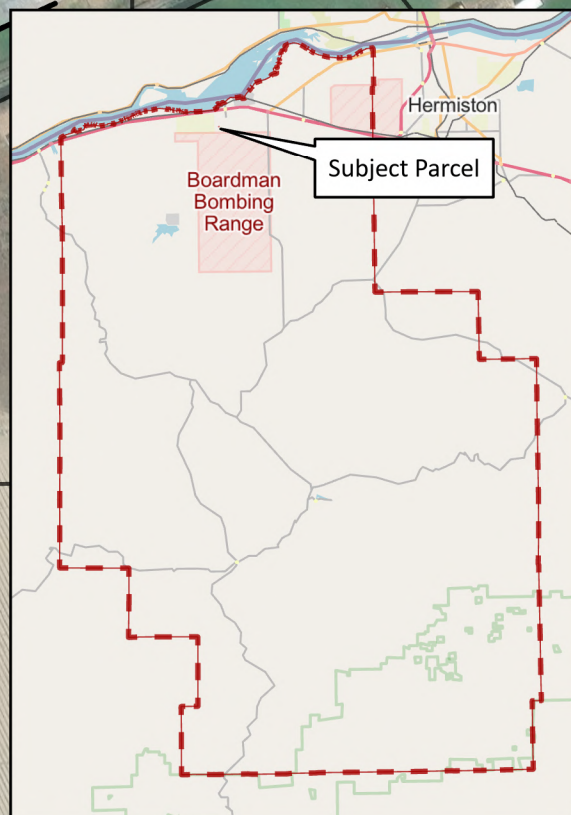
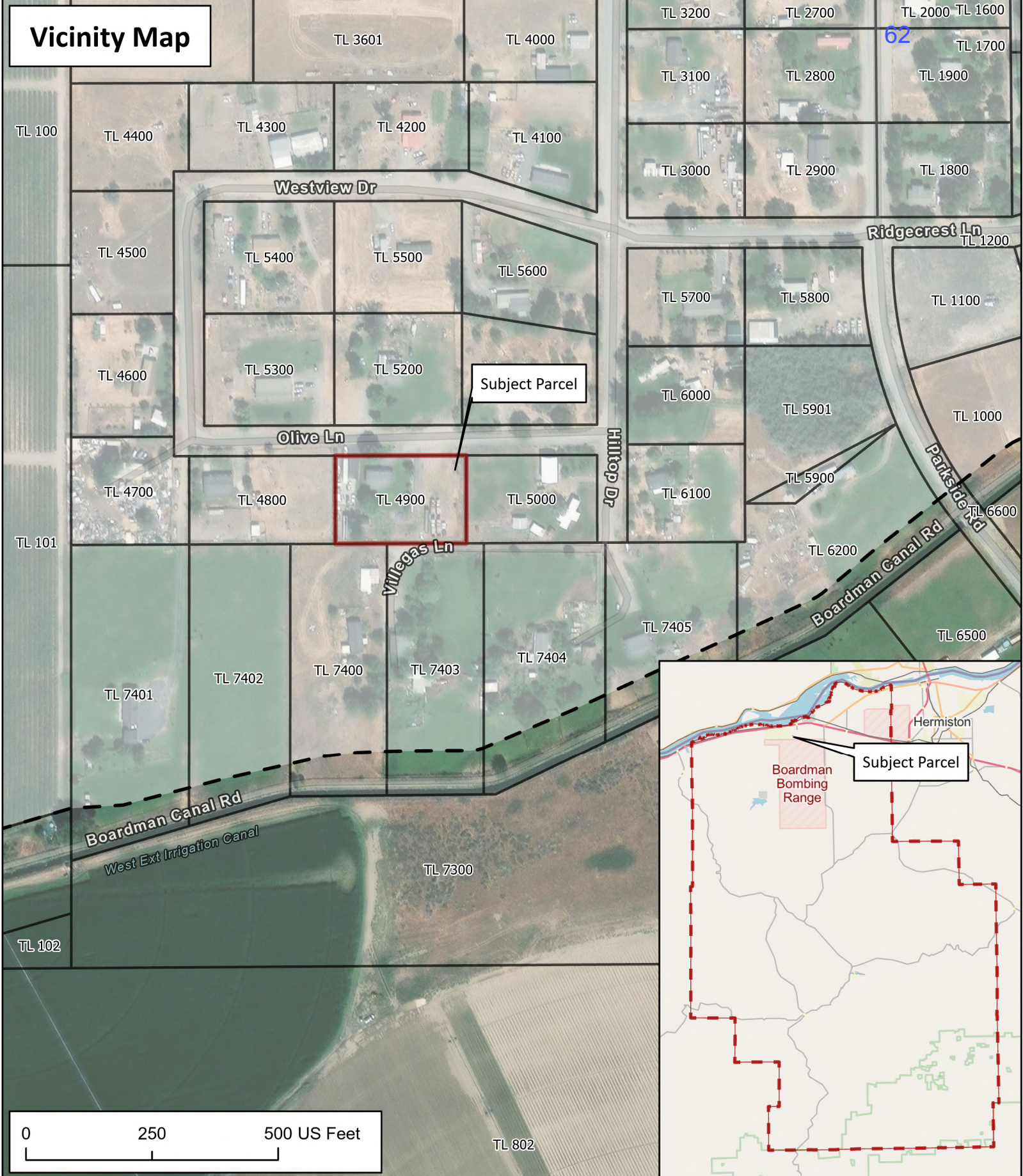
Stacie Ekstrom, Chair

Date

Attachments:

- A. Vicinity Map
- B. Application with Attachments

Vicinity Map



MORROW COUNTY

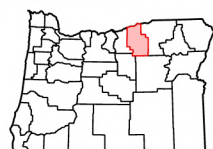

CUP-N-375-24

Carlos Colin
4N25E20A TL4900

- Morrow County Tax Lot
- UGB
- Morrow County Boundary
- Morrow County Tax Lot selection

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

Cartography By: Stephen Wrecsics
Thursday, September 12, 2024
Morrow County Planning Department

CORRECTED	OWNER 1	OWNER 2	MAIL ADDRESS	CITY	STATE	ZIPCODE
4N25E20A 5100	REYES, JUANITA		1492 NE KENNA DR	HERMISTON	OR	97838
4N25E20A 7403	VILLEGAS, RAMIRO		PO BOX 1382	BOARDMAN	OR	97818
4N25E20A 5300	PACHECO CASTRO, JAIME ETAL		PO BOX 362	BOARDMAN	OR	97818
4N25E20A 7404	VILLEGAS BEDOLLA, SAMUEL		PO BOX 546	BOARDMAN	OR	97818
4N25E20A 5200	TORRES, CARLOS L & TORRES, VERONICA L		PO BOX 649	BOARDMAN	OR	97818
4N25E20A 7400	VILLEGAS, MANUEL		PO BOX 737	BOARDMAN	OR	97818
4N25E20A 7402	CALVILLO, PRUDENCIANO H		PO BOX 744	BOARDMAN	OR	97818
4N25E20A 5000	CALVILLO, MARIO M & CALVILLO, ROCIO F		PO BOX 823	BOARDMAN	OR	97818
4N25E20A 4900	COLIN, CARLOS G & COLIN, MARIA T		PO BOX 892	BOARDMAN	OR	97818
4N25E20A 4800	SANGERMAN-LUIS, SUSANA		PO BOX 915	BOARDMAN	OR	97818

CUP-N-375-24 | Carlos Colin | SR 250ft. notice.
 4N25E20A TL4900.
 S:\Planning\CUP\North\2024



LAND USE APPLICATION
CONDITIONAL USE REQUEST

~~PAID~~
\$1000
RECEIVED
AUG 21 2024

FILE NUMBER CUP-N-375-24

Date Received BY: MR

Date Deemed Complete _____

Applicable Zoning Ordinance Criteria: _____

Applicant:

Name(s) Carlos G. Colin
Address P.O. Box 892 Olive Ln 70032
Boardman OR 97818
Phone 541 571 1712 E-mail address carlos.colin823@gmail.com

Legal Owner: (if different from applicant)

Name(s) _____
Address _____

Proposed Conditional Use:

Description of Request and the Proposed Use: 1 one 1 one
Home Occupation: parking Truck Trailer

Existing Property Description:

Township 4N Range 25E Section 20A Tax Lot(s) 4900
Zoning Designation SR
(If EFU or FU, soil information is required with your statement)
Located within an UGB? si If yes, which city? Boardman OR
Physical Address Olive LN 70032 Boardman OR 97818
General Location _____

Public Road Access HILLTOP PR, Olive Ln
 Improvement Type and Condition of Road NO
 Fire Protection District or Method Boardman Fire
 Solid Waste Disposal Method Dump
 Existing Use of the Property Viviendo Phi

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

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

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

Signatures:

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

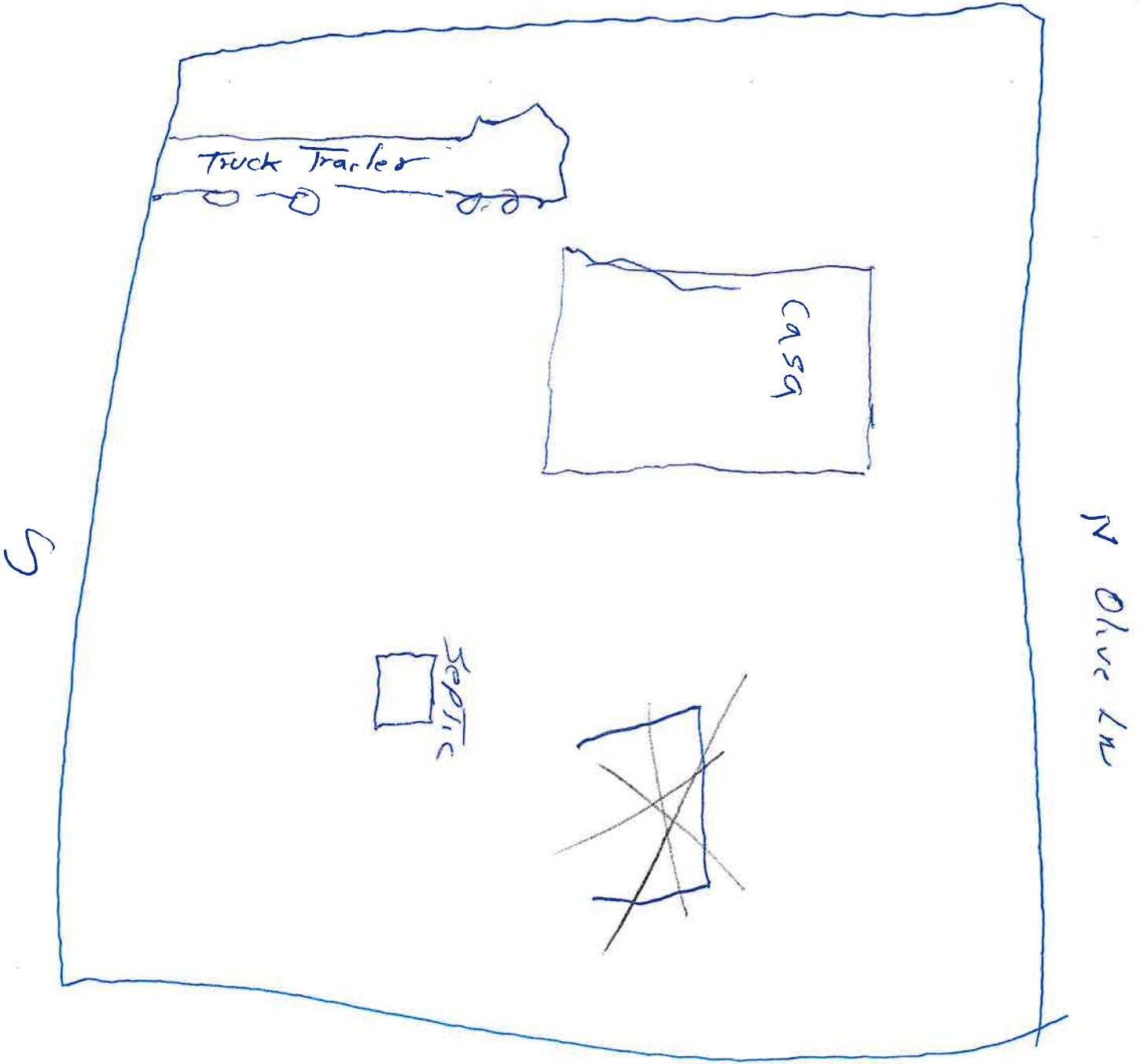
Signed: CARLOS G. COHA _____ (Applicant)
Carlos G. Coha _____ (Legal Owner)

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

Date: 08-21-24 Fee: _____

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

Compartimos el foso
de AGUA



S

N Olive Ln



2. Such uses or related buildings shall be at least 30 feet from a side or rear lot line.

3. Such uses may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.

E. Clinics, clubs, lodges, fraternal organizations, community centers and grange halls, golf courses, grounds and buildings for games or sports, country clubs, swimming, boating, tennis clubs, and similar activities, governmental structures and land uses, parks, playgrounds. In considering the above, the Planning Commission may authorize the conditional use after assurance that the following are to be provided:

1. Adequate access from principal streets.
2. Adequate off-street parking.
3. Adequate building and site design provisions to minimize noise and glare from the building and site.

F. Dog Pounds and Kennels: The Planning Commission may authorize a dog pound or kennel as a conditional use provided that building and site design provisions are adequate to minimize noise and odor. When necessary to protect surrounding properties, the Planning Commission may require a sight-obscuring fence or hedge, and may restrict vehicular access and loading facilities, especially those required by trucks transporting large animals.

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 within the same dwelling or in an accessory building on the same 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. Such structural alterations shall not detract from the outward appearance of the building as an accessory structure to a residence.
3. One non-illuminated sign not to exceed 200 square inches and bearing only the name and occupation of the resident shall be permitted. Applicant must show consistency with applicable sign provisions in Article 4 of this Ordinance.
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.
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.

6. Retail sales shall be limited or accessory to a service.
7. Be operated by a resident or employee of a resident of the property on which the business is located.
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.
9. Employ on the site no more than five full-time or part-time persons.
10. Not unreasonably interfere with other uses permitted in the zone in which the property is located.
11. When a bed and breakfast facility is sited as a home occupation on the same tract as a winery established pursuant to Section 3.010 and is operated in association with the winery:
 - a. The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility; and
 - b. The meals may be served at the bed and breakfast facility or at the winery.

H. Landfill, solid waste disposal site: The Planning Commission may authorize a landfill or other solid waste disposal site as a conditional use, subject to the following standards:

1. The facility shall be designed to minimize conflicts with existing and permitted uses allowed under plan designations for adjacent parcels as outlined in policies of the Comprehensive Plan.
2. The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest, and grazing dwellings or a residential zone.
3. The facility shall be fenced when the site is located adjacent to dwelling(s) or a residential zone, and landscaping, buffering, and/or screening shall be provided.
4. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, including but not limited to requiring that the area surrounding the facility is kept free from litter and debris.
5. Access roads or easements for the facility shall be improved to the county's Transportation System Plan standards and comply with grades recommended by the Public Works Director.
6. The county may limit hours of operation for the facility to be compatible with adjacent uses.
7. Comply with other conditions deemed necessary.

- #1
 - #2 NO
 - #3 NO
 - #4 NO
 - #5 NO
 - #6 NO
 - #7 NO
 - #8 NO
 - #9 NO
 - #10 NO
 - #11 NO
 - #12 NO Todo se va a quedar igual como está
-

- #1 si va a estar junto con la casa
- #2 NO No va a Alterar Nada
- #3 No voy a poner letrero
- #4 No afecta nada no más voy a cambiar llantas o reparar luces y cambio de llantas voy a usar herramienta
- #5 No la traía cada que la llevo a la casa está vacío
- #6 No
- #7 Lo manejo yo y va a ser 7 meses y el resto del ~~año~~ año parking
- ~~#8~~ #8 = esta bien pueden chequear con mígo
- #9 = No Empleados
- #10 = No más ferries
- #11 = NA

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PLANNING DEPARTMENT

PO Box 40 | Irrigon, Oregon 97844 | (541) 922-4624

October 18, 2024

MEMO

TO: Planning Commission
FROM: Tamra Mabbott, Planning Director
RE: LUD-N-075-2024

A request for a hearing was filed for the above Land Use Decision application. The reasons for filing the request are noted in the October 3, 2024 letter from attorney Andrew Martin.

A copy of the application and support materials as well as Preliminary Findings is attached. Staff recommendation to approve the application has not changed since it was mailed to adjoining property owners on September 13, 2024.

Additional materials may be submitted after today's date, up to and during the hearing on October 29th.

**PRELIMINARY FINDINGS OF FACT
LAND USE DECISION
Application Number LUD-N-075-24**

REQUEST: Approval of land application of wastewater from Port of Morrow on land zoned Exclusive Farm Use (EFU).

APPLICANT: Port of Morrow
2 Marine Drive
Boardman, OR 97818

OWNER: Port of Morrow purchase agreement with
Canyon Farm LLC & Canyon Farm II LLC
73920 Pole Line Road
Boardman, OR 97818

PROPERTY LOCATION: Approximately 10 miles southwest of Irrigon and 17 miles west of Echo.

FINDINGS OF FACT:

- I. BACKGROUND INFORMATION:** The Port of Morrow (Port) operates the Boardman Industrial Park, which houses agricultural food processors and other industrial facilities that support the region's farming community. Part of the Port's service to the industrial and food processors is the management of their wastewater through a land application program. This land application program also provides a service to the local farmers by providing them with low-cost, nutrient-rich irrigation water in this water-deficient region. The Port operates this land application system under an Oregon Department of Environmental Quality (DEQ) water pollution control facilities (WPCF) permit. The Port is proposing an expansion of the land application program through the purchase of an existing 7,300-acre farm located in Morrow County. The farm is being purchased from Canyon Farm, LLC, and Canyon Farm II, LLC and is zoned as exclusive farm use (EFU). The farm is located directly west of Farm 4. This expansion project will add up to 6,200 acres of land to the Port's land application program (to be designated as Farm 6), with the goal of distributing the wastewater across a larger land area, thereby reducing possible impacts. As part of this expansion project the Port will be constructing a new pipeline spur to deliver wastewater to the new property's existing piping system from the Port's existing wastewater pipeline to Farm 4. The Port is submitting to DEQ a WPCF permit modification request to add Farm 6 to the Port's land application program. The Port is requesting approval of the Land Use Decision application to permit the Port's process wastewater and the new pipeline spur.
- II. APPROVAL CRITERIA:** The applicant has filed under the Morrow County Zoning Ordinance, ARTICLE 3, USE ZONES, Section 3.010 Exclusive Farm Use Zone and Oregon

**LUD-N-075-24
Findings of Fact**

Revised Statute ORS 215.246. REQUIREMENTS FOR APPROVAL are listed below in **bold** type, followed by a response in standard type:

SECTION 3.010(B) Uses Permitted Outright. In the EFU zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance:

SECTION 3.010(B)(23) Land application of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of septage prior to the land application of biosolids subject to Subsection D.8.

SECTION 3.010(D)(8) Use Standards. Agricultural process or industrial process water or biosolids, or the onsite treatment of septage prior to the land application of biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an EFU zone is subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 4688.050, 4688.053 or 4688.055, or in compliance with rules adopted under 4688.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251. For the purposes of this section, onsite treatment of septage prior to the land application of biosolids is limited to the treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of biosolids is authorized under the license, permit or other approval.

This authorization is for the expansion of the existing wastewater land application system for industrial process water and is subject to approval by the Department of Environmental Quality. See below applicable criteria for compliance with Oregon Revised Statutes.

215.246 Approval of land application of certain substances; subsequent use of tract of land; consideration of alternatives.

(1) The uses allowed under ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993) (1)(y) and 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) (1)(v):

(a) Require a determination by the Department of Environmental Quality, in conjunction with the department's review of a license, permit or approval, that the application rates and site management practices for the land application of reclaimed water, agricultural or industrial process water or biosolids ensure continued agricultural, horticultural or silvicultural production and do not reduce the productivity of the tract.

(b) Are not subject to other provisions of ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993) or 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) or to the provisions of ORS 215.274 (Associated transmission lines necessary for public service), 215.275 (Utility facilities necessary for public service) or

215.296 (Standards for approval of certain uses in exclusive farm use zones).

The applicant has submitted the request with the Oregon Department of Environmental Quality and an application for a determination from the Morrow County Planning Department as outlined below. These criteria are met.

- (2) The use of a tract of land on which the land application of reclaimed water, agricultural or industrial process water or biosolids has occurred under this section may not be changed to allow a different use unless:**
- (a) The tract is included within an acknowledged urban growth boundary;**
 - (b) The tract is rezoned to a zone other than an exclusive farm use zone;**
 - (c) The different use of the tract is a farm use as defined in ORS 215.203 (Zoning ordinances establishing exclusive farm use zones); or**
 - (d) The different use of the tract is a use allowed under:**
 - (A) ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993) (1)(b), (d) to (f), (i) to (n), (p) to (r), (u), (w) or (x);**
 - (B) ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993) (2)(a) to (c), (i), (m) or (p) to (r);**
 - (C) ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993) (11);**
 - (D) ORS 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) (1)(b), (d), (e), (h) to (L), (n) to (p), (r), (t) or (u);**
 - (E) ORS 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) (2)(a), (j), (L) or (p) to (s); or**
 - (F) ORS 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) (4).**

Where the application of industrial wastewater will be used in conjunction with farm management, the use is an allowed use under ORS 215.203. The application complies with this standard.

- (3) When a state agency or a local government makes a land use decision relating to the land application of reclaimed water, agricultural or industrial process water or biosolids under a license, permit or approval by the Department of Environmental Quality, the applicant shall explain in writing how alternatives identified in public comments on the land use decision were considered and, if the alternatives are not used, explain in writing the reasons for not using the alternatives. The applicant must consider only those alternatives that are identified with sufficient specificity to afford the applicant an adequate opportunity to consider the alternatives. A land use decision relating to the land application of reclaimed water, agricultural or industrial process water or biosolids may not be reversed or remanded**

LUD-N-075-24
Findings of Fact

under this subsection unless the applicant failed to consider identified alternatives or to explain in writing the reasons for not using the alternatives.

Public comments for this proposal have not been received but will be incorporated if received within the 21-day comment period noted below. This criterion is met based on these factors.

(4) The uses allowed under this section include:

- (a) The treatment of reclaimed water, agricultural or industrial process water or biosolids that occurs as a result of the land application;**
- (b) The establishment and use of facilities, including buildings, equipment, aerated and nonaerated water impoundments, pumps and other irrigation equipment, that are accessory to and reasonably necessary for the land application to occur on the subject tract;**
- (c) The establishment and use of facilities, including buildings and equipment, that are not on the tract on which the land application occurs for the transport of reclaimed water, agricultural or industrial process water or biosolids to the tract on which the land application occurs if the facilities are located within:

 - (A) A public right of way; or**
 - (B) Other land if the landowner provides written consent and the owner of the facility complies with ORS 215.275 (Utility facilities necessary for public service) (4); and****
- (d) The transport by vehicle of reclaimed water or agricultural or industrial process water to a tract on which the water will be applied to land.**

This authorization is for the establishment and use of facilities accessory for land application of reclaimed water on the subject tract. These criteria are met.

(5) Uses not allowed under this section include:

- (a) The establishment and use of facilities, including buildings or equipment, for the treatment of reclaimed water, agricultural or industrial process water or biosolids other than those treatment facilities related to the treatment that occurs as a result of the land application; or**
- (b) The establishment and use of utility facility service lines allowed under ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993) (1)(x) or 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) (1)(u). [2001 c.488 §4; 2009 c.850 §5; 2011 c.567 §8; 2013 c.242 §6]**

These criteria are not applicable as this authorization is not for the establishment or use of facilities for treatment of reclaimed water other than those related to the treatment that occurs as a result of the land application. These criteria are met.

215.247 Transport of biosolids to tract of land for application. If biosolids are transported by vehicle to a tract on which the biosolids will be applied to the land

LUD-N-075-24

Findings of Fact

under a license, permit or approval issued by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055 or in compliance with rules adopted under ORS 468B.095, the transport and the land application are allowed outright, and a state or local government license, permit or approval in connection with the use is not a land use decision. [2001 c.488 §5]

This criterion is not applicable as vehicular transport of biosolids is not proposed. The applicant states that process water and fresh water will be conveyed to the subject properties through an existing pipeline.

215.249 Division of land for application of biosolids. Notwithstanding ORS 215.263, the governing body of a county or its designee may not approve a proposed division of land in an exclusive farm use zone for the land application of reclaimed water, agricultural or industrial process water or biosolids described in ORS 215.213 (1)(y) or 215.283 (1)(v). [2001 c.488 §6; 2009 c.850 §6]

This criterion is not applicable as a division of land is not proposed.

215.251 Relationship to other farm uses. Nothing in ORS 215.213 (1)(y), 215.246 to 215.249 or 215.283 (1)(v) affects whether the land application of a substance not described in ORS 215.213 (1)(y), 215.246 to 215.249 or 215.283 (1)(v) is a farm use as defined in ORS 215.203. [2001 c.488 §7; 2003 c.14 §100; 2009 c.850 §7]

These activities do not affect or change the primary use of the farm activities which is agricultural production of farm crops. This criterion is met.

SECTION 3.010(D)(9) Use Standards. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

- a. A public right of way;
- b. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
- c. The property to be served by the utility.

The proposed new pipeline will be adjacent to the existing right of way and will also connect to the place of use on Farm VI. The application complies with this criterion.

- III. **AGENCIES NOTIFIED:** Dawn Hert, Eastern Oregon Region Representative, Oregon Department of Land Conservation & Development; Courtney Werner-Crowell, Regional Solutions Team, Sean Rochette, Department of Environmental Quality, Water Quality Division; Melody Henderson, Oregon Department of Fish & Wildlife; Chris Kowitz, Oregon Department of Water Resources; Mike Gorman, Morrow County Assessor; Eric Imes, Morrow County Public Works Director; Corey Sweeney, Morrow County Weed Coordinator; Bruce Brode-Heine, GSI; Miff Devin, Port of Morrow Water Quality Manager; Lisa Mittelsdorf, Port of Morrow, Executive Director, Jacob Cain, Port of Morrow Engineer; Kevin Payne, Morrow Soil and Water Conservation District; Columbia Improvement District, Sarah Stauffer-Curtiss, Attorney for Port of Morrow.

IV. **Property Owners Notified:**

September 13, 2024 for Administrative Review
October 9, 2024 for Planning Commission hearing

**LUD-N-075-24
Findings of Fact**

- V. **Public Comments Received:** A request for a hearing was filed on October 3, 2024. See attached letter from Andrew G. Martin, Attorney.
- VI. **21- Day Public Comment Period:** September 13, 2024 - October 4, 2024.
- VII. **Planning Commission Hearing:** October 29, 2024
- VIII. **PRELIMINARY DECISION:** The Morrow County Planning Director tentatively approved Land Use Decision LUD-N-75-24 subject to the following CONDITIONS OF APPROVAL:

A final Zoning Permit is required for each tax lot. The ministerial Zoning Permits may be granted subject to the following conditions of approval:

1. The applicant shall comply with the regulations and directives stipulated by the Morrow County Weed Coordinator, which may include continued mitigation practices.
2. The applicant shall consult with Morrow County Public Works to identify and mitigate any anticipated impacts to County Roads during construction of the facility.
3. Applicant shall obtain access permit(s) for construction in the County right-of-way.
4. Applicant shall comply with the recommendations identified by affected agencies, if any.

 Tamra Mabbott
 Planning Director

 Date

Attachments: subject parcel map, Vicinity Map, Application and materials submitted by applicant, October 3, 2024 letter from Andrew Martin, Attorney at Law.

LUD-N-075-24
Findings of Fact

Vicinity Map

78

Subject Parcels

Bombing-Range-Rd

Bombing-Range-Rd

Bombing-Range-Rd

TL 500

Sand Lake

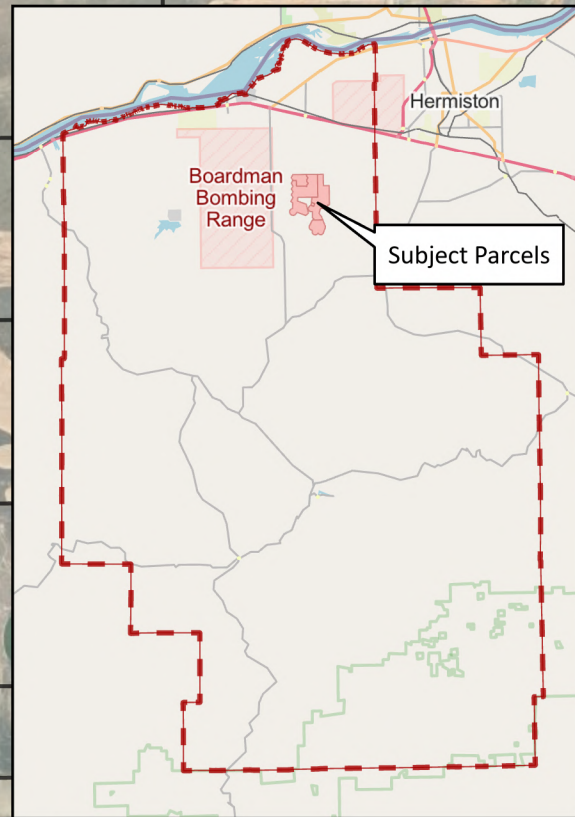
TL 1506

TL 1401

TL 1515
TL 1514

TL 302

0 5,000 10,000 US Feet



Subject Parcels



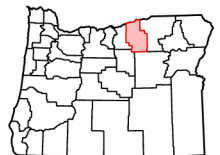
LUD-N-075-24

Port of Morrow
Multiple Tax Lots

- Morrow County Tax Lot
- Morrow County Boundary
- Subject Parcels

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

Cartography By: Stephen Wrecsics
Wednesday, August 7, 2024
Morrow County Planning Department



CORRECTED	OWNER 1	OWNER 2	MAIL ADDRESS	CITY	STATE	ZIPCODE
3N26E 302	CANYON FARM II, LLC		119 SOUTH B ST STE B	SAN MATEO	CA	94401
3N26E 1515	CANYON FARM II, LLC		119 SOUTH B ST STE B	SAN MATEO	CA	94401
3N26E 1514	CANYON FARM II, LLC		119 SOUTH B ST STE B	SAN MATEO	CA	94401
3N26E 1506	CANYON FARM II, LLC		119 SOUTH B ST STE B	SAN MATEO	CA	94401
3N26E 1401	CANYON FARM II, LLC		119 SOUTH B ST STE B	SAN MATEO	CA	94401
3N26E 1305	MADISON RANCHES LAND 1 LLC		29299 MADISON RD	ECHO	OR	97826
3N26E 1513	FINLEY BUTTES LTD PARTNERSHIP		3 WATERWAY SQUARE PL SUITE 110	THE WOODLANDS	TX	77380
3N26E 1000	SAGE HOLLOW RANCH, LLC, .01% ETAL		3620 INDEPENDENCE RD	SUNNYSIDE	WA	98944
3N26E 1400	MEENDERINCK LAND COMPANY LLC		PO BOX 1011	HERMISTON	OR	97838
3N26E 500	EASTERDAY DAIRY, LLC		PO BOX 2388	PASCO	WA	99301
2N26E 306	SANDHOLLOW LAND, LLC		PO BOX 307	LEXINGTON	OR	97839
2N26E 304	SANDHOLLOW LAND, LLC		PO BOX 307	LEXINGTON	OR	97839
2N26E 303	SANDHOLLOW LAND, LLC		PO BOX 307	LEXINGTON	OR	97839
2N26E 301	SANDHOLLOW LAND, LLC		PO BOX 307	LEXINGTON	OR	97839
3N26E 2300	SANDHOLLOW LAND, LLC		PO BOX 307	LEXINGTON	OR	97839
3N26E 1512	SANDHOLLOW LAND, LLC		PO BOX 307	LEXINGTON	OR	97839
3N26E 1511	SANDHOLLOW LAND, LLC		PO BOX 307	LEXINGTON	OR	97839
3N26E 1503	SANDHOLLOW LAND, LLC		PO BOX 307	LEXINGTON	OR	97839
3N26E 1501	SANDHOLLOW LAND, LLC		PO BOX 307	LEXINGTON	OR	97839
3N26E 509	OREGON POTATO COMPANY		PO BOX 3110	PASCO	WA	99302
3N26E 511	BAKER PRODUCE SOUTH, INC		PO BOX 4063	PASCO	WA	99302
3N26E 510	FARMLAND RESERVE, INC		PO BOX 511196	SALT LAKE CITY	UT	84151
3N26E 508	FARMLAND RESERVE, INC		PO BOX 511196	SALT LAKE CITY	UT	84151
3N26E 507	FARMLAND RESERVE, INC		PO BOX 511196	SALT LAKE CITY	UT	84151
3N26E 100	FARMLAND RESERVE, INC		PO BOX 511196	SALT LAKE CITY	UT	84151

LUD-N-75-24 | Port of Morrow | EFU 500ft. notice.
 Multiple, see supporting documents.
 S:\Planning\LUD\North\2024



September 10, 2024

Tamra Mabbott, Planning Director
Morrow County Planning Department
205 NE Third Street
Irrigon, Oregon, 97844

**RE: Port of Morrow Land Application Program - Farm 6 Expansion Project,
Morrow County Land Use Application**

Dear Stephanie:

The Port of Morrow (Port) operates the Boardman Industrial Park, which houses agricultural food processors and other industrial facilities that support the region's farming community. Part of the Port's service to the industrial and food processors is the management of their wastewater through a land application program. This land application program also provides a service to the local farmers by providing them with low-cost, nutrient-rich irrigation water in this water-deficient region. The Port operates this land application system under an Oregon Department of Environmental Quality (DEQ) water pollution control facilities (WPCF) permit.

The Port is proposing an expansion of the land application program through the purchase of an existing 7,300-acre farm located in Morrow County. The farm is being purchased from Canyon Farm, LLC, and Canyon Farm II, LLC and is zoned as exclusive farm use (EFU). The farm is located directly west of Farm 4. This expansion project will add up to 6,200 acres of land to the Port's land application program (to be designated as Farm 6), with the goal of distributing the wastewater across a larger land area, thereby reducing possible impacts. As part of this expansion project the Port will be constructing a new pipeline spur to deliver wastewater to the new property's existing piping system from the Port's existing wastewater pipeline to Farm 4. The Port is submitting to DEQ a WPCF permit modification request to add Farm 6 to the Port's land application program.

GSI Water Solutions, Inc. (GSI) is submitting on the behalf of the Port the attached Morrow County Land Use Application requesting confirmation that the land application of the Port's process wastewater and the new pipeline spur are allowed outright under the County's zoning ordinance.

The Port's ultimate goal is to obtain the County's signature on the DEQ Land Use Compatibility Statement form that is required for the WPCF permit modification. This LUCS form is attached at the end of this land use application package.

Please do not hesitate to reach out to either myself at 541.390.0591 or Miff Devin at 541.481.7678 with any questions.

Sincerely,
GSI Water Solutions, Inc.



Bruce Brody-Heine
Principal Hydrogeologist

Enclosures: Morrow County Land Use Application Package



September 9, 2024

Tamra Mabbott
Planning Director, Morrow County
Morrow County Planning Department
215 NE Main Avenue
Irrigon, OR 97844

**Re: Port of Morrow Land Use Application to Morrow County –
Authorization for Port to Sign Application**

Dear Ms. Mabbott:

The Port of Morrow (the “Port”) has recently signed a purchase and sale agreement to acquire certain real property in Morrow County, Oregon (“Canyon Farm”) from Canyon Farm, LLC and Canyon Farm II LLC (together, “Seller”). The closing of the transaction contemplated by the purchase agreement is scheduled to occur on or before December 31, 2024. Seller understands that the Port intends to submit a land use application to Morrow County regarding its use of Canyon Farm after the Port acquires Canyon Farm.

As the current landowner, Seller acknowledges that the Port intends to execute and submit the land use application form to the County based on the Port’s right to acquire Canyon Farm.

If you have any questions, please contact me at (406) 750-1665 or baptiste@fall-line-cap.com

Sincerely,

Baptiste Tellier
Canyon Farm, LLC – Vice President
Canyon Farm II, LLC – Authorized Signatory

cc: Lisa Mittlesdorf/Port of Morrow

Fall Line Capital

160 Bovet Rd, Suite 310, San Mateo, CA 94402 | 650.235.4032 | fall-line-capital.com



LAND USE APPLICATION

FILE NUMBER _____

Fee _____
Date Received _____
Date Deemed Complete _____

Type of Application (check one):

- Non-Farm Use
- Temporary Use
- Dwelling Authorization
- Agri-tourism
- Event(s)
- Other Farm 6 - Land Application Program Expansion

Applicant:

Name(s) Port of Morrow

Address 2 Marine Drive, Boardman, OR 97818

Phone (541) 481-7678 E-mail address MiffD@portofmorrow.com

Legal Owner (if different from the applicant):

Name(s) Canyon Farm LLC & Canyon Farm II LLC (Port of Morrow has a PSA to purchase this farm)

Address 73920 Pole Line Road, Boardman, OR 97818

Legal and Physical Description:

14-17, 20-23
26-29, 32-35

Township 2&3N Range 26E Section 2, 3, 10, 11 Tax Lot(s) see attached tax lot table - Attachment B

Physical Address 73920 Pole Line Road, Boardman, OR 97818

General Location See attached project description, maps, and table - Attachment A

PROPOSAL (Identify what you are proposing): Expansion of Port of Morrow's Land Application program to include new acres (Farm 6) - see attached project description

APPROVAL CRITERIA:

Zoning Designation EFU Acreage ~ 7,300 Acres

List the applicable Article, Section(s), and Subsection(s): Morrow County Zoning Ordinance (MCZO) Article 3, Section 3.010(B)(23) and (D)(8).

A Planner can assist you in identifying the review criteria that apply to your request. The review criteria are used to determine whether your application will be approved or denied. It is your responsibility to provide adequate written justification and any other evidence you feel is relevant to explain how your request complies with the review criteria. Failure to provide adequate justification may result in your application being denied, or deemed incomplete until additional information is provided. For additional space on any questions, please attach a separate sheet of paper.

PHYSICAL FEATURES (Describe the site):Vegetation on the property: typical local vegetation and grasses, and irrigated pivotsTopography of the property (i.e. rocky, hilly, forested): combination of flat an hilly areasAny significant features of the property (i.e. steep slopes, water bodies, etc.): NoSoil type(s): See attached descriptions - Attachment CIs the land or any portion of it subject to flooding? NoMost current use of the property: irrigation pivot farmingHas the location been utilized as an integral part of the farming operation on the property? YesDoes the location have water rights for irrigation? YesWhat are the predominant farming types in the area? Irrigated circle farmingIs the property currently under special assessment by the County Assessor's Office? No/unknown**EXISTING IMPROVEMENTS:**

What structures or development does the property contain? Will any structure be removed or demolished? Remnants of previous cattle operations (mostly removed), Potato storage buildings, & 2 farm worker houses

DESCRIBE THE ACCESS TO THE PROPERTY (check one):

State Highway County Road Public Road USFS Private Easement

Road Name: Homestead Lane/Pole Line RoadImprovement type and condition of road: NAWill any new access be required? No**EXISTING SERVICES:**Fire protection district or method: Boardman Rural Fire PDSolid waste disposal method: NAUtilities and other public services provided: Umatilla Electric**Please include a map or plot plan with the following information:**

Existing and proposed water supply;

Existing and proposed sewage disposal method; NALocation of existing and proposed structures; and NA

Existing and proposed roads and accesses.


With the map please provide a description of:How the proposal will be compatible with surrounding land uses: Continue with current farming operationsHow the proposal will protect and preserve existing natural resources such as trees, vegetation, water resources and wildlife habitat: No trees or natural features will be impactedWhether you believe diking, screening or other landscaping will be required to protect nearby properties and habitats: NA

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

Through applying for this application I authorize the Morrow County Planning Director or designee to enter upon the property subject of the application to conduct a site visit necessary for processing the requested application. Morrow County shall contact the Land Owner prior to the site visit to arrange an appropriate time for the site visit.

Signatures:

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

Signed:		
	_____	_____
	(Applicant)	(Applicant)
	_____	_____
	(Legal Owner)	(Legal Owner)

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

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

ATTACHMENT A
Farm 6 – Expansion Project
Project Description

Port of Morrow

Farm 6 - Land Application Program Expansion

Project Description

The Port of Morrow (Port) operates an industrial wastewater land application system on farmlands near the Port's Boardman Industrial Park under an Oregon Department of Environmental Quality (DEQ) water pollution control facilities (WPCF) land application permit. The Port provides a service to the food processors and other industries in this area by managing their wastewater and to the local farmers by providing them with low-cost, nutrient-rich irrigation water. The land application program is beneficial because it reuses both the nutrients and the water and provides a valuable service to the farming economy in this water-deficient region.

The Port is proposing an expansion of the land application program through the purchase of an existing 7,300-acre farm located in Morrow County. The farm is being purchased from Canyon Farm, LLC, and Canyon Farm II, LLC and is zoned as exclusive farm use (EFU), which lists land application as an allowed use. The farm is located directly west of Farm 4 (see attached Figures 1 and 2). There are currently approximately 5,350 acres of irrigated pivots on the property (Figure 2). The Port will call this new property Farm 6 and is submitting to DEQ a WPCF permit modification request to add Farm 6 to the Port's land application program, with the goal of distributing the wastewater across a larger land area to reduce possible impacts. The use of this new property (Farm 6) for land application of wastewater will include all the existing pivots (5,350 acres) plus up to an additional 850 acres (totaling 6,200 acres) within the proposed Farm 6 boundary, as the alignment of the circles within the land application area may move, and new circles could be added within the boundary of Farm 6.

The Port is requesting Morrow County issue a land use decision (LUD) confirming that the land application of wastewater as proposed is allowed outright. The Port is also requesting the County complete and sign the DEQ Land Use Compatibility Statement (LUCS) form that states that the proposed land application is allowed under the current land use designation.

Water Conveyance System. Fresh water will continue to be delivered to Farm 6 through the CID distribution system under the property's water rights. Wastewater is currently being conveyed through an existing pipeline (Figure 2) from the Port to Farm 4.

The Port will deliver wastewater to Farm 6 through a new spur originating from the existing pipeline and extending to the existing wastewater piping network on Farm 6. This new spur will also connect the storage pond on Farm 4 to Farm 6. The Port requests that this new pipe spur be evaluated as part of the County's evaluation of the land application of wastewater.

Existing Land Use/Site Conditions. Figure 3 shows the general topography in the vicinity of the project sites, and the existing irrigation pivots. The farm will continue to grow a wide variety of crops including, but not limited to: wheat, alfalfa, corn, onions, canola, potatoes, triticale, giant cane, garlic, sorghum, hay, beets, etc.

Port Land Application Program – Farm 6 Expansion Land Use Decision Request:

- Issue a land use decision acknowledging land application is an allowed use on up to 6,200 acres of land on this property (Farm 6).
- Include in the land use decision confirmation that the new wastewater piping spur to convey the wastewater from the existing Port pipeline to the Farm 6 wastewater piping system (see Figure 4 for details of the new piping route) is an allowed accessory use.

FIGURE 1

Vicinity Map

Farm 6 - Land Application Program Expansion Port of Morrow (POM)

- LEGEND**
- Proposed New Pipeline
 - Existing Pipeline
 - Farm 6 Expansion
 - POM Existing WPCF Permit Boundary
 - Existing Land Application Irrigation Circle
 - Existing Process Water Storage Pond
- All Other Features**
- City Boundary
 - County Boundary
 - Major Road
 - Watercourse

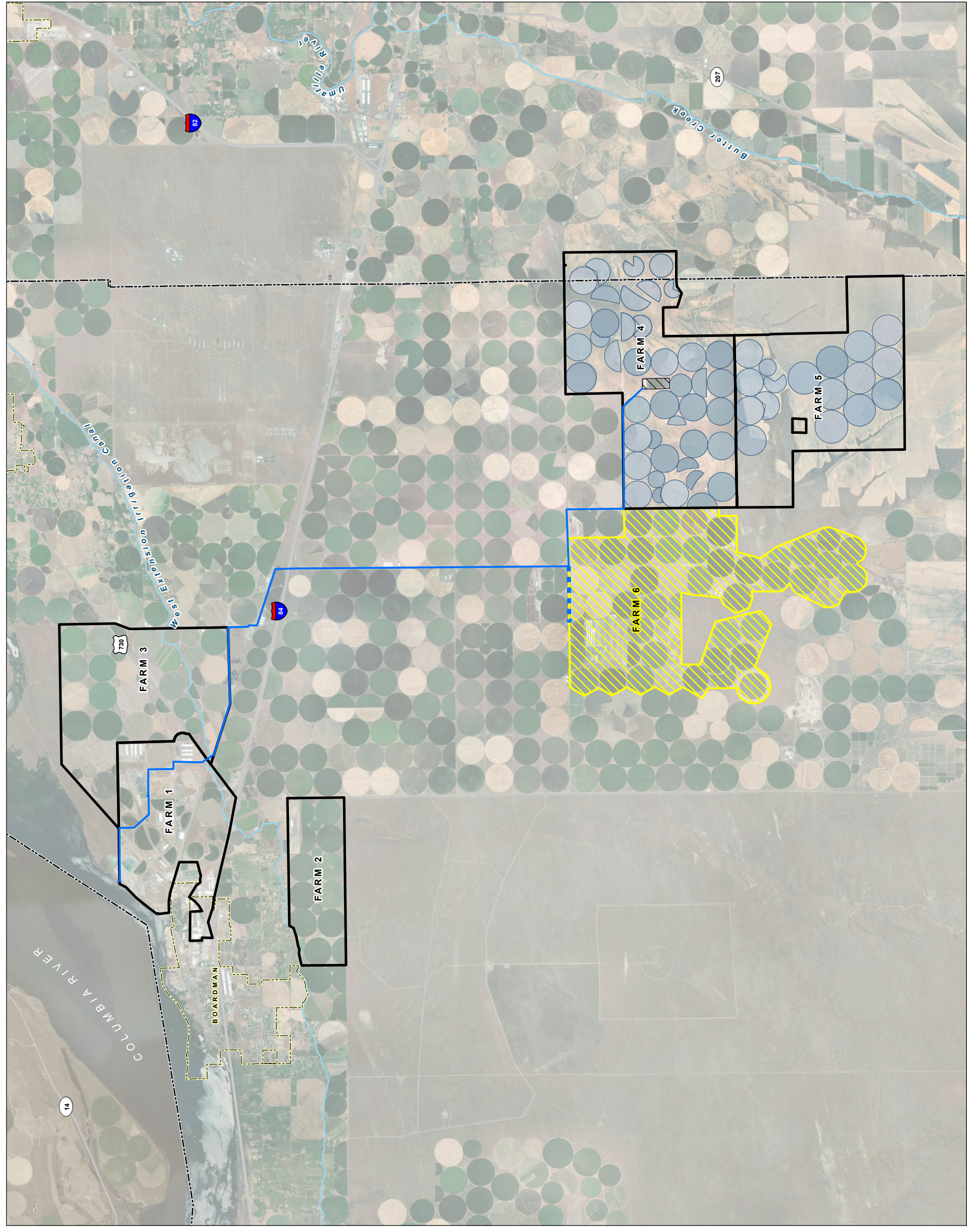
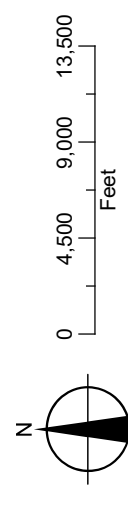







FIGURE 2

**Proposed Expansion Project
Boundary, Irrigation Circles,
and Monitoring Wells**

Farm 6 - Land Application
Program Expansion
Port of Morrow (POM)

LEGEND

-  Farm 6 Monitoring Well
-  Monitoring Well
-  Farm 6 Proposed WPCF Boundary Expansion
-  POM Existing WPCF Permit Boundary
-  Existing Irrigation Circle

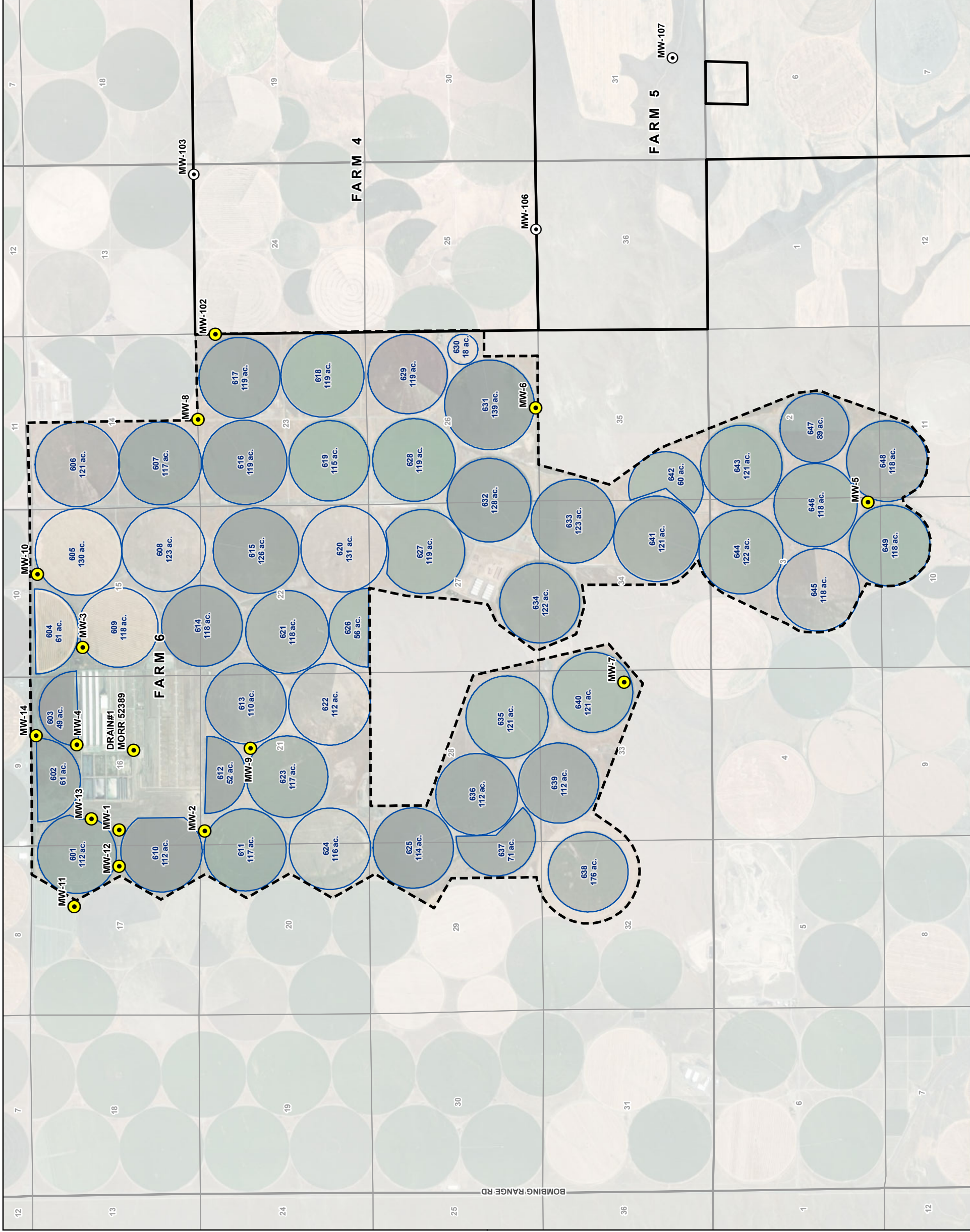
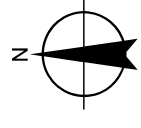






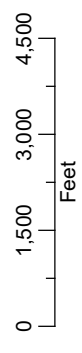
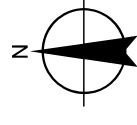


FIGURE 3

Surface Topography Farm 6 - Land Application Program Expansion Port of Morrow (POM)

LEGEND

-  Farm 6 Monitoring Well
 -  Monitoring Well
 -  Farm 6 Proposed WPCF Boundary Expansion
 -  POM Existing WPCF Permit Boundary
 -  Existing Irrigation Circle
 -  Surface Elevation Contour (20 foot interval)
- Surface Elevation (feet)**
High : 318.133
Low : 177.433
- 



Date: September 4, 2024
Data Sources: DOGAMI, USGS, ESRI

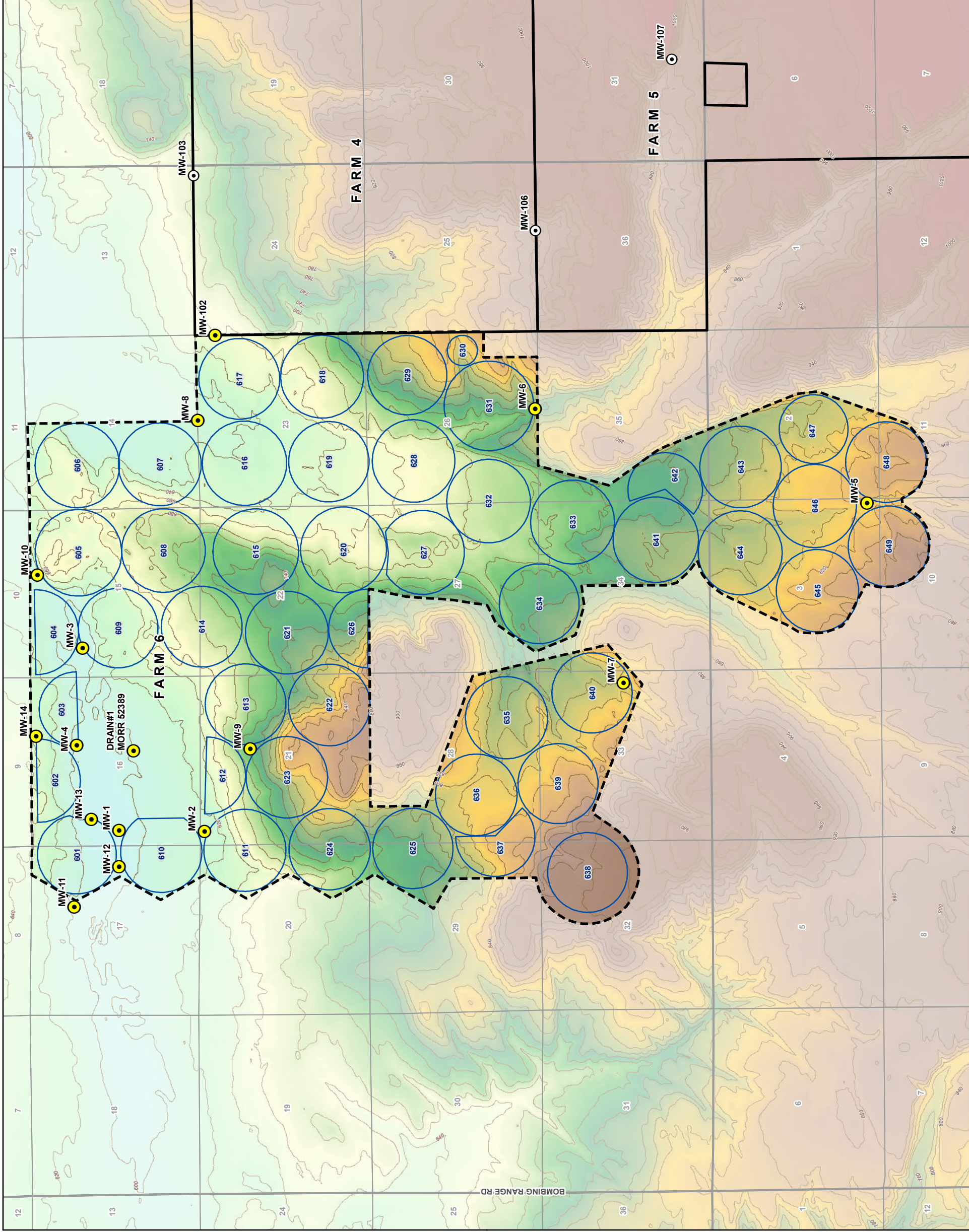
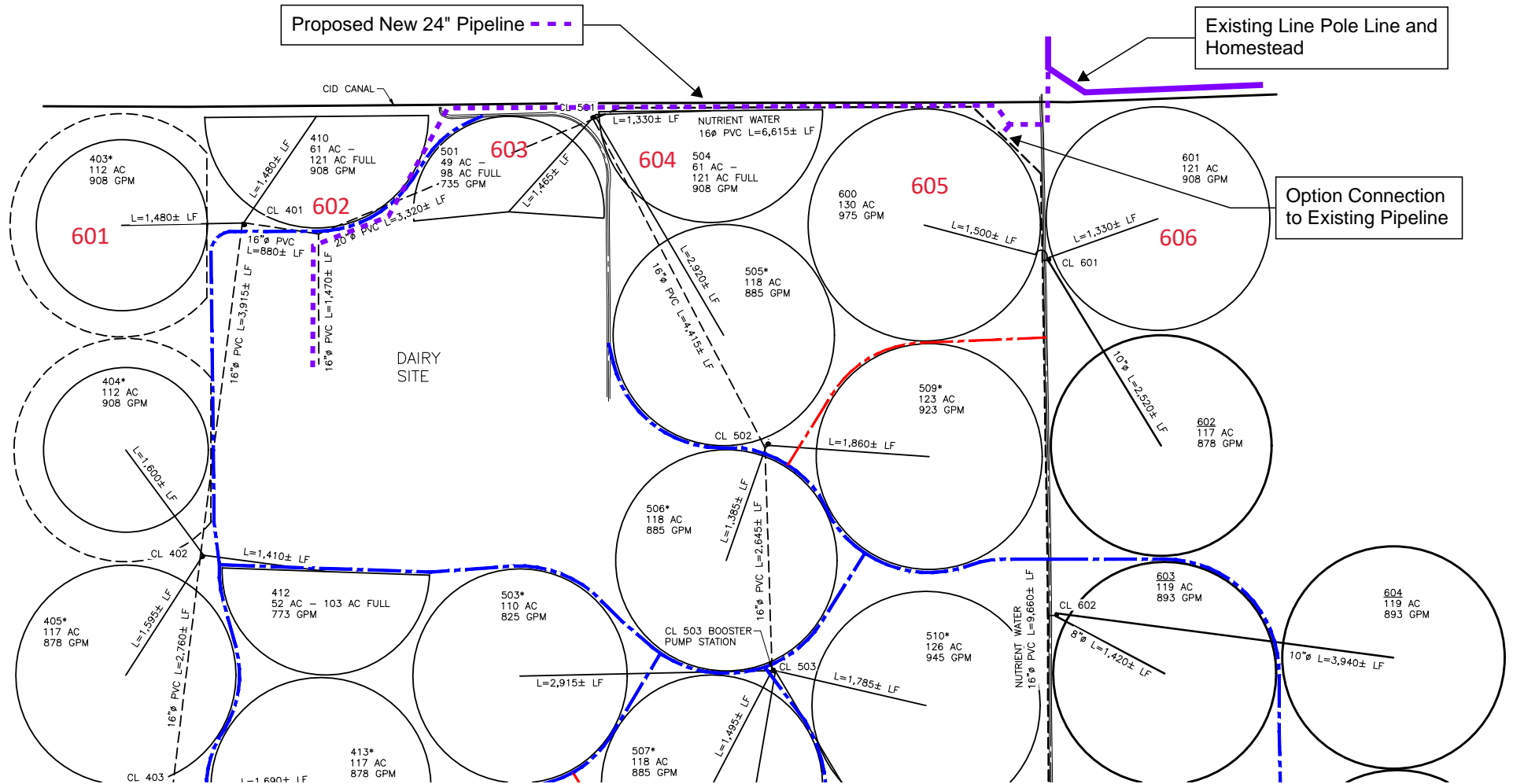
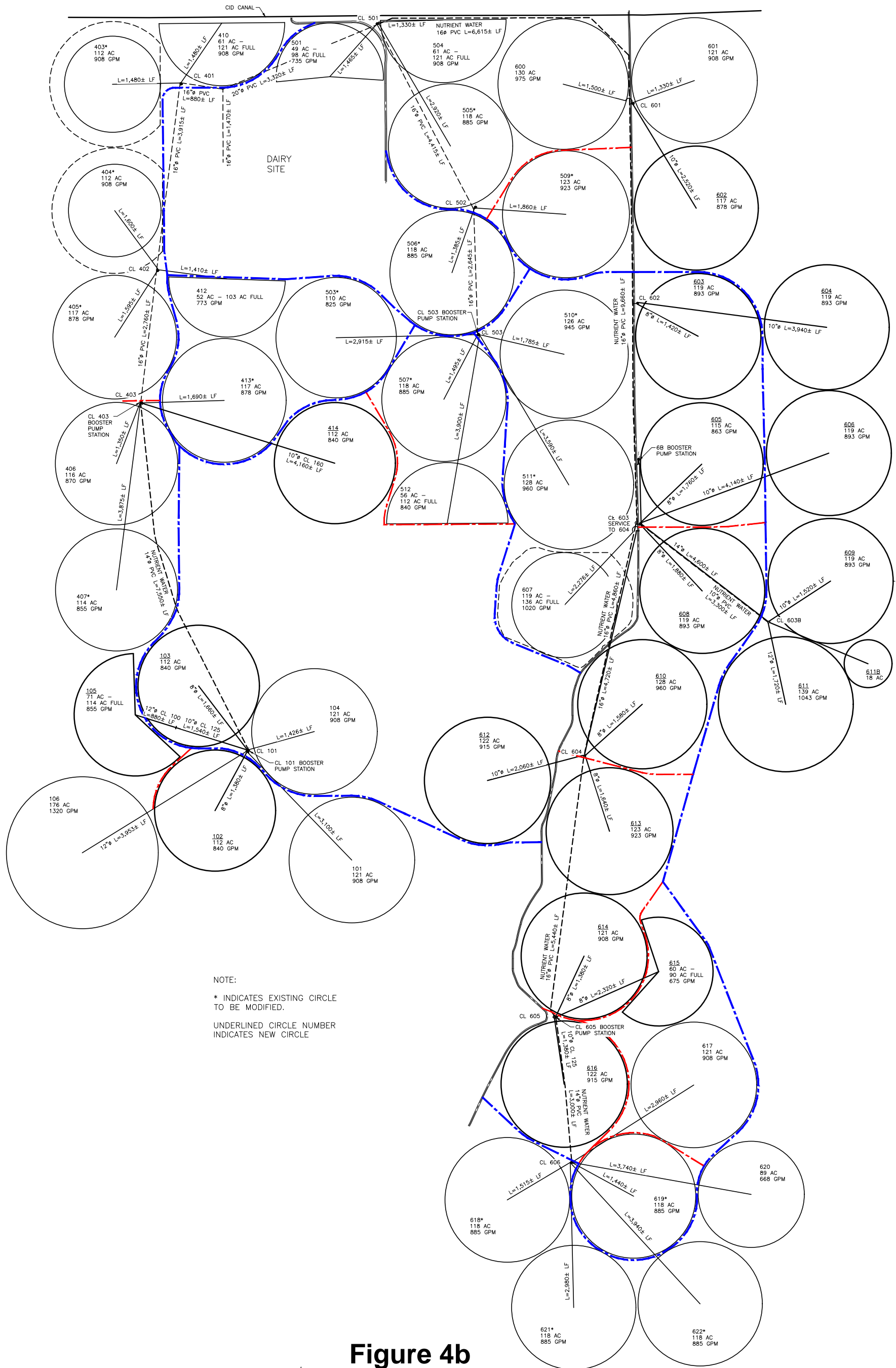


FIGURE 4a WASTEWATER PIPING SYSTEM MAP



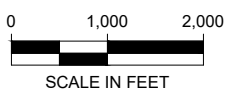
WASTEWATER PIPING SYSTEM MAP



NOTE:
 * INDICATES EXISTING CIRCLE TO BE MODIFIED.
 UNDERLINED CIRCLE NUMBER INDICATES NEW CIRCLE

Figure 4b

NUTRIENT WATER



NOTE:
 30 FT WIDE ROAD
 20 FT WIDE ROAD

CLUSTER TO PIVOT PIPES ARE 10" UNLESS NOTED OTHERWISE

ATTACHMENT B
Farm 6 – Expansion Project
Tax Lot Table and Map

Tax Lots

Port of Morrow WPCF Permit Modification

Farm 6 Tax Lots & Current Ownership Pending Purchase by Port of Morrow

Township		Range		Section	Tax Lot #	County	Land Owner
3	N	26	E	15, 16, 17	500	Morrow	Canyon Farm, LLC
3	N	26	E	14, 23, 26, 27, 34, 35	1401	Morrow	Canyon Farm II, LLC
3	N	26	E	15, 16, 17, 20-22, 28, 29, 32-34	1506	Morrow	Canyon Farm II, LLC
3	N	26	E	27	1514	Morrow	Canyon Farm II, LLC
3	N	26	E	27	1515	Morrow	Canyon Farm II, LLC
2	N	26	E	2, 3, 10, 11	302	Morrow	Canyon Farm II, LLC

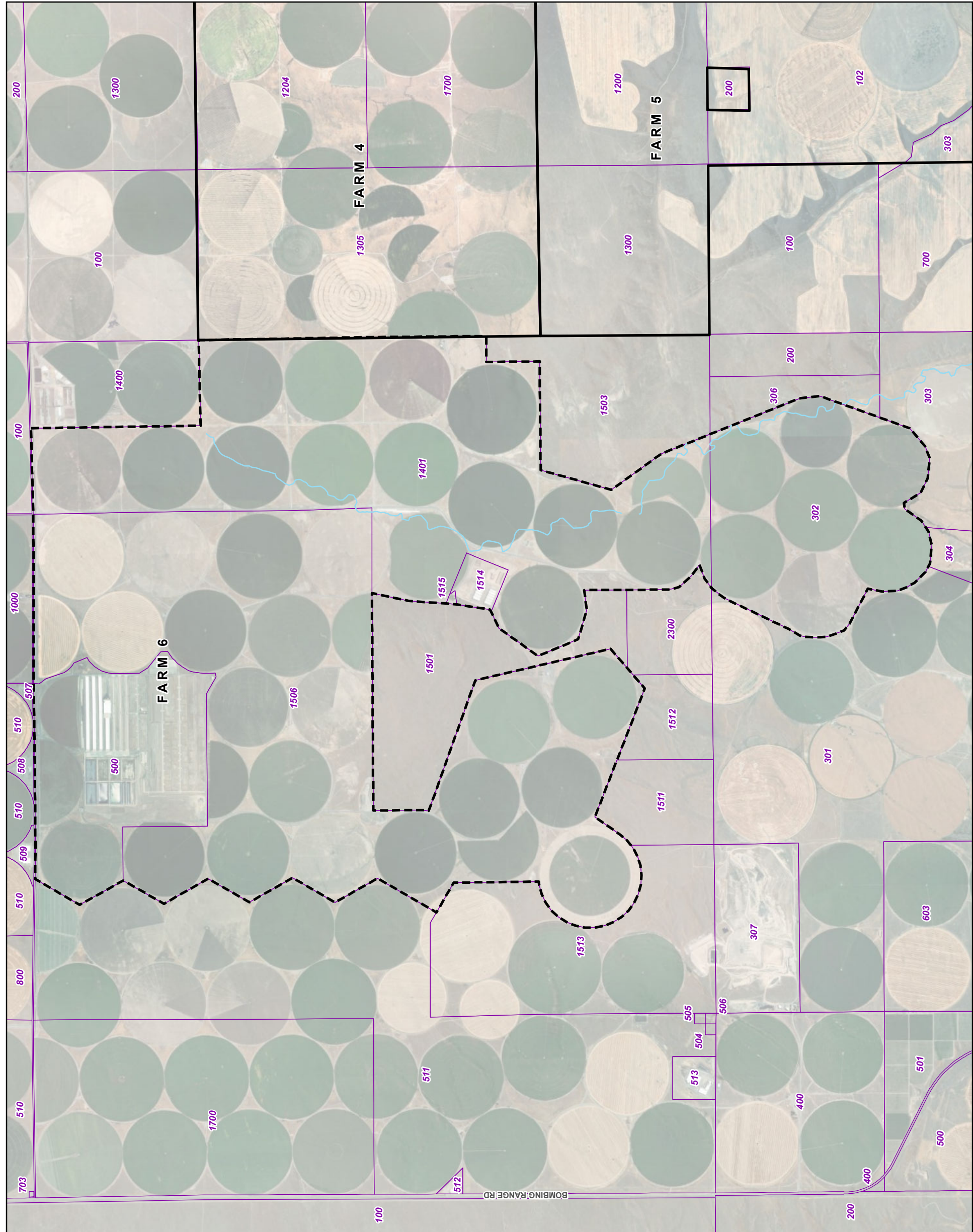
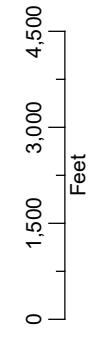
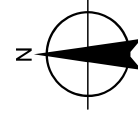


Farm 6 Tax Lot Map

Farm 6 - Land Application Program Expansion
Port of Morrow (POM)

LEGEND

- Morrow County Tax Lot
- Farm 6 Land Application Boundary
- POM Existing Land Application Boundary






ATTACHMENT C
Farm 6 – Expansion Project
Soils Map & Soils Description




FIGURE

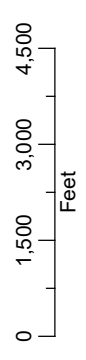
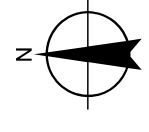
General Soil Map
Farm 6 - Land Application
Program Expansion
Port of Morrow (POM)

LEGEND

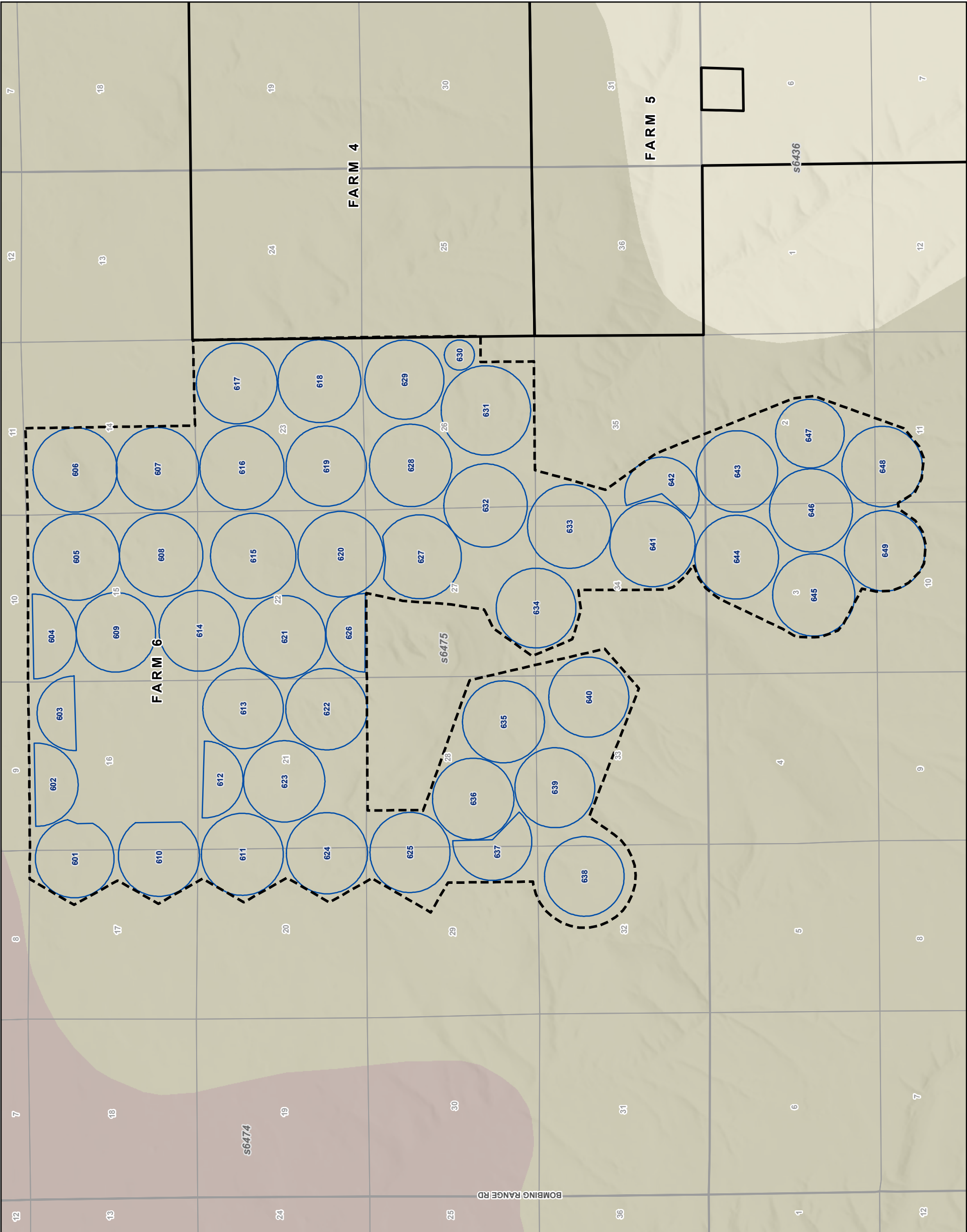
-  Farm 6 Proposed WPCF Boundary Expansion
-  POM Existing WPCF Permit Boundary
-  Existing Irrigation Circle

General Soil Types

-  Ritzville-Mikkalo (s6436)
-  Sagehill-Quincy-Koehler (S6474)
-  Warden-Sagehill-Taunton (s6475)



Date: September 4, 2024
Data Sources: DOGAMI, USGS, ESRI



LOCATION SAGEHILL

WA+OR

Established Series
Rev. HRG/RJE/TLA/RWL
09/2019

SAGEHILL SERIES

Landscape--valleys
Landform--terraces, terrace escarpments
Slope--0 to 60 percent
Parent material--lacustrine deposits with a mantle of loess or eolian deposits
Mean annual precipitation--about 180 mm
Mean annual air temperature--about 10 degrees C
Depth class--very deep, deep
Drainage class--well drained
Soil moisture regime--aridic
Soil temperature regime--mesic
Soil moisture subclass--xeric

TAXONOMIC CLASS: Coarse-loamy, mixed, superactive, mesic Xeric Haplocalcids

TYPICAL PEDON: Sagehill very fine sandy loam, cultivated (All textures are apparent field textures.)

Ap--0 to 20 cm; very fine sandy loam, brown (10YR 5/3) dry, dark brown (10YR 3/3) moist; very weak fine granular structure; soft, very friable, nonsticky and nonplastic; common very fine roots; many very fine and fine irregular pores; slightly alkaline (pH 7.6); abrupt smooth boundary

Bw--20 to 48 cm; very fine sandy loam, brown (10YR 5/3) dry, dark brown (10YR 3/3) moist; weak very coarse prismatic structure; soft, very friable, nonsticky and nonplastic; common very fine roots; many very fine and fine irregular pores; slightly alkaline (pH 7.8); abrupt wavy boundary

2Bk1--48 to 76 cm; very fine sandy loam, pale brown (10YR 6/3) dry, grayish brown (2.5Y 5/2) moist; weak very coarse prismatic structure; slightly hard, friable, nonsticky and nonplastic; common very fine roots; common very fine and fine irregular pores; few spheroidal secondary lime aggregates; strongly effervescent; moderately alkaline (pH 8.4); abrupt wavy boundary

2Bk2--76 to 99 cm; silt loam, light brownish gray (2.5Y 6/2) dry, grayish brown (2.5Y 5/2) moist; massive; hard, firm, slightly sticky and slightly plastic; few very fine roots; common very fine and fine irregular pores; secondary lime in seams; violently effervescent; moderately alkaline (pH 8.4); abrupt wavy boundary

2Bk3--99 to 132 cm; very fine sandy loam, light brownish gray (2.5Y 6/2) dry, grayish brown (2.5Y 5/2) moist; massive; slightly hard, friable, nonsticky and nonplastic; few very fine roots; common very fine irregular pores; common secondary lime aggregates; violently effervescent; strongly alkaline (pH 8.6); abrupt smooth boundary

2Bk4--132 to 150 cm; very fine sandy loam, light brownish gray (2.5Y 6/2) dry, grayish brown (2.5Y 5/2) moist; massive; slightly hard, friable, nonsticky and nonplastic; few very fine roots; common very fine irregular pores; few spheroidal secondary lime aggregates; strongly effervescent; strongly alkaline (pH 8.6)

TYPE LOCATION: Grant County, Washington; about 3 km north of Warden; 770 m north and 660 m east of

the northwest corner of section 32, T. 18 N., R. 30 E.

RANGE IN CHARACTERISTICS:

Mean annual soil temperature--10 to 13 degrees C

Soil moisture--usually dry in all parts between depths of 20 and 60 cm

Depth to calcium carbonate (calcic horizon)--38 to 76 cm

Calcium carbonate equivalent in calcic horizon--5 to 35 percent

Depth to lime- and silica-indurated duripan in some pedons--100 to 150 cm

Ap horizon

Value--5 or 6 dry, 3 or 4 moist

Chroma--2 or 3 dry or moist

Texture--very fine sandy loam, fine sandy loam

Reaction--6.6 to 8.4

Thickness--10 to 25 cm

Bw horizon

Value--5 or 6 dry, 3 or 4 moist

Chroma--2 or 3 dry or moist

Texture--very fine sandy loam, silt loam, loamy very fine sand, fine sandy loam

Reaction--6.6 to 8.4

Thickness--23 to 50 cm

2Bk horizon

Hue--2.5Y, 10YR

Value--4 or 5 moist, 6 or 7 dry

Chroma--2 or 3 dry or moist

Texture--stratified silt loam, very fine sandy loam, or fine sandy loam; gravelly coarse sand or very gravelly coarse sand at a depth of 100 to 150 cm in some pedons

Reaction--7.4 to 9.0

Combined thickness--greater than 75 cm

COMPETING SERIES:

[Adkins](#)--no calcium secondary calcium carbonate within a depth of 61 cm

[Atlanta](#)--A horizon that has 15 to 25 percent calcium carbonate equivalent

[Bertelson](#)--no cambic horizon

[Briabbit](#)--50 to 100 cm (moderately deep) to a paralithic contact (tuff)

[Crestline](#)--15 to 35 percent gravel in particle-size control section

[Declo](#)--8 to 18 percent clay in particle-size control section; 8 to 46 cm deep to calcic horizon; laminated sediment below a depth of 64 to 100 cm

[Eoyote](#)--8 to 12 percent clay in particle-size control section; 20 to 30 cm deep to calcic horizon

[Escalante](#)--8 to 18 percent clay and 0 to 35 percent gravel in particle-size control section; 15 to 40 percent calcium carbonate equivalent in calcic horizon

[Kecko](#)--10 to 18 percent clay in particle-size control section; 50 to 100 cm deep to calcic horizon

[Somsen](#)--50 to 100 cm (moderately deep) to a lithic contact (basalt); 8 to 18 percent clay and 15 to 35 percent rock fragments in particle-size control section; 18 to 41 cm deep to calcic horizon

[Strevell](#)--10 to 15 percent clay and 5 to 30 percent rock fragments in particle-size control section; 25 to 50 cm deep to calcic horizon

GEOGRAPHIC SETTING:

Elevation--90 to 400 m in Washington, ranges to 790 m in MLRA 11 in Oregon

Climate--arid; warm, dry summers; cool, moist winters

Mean annual precipitation--150 to 250 mm

Mean January air temperature--about -3 degrees C

Mean July air temperature--about 22 degrees C
Mean annual air temperature--about 10 to 12 degrees C
Frost-free season--135 to 200 days

GEOGRAPHICALLY ASSOCIATED SOILS:

[Hezel](#)--on terraces; coarse texture in upper part of particle-size control section
[Kennewick](#)--on terraces; no cambic horizon; calcareous throughout
[Nyssa](#)--on terraces; silt loam in particle-size control section; duripan
[Quincy](#)--on dunes; sandy
[Owyhee](#)--coarse-silty, laminated, slowly permeable, calcareous sediment at a depth of 50 to 89 cm
[Royal](#)--no calcic horizon
[Sagemoor](#), [Warden](#)--on terraces; coarse-silty
[Shano](#)--on hills; coarse-silty
[Scooteney](#)--averages 20 to 35 percent gravel in particle-size control section

DRAINAGE AND SATURATED HYDRAULIC CONDUCTIVITY:

Drainage class--well drained
Saturated hydraulic conductivity (Ksat)--moderately high

USE AND VEGETATION:

Use--nonirrigated wheat and rye production, livestock grazing, irrigated crop production
Native vegetation--bluebunch wheatgrass, Sandberg bluegrass, Thurber needlegrass, needle and thread, Wyoming big sagebrush

DISTRIBUTION AND EXTENT: South-central Washington and eastern Oregon; MLRAs 7 and 11; moderate extent

SOIL SURVEY REGIONAL OFFICE (SSRO) RESPONSIBLE: Portland, Oregon

SERIES ESTABLISHED: Malheur County, Oregon; 1975

REMARKS:

Diagnostic horizons and other features recognized in this pedon
*Ochric epipedon
*Cambic horizon--zone from 20 to 48 cm
*Calcic horizon--zone from 48 to 150 cm
*Particle-size control section--zone from 25 to 100 cm

National Cooperative Soil Survey
U.S.A.

LOCATION TAUNTON

WA+ID OR UT

Established Series
Rev. JJR/KWH/TLA
09/2019

TAUNTON SERIES

Landscape--plateaus
Landform--structural benches, fan terraces, mesas
Slope--0 to 45 percent
Parent material--alluvium
Mean annual precipitation--about 200 mm
Mean annual air temperature--about 10 degrees C
Depth class--moderately deep to a duripan
Drainage class--well drained
Soil moisture regime--aridic
Soil temperature regime--mesic
Soil moisture subclass--xeric

TAXONOMIC CLASS: Coarse-loamy, mixed, superactive, mesic Xeric Haplodurids

TYPICAL PEDON: Taunton fine sandy loam, cultivated

Ap--0 to 13 cm; fine sandy loam, light brownish gray (10YR 6/2) dry, dark grayish brown (10YR 4/2) moist; weak fine granular structure; soft, very friable, nonsticky and nonplastic; common roots; moderately alkaline (pH 8.0); abrupt smooth boundary

Bw--13 to 46 cm; fine sandy loam, pale brown (10YR 6/3) dry, brown (10YR 4/3) moist; weak medium subangular blocky structure; soft, very friable, nonsticky and nonplastic; common roots; few very fine tubular pores; moderately alkaline (pH 8.0); clear wavy boundary

Bkq--46 to 61 cm; gravelly fine sandy loam, pale brown (10YR 6/3) dry, brown (10YR 4/3) moist; massive; soft, very friable, nonsticky and nonplastic; common roots; few very fine tubular pores; 20 percent lime- and silica-cemented gravel-sized fragments; strongly effervescent; strongly alkaline (pH 8.6); abrupt smooth boundary

2Bkqm--61 cm; very pale brown (10YR 8/2) indurated duripan; thin smooth laminar cap on surface; violently effervescent in laminar cap and matrix

TYPE LOCATION: Adams County, Washington, about 75 m south and 15 m east of the center of the NW1/4 of section 16, T. 15 N., R. 28 E.; Willamette Meridian

RANGE IN CHARACTERISTICS:

Mean annual soil temperature--11 to 13 degrees C
Soil moisture--dry in all parts between depths of 20 and 60 cm, or to the duripan, more than one-half the time when the soil temperature is higher than 5 degrees C (about 105 to 135 days)
Depth to secondary carbonates (calcic horizon)--25 to 64 cm
Depth to indurated duripan--50 to 100 cm

Ap horizon

Value--5 or 6 dry, 3 or 4 moist

Chroma--2 to 4 dry or moist

Structure--granular, subangular blocky

Thickness--8 to 23 cm

Bw horizon

Value--5 to 8 dry, 3 to 6 moist

Chroma--2 to 4 dry or moist

Texture--silt loam, loam, very fine sandy loam, sandy loam, fine sandy loam

Reaction--7.4 to 8.4

Thickness--15 to 48 cm

Bkq horizon

Hue--2.5Y, 10YR

Value--5 to 8 dry, 3 to 6 moist

Chroma--1 to 4

Texture--silt loam, loam, sandy loam, fine sandy loam, very fine sandy loam

Content of gravel-sized, lime- and silica-cemented fragments--0 to 35 percent

Reaction--7.4 to more than 9.0

Calcium carbonate content--15 to 25 percent

Thickness--15 to 51 cm

COMPETING SERIES:[Doel](#)--no carbonates above a duripan; sand below duripan[Jestrick](#)--65 to 100 cm (moderately deep) to a lithic contact (basalt)[Ticeska](#)--58 to 100 cm (moderately deep) to a lithic contact (basalt)[Oupico](#)--calcareous throughout cambic horizon[Shalake](#)--average of 15 to 35 percent rock fragments in particle-size control section[Tauncal](#)--calcareous to the surface in areas mixed to a depth of 20 cm**GEOGRAPHIC SETTING:**

Elevation--60 to 670 m in Washington and Oregon; dominantly 910 to 1525 m in Idaho, but ranges to 1675 m on south- and west-facing slopes

Climate--arid; hot, dry summers; cool, moist winters

Mean annual precipitation--150 to 310 mm

Mean January air temperature--about -2 degrees C

Mean July air temperature--about 22 degrees C

Mean annual air temperature--about 9 to 12 degrees C

Frost-free season--135 to 210 days in Washington and Oregon, 100 to 140 days in Idaho

GEOGRAPHICALLY ASSOCIATED SOILS:[Paulville](#), [Royal](#)--no duripan[Scoon](#)--25 to 50 cm (shallow) to a duripan[Wiehl](#)--no duripan; 50 to 100 cm (moderately deep) to a paralithic contact (sandstone)**DRAINAGE AND SATURATED HYDRAULIC CONDUCTIVITY:**

Drainage class--well drained

Saturated hydraulic conductivity (Ksat)--moderately high above the duripan

USE AND VEGETATION:

Use--livestock grazing, irrigated crop production

Native vegetation--Wyoming big sagebrush, bluebunch wheatgrass, Thurber needlegrass, Sandberg bluegrass, buckwheat, gray rabbitbrush

DISTRIBUTION AND EXTENT: South-central Washington, north-central Oregon, and southern Idaho; MLRAs 7, 8, and 11; moderate extent

SOIL SURVEY REGIONAL OFFICE (SSRO) RESPONSIBLE: Portland, Oregon

SERIES ESTABLISHED: Walla Walla County, Washington; 1960

REMARKS:

Diagnostic horizons and other features recognized in this pedon

*Ochric epipedon

*Cambic horizon--zone from 13 to 46 cm

*Calcic horizon--zone from 46 to 61 cm

*Depth to duripan--61 cm

*Particle-size control section--zone from 25 to 61 cm

National Cooperative Soil Survey
U.S.A.

LOCATION WARDEN

WA+OR

Established Series
Rev. HRG/TLA/RWL
09/2019

WARDEN SERIES

Landscape--hills, plateaus, valleys

Landform--dominantly terraces and terrace escarpments, but also strath terraces, hillslopes, and dunes

Slope--0 to 65 percent

Parent material--thin mantle of loess over lacustrine or glaciolacustrine deposits

Mean annual precipitation--about 180 mm

Mean annual air temperature--about 10 degrees C

Depth class--very deep, deep

Drainage class--well drained

Soil moisture regime--aridic

Soil temperature regime--mesic

Soil moisture subclass--xeric

TAXONOMIC CLASS: Coarse-silty, mixed, superactive, mesic Xeric Haplocambids

TYPICAL PEDON: Warden very fine sandy loam, cultivated

Ap--0 to 15 cm; very fine sandy loam, light brownish gray (10YR 6/2) dry, dark grayish brown (10YR 4/2) moist; weak fine granular structure; soft, very friable, nonsticky and nonplastic; many fine roots; slightly alkaline (pH 7.8); abrupt smooth boundary

Bw--15 to 48 cm; very fine sandy loam, pale brown (10YR 6/3) dry, brown (10YR 4/3) moist; weak medium subangular blocky structure; soft, very friable, nonsticky and nonplastic; common fine roots; common very fine tubular pores; slightly alkaline (pH 7.8); abrupt smooth boundary

2Bk--48 to 102 cm; silt loam, pale brown (10YR 6/3) dry, brown (10YR 4/3) moist; massive; hard, firm, slightly sticky and slightly plastic; few thinly laminated lenses; common fine roots; many very fine tubular pores; few secondary lime aggregates; violently effervescent; moderately alkaline (pH 8.4); clear wavy boundary

2C1--102 to 137 cm; very fine sandy loam, pale brown (10YR 6/3) dry, brown (10YR 5/3) moist; massive; soft, friable, nonsticky and nonplastic; common fine roots; common very fine tubular pores; violently effervescent; strongly alkaline (pH 8.6); clear wavy boundary

2C2--137 to 150 cm; silt loam, light gray (10YR 7/2) dry, light brownish gray (10YR 6/2) moist; massive; hard, firm, slightly sticky and slightly plastic; few roots; few very fine tubular pores; violently effervescent; strongly alkaline (pH 8.6)

TYPE LOCATION: Adams County, Washington; about 30 m south and 150 m east of the northwest corner of section 19, T. 16 N., R. 30 E., Willamette Meridian

RANGE IN CHARACTERISTICS:

Mean annual soil temperature--10 to 13 degrees C

Moisture control section--continuously dry in all parts between depths of 10 and 30 cm from about May 1 to

October 1

Depth to secondary carbonates--38 to 97 cm
 Depth to a duripan in some pedons--more than 100 cm
 Content of gravel--as much as 15 percent

Ap horizon

Value--5 or 6 dry; 3, 4, or 5 moist
 Chroma--2 or 3 moist or dry
 Texture--fine sandy loam, silt loam, very fine sandy loam
 Content of clay--5 to 15 percent
 Content of fine gravel--0 to 2 percent
 Thickness--8 to 25 cm

Bw horizon

Value--5 or 6 dry; 3, 4, or 5 moist
 Chroma--2 to 4 moist or dry
 Texture--very fine sandy loam, silt loam
 Content of clay--8 to 15 percent
 Content of fine gravel--0 to 2 percent
 Thickness--23 to 71 cm

2Bk horizon

Hue--10YR, 2.5Y
 Value--6 or 7 dry, 4 or 5 moist
 Chroma--2 or 3 moist or dry
 Texture--stratified silt loam and very fine sandy loam
 Calcium carbonate equivalent--1 to 30 percent
 Thickness--20 to 100 cm

2C horizon

Texture-- silt loam to loamy fine sand
 Vertical or diagonal clastic dikes--in some pedons

COMPETING SERIES:

[Bedground](#)--100 to 150 cm (deep) to a lithic contact; no secondary carbonates above 50 cm
[Sagemoor](#)--38 to 76 cm to continuous thin laminations; 36 to 61 cm to secondary carbonates
[Shano](#)--no stratified substratum; 20 to 115 cm to secondary carbonates

GEOGRAPHIC SETTING:

Elevation--90 to 400 m
 Climate--warm, dry summers; cool, moist winters
 Mean annual precipitation--150 to 230 mm
 Mean January air temperature--about -3 degrees C
 Mean July air temperature--about 22 degrees C
 Mean annual air temperature--about 9 to 12 degrees C
 Frost-free season--135 to 200 days

GEOGRAPHICALLY ASSOCIATED SOILS:

[Gravden](#)--loamy-skeletal particle-size class; 25 to 50 cm (shallow) to a duripan; on terraces
[Kennewick](#)--calcareous in all parts; on terraces
[Royal](#), [Sagehill](#)--coarse-loamy particle-size class; on terraces
[Sagemoor](#)--38 to 76 cm to continuous thin laminations; 36 to 61 cm to secondary carbonates
[Shano](#)--solum more than 150 cm thick; no stratified substratum; 30 to 114 cm to secondary carbonates
[Taunton](#)--coarse-loamy particle-size class; on terraces; 50 to 100 cm (moderately deep) to a duripan

Wahluke--weakly cemented; no cambic horizon; on lakebeds and terraces

DRAINAGE AND SATURATED HYDRAULIC CONDUCTIVITY:

Drainage class--well drained

Saturated hydraulic conductivity (Ksat)--moderately high

USE AND VEGETATION:

Use--irrigated crop production, livestock grazing, some nonirrigated crop production

Nonirrigated crops--wheat and rye grown in a summer fallow system

Irrigated crops--wheat, grass-legume hay, potatoes, dry beans, dry peas, tree fruit, hops, mint, vegetables

Native vegetation--bluebunch wheatgrass, Sandberg bluegrass, needleandthread, big sagebrush

DISTRIBUTION AND EXTENT: Central Washington and north-central Oregon; MLRAs 7 and 8; moderate extent

SOIL SURVEY REGIONAL OFFICE (SSRO) RESPONSIBLE: Portland, Oregon

SERIES ESTABLISHED: Columbia Basin Area Reconnaissance, Washington; 1929

REMARKS:

Diagnostic horizons and other features in this pedon

*Ochric epipedon

*Cambic horizon--zone from 15 to 48 cm

*Carbonate accumulation--zone from 48 to 102 cm

*Calcium carbonate equivalent--assumed less than 15 percent

*Particle-size control section--zone from 25 to 100 cm

National Cooperative Soil Survey
U.S.A.

ATTACHMENT D
Farm 6 – Expansion Project
DEQ Land Use Compatibility Statement
Requiring County Signature



Land Use Compatibility Statement

What is a Land Use Compatibility Statement?

A LUCS is a form developed by DEQ to determine whether a DEQ permit or approval will be consistent with local government comprehensive plans and land use regulations.

Why is a LUCS required?

DEQ and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and have a process for determining consistency. DEQ activities affecting land use and the requirement for a LUCS may be found in Oregon Administrative Rules (OAR) Chapter 340, Division 18.

When is a LUCS required?

A LUCS is required for nearly all DEQ permits and certain approvals of plans or related activities that affect land use prior to issuance of a DEQ permit or approval. These permits and activities are listed in section 1.D on p. 2 of this form. A single LUCS can be used if more than one DEQ permit or approval is being applied for concurrently.

Permit modifications or renewals also require a LUCS when any of the following applies:

1. Physical expansion on the property or proposed use of additional land;
2. Alterations, expansions, improvements or changes in method or type of disposal at a solid waste disposal site as described in OAR 340-093-0070(4)(b);
3. A significant increase in discharges to water;
4. A relocation of an outfall outside of the source property; or
5. Any physical change or change of operation of an air pollutant source that results in a net significant emission rate increase as defined in OAR 340-200-0020.

How to complete a LUCS:

Step	Who does it?	What happens?
1.	Applicant	Applicant completes Section 1 of the LUCS and submits it to the appropriate city or county planning office.
2.	City or County Planning Office	City or county planning office completes Section 2 of the LUCS to indicate whether the activity or use is compatible with the acknowledged comprehensive plan and land use regulations, attaches written findings supporting the decision of compatibility, and returns the signed and dated LUCS to the applicant.
3.	Applicant	Applicant submits the completed LUCS and any supporting information provided by the city or county to DEQ along with the DEQ permit application or approval request.

Where to get help:

For questions about the LUCS process, contact the DEQ staff responsible for processing the permit or approval. DEQ staff may be reached at 1-800-452-4011 (toll-free, inside Oregon) or 503-229-5630. For general questions, please contact DEQ land use staff listed on our [Land Use Compatibility Statement page](#) online.

Cultural resources protection laws:

Applicants involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction, or alteration of an archeological site or object or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking, to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, ext. 232.

Section 1 – To be completed by the applicant

1A. Applicant Name:	1B. Project Name:
Contact Name:	Physical Address:
Mailing Address:	City, State, Zip:
City, State, Zip:	Tax Lot #:
Telephone:	Township: Range: Section:
Tax Account #:	Latitude:
	Longitude:

1C. Describe the project, include the type of development, business, or facility and services or products provided (attach additional information if necessary):

1D. Check the type of DEQ permit(s) or approval(s) being applied for at this time.

<input type="checkbox"/> Air Quality Notice of Construction	<input type="checkbox"/> Clean Water State Revolving Fund Loan Request
<input type="checkbox"/> Air Contaminant Discharge Permit	<input type="checkbox"/> Wastewater/Sewer Construction Plan/ Specifications (includes review of plan changes that require use of new land)
<input type="checkbox"/> Air Quality Title V Permit	<input type="checkbox"/> Water Quality NPDES Individual Permit
<input type="checkbox"/> Air Quality Indirect Source Permit	<input type="checkbox"/> Water Quality WPCF Individual Permit (for onsite construction-installation permits use the DEQ Onsite LUCS form)
<input type="checkbox"/> Parking/Traffic Circulation Plan	<input type="checkbox"/> Water Quality NPDES Stormwater General Permit (1200-A, 1200-C, 1200-CA, 1200-COLS, and 1200-Z)
<input type="checkbox"/> Solid Waste Land Disposal Site Permit	<input type="checkbox"/> Water Quality General Permit (all general permits, except 600, 700-PM, 1700-A, and 1700-B when they are mobile)
<input type="checkbox"/> Solid Waste Treatment Facility Permit	<input type="checkbox"/> Water Quality 401 Certification for federal permit or license
<input type="checkbox"/> Solid Waste Composting Facility Permit (includes Anaerobic Digester)	
<input type="checkbox"/> Conversion Technology Facility Permit	
<input type="checkbox"/> Solid Waste Letter Authorization Permit	
<input type="checkbox"/> Solid Waste Material Recovery Facility Permit	
<input type="checkbox"/> Solid Waste Energy Recovery Facility Permit	
<input type="checkbox"/> Solid Waste Transfer Station Permit	
<input type="checkbox"/> Waste Tire Storage Site Permit	
<input type="checkbox"/> Pollution Control Bond Request	
<input type="checkbox"/> Hazardous Waste Treatment, Storage or Disposal Permit	

This application is for: Permit Renewal New Permit Permit Modification Other:

Applicant name:		Project name:	
Instructions: Written findings of fact for all local decisions are required; written findings from previous actions are acceptable. For uses allowed outright by the acknowledged comprehensive plan, DEQ will accept written findings in the form of a reference to the specific plan policies, criteria, or standards that were relied upon in rendering the decision with an indication of why the decision is justified based on the plan policies, criteria, or standards.			
2A. The project proposal is located: <input type="checkbox"/> Inside city limits <input type="checkbox"/> Inside UGB <input type="checkbox"/> Outside UGB			
2B. Name of the city or county that has land use jurisdiction (the legal entity responsible for land use decisions for the subject property or land use):			
2C. <input type="checkbox"/> This project is not within the jurisdiction of any other land use, zoning, or planning entity <input type="checkbox"/> This project is also within the jurisdiction of the following land use, zoning, or planning entity _____			
2D. Is the activity allowed under Measure 49 (2007)? <input type="checkbox"/> No, Measure 49 is not applicable <input type="checkbox"/> Yes, if yes, then check one:			
<input type="checkbox"/> Express; approved by DLCD order #:			
<input type="checkbox"/> Conditional; approved by DLCD order #:			
<input type="checkbox"/> Vested; approved by local government decision or court judgment docket or order #:			
2E. Is the activity a composting facility? <input type="checkbox"/> No <input type="checkbox"/> Yes; Senate Bill 462 (2013) notification requirements have been met.			
2F. Is the activity or use compatible with your acknowledged comprehensive plan as required by OAR 660-031? Please complete this form to address the activity or use for which the applicant is seeking approval (see 1.C on the previous page). If the activity or use is to occur in multiple phases, please ensure that your approval addresses the phases described in 1C. For example, if the applicant's project is described in 1C. as a subdivision and the LUCS indicates that only clearing and grading are allowed outright but does not indicate whether the subdivision is approved, DEQ will delay permit issuance until approval for the subdivision is obtained from the local planning official.			
<input type="checkbox"/> The activity or use is specifically exempt by the acknowledged comprehensive plan; explain:			
<input type="checkbox"/> Yes, the activity or use is pre-existing nonconforming use allowed outright by (provide reference for local ordinance):			
<input type="checkbox"/> Yes, the activity or use is allowed outright by (provide reference for local ordinance):			
<input type="checkbox"/> Yes, the activity or use received preliminary approval that includes requirements to fully comply with local requirements; findings are attached.			
<input type="checkbox"/> Yes, the activity or use is allowed; findings are attached.			
<input type="checkbox"/> No, see 2D. above, activity or use allowed under Measure 49; findings are attached.			
<input type="checkbox"/> No, (complete below or attach findings for noncompliance and identify requirements the applicant must comply with before compatibility can be determined): Relevant specific plan policies, criteria, or standards:			
Provide the reasons for the decision:			
Additional comments (attach additional information as needed):			
Planning Official Signature:		Title:	
Print Name:	Telephone #:	Date:	
If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB:			
Planning Official Signature:		Title:	
Print Name:	Telephone #:	Date:	

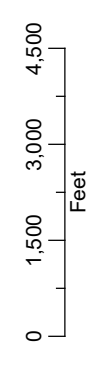
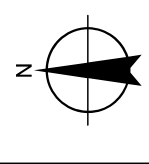
Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.

FIGURE

Proposed Expansion Project Boundary, Irrigation Circles, and Monitoring Wells Farm 6 - Land Application Program Expansion Port of Morrow (POM)

- LEGEND**
- Farm 6 Monitoring Well
 - Monitoring Well
 - Farm 6 Proposed WPCF Boundary Expansion
 - POM Existing WPCF Permit Boundary
 - Existing Irrigation Circle



Date: September 5, 2024
Data Sources: DOGAMI, USGS, ESRI

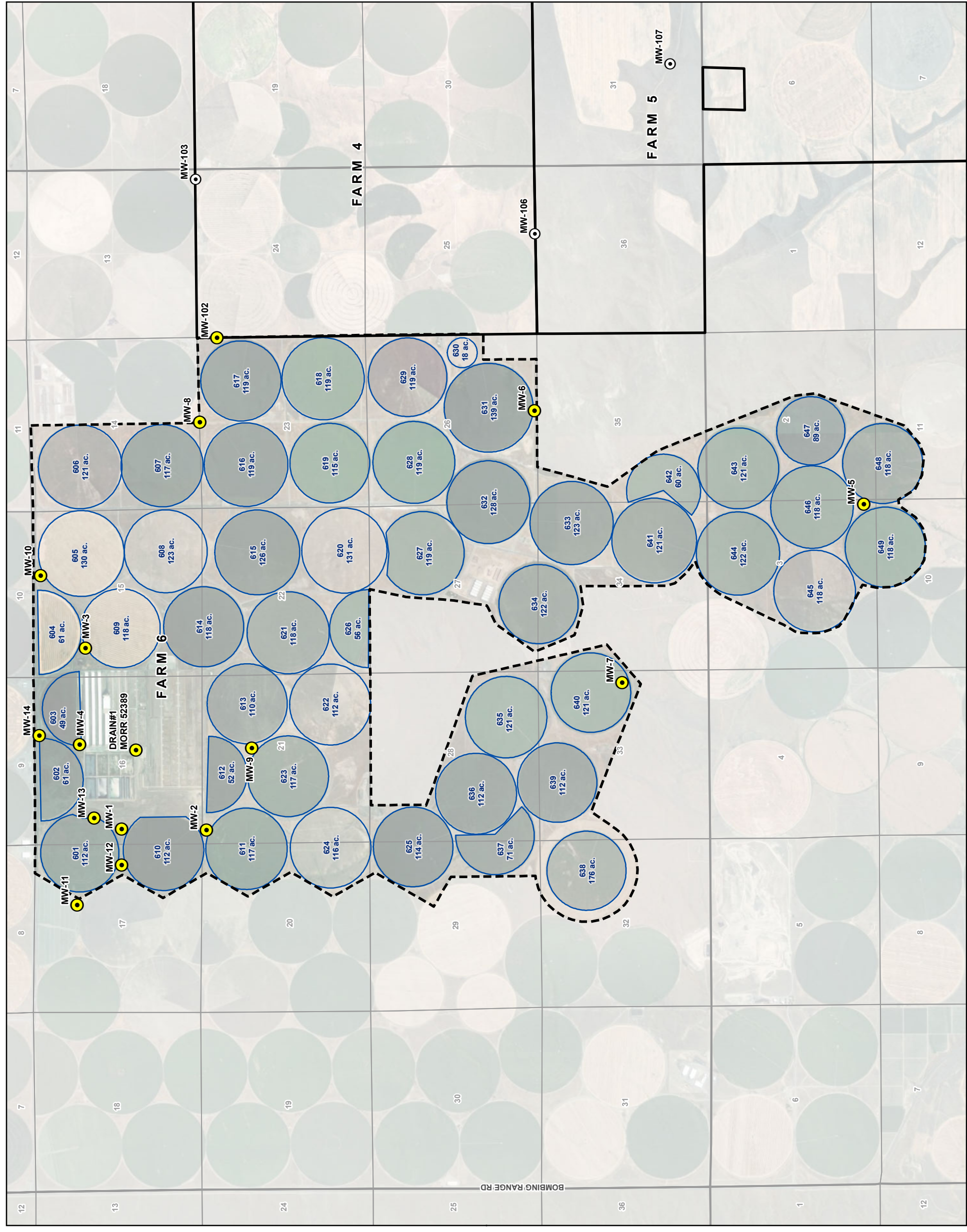
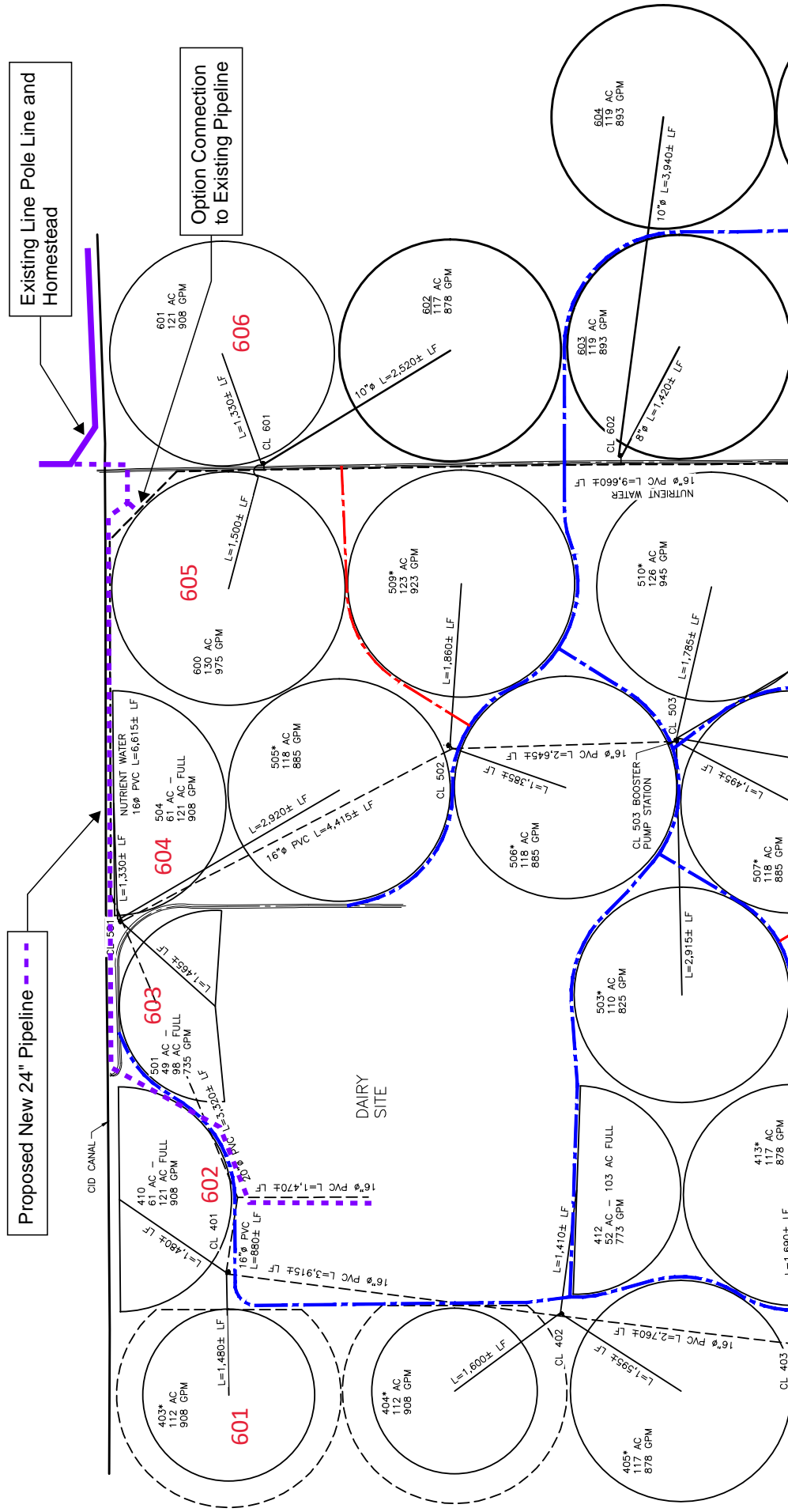


FIGURE 4a WASTEWATER PIPING SYSTEM MAP



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To: Morrow County Board of Commissioners
 From: Tamra Mabbott, Planning Director
 CC: Planning Commission
 BOC Date: October 16, 2024
 RE: Monthly Planning Update



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 Commission Update

At their August 27th monthly meeting held in Heppner, the Planning Commission recommended a series of amendments to the Morrow County Zoning Ordinance intended to increase clarity and refine the processes for reviewing development that is allowed outright. The Planning Commission voted unanimously to approve the code update and recommended the Board of Commissioners adopt. The Board of Commissioner hearing for the code amendment was held on October 2, 2024 in Heppner at 1:30 pm. The Board recommended some changes to the version adopted by the Planning Commission and then unanimously adopted the code amendment. A second reading of the adopting ordinance is scheduled for November 6th at the regularly scheduled BOC meeting. Another code amendment will follow for adoption in 2025 to incorporate minor changes recommended by the county's codification contractor primarily to address general consistency and continuity.

At their September 24th monthly meeting, the Planning Commission approved a Conditional Use Permit to allow a commercial trucking business in a residential zone and reviewed an application for a Short-Term Rental in the Irrigon UGB. The hearing was continued, but at the direction of Land Use Counsel, the application will be retracted since it is not regulated in the county land use code.

Mary Killion, Boardman Representative to the Morrow County Planning Commission, has resigned from the commission effective immediately, and Stanley Anderson, Irrigon Representative, is retiring at the conclusion of his term in December. We thank the Commissioners for their years of service. Both positions are open. Interested persons are encouraged to apply by submitting a short letter of reference.

The next Planning Commission meeting will be October 29th at 6:00 pm in Heppner at the Bartholomew Building.

Energy Projects

Numerous large projects are under review by the state Energy Facility Siting Council (EFSC) including new applications and amendments to approved projects. Staff met with development teams and EFSC staff to review projects. Energy projects in Morrow County can be found here:

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



Morrow County Heritage Trail Update

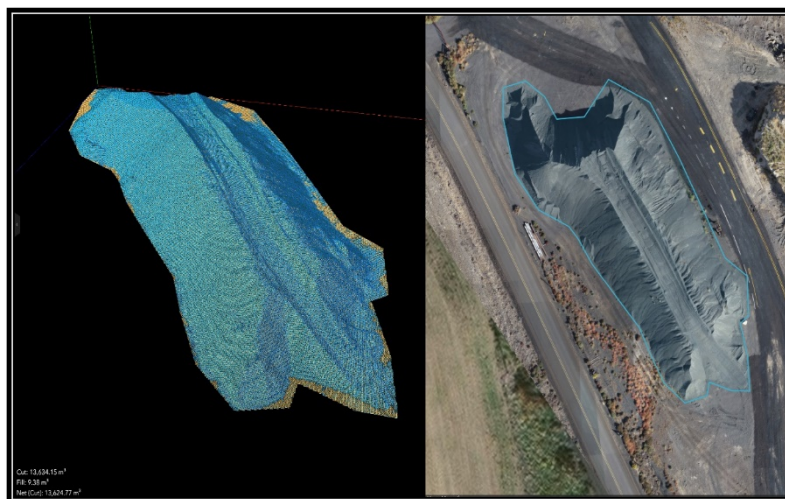
County GIS Coordinator Stephen Wrecsics, with the help of other staff, has been out on the trail creating georeferenced locations. Staff held coordination meetings with the consultant JUB Engineers. The county will host a meeting in the afternoon on November 13th to get public input on the existing trail and to learn what type of improvements or amenities people would like in the future. More details about the next meeting will be posted soon. County is particularly interested in hiking, equestrian and cyclists ideas for the trail. Anyone interested in being involved in the trail plan update please contact Stephen Wrecsics, GIS Analyst at swrecsics@co.morrow.or.us or Tamra Mabbott, Planning Director at tmabbott@co.morrow.or.us (541) 922-4624.

Interpretive Panel Update

Two of the newly redesigned Interpretive Panels have been installed. Staff is working with Irrigon and Boardman Parks, the Port of Morrow, United States Army Corps of Engineering, and USFW for authorization to install the other panels. Staff are beginning restoration and installation of panels and support structures and anticipate this to be completed later this year. The final drafts can be viewed at the link below. <https://www.co.morrow.or.us/planning/page/heritage-trail-panels>

GIS Mapping and Drone Stephen

has been actively supporting several projects to enhance data collection and analysis throughout the county. Recently, he utilized drone technology to begin volumetric measurements for several aggregate pits at the request of the Morrow County Public Works Department. Volumetrics is a process used to calculate the volume of material in each area, helping to track resource extraction and inform operational planning.



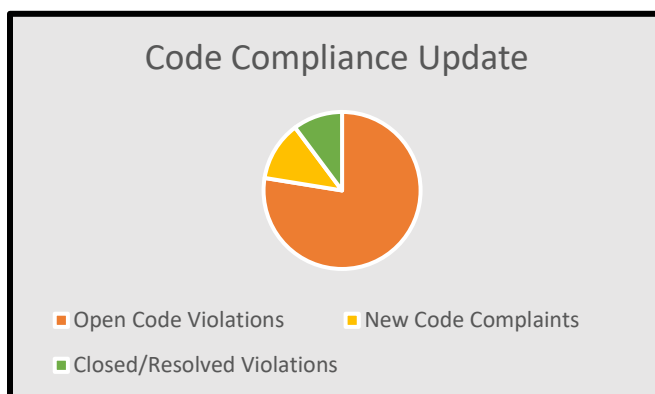
Additionally, Stephen has implemented ESRI Quick Capture to develop a tracking system for the Weed Supervisor. This tool allows for the rapid collection of data points in the field, enabling more efficient monitoring of weed management efforts across the county.

Lastly, ESRI Quick Capture, paired with our GNSS receiver (sub-cm positioning), has been instrumental in conducting a comprehensive inventory for the Morrow County Heritage Trail, as part of the ongoing trail master plan. This system allows for precise location data to be captured in real-time, providing an accurate record of trail assets and conditions.

Stephen is more than happy to demonstrate or discuss the department's technology or any of the resulting projects. Stop by the Planning Department on Tuesday-Friday from 8am to 5pm or give him a call at (541) 922.4624 to schedule a time.

CODE COMPLIANCE

The Compliance Planner has stayed busy investigating code complaints and has been following up with compliance efforts throughout the county. In the last 30 days, code enforcement has opened six new code violations. These violations include RVs as dwellings, excessive junk or garbage, nuisance vehicle storage, unpermitted structures, and unpermitted home occupations. In addition, five pending code violations have been resolved and closed out with compliance criteria met.



WATER AND PLANNING ACTIVITIES

Water Advisory Committee

The Water Advisory Committee is scheduled to meet again on November 4th. Staff and Ronan Igloria, GSI Water Solutions, Inc. are working on a draft policy and action recommendations report which will hopefully be finalized by the WAC on November 4th. The presentation to the Board of Commissioners is tentatively scheduled for December 4th. Agenda and meeting information is posted on county webpage here: <https://www.co.morrow.or.us/meetings> Agendas are posted a week prior to the meeting and includes a link for virtual participation. Anyone with difficulty connecting to the meeting please contact Michaela Ramirez, Office Assistant, (541) 922-4624.

LUBGWMA

LUBGWMA Committee did not meet in Hermiston on September 19th and heard a comprehensive report from multiple state agencies. On the following day, September 20th, the state released the “Oregon Nitrate Reduction Plan” which can be found on the State Department of Environmental Quality webpage. <https://www.oregon.gov/deq/wq/Documents/GWP-OregonNitrateReductionPlan-2024.pdf>

The LUBGWMA Committee will meet again on October 10th in Hermiston to learn about next steps of state agencies and implementation of the plan. The future role of the local LUBGWMA Committee should become more focused as state and local agencies, property owners and interest groups better understand the new Plan and hear from state agencies.

EPA Grant - Morrow Umatilla County Drinking Water ROADMAP

The Steering Committee for the Umatilla Morrow County **Drinking Water ROADMAP** did not meet in September as GSI Water Solutions and subcontractors were busy with work and did not have news to report. The project met one large milestone in September, approval of the Quality Assurance Protocol Plan (QAPP) by the Environmental Protection Agency. This allows the team to move forward with well testing and evaluation.

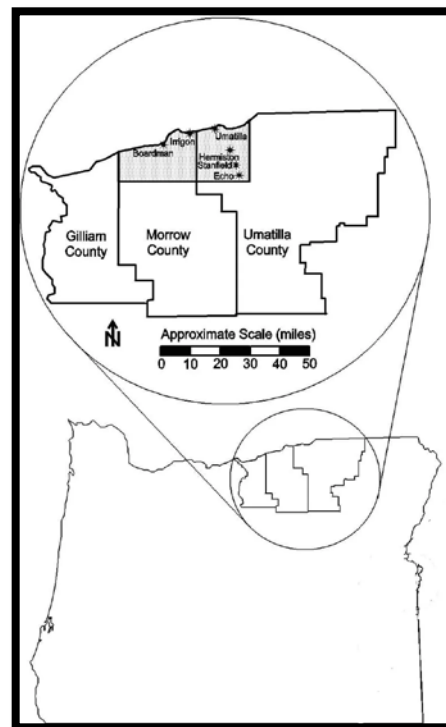
On September 23rd GSI and Consor, with Umatilla and Morrow County staff, hosted an outreach event intended to inform community leaders about the testing efforts to recruit well owners to participate. Testing is essential for the project and will be conducted by a team of experts from GSI and IRZ Consulting. The team will include at least one Spanish speaker. At the August meeting, the Steering Committee reviewed maps of priority areas for testing. The ROADMAP testing will include an assessment of the well depth, casing, aquifer, and surrounding factors.

SEP Application

Staff continue to work with the Port of Morrow and GSI to finalize a project that would utilize funds from the Port of Morrow wastewater fine. The project, if awarded, would fund a full engineering of water systems for properties south of the City of Boardman. Specifics of the project scope are still being refined.

CDS Phase II

Although a second round of Congressionally Directed Spending (CDS) was approved by Congress, the county is holding off submitting the requisite application to EPA pending further progress of the Phase II project. The delay will not compromise the availability of funds. CDS II funding is in the amount of \$1.4 million and is for Morrow County only.



Additional Public Engagement for West Glen Area

The Planning Director and Administration have been working with Willamette Partnership (WP), a community engagement organization that specializes in water infrastructure projects. The county has posted a Request for Proposal to conduct outreach with the West Glen neighborhood, the purpose of which is to listen, learn, and share information about possible solutions for households with wells that contain high levels of nitrates. The Governors Regional Solutions Team has been a supportive partner with this effort.

Another Request for Proposal was posted, this one is to hire an engineering firm to provide a preliminary feasibility analysis of drinking water options for the Greater West Glen Area. This project is funded by a grant from Biz Oregon.

Staff spent considerable time working with a grant writer in Governor Kotek's Office. This grant program is called the EPA's Environmental and Climate Justice Community Change Grants Program (CCG). However, after careful consideration, it was decided that Morrow County does not yet have a specific project and local support for a capital project. Other grant funding opportunities will be pursued.

For more information about the Drinking Water Roadmap, the Water Advisory Committee (WAC), and other water information please click on the water tab on the Planning Department web page. <https://www.co.morrow.or.us/planning/page/water>

In September, the Planning Director attended the Northwest Rural Investment Strategy meeting sponsored by the US Department of Agriculture to learn about federal and nonprofit funding for water infrastructure, and, attended the Oregon Infrastructure Summit to learn about state funding.

Natural Hazards Update

The county recently received notice that Oregon Emergency Management and Federal Emergency Management Agency (FEMA) approved the 2024 Natural Hazard Mitigation Plan (NHMP). An update of the 2019 Plan has been underway for two years with the assistance of the Department of Land Conservation and Development (DLCD) Natural Hazards Planning Team. Morrow County Board adopted the NHMP in September. The final plan will be posted on the web page soon, however, the Planning staff is undertaking a final round of robust editing before posting and circulating the final document. The next step will be for each city to adopt the NHMP.

New Federal Floodplain Regulations Staff researched the new Federal Emergency Management Agency (FEMA) regulations and presented options to the Board of Commissioners. All of the options create burdensome regulatory requirements so the Board recommended adopting the least burdensome provision interim measure. This interim measure is required by FEMA while final rules regarding endangered species and floodplain development are promulgated by the federal government. Staff will continue to update the Board and the public on this federal mandate.

Transportation Planning

Principal Planner Daisy Goebel and staff were notified of a successful grant application to update the county Transportation System Plan (TSP). The grant program is part of the Oregon

Department of Transportation (ODOT) and the Department of Land Conservation and Development (DLCD) Transportation Growth Management (TGM) Program. The county has made minor amendments to the TSP but the last major update was in 2012. Eric Imes, Public Works Director, helped to scope the update project. Grant awards will be announced in late September.

Daisy Goebel and Planning Director Mabbott are working with ODOT Planners on a timeline and Scope of Work for the project which will span a two-year period. Persons interested in serving on the Citizen Committee please contact Daisy Goebel.

All Morrow County transportation plans are on the Planning Department webpage here:

<https://www.co.morrow.or.us/planning/page/transportation-system-plan-0>

Tower Road IAMP Staff is engaging with ODOT and the traffic consulting team to develop an Interchange Area Management Plan (IAMP) for the Interstate 84 and Tower Road intersection. The study will consider the capacity, safety, and functionality of the Interstate 84 and Tower Road Intersection. In addition to bi-weekly meetings, Technical Advisory Committee (TAC) and Public Advisory Committee meetings will be scheduled starting in the winter. Anyone interested in participating in the study or serving on the advisory committee please contact Tamra Mabbott or Daisy Goebel in the Planning Department.



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October 17, 2024

Re: CUP-376-24: Sanchez Conditional Use Permit

To Whom It May Concern,

I am an adjoining landowner who doesn't want a commercial trucking business operating out of TL 500. A trucking business operating out of TL 500 would have numerous trucks going to and from TL 500.

- A trucking company in TL 500 will create large amounts of dust from trucking traffic. Not pleasant when I'm outdoors.
- The trucking company will also cause more damage to the gravel road (potholes) above and beyond what normal residential traffic would cause.
- Listening to trucks coming and going from TL 500 is the last thing I want to hear when I'm sitting on my back porch relaxing or having a BBQ with friends and family.

I am adamantly against a trucking company operating out of TL 500. A trucking company should not be allowed to operate in a residential neighborhood. Would you want a trucking company operating next to your home?

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Michaela Ramirez

From: Daisy Goebel
Sent: Monday, October 21, 2024 8:46 AM
To: Michaela Ramirez
Cc: Tamra Mabbott
Subject: Fw: TL900 CUP-N-377-25

Michaela,

Please include this in the record for CUP-N-377.

Thanks,

Daisy Goebel, AICP
Principal Planner
Morrow County Planning Department
dgoebel@co.morrow.or.us
(541) 922-4624 x 5506

From:
Sent: Saturday, October 19, 2024 8:17 PM
To: Daisy Goebel <dgoebel@co.morrow.or.us>
Subject: TL900 CUP-N-377-25

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

Good day,

Concerning the land use permit CUP-N-377-25 for TL900 I have no issue with these folks having a trucking operation on said lot as well as TL1100 & TL1200. My only issue is with pair of huge spotlights at the back of the house that (especially in the winter when there are no leaves on the trees) shine brightly lighting up the back of my property and house. My daughter had to get blackout curtains to be able to sleep at night. If any condition would be set for the permit I would request the lights be removed.

Thank you

[Sent from Yahoo Mail for iPhone](#)

To: Daisy Goebel <dgoebel@co.morrow.or.us>
Subject: to the morrow county planning commission

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

CUP-N-377-24

We have seen a lot of changes out here some good an some bad, this is a bad move on your part, you put those trucks in here an how long well it take ya to remove em.

I have lived just out of Boardman for a lil over 40+ yrs now. My wife an I are getting tired of all this trucks just sitting around an idle all day an some of them leave in the early mornings too.

I know I am just 1 person but I am hoping my voice will be heard. We are getting tired of all these trucks out here a would like for them to just leave i8 teen wheelers an 10 wheelers.

After all this is a residential area, when we first moved out here it was or is called WEST GLENN SUBERBEN RESIDENTIAL with home sites an farmest we came in as a farmest.

You should see our roads out here now from all the semis running up an down the road every day an all night long. They are just full of pot holes from them.

To make these short WE DO NOT WANT ANY 18 WHEELERS AN 10 WHEELERS OUT HERE ANY MORE the can buy property from the Port of morrow to park those trucks.

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THOSE OF YOU THAT THINK IAM CRAZY I`LL TRADE YOU PROPERTYS FOR A YEAR THEN LETS SEE HOW LONG YOU WOULD LAST.

THANK YOU FOR READING

From:
Sent: Monday, October 21, 2024 9:42 AM
To: Daisy Goebel <dgoebel@co.morrow.or.us>
Subject: to the morrow county planning commission

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

CUP-N-377-24

I would like to know when they decided to put business into a residential area. Those of us that live here do not want any semi`s or 10 wheelers out here at all. I have live here just outside of Boardman for the past 40+ yrs now an I have seen a lot of changes some good an some bad.

What is the regulation for our WEST GLENN SUBURAN RESIDENTIAL AREA ?

If there is any of you that would like to trade property`s for a yr let me know. We well let you listen to the diesel engines all night running an the 18 wheelers an 10 wheelers running up an down the road all night.

Thank you for reading this but that is the way most of us feel.

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October 3, 2024

Morrow County Planning Department
PO Box 40
215 NE Main Street
Irrigon, OR 97844

RE: Application No. LUD-N-075-24
Our File M24-445

Dear Tamra,

Our office represents Meenderinck Land Company, LLC and Meenderinck Dairy, LLC. In response to Land Use Application No. LUD-N-075-24, my client objects to the application submitted. We formally request a hearing regarding our objection to the application.

Our grounds for objection include, but are not limited to, the lack of consideration for the alternatives of the application of reclaimed industrial water. There has not been due consideration for the alternatives of the application of such water, specifically, the impacts it has to neighboring landowners, such as my client. Although it may be a permitted use, careful consideration should be given to the alternatives and the impact of neighboring EFU properties.

For these reasons, additional time and consideration should be given to this application a hearing should be had. If you have any questions please do not hesitate to contact me.

Best Regards,

Andrew G. Martin

Andrew G. Martin

AGM/mc