



# 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, May 27, 2025, 6:00 pm**  
**Bartholomew Building, Heppner, OR**

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

### Members of Commission

Stacie Ekstrom, Chair

John Kilkenny, Vice Chair

Charlene Cooley

Stephen Henthorn

Karl Smith

Tripp Finch

Andrew Cemore

Brian Thompson

Elizabeth Peterson

### Members of Staff

Tamra Mabbott, Planning Director

Stephen Wrecsics, Associate Planner, GIS

Michaela Ramirez, Administrative Assistant

Jim Bagley, Principal Planner

Clint Shoemake, Planning Tech

Kaitlin Kennedy, Code Compliance Planner

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Minutes:** (Draft) April 29, 2024 [pgs.4-10](#)
5. **Public Hearings** to begin at 6:00 PM (COMMISSION ACTION REQUIRED)
  - I. **Conditional Use Permit CUP-N-389-25: Kimberly Renteria, Applicant, and Owner.**  
 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 210 of Assessor's Map 5N26E36. The subject parcel is zoned Rural Residential (RR) and is located outside the City of Irrigon's urban growth boundary (UGB). Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 section 3.040, Rural Residential RR1, and Article 6 section 6.050. G, Standards Governing Conditional Uses, Home Occupations. [pgs. 12-30](#)
  - II. **Conditional Use Permit CUP-N-390-25: Juan Rodriguez, Applicant, and Owner.**  
 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 202 of Assessor's Map 4N25E14C. The subject parcel is zoned Farm Residential (FR) and is located outside the City of Boardman's urban growth boundary (UGB). Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 section 3.041, Farm Residential FR2, and Article 6 section 6.050. G, Standards Governing Conditional Uses, Home Occupations. [pgs. 32-48](#)

III. **Land Use Decision LUD-S-083-25 and Variance V-S-057-25: Mary Kay Bellamy, Applicant, and John Flynn, Owner.** The property is described as tax lot 3704 of Assessor’s Map 2S 26E. The property is zoned Exclusive Farm Use (EFU) and located approximately ¼ mile east of the Heppner city limits. The request is to site an approximately 40-foot-tall radio transmission tower and 48 ft² support building. The request includes a variance to seek relief from the minimum side yard setback. Criteria for approval include Morrow County Zoning Ordinance (MCZO) Section 3.010 Exclusive Farm Use and Section 7.200(B) Major Variance. [pgs. 50-63](#)

6. **Other Business:** May monthly update [pgs. 65-69](#)

7. **Correspondence:**

8. **Public Comment:**

9. **Adjourn**

**Next Meeting:** Tuesday, June 24, 2025, 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: May 27, 2025, 6:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/6554697321?pwd=dFMxR2xlaGZkK1ZJRFVrS1Q0SmRxUT09&omn=84249165172>

Meeting ID: **655 469 7321**

Passcode: **513093**

Find your local number: <https://us02web.zoom.us/j/6554697321?pwd=dFMxR2xlaGZkK1ZJRFVrS1Q0SmRxUT09&omn=84249165172>

**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@morrowcountyor.gov](mailto:tmabbott@morrowcountyor.gov).*

THIS PAGE INTENTIONALLY LEFT BLANK

**Draft Minutes of the Public Meeting of the  
Morrow County Planning Commission  
Tuesday, April 29, 2025, 6:00 pm  
Morrow County Government Center  
215 NE Main Ave Irrigon, OR**

**COMMISSIONERS PRESENT:**

Stacie Ekstrom, Chair  
Karl Smith  
Stephen Henthorn  
Charlene Cooley  
John Kilkenny

**COMMISSIONERS ABSENT:**

Brian Thompson  
Liz Peterson

**ATTENDANCE via ZOOM:**

Andy Cemore  
Trip Finch

**STAFF PRESENT:**

Tamra Mabbott, Planning Director  
Kaitlin Kennedy, Code Compliance Planner  
Michaela Ramirez, Administrative Assistant  
Jim Bagley, Principal Planner

**Staff Zoom:**

Stephen Wrecsics, GIS Analyst  
Clint Shoemake, Planning Technician

**1. CALL TO ORDER**

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

**2. ROLL CALL****3. PLEDGE****4. APPROVAL OF FEBRUARY 25<sup>th</sup> DRAFT MINUTES**

**Recommended Action:** Approve

**Action:** Unanimously Approved

Director Mabbott shared that she consulted with legal counsel about previous minutes and suggested that the minutes could use more detail.

- I. Conditional Use permit CUP-N-386-25: Jose A. Arredondo Campos, Applicant, and Owner. Chair Ekstrom opened the hearing and read the Opening Statement, and called for conflicts of interest.**  
**Conflicts of interest:** None  
**Application presented by: Code Compliance Planner, Kaitlin Kennedy**

**Request:** 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 1600 of Assessor's Map 5N26E24CA. The subject parcel is zoned Suburban Residential (SR) and is located outside of the City of Irrigon's 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.

Chair Ekstrom called for applicant or persons in favor or opposed.

Testifying Parties:

Jose Arredondo, 230 NW Oregon Ave, Irrigon, OR  
 Nancy Cano, 220 NW Oregon Ave, Irrigon, OR  
 Aaron Palmquist, Irrigon City Manager, 500 NE Main Ave, Irrigon  
 Rhonda Riley, 255 NW Oregon Ave, Irrigon, OR  
 Mary Killion, 78852 Toms Rd, Boardman, OR 97818

**Applicant Arredondo:** He would be happy to get his permit accepted and be given time to move the trucks off the property. He made sure to keep things in order with the rules after he was made aware of them.

**Staff: Kaitlin Kennedy:** If your permit was denied, what would be a reasonable time to move your trucks?

**Applicant Arredondo:** He would need at least until next year.

**Chair Ekstrom:** Do the hours of operation work for you?

**Applicant Arredondo:** Yes

**Chair Ekstrom:** Are mechanics done on the property?

**Applicant Arredondo:** Only simple mechanics. He was not aware of the city rules; other wise he wouldn't have purchased the property.

**Commissioner Henthorn:** Pointed out that the property is surrounded by city lots.

**Opponent Nancy Cano:** The area is zoned Suburban Residential and not commercial. She said there is damage to the roadways, potential contamination to the water, noise from trucks running all day, and the only time trucks were not running was when they were in Mexico. She expressed her concern about safety through a personal experience. She was also concerned about their property value.

**Commissioner Kilkenny:** Why were trucks running all the time?

**Opponent Nancy Cano:** She didn't know.

**Opponent Aaron Palmquist:** Spoke on Ordinance 222-14, city code for a truck route. He said the property is in the county, but road access was a city street, not a truck route. Trucks using the street were in violation. He claimed the applicant had been given warnings and would be subject to penalties if the county granted the permit. He also said the county was setting the applicant up for failure if the permit was granted. He proposed that the county should work out a workable means of property for these particular CUPs. He stated that he had authority to cite violators of City Code.

**Commissioner Henthorn:** Aaron, how could you cite someone who was not in city limits?

**Opponent Aaron Palmquist:** If they drove on his city roads, he had the right to cite them.

**Staff Kaitlin Kennedy:** Had the city planned on including the said property in the UGB?

**Opponent Aaron Palmquist:** Not at this time.

**Chair Ekstrom:** Are there any properties in Irrigon that are available?

**Opponent Aaron Palmquist:** No, not currently. The only current commercial property available is on Highway 730.

**Commissioner Kilkenny:** said it seemed that there wasn't an available solution.

**Opponent Aaron Palmquist:** responded the solution isn't available but if particular parties chaired together, but that hadn't happened in the years he has been Manager.

**Commissioner Henthorn:** asked if enough parties came together would he approve it.

**Opponent Aaron Palmquist:** No, but he believed that there were properties that would affect or benefit the problem, but no one had come forward.

**Opponent Rhonda Riley:** Claimed the trucks were loud, smelly, destroying the road, and ran all night. She mentioned the roads were narrow.

**Proponent Mary Killion:** Expressed that she was sympathetic to Mr. Arredondo because he had a right to make a living. Finding property is expensive and hard to find.

**Neutral:** None

**Applicant Arredondo rebuttal:** Stated that the trucks had not been moved in the last 6 months, and the person living in the RV moved out 2 months ago.

**Commissioner Cooley:** Asked if he had refrigerated units?

**Applicant Jose:** No, two trucks, one flatbed and an agriculture trailer, and two ten-wheelers.

**Commissioner Kilkenny:** Did the application indicate how many months of the year the trucks were being used?

**Applicant Arredondo:** Yes, he said he indicated in the permit that the trucks ran three months out of the year, but they only run one month. He went on to explain the situation with the flatbed.

**Director Mabbott:** Asked if he was aware of the city regulations?

**Applicant Arredondo:** He said he didn't know before, but he does now.

### **Public Hearing is closed by Chair Ekstrom.**

**Commissioner Cooley:** asked about the dollar amount of the citation Mr. Arredondo would receive.

**Opponent Aaron Palmquist:** responded \$260 a day. He also stated that he had been notified last fall and that there were other issues that aren't substance to the criteria, such as an RV.

**Staff Kaitlin Kennedy:** said she had already resolved that issue with the RV.

**Commissioner Finch:** Asked if the applicant received a citation, is it adjudicated before the Justice of the Peace in the county or the city? If he were granted the permit, would the citations be argued in court?

**Chair Ekstrom:** No, the Justice of the Peace is in the County.

**Opponent Aaron Palmquist:** said the city also has a Justice Court and the judge has been dealing with the trucks.

**Commissioner Finch:** He also asked if the property could be annexed into the city.

**Director Mabbott:** Responded and said it would be quite the process to annex the property.

**Commissioner Kilkenny:** asked if there were other lots like this with similar circumstances.

**Opponent Aaron Palmquist:** Yes, he is looking at them and trying to figure out a time frame to look at all of them, amongst other hot issues, then you have to go through the process.

**Legal Counsel Kearns:** Responded that it was hard for him to interpret because he didn't know the designation of the streets. He asked how many citations had been issued since 2015 and prosecuted under the said ordinance.

**Commissioner Henthorn:** asked if the permit could be granted as a non-renewable Conditional Use Permit.

**Director Mabbott:** This permit is about the 13<sup>th</sup> one. Each permit has been approved for a year with a maximum renewal. The other option is that the permit be denied and the applicant would then work with code enforcement, which would be much cleaner. She went on to explain that in their attempt to clean up particular neighborhoods, they had granted temporary permits so that they wouldn't be put out of business. She mentioned that the department had made efforts to zone enough land for commercial and industrial use, and we need more of that. Most of the property owners have purchased their properties to make it their home and business, not knowing the rules.

**Chair Ekstrom:** asked for a time frame comparing a denial to an approval.

**Director Mabbott:** said that if they were denied, they would be on a Correction Plan.

**Staff Kaitlin Kennedy:** said the Correction Plans had been very successful.

**Recommended Action:** Approve **Conditional Use permit CUP-N-386-25 for one year without an annual renewal opportunity.**

**Motion:** Approve **Conditional Use permit CUP-N-386-25 for a one-year non-renewable**

**Motion by:** Commissioner Kilkenny

**Seconded by:** Commissioner Finch

**Vote:** All voted (except chair Ekstrom) passed unanimously

**Action:** Approved

**Presented by:** Planning Director Tamra Mabbott

**II. ACM-155-25 Comprehensive Plan Amendment and AZM-156-25 Zoning Map Amendment, Threemile Canyon Farms, Applicant and Owner.**

**Conflicts of interest:** Commissioner Henthorn declared a conflict and left the table and sat in the audience.

**Request:** The property is located approximately two miles west of the Boardman Airport, south of I-84 off Boardman Airport Lane. The application proposes to amend the Comprehensive Plan Map and Zoning Map to rezone approximately 1,298 acres from Space Age Industrial (SAI) and Exclusive Farm (EFU) to General Industrial with a Limited Use Overlay Zone to allow only exascale data centers. Applicable Criteria include Morrow County Zoning Ordinance (CZO) Article 8 Amendments and Oregon Administrative Rules (OAR) Chapter 660 Division 004.

Director Mabbott read a letter from Jon Jinings, Department of Land Conservation.

**Motion:** To add the letter from Jon Jinings to the record, Commissioner Cooley

**Seconded by:** Commissioner Kilkenny

Approved unanimously.

Chair Ekstrom opened the testimony part of the Public Hearing

Testifying Parties:

Megan Lin, Attorney Perkins Coie, 10885 NE Fourth St, Ste. 700 Bellevue, WA 98004

Greg Harris, General Manager of Farm Operations, Threemile Canyon Farms, LLC, 75906

Threemile Rd, Boardman, OR 97818

Scott Neal, President of Real Estate, 3243 June Lane, Naples, Florida,

Phil Scoles, Soils Scientist, Terra Science, Inc, 4710 SW Kelly Ave, Portland, OR,

Lee Leighton, Mackenzie, Portland

Ian Sisson, Mackenzie, Portland

Brendon Buckley, Johnson Economics, Portland, OR

Janet Jones, Traffic Engineer, PE, David Evans and Associates

Jacob Cain, Director of Engineering, Port of Morrow, Boardman, OR

Miff Devin, Construction/Hydrant Water, Port of Morrow, Boardman, OR

Mary Killion, 78552 Camps road, Boardman, OR,

**Megan Lin, Attorney:** Gave a description of the application submitted and why the property was the best fit.

**Scott Neal, RD Offutt Company:** Presented information as to why the land was currently appropriate for data centers and mentioned the accessibility to utilities and roadways.

**Greg Harris, Manager, Threemile Canyon Farms:** Addressed how much of the acreage at the farm is irrigated, (41 thousand acres). The land that was signed over for the conservation easement, zoned SAI, was done in the early 2000s. The proposed rezone land is cost prohibited for irrigation and used for grazing. He stated that he is protecting land zoned for farm use. The Conservation land is not a perpetual Conservation easement; it does have a time frame and expires in a few years.

**Phil Scoles, soil scientist:** Explained the different types of soils. He said the government had predicted what type of soil would be at this particular site. He classified the soil at this particular site. He used a hand auger to check the soil (see slides 7-12)

**Director Mabbott:** Asked if the area considered upzone was irrigated.

**Greg Harris:** Responded no.

**Director Mabbott:** Asked why the parcel where they placed the vineyard was suitable for farming and compared to the subject rezone area that had the same soil.

**Phil Scoles:** Responded that some of the areas had the right amount of depth of soil.

**Greg Harris:** Responded that they had regret placing the vineyard where they did because of the rocks.

**Lee Leighton, Mackenzie Group:** Read through slides 13-17 that pertained to rapid growth and trends.

**Brendan Buckley, Johnson Economics:** Read through, slides 18-25. He presented an overview of the growth in our county, how many campuses are currently in the county, and how many were going to be built. He also gave details on what it took for a campus to run and the economic impact.

**Ian Sisson, Mackenzie Group:** Read through slides 26-32. He spoke on alternative areas of analysis. The reason they chose this was based on the size of the parcel, accessibility to power, and water.

**Director Mabbott:** What linear order are the campuses developed?

**Brendon Buckley:** Responded that the construction was phased because it would be difficult to build a campus all at once, because of the size, and referred to slide 23. It takes 2-3 years for the development of a campus. He went on to read through slides 37-42.

**Janet Jones, traffic engineer:** Read through slides 43-50, which were on the topic of the traffic analysis for the site.

**Megan Lin:** Closed the presentation with slides 51-52.

**Commissioner Finch:** Stated there was concern within the community about water and asked if there was an analysis done on the impact.

**Megan Lin:** Referred to the Water Service Provider letter submitted into the record, Exhibit 17b, she also suggested that Miff from the Port of Morrow could answer any water questions.

**Commissioner Kilkenny:** Asked if it was Columbia River water and not well water.

**Miff Devin, Construction/Hydrant Water :** Responded that it would be Columer River water and not well water. He said that the well on sight would provide water by the 1<sup>st</sup> of July. He also said the treatment plant would provide water next year, and water rights had already been accepted.

**Megan Lin:** Explained that the industrial wastewater, which is non-contact cooling water, does not touch any of the electronics as it passes through the facility to cool down the equipment. The water would then be conveyed via subsurface pipes into open open-lined pond that stores and evaporate the non-contact cooling water.

**Director Mabbott:** Said she would add the details of the wastewater to the site plan review.

**Commissioner Finch:** Asked if electricity will come from Pacific Power.

**Megan Lin:** It would come from the south, where the source is Pacific Power.

**Commissioner Finch:** Expressed that there was a concern about the usage of power, making rates go up. He then asked if the power was coming from Pacific Power and not the local utilities.

**Megan Lin:** Responded, correct.

**Director Mabbott:** Pointed out that Pacific Power would provide the site with power regardless if they had the capacity or not. She also said that would be a question the department would ask during the Site Plan Review.

**Megan Lin:** Stated that one of the conditions read: there would be no development without a site plan review.

**Scott Neal:** Said that 2/3 of the property is irrigated, and they used the Conservation Land to square the parcel off.

**Commissioner Kilkenny:** Commented that he didn't consider the conservation easement as land use because it is not used for agriculture. He also mentioned he couldn't believe the Fish and Wildlife was releasing the land. He asked why they chose that land for a swap.

**Megan Lin:** Explained that they were trying to square off the land and not interrupt Threemile land holding. She went on to say there was no specific reason.

**Scott Neil:** Confirmed what Megan said about squaring off the piece, and the land will always be in conservation, never to be farmed.

**Proponents:** None

**Opponent: Mary Killion:** Pointed out how many acres Oregon loses per year, it is ground right next to the Columbia River, very good cattle ground, she will be impacted as a Morrow County citizen with the data center development. She brought in a map of the proposed data centers.

**Motion by:** Commissioner Cooley motioned to enter the PowerPoint and IAMP map into record.

**Seconded by:** Commissioner Kilkenny

**Neutral:** None

The applicant requested a small minute break. Five minute recess.

**Megan Lin:** They decided they had no rebuttal for the opponent.

**Commissioner Finch:** Asked if the swap (downzone) piece of land could be changed. He suggested to move the land piece to the west so that farmland could stay farmland and stay out of the Conservation area.

**Megan Lin:** Suggested making the part smaller.

**Commissioner Finch:** Responded that it wouldn't work, the acreage would have to stay the same.

**Megan Lin:** Pointed out that currently there was a 100-acre differential, and the swap wasn't meant to meet a specific legal criterion, and this was Threemile's request.

**Commissioner Finch:** Said the land swap was necessary to preserve state goal 3.

**There was discussion about the downzone area and GIS Analyst Stephen Wreccsics shared a map with modified boundaries.**

**The map with the modified acreage swap was accepted into the record as Exhibit 4. The map showed the downzone acreage changed to 1,623 from 1,605 acres.**

Motion by: Commissioner Cooley

Seconded by: Commissioner Smith

Public Hearing is closed by Chair Ekstrom.

**Director Mabbott:** Commented that she and Megan Lin would review the conditions and the agreed changes to the downzone area and update the Findings.

**Motion:** Approve **ACM-155-25 Comprehensive Plan Amendment and AZM-156-25 Zoning Map Amendment, and, approve ACM-157-25 Comprehensive Plan Amendment and AZM-158-25 Zoning Map Amendment, with modification to the area, Threemile Canyon Farms, Applicant and Owner.**

**Motion by:** Commissioner Finch

**Seconded by:** Commissioner Kilkenny

**Vote:** Kilkenny, Finch, and Cooley voted in favor. Commissioner Smith voted in opposition. Chair Ekstrom did not vote.

**Action:** Approved

**Other Business:** April Planning Update in packet.

**Correspondence:** None

**Public Comment:** None

**Adjourned:** Meeting adjourned at 9:13 PM

**Next Meeting:** Tuesday, May 27, 2025, at 6:00 p.m. The next meeting will be held in Heppner, OR, in the Bartholomew Building.

**Respectfully submitted,  
Michaela Ramirez**

DRAFT

THIS PAGE INTENTIONALLY LEFT BLANK

**PRELIMINARY FINDINGS OF FACT  
CONDITIONAL USE REQUEST  
CUP-N-389-25**

**REQUEST:** To allow a temporary Home Occupation Permit in the Rural Residential (RR) Zone for the operation of a small commercial trucking business.

---

**APPLICANT/OWNER:** Kimberly Renteria  
75678 Depot Lane  
Irrigon, OR 97844

**PROPERTY DESCRIPTION:** Tax Lot 210 of Assessor's Map 5N 26E 36

**PROPERTY LOCATION:** ± 0.30 miles West of Division Road, outside the Irrigon Urban Growth Boundary (UGB) on Depot Lane.

- I. BACKGROUND INFORMATION:** The subject site is 1.0 acres and is located within the Rural Residential (RR) zone, approximately 1.3 miles south of the Irrigon City limits. This Conditional Use Permit application requests a Home Occupation Permit to allow the applicant to operate and park five commercial truck-tractors on the property. The applicant has been operating commercial vehicles on the site for some time and submitted the CUP application in response to code enforcement contact. The applicant is one of more than a dozen commercial truck operators under code enforcement action for utilizing residential property within Morrow County without the appropriate land use approvals. The approval of this CUP will serve to temporarily rectify outstanding code violations while providing specific parameters for the operation of the existing business.

This Conditional Use Permit shall be temporary, allowing the business owners time to find an appropriately zoned location for their trucking business. The Planning Commission has granted *temporary* Conditional Use Permits over the past two years to allow additional time for landowners to rectify code violations and to provide a path forward to both business owners and neighbors. The purpose of the temporary CUP is strictly to allow the trucking business owner a period of time to relocate their trucks while continuing the business operation. The subject property is located outside the Irrigon UGB, therefore there are no direct impacts to the City of Irrigon. The action is consistent with terms and provision outlined in the City-County Joint Management Agreement.

Access to the site is from Depot Lane, a county-owned and maintained road.

MCZO Section 3.040.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." The applicant proposes permission to have five commercial truck-tractors parked on their property and operated seasonally.

The county initiated a neighborhood-based code compliance effort to address growing concerns regarding unregulated commercial trucking operations which impact public roads and property owners in residential zones. After launching the program, the county heard from numerous landowners that strict compliance would put property owners

such as the Renteria's in a difficult situation, specifically, faced with closing down their business if an alternative location is not available. The Renteria's business supports local agriculture in our area. The purpose of this Conditional Use Permit is to give the applicants a defined amount of time to find appropriately zoned property to park their vehicles.

- II. **COMPLIANCE WITH MORROW COUNTY ZONING ORDINANCE SECTIONS 3.040, 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 3.040 RURAL RESIDENTIAL ZONE, RR**

The RR Zone recognizes the existence of smaller lots outside of urban growth boundaries and allows the continuation of single family dwellings on small lots in areas where this development has been established. In an RR Zone, the following regulations shall apply:

- B. **Conditional Uses Permitted. In an RR 1 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 subject to the limitations set forth in Article 6 of this ordinance**

**Finding:** The applicant proposes parking the five commercial truck-tractors on the southwest 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 is intended to be operated in a way that will not intentionally disturb neighboring residences. The Renteria's have operated commercial trucks on the subject property for approximately six years at this location and county has not received complaints or specific concerns directly related to their existing operation. Nonetheless, the county has received general complaints related to the operation of commercial trucks in residential neighborhoods.

The proposed home occupation has the potential to generate some noise, traffic, and impacts to county-maintained roads. The recommended conditions of approval are intended to mitigate anticipated and expressed impacts. 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 6-7 AM and return approximately between 5:00PM and 6:00PM. Previous Planning Commission approvals have included a 6:00AM to 6:00PM window for operation, which 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. No major mechanical operations on commercial vehicles will be conducted on the property. This is also included as a Condition of Approval.

Any complaints received about 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. The County does 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. The County does not recommend any additional limitations on the 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 the 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 Depot Lane. This road is a dedicated public roadway maintained by the county. The applicant is required to provide a copy of the property access permit from Morrow County Public Works and Road Department. This has been listed as a condition of approval.

**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, approximately six months out of the year. During the remaining months of the year, these trucks sit dormant on the subject parcel. This analysis does not trigger the need for a TIA analysis. Deviation from the

proposed use plan may result in a review of the activity and potential revocation of the permit. This is included as a Condition of Approval.

**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. These preliminary Findings of Fact were provided to Morrow County Public Works and Road Department, the City of Irrigon, Morrow County Fire Marshal, and Irrigon Rural Fire Department for their review and comment.

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

**Finding:** Preliminary Findings of Fact were provided to the Irrigon Fire and Rescue Department for their review and comment. Specific improvements could be incorporated into the Findings and added as a Condition of Approval.

**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 a residential area off Depot Lane west of Division Road. As identified on the site plan, the trucks will be parked on the southwestern perimeter inside the subject parcel, adjacent to tax lot 227 to minimize visibility from the roadway. The County has included a condition of approval requiring the commercial trucks to remain parked and stored on the property as proposed and not in such a way as to create a visual obstruction to roadways, or detriment to adjoining property owners. This has been listed as a Condition of Approval.

**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 owners.

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

**Finding:** Fencing was not proposed but could be added as a Condition of Approval.

- 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. A copy of the Preliminary Findings of Fact was provided to the West Extension Irrigation District for their review and comment.

- 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:** Other conditions have not been identified. The Planning Commission may find that all necessary conditions to permit the temporary use conform with the intent and purpose of this Ordinance and policies of the Comprehensive plan.

#### **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 primary use of the property is residential. The application does not include the approval of any new structures or modification to existing structures. The applicant will be conducting the business part of the home occupation within the existing buildings, with truck parking outside the 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:** Any materials or mechanical equipment that may cause detriment to adjacent residential properties will not be allowed. 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 truck-tractors on the subject site. The use has been ongoing for several years and it is not anticipated that continuation of the use would create 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 herself and the persons she 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 along with other home occupation permits.

9. **Employ on the site no more than five full-time or part-time persons.**

The applicant states they will not employ more than five full-time or part-time person(s) may be employed on the site at any time. This criterion is met.

10. **Not unreasonably interfere with other uses permitted in the zone in which the property is located.**

**Finding:** The current business has been operating at this property for approximately fifteen years. Planning Commission may find that this conditionally permitted use will not unreasonably interfere with other uses permitted in the zone where the property is located.

**11. When a bed and breakfast facility is sited as a home occupation on the same tract as a 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.**

**Finding:** The proposed use is not a bed and breakfast facility, nor on the same tract as a winery, this criterion does not apply.

### **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. The Planning Commission has previously approved similar applications with a condition of one year, with the ability to renew for an additional year, up to two times. The Planning Commission may consider this time frame for this application as well. If the proposed use is permitted, it will be subject to annual review until the ownership of the land changes, or until the use is discontinued.

- 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 carried out 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:** May 7, 2025  
Heppner Gazette-Times

May 7, 2025  
East Oregonian

**IV. AGENCIES NOTIFIED:** Aaron Palmquist, City of Irrigon; Glen McIntire, Building Official; Eric Imes, Morrow County Public Works; Bev Bridgewater, West Extension Irrigation District, Tom Roberts, Irrigon Fire and Rescue Department, Marty Broadbent, District Fire Marshall, and Landon Jones, Umatilla Electric Cooperative.

**V. COMMENTS RECEIVED:**

*Aaron Palmquist, City Manager of Irrigon*: Letter of opposition for CUP-N-389-25 submitted on May 14, 2025. See attached.

**VI. PROPERTY OWNERS NOTIFIED:** May 7, 2025

**VII. HEARING DATE:** May 27, 2025  
Bartholomew Building  
Heppner, Oregon

**VIII. PLANNING COMMISSION:**

The Planning Commission may vote to approve CUP-N-389-25 subject to the following **CONDITIONS OF APPROVAL**: or Planning Commission may find that the application does not comply with the standards and deny the application.

1. The applicant shall maintain the home occupation as presented in the application. If complaints are received or it is found that work is being performed outside of what was proposed by the applicant or within the terms and conditions of this permit, the permit may be revoked.
2. All commercial activity shall occur within the hours of 6:00 AM – 6:00 PM. All commercial activity should be limited to single trips per unit per day and operated seasonally (no more than 6 months) out of the year.
3. No more than five full-time or part-time person(s) may be employed on the site at any time.
4. Noise, traffic, lighting, and other potential impacts to neighboring properties shall be limited to those generally anticipated for a typical residential use. No major mechanical work or operation is permitted or allowed.
5. 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 the property changes.
6. Any proposed signage must meet the requirements of the Morrow County Zoning Ordinance and receive Zoning Permit Approval.
7. This permit does not include the approval of any new structures or modifications to existing structures for purposes of the business.
8. All commercial units included in this home occupation permit are required to be parked on the property as presented in the site plan and not in the right way or in such a way as to cause visual detriment to the roadway.
9. The applicant shall obtain and provide a copy of an access permit from Morrow County Public Works and Road Department by July 31, 2025

## MORROW COUNTY PLANNING COMMISSION

---

Stacie Ekstrom, Chair

Date

## Attachments:

- A. Vicinity Map
- B. Application with Attachments



ASSESSOR'S MAP/TAX	OWNER 1	OWNER 2	MAIL ADDRESS	CITY	STATE	ZIPCODE
05N26E360000227	MARLOW, JOHN V & KRISTA J		74594 BUCHANAN PL	IRRIGON	OR	97844
05N26E360000215	GERARD, WALTER E, JR ETAL		75543 DEPOT LN	IRRIGON	OR	97844
05N26E360000208	BORUD, LYLE E		75620 DEPOT LN	IRRIGON	OR	97844
05N26E360000209	STRID, TERRY & NARDI, FARRA		75654 DEPOT LN	IRRIGON	OR	97844
05N26E360000210	RENTERIA MONTES, KIMBERLY ETAL		75678 DEPOT LN	IRRIGON	OR	97844
05N26E360000207	HARRIS, JO ANN		75694 DEPOT LN	IRRIGON	OR	97844
05N26E360000232	REYNOLDS, KIMBERLY & HAUGER, CLIFFORD		75700 DEPOT LN	IRRIGON	OR	97844
05N26E360000205	OSBORNE, DUSTIN R & OSBORNE, RICHOLE		75727 DEPOT LN	IRRIGON	OR	97844
05N26E360000226	MCNAMEE, PATRICK A & VICKIE A		76272 E OREGON LN	IRRIGON	OR	97844
05N26E360000235	LOPEZ, GREGORIO ETUX		PO BOX 14	UMATILLA	OR	97882
05N26E360000213	LOPEZ, GREGORIO & URENA, CIRILA ETAL		PO BOX 14	UMATILLA	OR	97882

**CUP-N-389-25 | Kimberly Renteria | RR** 250ft. notice.  
 5N26E36 TL210.  
 S:\Planning\CUP\North\2025





LAND USE APPLICATION  
CONDITIONAL USE REQUEST

CUP-N-389-25

PAID  
BY: [Signature] cash

FILE NUMBER \_\_\_\_\_

Date Received \_\_\_\_\_

RECEIVED  
APR 07 2025

Date Deemed Complete \_\_\_\_\_

Applicable Zoning Ordinance Criteria: \_\_\_\_\_

Applicant: Name(s) Kimberly Renteria

Address 75678 Depot Ln, Irrigon Or 97844

Phone (541) 561-9752 E-mail address kimberly.renteria@outlook.com

Legal Owner: (if different from applicant)

Name(s) Kimberly Renteria & Ashley Renteria

Address 75678 Depot Ln, Irrigon OR 97844

Proposed Conditional Use:

Description of Request and the Proposed Use:

Propose to park 5 trucks on the property.

Will operate seasonally no more than 6 months out of the year.

Existing Property Description:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) 5N 26E 36 TL 210

Zoning Designation Rural Residential (RR-1)  
(If EFU or FU, soil information is required with your statement)

Located within an UGB? \_\_\_\_\_ If yes, which city? \_\_\_\_\_

Physical Address 75678 Depot Ln, Irrigon OR 97844

General Location Off Depot Lane, west of Division Rd.

Public Road Access Depot Lane

Improvement Type and Condition of Road No improvements, paved

Fire Protection District or Method Irrigon Fire District

Solid Waste Disposal Method Sanitary Disposal

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
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: <u>Kimberly Renteria</u> (Applicant)	<u>Kimberly Renteria</u> (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.

Date: \_\_\_\_\_ Fee: \_\_\_\_\_

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

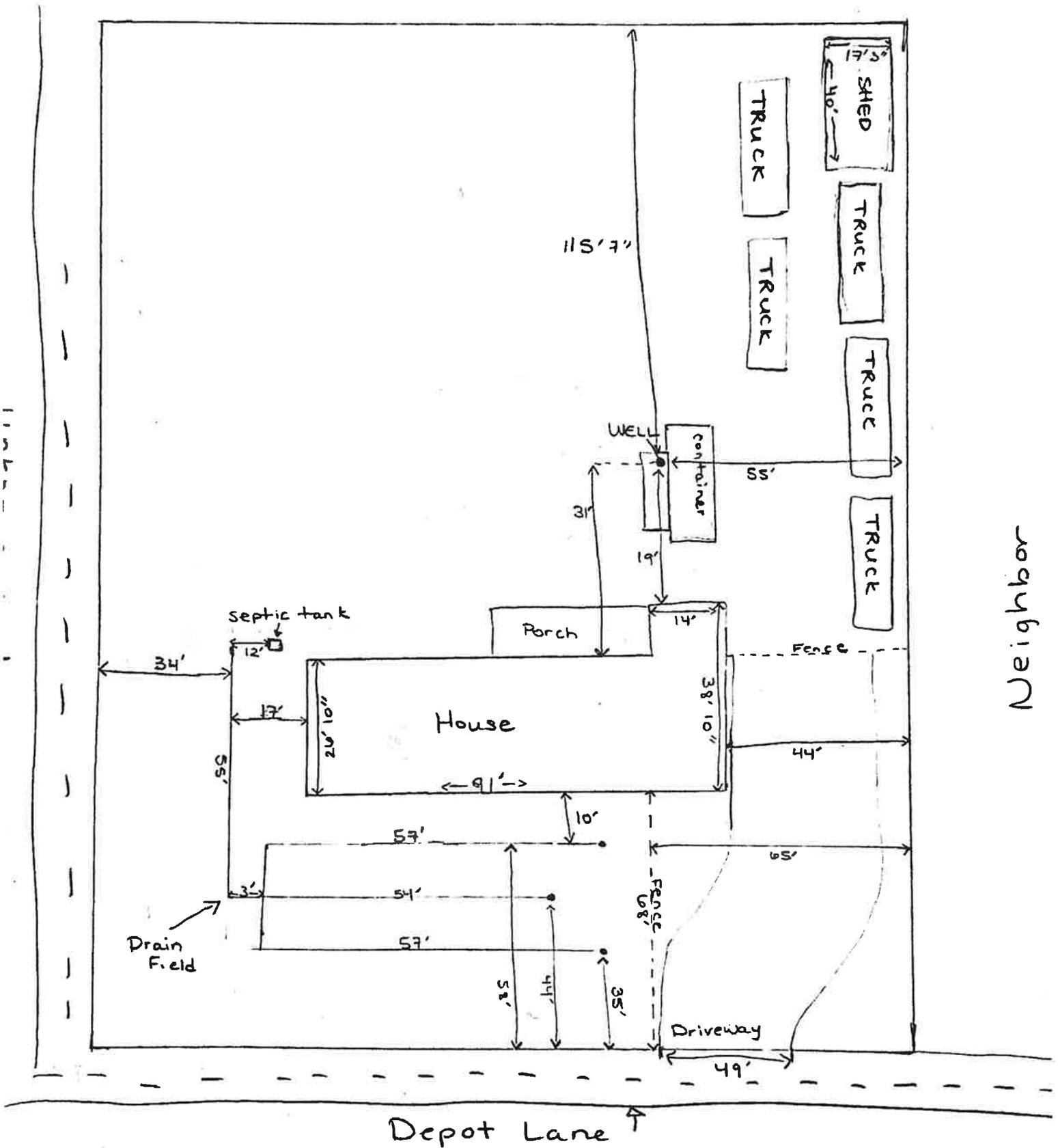
I, Kimberly Renteria, the legal owner of 75678 Depot Ln, am requesting permission to park commercial trucks on my residential property. I propose using my property to park 5 semi-trucks as shown on the plot plan requested. The trucks are not to be parked over or near existing infrastructures such as the water well/pump and/or sewage systems on the property. No, improvements or structural alterations are to be made to the property to accommodate the use of the commercial trucks parked within my home. With that, there will be no installation of signs or specific lighting and there will be no need for a new property access point or fencing. The commercial trucks operate seasonally and will ONLY be parked on the property when not in operation. They are contracted through CSS Farms and work seasonally based on the contracts offered by the contracting company. When in operation the Trucks are to exit the property and not return until the completion of their employment agreement. Given the nature of the services provided by the trucking companies, I am not to receive materials, mechanical equipment, or commodities on my residential property for the use or benefit of the trucking company. As my primary residence, the property is only to be used to store the trucks when not in operation. The property is not to be used as a work site, and shall not violate or unreasonably interfere with other uses permitted in the zone.

1. A plot plan of the property with existing and proposed structures and roads and accesses. **Yes, completed**
2. Existing and proposed water supply. **Onsite well**
3. Existing and proposed sewage disposal method. **Septic tank**
4. Utilities and other public services provided. **UEC**
5. Signs and/or lighting required. **No signs or lighting are required or proposed.**
6. Parking/loading and fencing required. **No additional parking or lighting required**
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 change in traffic or existing access**
9. Will the proposed use generate more than 400 automobile trips per day? **No will not generate more than 400 trips per day**
10. Will any new access be required? **Will not need access**
11. A description of how the proposal will be compatible with surrounding land uses. **Primary use is residential, home occupation will be secondary use.**
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. **Does not require any change to the environment.**

**Home Occupation Use**

1. Primary use is residential, home occupation will be secondary use.
2. No, improvements or structural alterations are proposed or required to accommodate home occupation use.
3. No signs are required or proposed.
4. Will not use or receive materials or mechanical equipment deemed detrimental to residential use
5. No materials or commodities will be received in large quantities
6. Will have no retail sales and will not provide services.
7. It will be operated by a resident and the resident's family
8. Will demonstrate compliance as required by permit
9. Will no employ more than 5 part or full-time employees
10. Will not interfere with other uses permitted in the zone
11. No, does not apply to business.

# 75678 Depot Lane





*Columbia Spirit, Small Town Heart*

May 14, 2025

Chair Ekstrom  
 Morrow County Planning Commission  
 % Morrow County Planning Department (VIA EMAIL)  
 Post Office Box 40  
 Irrigon, Oregon 97844

RE: CUP-N-389-25  
 Applicant and Owner: Kimberly Renteria

The City of Irrigon requests that this application be denied.

The activity, as proposed, is not allowed within the Morrow County Zoning Ordinance. The Rural Residential use zone, under subsection C Limitations on Uses Subsection 2 states the following, “In rural Residential one acre (RR-1) zone, commercial trucks and trucking businesses are **not** an allowed use (emphasis added).” It continues, “A landowner may be allowed 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.”

Planning staff are mis-applying the Home Occupation provisions that are found under the list of Conditional Uses that *could* be authorized in accordance with other requirements. To accomplish that staff have been doing jujitsu type movements to make their case that these trucking operations should be allowed when they are, in fact, a violation of the Morrow County Zoning Ordinance. If only one truck or tractor is on the subject property there is no need to have a Planning Commission public hearing to acknowledge a use that is clearly limited, but none the less allowed – a “truck or tractor unit as personal transportation to the resident parcel. No more than one (1) truck or tractor unit is allowed...”

It is unclear to the City of Irrigon at what point these violations will be brought into compliance with the continuing approval of more activity, some that was not previously occurring meaning that new operations are being approved through this backdoor approach to approving a trucking business on property that is planned and zoned for rural residential use. The purpose of this use zone, as found in the introduction to Section 3.040, is to “recognize the existence of smaller lots outside of urban growth boundaries and allows the continuation of single-family dwellings on small lots in areas where this development has been established.” It does NOT authorize commercial activity which this trucking operation clearly is. The applicant should be relocating the trucking operation to properly zoned commercial or industrial zoned property thereby removing the violation from the subject property.

This approval also wants the public to believe that the Home Occupation will be “...conducted within the same dwelling or in an accessory building...” which it clearly is not. Trucking operations can create noise, vibration, and fugitive dust that is inconsistent with the Rural Residential use zone. It is unclear how these concerns will be addressed particularly when they become an additive to the underlying violation that this Conditional Use Permit seeks to cover up.

The Morrow County Comprehensive Plan should also be considered when reviewing this activity. The Housing Element, which seeks to implement Goal 10 Housing, recognizes the need for housing. Not a single Finding or Policy supports the approval of trucking operations beyond the current allowance of a single truck or tractor for personal conveyance to the residence. Even the newer Economic Element, which seeks to implement Goal 9 Economics, does not appear to authorize diminishing the residential need to accommodate commercial trucking activity. Goal 1 of the Economic Elements Goals and Policies references housing and encourages the County to “provide adequate, economical housing facilities...” but does not authorize or support degrading residential areas by incorporating commercial activities above and beyond a home-based business that operates within the residential structure or other approved accessory structure.

For the reasons outlined above the City of Irrigon requests that this application be denied. We also request that this letter be included as part of the record and the city be notified of the outcome of this action.

Cordially,

Aaron Palmquist, City Manager  
500 NE Main Ave.  
Irrigon, OR 97844  
541-922-3385  
[manager@ci.irrigon.or.us](mailto:manager@ci.irrigon.or.us)

THIS PAGE INTENTIONALLY LEFT BLANK

**PRELIMINARY FINDINGS OF FACT  
CONDITIONAL USE REQUEST  
CUP-N-390-25**

**REQUEST:** To allow a Home Occupation Permit in the Farm Residential (FR 2) Zone for the operation of a small commercial trucking business.

---

**APPLICANT/OWNER:** Juan Rodriguez  
71472 Wilson Lane  
Boardman, OR 97818

**PROPERTY DESCRIPTION:** Tax Lot 202 of Assessor's Map 4N 25E 14C

**PROPERTY LOCATION:** ± 0.20 miles West of Rippee Road, outside the Boardman Urban Growth Boundary (UGB) on Wilson Lane.  
Addressed as 71472 Wilson Ln. Boardman, OR 97818

- I. BACKGROUND INFORMATION:** The subject site is 1.89 acres and is located within the Farm Residential (FR) zone, approximately 1.5 miles west of the Boardman City limits. This Conditional Use Permit application requests a Home Occupation Permit to allow the applicant to operate and park five commercial ten-wheelers on the property. The applicant has been operating commercial vehicles on the site for approximately fifteen years and submitted the CUP application in response to code enforcement contact. The applicant is one of more than a dozen commercial truck operators under code enforcement action for utilizing residential property within Morrow County without the appropriate land use approvals. The approval of this CUP will serve to temporarily rectify outstanding code violations while providing specific parameters for the operation of the existing business.

This Conditional Use Permit shall be temporary, allowing the business owners time to find an appropriately zoned location for their trucking business. The Planning Commission has granted *temporary* Conditional Use Permits over the past two years to allow additional time for landowners to rectify code violations and to provide a path forward to both business owners and neighbors. The purpose of the temporary CUP is strictly to allow the trucking business owner a period of time to relocate their trucks while continuing the business operation. The subject property is located outside the Boardman UGB, therefore there are no direct impacts to the City of Boardman. The action is consistent with terms and provision outlined in the City-County Joint Management Agreement.

Access to the site is from southeast Wilson Lane, a county-owned and maintained road.

MCZO Section 3.041.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." The applicant proposes permission to have five ten-wheelers parked on their property and operated seasonally.

The county has initiated a neighborhood-based code compliance effort to address growing concerns regarding unregulated commercial trucking operations, which impact public roads and property owners in residential zones. After launching the program, the county heard from numerous landowners that strict compliance would put property owners such as the Rodriguez's in a difficult situation, specifically, faced with closing down their business if an alternative location is not available. They have been operating a business that supports local agriculture in our area for approximately fifteen years. The purpose of this Conditional Use Permit is to give them a defined amount of time to find appropriately zoned property to park their vehicles.

- II. COMPLIANCE WITH MORROW COUNTY ZONING ORDINANCE SECTIONS 3.041, 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 3.041 FARM RESIDENTIAL ZONE, FR 2**

The FR Zone recognizes the existence of smaller lots outside of urban growth boundaries and allows the continuation of single family dwellings on small lots in areas where this development has been established. In an FR Zone, the following regulations shall apply:

- B. Conditional Uses Permitted. In an FR 2 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 subject to the limitations set forth in Article 6 of the this ordinance**

**Finding:** The applicant proposes parking the five ten-wheelers on the southern 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 is intended to be operated in a way that will not intentionally disturb neighboring residences. The Rodriguez's have operated commercial trucks on the subject property for approximately fifteen years at this location, with no complaints or specific concerns directly related to their existing operation. Nonetheless, the county has received general complaints related to the operation of commercial trucks in residential neighborhoods.

The proposed home occupation has the potential to generate some noise, traffic, and impacts to county-maintained roads. The recommended conditions of approval attempt to mitigate anticipated and expressed 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 6-7 AM 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. No major mechanical operations on commercial vehicles will be conducted or allowed on the property.

Any complaints received about 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 be within the boundaries of the existing lot area. The county does 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. The County does not recommend any additional limitations on the 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 the 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 Wilson Lane. This road is a dedicated public roadway owned and maintained by the County. The applicant is required to provide a copy of the property access permit from Morrow County Public Works Department. This has been listed as a condition of approval.

**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 rarely during the operational season, approximately four months out of the year. When in seasonal

operations the trucks exit the property and stay on the farm for extended periods of time. They would not enter or exit the property daily. During the remaining months of the year, these trucks sit dormant on the subject parcel. This analysis does not trigger the need for a TIA analysis. 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. These preliminary Findings of Fact were provided to Morrow County Public Works Department, the City of Boardman, Morrow County Fire Marshall, and Boardman Fire and Rescue District for their review and comment.

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

**Finding:** Preliminary Findings of Fact were provided to the 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 a residential area off Wilson Lane, west of Rippee Road. As identified on the site plan, the trucks will be parked on the southern perimeter inside the subject parcel, adjacent to tax lot 200, to minimize visibility from the roadway. The County has included a condition of approval requiring the commercial trucks to remain parked and stored on the property as proposed and not in such a way as to create a visual obstruction to roadways, or detriment to adjoining property owners. This has been listed as a condition of approval.

**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.

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

**Finding:** Fencing or additional fencing was not proposed but could be added as a Condition of Approval.

**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. A copy of the Preliminary Findings of Fact was provided to the West Extension Irrigation District for their review and comment. Additional conditions related to natural resources do not appear to be warranted.

**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:** Other conditions have not been identified. The Planning Commission may find that all necessary conditions to permit the temporary use conform with the intent and purpose of this Ordinance and policies of the Comprehensive plan.

**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 primary use of the property is residential. The application does not include the approval of any new structures or modification to existing structures. The applicant will be conducting the business part of the home occupation within the existing buildings, with truck parking outside the 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:** Any materials or mechanical equipment that may cause detriment to adjacent residential properties will not be allowed. 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 ten-wheelers on the subject site. The use has been ongoing for approximately fifteen years, and it is not anticipated that the continuation of the use would create 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 person(s) 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.

9. **Employ on the site no more than five full-time or part-time persons.**

The applicant states they will not employ more than five full-time or part-time person(s) may be employed on the site at any time. This criterion is met.

10. **Not unreasonably interfere with other uses permitted in the zone in which the property is located.**

**Finding:** The current business has been operating at this property for approximately fifteen years. Planning Commission may find that this conditionally permitted use will not unreasonably interfere with other uses permitted in the zone where the property is located.

11. **When a bed and breakfast facility is sited as a home occupation on the same tract as a 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 of at the winery.**

**Finding:** The proposed use is not a bed and breakfast facility, nor on the same tract as a winery, this criterion does not apply.

**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. The Planning Commission has previously approved similar applications with a condition of one year, with the ability to renew for an additional year, up to two times. The Planning Commission may consider this time frame for this application as well. If the proposed use is permitted, it will be subject to annual review until the ownership of the land changes, or until the use is discontinued.

- 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:** May 7, 2025  
Heppner Gazette-Times

May 7, 2025  
East Oregonian

**IV. AGENCIES NOTIFIED:** Brandon Hammond & Carla McLane, City of Boardman; Glen McIntire, Building Official; Eric Imes, Morrow County Public Works; Bev Bridgewater,

Preliminary Findings of Fact  
Rodriguez Home Occupation  
CUP-N-390-25

West Extension Irrigation District, Marty Broadbent, District Fire Marshal, and Landon Jones, Umatilla Electric Cooperative.

**V. PROPERTY OWNERS NOTIFIED:** May 7, 2025

**VI. HEARING DATE:** May 27, 2025  
Bartholomew Building  
Heppner, Oregon

**VII. PLANNING COMMISSION:**

The Planning Commission may vote to approve CUP-N-390-25 subject to the following CONDITIONS OF APPROVAL, or, Planning Commission may find that the application does not comply with the standards and deny the application.

1. The applicant will maintain the home occupation as presented in the application. If complaints are received or it is found that work is being performed outside of what was proposed by the applicant or within the terms and conditions of this permit, this permit may be revoked.
2. All commercial activity will occur within the hours of 6:00 AM – 6:00 PM. All commercial activity should be limited to single trips per unit per day and operated seasonally (no more than 6 months) out of the year.
3. No more than five full-time or part-time person(s) may be employed on the site at any time.
4. Noise, traffic, lighting, and other potential impacts to neighboring properties shall be limited to those generally anticipated for a typical residential use. No major mechanical work or operation is permitted or allowed.
5. 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 the property changes.
6. Any proposed signage must meet the requirements of the Morrow County Zoning Ordinance and receive Zoning Permit Approval.
7. This permit does not include the approval of any new structures or modifications to existing structures for purposes of the business.
8. All Commercial units included in this home occupation permit are required to be parked on the property as presented in the site plan and not in the right of way or in such a way as to cause visual detriment to the roadway.
9. The applicant shall obtain and provide a copy of an access permit from Morrow County Public Works and Road Department by July 31, 2025.

## MORROW COUNTY PLANNING COMMISSION

---

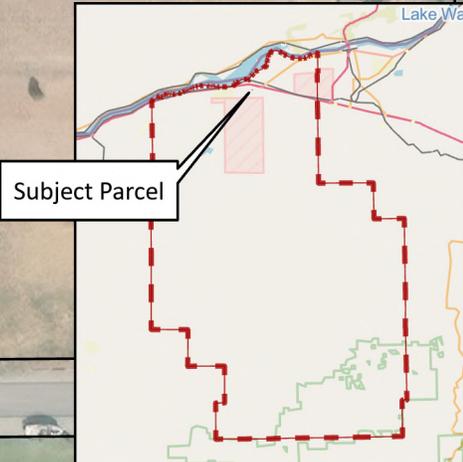
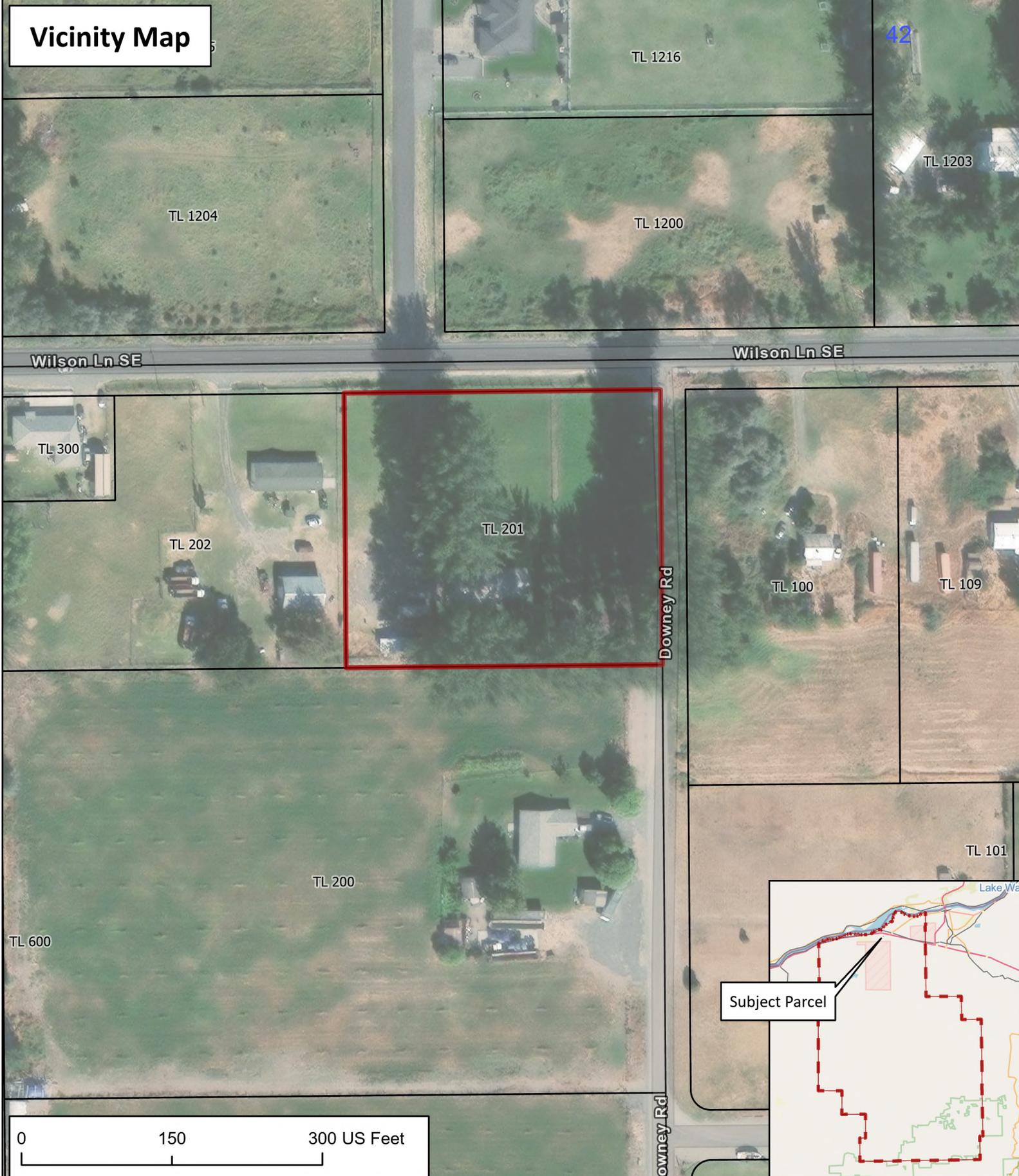
Stacie Ekstrom, Chair

Date

## Attachments:

- A. Vicinity Map
- B. Application with Attachments

# Vicinity Map

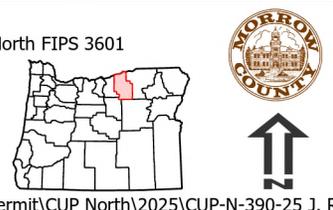


## CUP-N-390-25

Juan Rodriguez  
04N25E14C TL202

- Morrow County Boundary
- Taxlots
- Taxlots selection

Coordinate System:  
NAD 1983 HARN StatePlane Oregon North FIPS 3601  
Projection: Lambert Conformal Conic  
Datum: North American 1983 HARN  
Cartography By: Stephen Wreccics  
Date Saved: Tuesday, May 6, 2025  
Morrow County Planning Department  
Folder: S:\Planning\Conditional Use Permit\CUP North\2025\CUP-N-390-25 J. Rod



ASSESSOR'S MAP/TAX	OWNER 1	OWNER 2	MAIL ADDRESS	CITY	STATE	ZIPCODE
04N25E14C000108	EPKEY, DOMINIC A		13458 W WINCH AVE	RATHDRUM	ID	83858
04N25E14C0001200	MEDINA-GUERRERO, CRYSTAL ARLENI		23300 NE ARATA RD UNIT 8	WOOD VILLAGE	OR	97060
04N25E14C000300	FLORES-LEMUS, JOSE		71454 WILSON LN	BOARDMAN	OR	97818
04N25E14C000201	SNYDER, JACOB R & ADRIANA		71488 WILSON LN	BOARDMAN	OR	97818
04N25E14C0001203	COOK, DARREN & PATRICIA A		71537 WILSON RD	BOARDMAN	OR	97818
04N25E14C000109	SKOUBO, ELLA		71566 WILSON LN	BOARDMAN	OR	97818
04N25E14C000100	SKOUBO, ELLA		71566 WILSON LN	BOARDMAN	OR	97818
04N25E14C0001204	ACOSTA, OSCAR ET AL		71591 JERRY LN	BOARDMAN	OR	97818
04N25E14C000200	GUZMAN, JOSE O ETAL		PO BOX 101	BOARDMAN	OR	97818
04N25E14C000202	RODRIGUEZ, JUAN & RODRIGUEZ, ANA MARIE		PO BOX 983	BOARDMAN	OR	97818

**CUP-N-390-25 | Juan Rodriguez | FR 250ft. notice.**  
04N25E14C TL202.  
S:\Planning\Cup\North\2025



LAND USE APPLICATION  
CONDITIONAL USE REQUEST

CUP-N-390-25

RECEIVED  
APR 15 2025

BY: MC

Internal Use  
File Number \_\_\_\_\_  
Date Received 4-15-2025 Deemed Complete 5-6-2025 Fee 1000.00 478

PAID

Applicable Zoning Ordinance Criteria \_\_\_\_\_

Applicant:

Name(s) Juan Rodriguez

Mailing Address P.O. Box 983

Phone (541) 561-9619 E-mail Juan-rodriguez1023@live.com

Legal Property Owner: (if different from applicant)

Name(s) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_ E-mail \_\_\_\_\_

Proposed Conditional Use:

Description of Request and the Proposed Use Park <sup>xs</sup> 10 wheelers on property  
8-9 months of the year. makes 4 more independent.

Property Description:

Township 4N Range 25E Section 14C Tax Lot 202 Zoning Designation FR

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

Applicable Article, Section(s), and Subsection(s) \_\_\_\_\_

Physical Address 71472 Wilson Lane Boardman, OR 97818

General Location Wilson Lane & Eastford road

Located within a UGB? NO If yes, which city? \_\_\_\_\_

Legal Access (e.g. road name) Wilson Lane

Improvement Type and Condition of Road asphalt

Fire Protection District or Method Boardman Fire Rescue Station 81

Solid Waste Disposal Method Septic

Existing Use of the Property Residential

Please provide a statement with the following information:

1. A plot plan of the property with existing and proposed structures and roads and accesses
2. Existing and proposed water supply yes, West Extension
3. Existing and proposed sewage disposal method onsite septic & sanitary disposal
4. Utilities and other public services provided UGC
5. Signs and/or lighting required N/A

- 6. Parking/loading and fencing required *no addition parking or fencing*
- 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? If yes, describe. *NO*
- 11. A description of how the proposal will be compatible with surrounding land uses. *supports local Ag*
- 12. Describe how the proposal will comply with the requirements of Morrow County Zoning Ordinance Article 6. *employment allow operation & parking.*

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 can provide them. The plot plan and narrative should include enough detail to address specific issues about your particular application.

**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: <u>          <i>Juan Rodriguez</i>          </u>	<u>          <i>Juan Rodriguez</i>          </u>
Applicant	Legal Property Owner
Printed: _____	_____
Applicant	Legal Property Owner
Date: <u>          <i>4-15-25</i>          </u>	_____

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

**Morrow County Planning Department**  
 215 NE Main Ave, PO Box 40, Irrigon, OR 97844  
 (541) 922-4624 FAX: (541) 922-3472

## Land Use Application

Juan Rodriguez

71472 Wilson Lane Boardman, OR 97818

11. A description of how the proposal will be compatible with surrounding land uses.

12. Describe how the proposal will comply with the requirements of Morrow County Zoning Ordinance Article 6.

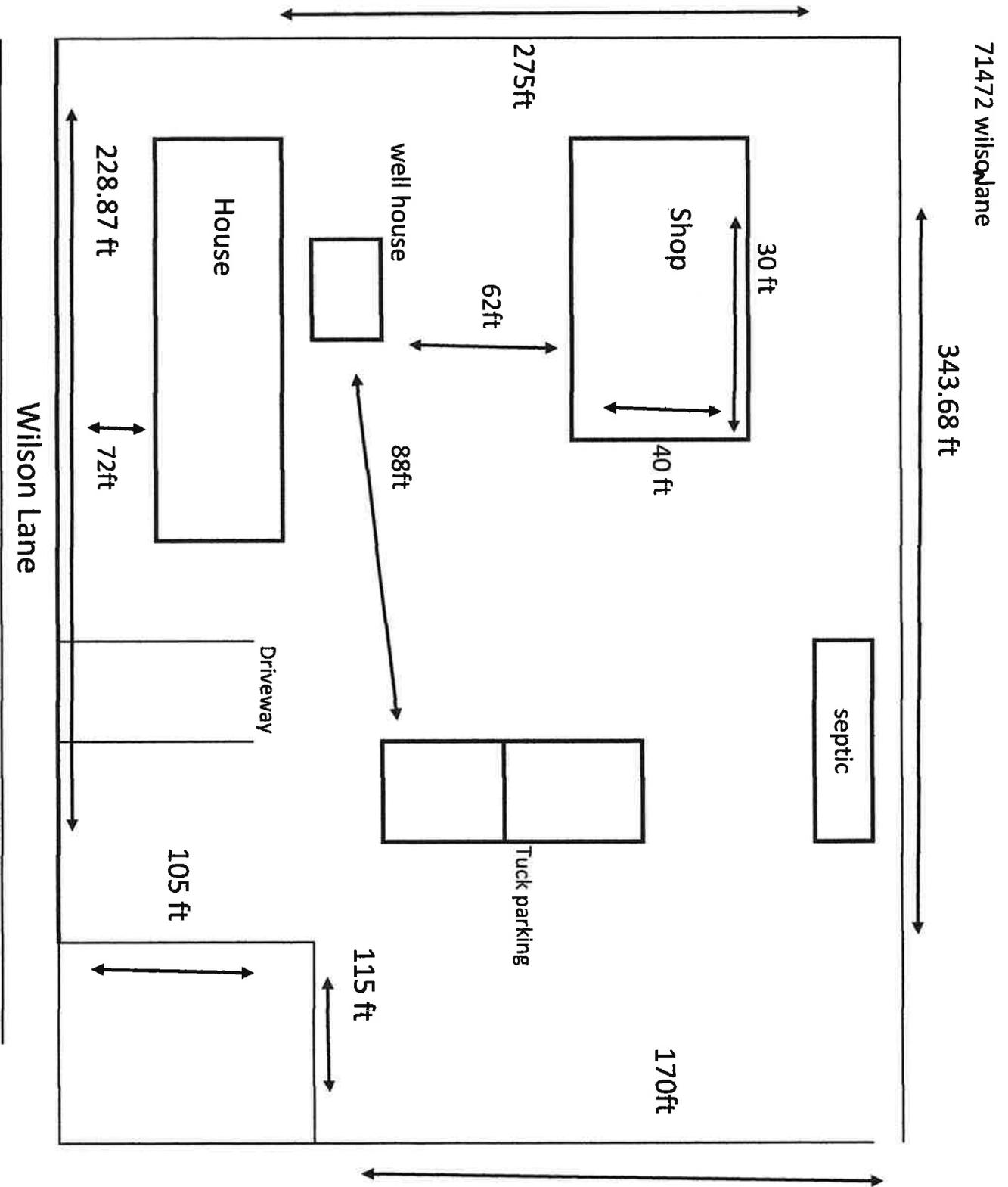
- we are requesting permit to park 10wheelers only, will not be hazardous to the safety and general welfare of surroundings properties. (Property is clean of excess debris or junk)

- No major mechanical work is performed onsite, only minor maintenance. Almost all maintenance/ work performed onsite is completed inside shop area.

- When trucks are working during harvest they stay at farm for length of available work, vehicles are not in and out of property. Thus, eliminating inconveniences to neighbors during harvest time.

- No materials or commodities are or will be delivered to and from property using 10 wheelers.

- while 10 wheelers are parked on property no excess noise, vibration, or odors have been an issue with current nor past neighboring property owners.



May 16, 2025  
CUP-N-390-25

Hi,

I am unable to attend the Public Hearing on May 27, 2025 in regard to Mr Juan Rodriguez application. I do have some concerns.

My biggest concerns are the traffic and the road noise. Wilson Lane is a very busy road with heavy traffic. Many times there are farm animals in the road and on the side of the road. Will there be a traffic study done?

What will the business hours be? How many vehicles will be stored and serviced there?

Thank you for your time and I understand that area is zoned for Farm Residential FR2.

Respectfully,

Ella Skoubo  
57166 Wilson Lane  
Boardman, OR. 97818  
541-720-7752

THIS PAGE INTENTIONALLY LEFT BLANK

**PRELIMINARY FINDINGS OF FACT  
LAND USE DECISION  
LUD-S-083-25  
MAJOR VARIANCE  
V-S-057-25**

**REQUEST:** To site an approximately 40-foot-tall radio transmission tower and 48 ft<sup>2</sup> support building on a 697.4-acre parcel zoned Exclusive Farm Use (EFU). Also to allow a variance to seek relief from the minimum side yard setback of 20 feet in the EFU zone. Specifically, this request is to site the tower approximately 5 feet from the south property line and the support building approximately 7 feet from the south property line.

**APPLICANT:** Mary Kay Bellamy  
PO Box 626  
Lexington, OR 97839

**PROPERTY OWNER:** John Flynn  
55549 Hwy 207  
Heppner, OR 97836

**PROPERTY DESCRIPTION:** Tax lot 3704 of Assessor's Map 2S 26E

**PROPERTY LOCATION:** The parcel is located on top of a hill east of the City of Heppner. The westernmost property line and development area are approximately ¼ mile east of Heppner city limits and ¼ mile northeast of Willow Creek Reservoir. The northwest corner of the parcel abuts the Heppner Urban Growth Boundary.

**I. BACKGROUND INFORMATION:**

The subject parcel is approximately 697.4 acres in size and zoned Exclusive Farm Use (EFU). The proposed development site is on top of a hill near the parcel's westernmost property line, approximately ¼ mile east of the Heppner city limits and ¼ mile northeast of Willow Creek Reservoir. Tax lot 106 is directly to the west of the proposed site and tax lot 400 is directly to the south. The parcel is primarily grassland composed of non-irrigated class 4-7 soils and used for grazing. The only other development on the parcel is a cellular transmission tower located approximately 75 feet northeast of the proposed radio tower.

The variance request for setback from the side yard is due to the location of an existing pole that will be utilized as the base structure for the radio transmission tower. This pole is approximately 5 feet from the south property line. The associated 48 ft<sup>2</sup> support building is not large enough to be subject to a zoning permit, however all structures are subject to setback requirements, regardless of size. It is proposed to be sited approximately 7 feet from the south property line. The applicant states this building must be sited directly adjacent to the proposed radio tower and placing it further north would restrict employee access to the adjacent existing cell tower.

**LUD-S-083-25 V-S-057-25  
Preliminary Findings of Fact**

In accordance with MZCO Section 3.010, Exclusive Farm Use, “utility facilities necessary for public service, but not commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height” is a permitted use subject to administrative review. However, a request involving a deviation from a yard or setback requirement of more than 25% requires a Major Variance that is subject to Planning Commission approval in accordance with MZCO Section 7.200, Variances.

## II. **APPROVAL CRITERIA:**

Morrow County Zoning Ordinance Article 3 Section 3.010, Exclusive Farm Use, EFU Zone and Article 7 Section 7.200(B), Major Variance will apply. Criteria are listed below in **bold type**, followed by a response in standard type.

### **SECTION 3.010. EXCLUSIVE FARM USE, EFU ZONE.**

#### **D. Uses Subject to Administrative Review**

- 9. Utility facilities necessary for public service, including associated transmission lines as defined in Article 1 and wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height as provided in Subsection F.10.**

The proposed tower will be used for public radio transmission and is approximately 40 feet in height.

#### **F. Use Standards:**

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

- a. A utility facility is necessary for public service if the facility must be sited in the exclusive farm use zone in order to provide the service**
- (1) To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:**
- (a) Technical and engineering feasibility;**
  - (b) The proposed facility is locationally-dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;**
  - (c) Lack of available urban and nonresource lands;**
  - (d) Availability of existing rights of way;**
  - (e) Public health and safety; and**
  - (f) Other requirements of state and federal agencies.**

The proposed tower will provide public radio transmission to Morrow County. Siting it on a hill maximizes the effective range by improving line of sight and reducing signal obstruction. This location also reduces visual impact to residential and densely populated areas. A cellular transmission tower exists adjacent to this proposed location for similar reasons.

- (2) Costs associated with any of the factors listed in Subsection (1) may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.**

Cost has not been the lone factor in identifying the location for the proposed tower. This location was selected because of the factors previously discussed paired with the existing pole that can be utilized as part of the base structure.

- (3) The owner of a utility facility approved under Subsection (a) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.**

It is listed as a condition of approval that the applicant is responsible for restoration of any adjacent agricultural lands that could be disturbed.

- (4) The county shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.**

The applicant is required to comply with the regulations and directives stipulated by the Morrow County Weed Coordinator, which may include continued mitigation practices, in order to address and mitigate the presence of noxious weeds effectively on the proposed site. This is listed as a condition of approval. A copy of these findings was provided to the Morrow County Weed Coordinator for review and comments.

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

No temporary workforce housing is proposed, this section does not apply.

- (6) In addition to the provisions of Subsection F.10.a(1) through (4), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.**

The proposed use is not a sewer system, this section does not apply.

**(7) The provisions of Subsection a do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.**

The proposed use is not a natural gas pipeline, this section does not apply.

**O. Yards. In an EFU Zone, the minimum yard setback requirements shall be as follows:**

- 1. The front yard setback from the property line shall be 20 feet for property fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the County.**

The parcel is 697.4 acres in size. The development area is near the westernmost property line and accessed via an ingress/egress easement extended from Morrow Street, a city street to the west. Therefore, the west side of the parcel is being considered the front. Both proposed structures will be sited greater than 20 feet from the front property line.

- 2. Each side yard shall be a minimum of 20 feet except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet.**

The proposed radio tower will be sited approximately 5 feet from the south (side) property line, and the support building approximately 7 feet from the side property line. Both distances are a deviation of more than 25% of the 20-foot setback requirement. Major Variance V-S-057-25 seeks relief from this setback. The nearest property line to the north is nearly ¼ mile away from the development area.

- 3. Rear yards shall be a minimum of 25 feet.**

The nearest property line to the east is approximately 1 ¼ miles from the development area.

- 4. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.**

The nearest body of water is approximately ¼ mile southwest of the development area.

**P. Transportation Impacts**

- 1. Traffic Impact Analysis (TIA). 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. Heavy vehicles – trucks, recreational vehicles and buses – will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the**

project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)

This development will not generate more than 400 passenger car equivalent trips per day during construction or operation. A TIA is not required.

**ARTICLE 7 SECTION 7.200. VARIANCES.** A Variance can serve multiple purposes and is designed to provide relief from the literal requirements of a regulation found within this Zoning Ordinance. The result of approving a Variance should result in improved planning that would benefit the applicant and the broader community, and it may be the first step in reevaluating requirements or allowed uses within a use zone.

**MAJOR VARIANCE.** The following are examples of Variances that could be considered: siting a manufactured home that is not in compliance with current manufactured home requirements, allowing for less frontage than required, allowing for a smaller lot size than required, approve a variance when a dimensional adjustment does not accomplish the needs of the property owner, and other similar or related instances. Use Variances amend or change the use of a property or structure. Area Variances tend to amend or change the area needed to validate a lot or parcel, or reduce necessary setbacks. Financial hardship does not qualify for a use or area Variance.

**APPROVAL CRITERIA.** The Planning Commission may grant a Major Variance upon finding that all of the following criteria are met. The burden is on the applicant to demonstrate compliance with the criteria.

1. **The variance relates to a specific lot or parcel of land.**  
The variance will be applied to a specific parcel, this criterion is met.
2. **The Variance can be granted without substantial detriment to the public good. It would allow for a building or site plan that is more compatible with adjacent land and land uses, or it does not create a conflict with adjacent uses.**  
The 697.4-acre parcel is primarily grassland composed of non-irrigated class 4-7 soils and used for grazing. The only other development on the parcel is a cellular transmission tower located approximately 75 feet northeast of the proposed radio tower. Adjacent parcels in the vicinity of the proposed location have the same soil and terrain, with significant slope. The proposal would be compatible with current and adjacent land uses, this criterion is met.
3. **The Variance does not hinder compliance with applicable building code requirements or engineering design standards.**  
There is nothing in the record that would indicate the proposed variance would hinder compliance with building code requirements or engineering design standards. Zoning Approval and applicable building permits are required for the radio tower and applicable building permits may be required for the support building; this has been listed as a condition of approval.

**4. Approval of the Variance does not create a violation of this or any other adopted ordinance or code standard.**

This action provides relief from the setback standard in the Exclusive Farm Use Zone but does not create a violation of any adopted ordinance or code standard. This criterion is met.

**5. Application for a Variance should include all necessary Variances anticipated for the proposed development.**

The application as submitted includes all anticipated Variances for the proposed development. No other variances are proposed. This criterion is met.

**6. Application for a Variance is limited to one per year.**

No other variances are anticipated for the subject parcel based on the proposal. The applicant intends to construct the structures within one year. This criterion is met.

**III. LEGAL NOTICE PUBLISHED:** May 7, 2025  
East Oregonian

May 7, 2025  
Heppner Gazette-Times

**IV. AGENCIES NOTIFIED:** Mike Gorman, Assessor's Office; Glen McIntire, Building Official; Dawn Hert and Hilary Foote, Oregon Department of Land Conservation & Development; Steve Rhea, Heppner RFPD; John Doherty, Heppner City Manager; Corey Sweeney, Morrow County Weed Coordinator; Brandon Pike, Oregon Department of Aviation

**V. PROPERTY OWNERS NOTIFIED:** May 7, 2025

**VI. HEARING DATE:** May 27, 2025

**VII. DECISION OF THE PLANNING COMMISSION:** The Morrow County Planning Commission has **approved** Land Use Decision LUD-S-083-25 and Major Variance V-S-057-25 subject to the following **CONDITIONS OF APPROVAL:**

1. Applicant shall obtain Zoning Permit approval for the radio tower and any applicable building permits for both structures.
2. Applicant shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the proposed structures.
3. Applicant is required to comply with any regulations and directives stipulated by the Morrow County Weed Coordinator, which may include continued mitigation practices.

**LUD-S-083-25 V-S-057-25  
Preliminary Findings of Fact**

---

Stacie Ekstrom, Chair

Date

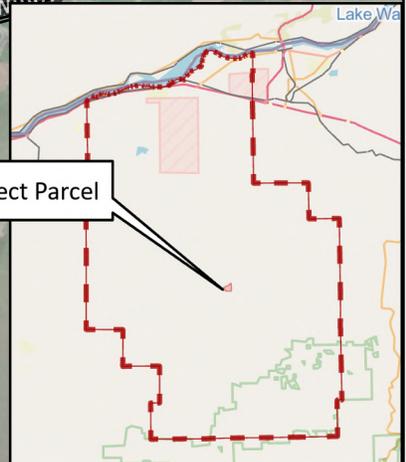
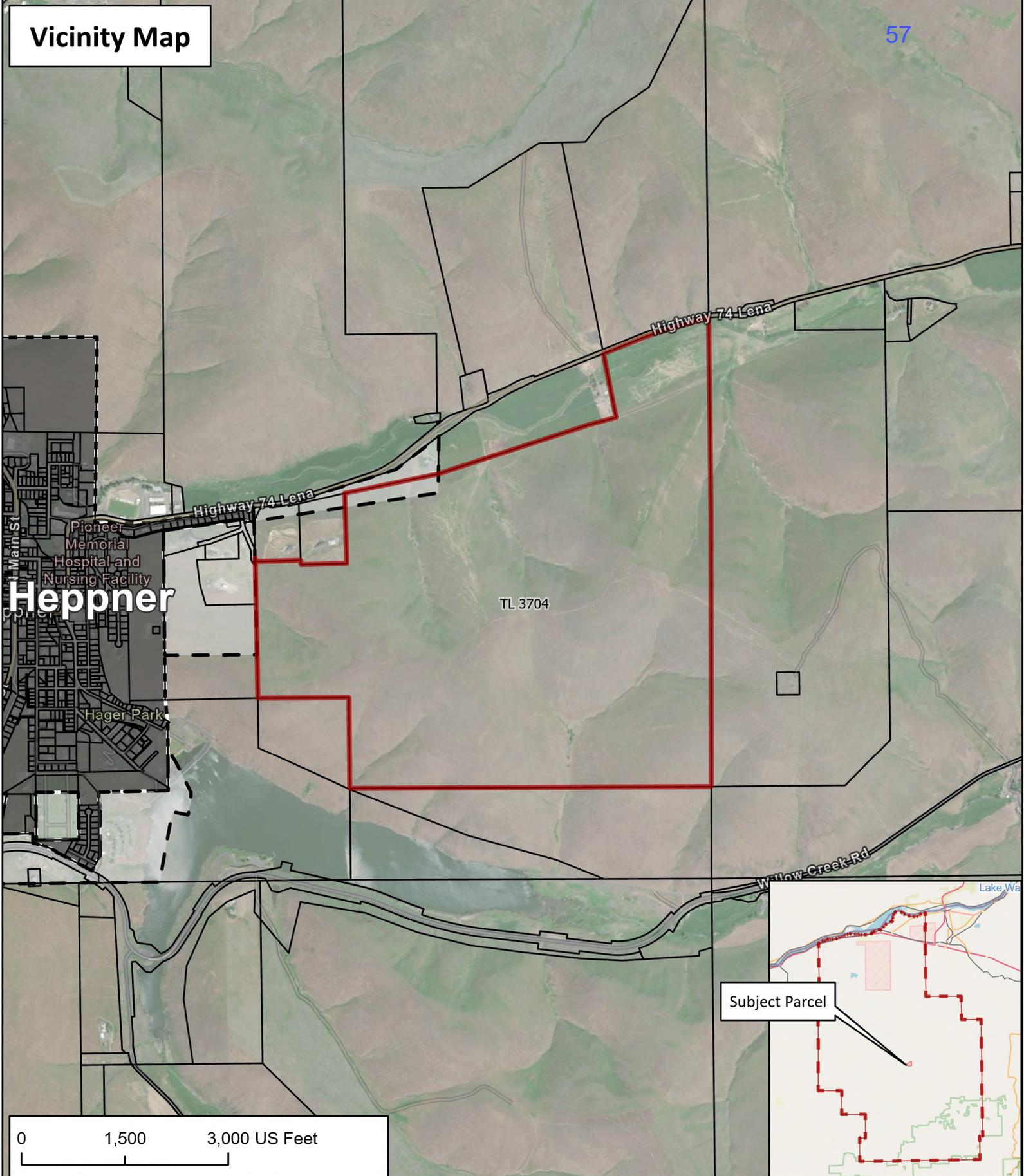
ATTACHMENTS:

- Vicinity Map
- Adjoining Property Owners List
- Applications
- Site Plan

PRELIMINARY

# Vicinity Map

57



**LUD-S-083-25**

**V-S-057-25**

John Flynn

02S26E TL3704

-  Morrow County Boundary
-  Taxlots
-  Subject Parcel

Coordinate System:

NAD 1983 HARN StatePlane Oregon North FIPS 3601

Projection: Lambert Conformal Conic

Datum: North American 1983 HARN

Cartography By: Stephen Wreccics

Date Saved: Tuesday, May 6, 2025

Morrow County Planning Department

Folder: S:\Planning\Land Use Decisions\2025\South\LUD-S-083-25 Bellamy Rad



ASSESSOR'S MAP/TAX	OWNER 1	OWNER 2	MAIL ADDRESS	CITY	STATE	ZIPCODE
02S26E000005201	USA (CORPS)					0
02S26E350000100	USA (CORPS)					0
02S27E000002900	STATE OF OREGON		417 TRANSPORTATION BLDG	SALEM	OR	97310
02S26E000003600	HOSKINS RANCH, LLC		53542 HIGHWAY 74	HEPPNER	OR	97836
02S26E000003705	FLYNN, JOHN F TRUSTEE		55549 HWY 207 SPRAY	HEPPNER	OR	97836
02S26E000003704	FLYNN, JOHN F TRUSTEE		55549 HWY 207 SPRAY	HEPPNER	OR	97836
02S27E000001900	FLYNN, JOHN F TRUSTEE		55549 HWY 207 SPRAY	HEPPNER	OR	97836
02S26E000003700	ROBINSON, MERLYN A, TRUSTEE ETAL		64583 SPUR LP	HEPPNER	OR	97836
02S26E350000106	ROBINSON, MERLYN A, TRUSTEE		64583 SPUR LP	HEPPNER	OR	97836
02S26E000005200	THOMPSON, TERRY E		72948 BUNKER HILL LN	HEPPNER	OR	97836
02S26E350000400	THOMPSON, TERRY E		72948 BUNKER HILL LN	HEPPNER	OR	97836
02S26E350000108	GEORGE, MICHAEL D & GEORGE, AMY L		PO BOX 374	LEXINGTON	OR	97839
02S26E3500001100	SCHLAICH, JAMES MICHAEL ET AL		PO BOX 541	HEPPNER	OR	97836
02S26E000004000	LANKFORD, JAMES R & LANKFORD, DEBORAH J		PO BOX 562	HEPPNER	OR	97836
02S26E350000107	RHEA, TREVOR C & RHEA, MOLLIE J		PO BOX 612	HEPPNER	OR	97836
02S27E000003001	CITY OF HEPPNER		PO BOX 756	HEPPNER	OR	97836
02S26E350000105	WIGHT, RILEY & AMANDA		PO BOX 778	HEPPNER	OR	97836
02S26E3500001200	CARLSON, RON K & CARLSON, KIM J		PO BOX 971	HEPPNER	OR	97836

**LUD-S-083-25 & V-S-057-25 | John Flynn | EFU** 500ft. notice.  
 02S26E TL3704.  
 S:\Planning\LUD\North\2025



# LAND USE APPLICATION ADMINISTRATIVE REVIEW

RECEIVED  
APR 29 2025

BY: B

Internal Use File Number <u>LUD-S-083-25</u>	<b>PAID</b> \$600- p+p
Date Received <u>4-29-25</u> Deemed Complete <u>4-29-25</u>	

**Type of Application:** (check one)

- Non-Farm Use       Temporary Use       Dwelling Authorization  
 Agri-tourism       Event(s)       Other: Radio Tower

**Applicant:**

Name(s) Mary Kay Bellamy  
Mailing Address PO Box 626, Lexington OR 97839  
Phone 541.379.3567 E-mail mkbellamy17@gmail.com

**Legal Property Owner:** (if different from applicant)

Name(s) John Flynn  
Mailing Address 55549 Hwy 207, Heppner OR 97836  
Phone 541.980.2253 E-mail johnflynnocp@scbglobal.net

**Property Description:**

Township 25 Range 26E Section \_\_\_\_\_ Tax Lot(s) 3704  
Physical Address 74606 Hwy 74 Lena, Heppner OR 97836 NEARBY TOWER  
General Location Hill above East side of Heppner  
45.349770, -119.538974

Proposal (identify what you are proposing): Approx 40' radio transmission tower  
AND 6'x8' SUPPORT BUILDING

**Approval Criteria:**

Zoning Designation EFU Acres: 697.4  
Is any portion of the property within an Overlay Zone? No  
Applicable Article, Section(s), and Subsection(s): MCZO 3.010 + 7.200

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. If additional space is needed, please attach a separate sheet of paper.

**Physical Features:** (describe the site)

Vegetation on the property Grass  
Topography of the property (i.e. rocky, hilly, forested) Flat hilltop  
Any significant features of the property (i.e. steep slopes, water bodies, etc.) \_\_\_\_\_  
N/A

Soil type(s): Rock

Is the land or any portion of it subject to flooding? No

Most current use of the property Cell towers

Has the location been utilized as an integral part of the farming operation on the property? No

Does the location have water rights for irrigation? \_\_\_\_\_

What are the predominant farming types in the area? N/A

Is the property currently under special assessment by the County Assessor's Office?? No

**Existing Improvements:**

What structures or development does the property contain? Will any structure be removed or demolished?

Cell towers, no

**Describe the Access to the Property:**

State Highway     County Road     Public Road     USFS     Private Easement

Road name Morrow St

Improvement type and condition of road \_\_\_\_\_

Will any new access be required? No

**Existing Services:**

Fire protection district or method Heppner RFPD

Solid waste disposal method N/A

Utilities and other public services provided Power

**Please include a map or plot plan with the following information and locations:**

- Existing and proposed water supply
- Existing and proposed sewage disposal method
- Existing and proposed structures
- Existing and proposed roads and accesses

**Attach applicable submittal requirements in accordance with Morrow County Zoning Ordinance Article 5**

How the proposal will be compatible with surrounding uses Grazing, no development other than cell tower

How the proposal will protect and preserve existing natural resources such as trees, vegetation, water resources and wildlife habitat Minimal footprint, fenced for grazing

Whether you believe diking, screening or other landscaping will be required to protect nearby properties and habitats No

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 can provide them. The plot plan and narrative should include enough detail to 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: Mary Kay Bellamy  
Applicant

Printed: Mary Kay Bellamy  
Applicant

Date: 4/24/2025

[Signature] 4/29/25  
Legal Property Owner

Legal Property 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**  
215 NE Main Ave, PO Box 40, Irrigon, OR 97844  
(541) 922-4624 FAX: (541) 922-3472



# LAND USE APPLICATION VARIANCE REQUEST

RECEIVED  
APR 29 2025

BY: [Signature]

**Internal Use**  
 File Number V-S-057-25 Date Received 4-29-25 Deemed Complete 4-29-25 Fee -  
 Type:  Minor Variance (Administrative)  Major Variance (Planning Commission)

**Applicant / Contractor:**  
 Name(s) Mary Kay Bellamy  
 Mailing Address PO Box 626, Lexington OR 97839  
 Phone 541.379.3567 E-mail mkbellamy17@gmail.com

**Legal Property Owner: (if different from applicant)**  
 Name(s) John Flynn  
 Mailing Address 55549 Hwy 207, Heppner OR 97836  
 Phone 541.980.2253 E-mail johnflynnocp@sbcglobal.net

**Existing Property Description:**  
 Township 25 Range 26E Section \_\_\_\_\_ Tax Lot 3704 Zoning Designation \_\_\_\_\_  
 Physical Address 74606 Hwy 74 Lena, Heppner OR 97836 - NEARBY TOWER  
 Located within a UGB? No If yes, which city? \_\_\_\_\_  
 Legal Access (e.g. road name) Morrow St  
 General Location Hill above east side of Heppner 45.349770, -119.538974

The Planning Director or the Planning Commission, dependent upon the criteria identified, may authorize dimensional adjustments or variances from the requirements of this ordinance, or authorize temporary use permits, where it can be shown that owing to special and unusual circumstances related to a specific lot or desired activity, strict application of the ordinance would cause an undue or unnecessary hardship. In granting these permits, Planning Director decisions would be done either under clear and objective standards; or when discretion is applied by providing notice as required by law. Those decisions identified to be approved by the Planning Commission, conditions may be attached when the Planning Commission finds it necessary to protect the best interest of the surrounding property or vicinity and otherwise achieve the purpose of this ordinance.

**Variance Type Requested:**  Area Variance  Use Variance  
 Please explain why the variance is requested We are closer than 20 feet requirement.  
To meet the 20 feet requirement, it would hinder access to Blue Mountain Tower.  
TOWER ~ 5 FT. BUILDING ~ 7 FT.

**Signature:** I (we), the undersigned, acknowledge that I am familiar with requirements of approval for a variance and propose to meet all standards set forth as outlined above. I certify that the statements and information provided with this application are true and correct to the best of my knowledge.

Signed: Mary Kay Bellamy Applicant  
[Signature] Legal Property Owner 4/29/25  
 Printed: Mary Kay Bellamy Applicant  
[Signature] Legal Property Owner  
 Date: 4/29/2025

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

Morrow County Planning Department  
 215 NE Main Ave, PO Box 40, Irrigon, OR 97844  
 (541) 922-4624 FAX: (541) 922-3472

Revised 3/4/25



Property Owner  
Kyle Robinson

Property Owner John Flynn

Power Pole/  
Antena Tower  
35' tall

45.349770, -119.538974

6x8 wood structure  
With metal siding and roof

A T & T building on Cross Hill

Property Owner Thompson

THIS PAGE INTENTIONALLY LEFT BLANK



To: Morrow County Board of Commissioners  
 From: Tamra Mabbott, Planning Director  
 CC: Planning Commission  
 BOC Date: May 21, 2025  
 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.*

### **Summary of the April Planning Commission Meeting**

Planning Commission held a meeting on April 29, 2025, in Irrigon. The commission approved a Conditional Use Permit (CUP) to allow for the temporary operation of a commercial trucking business. This is the 12<sup>th</sup> CUP approved that allows a landowner to remain at their property and continue to operate their business with the understanding that the trucking business will relocate to an appropriately zoned commercial or industrial location. Additional Conditional Use Permit applications will be reviewed for May and June's meetings. They, too, are for the temporary operation of a commercial trucking business.

The commission also reviewed a combined application that included two Comprehensive Plan Amendments and two Zoning Map Amendments. Together, the applications would rezone land to allow for the development of an exascale data center. More specifically, the combined application includes upzoning 1,298 acres from Exclusive Farm Use and Space Age Industrial to General Industrial and applying a Limited Use Overlay to allow the exascale data center. The other part of the application would downzone a 1,605-acre parcel from Space Age Industrial to Exclusive Farm Use. The Planning Commission voted 4 to 1 in support of recommending that the Board of Commissioners approve. The Board hearing is scheduled for June 18, 2025, at 1:00 in Irrigon.

### **Renewable Energy**

Two energy projects are under construction, the Wheatridge East Wind Energy project in the central county and the Tower Solar project just north of Boardman Airport. Staff have been working with one existing wind developer to navigate the permitting process to modify an existing project.

Oregon Solar Siting Rule Update – Staff continue to monitor the work of this committee and provide technical and policy input. The new rules include provisions that incorporate an agricultural mitigation option to offset impacts to agriculture; this is modeled after the program adopted by Morrow County and Pinegate Renewables.

Once the new rules are adopted, counties will have the option to implement three different siting standards. Staff will be preparing materials for a work session to discuss the options and to consider other policy matters such as cumulative impacts.

Planning Director Mabbott continues to participate in two energy project siting work groups, including the Renewable Northwest Advisory Group and the Oregon Department of Energy's "Developing Clean Electricity Generation and Transmission Policy Working Group."

### **Columbia River Heritage Trail Update**

Planning staff and J-U-B Engineering held an online meeting on May 8, 2025, to discuss progress on the 2024-2025 Heritage Trail Master Plan update. The online public survey to determine trail usage and desired future improvements and amenities closed on May 1, 2025. A second open house event is being planned to share these survey results and seek further input on Tuesday, June 10, 2025, from 5:30-8:00 PM at the Irrigon Farmer's Market. This consolidated feedback paired with pending updates to the City of Boardman's Park Master Plan will lead to the development of a Capital Improvement Plan this summer. The next online meeting is scheduled for June 5, 2025.

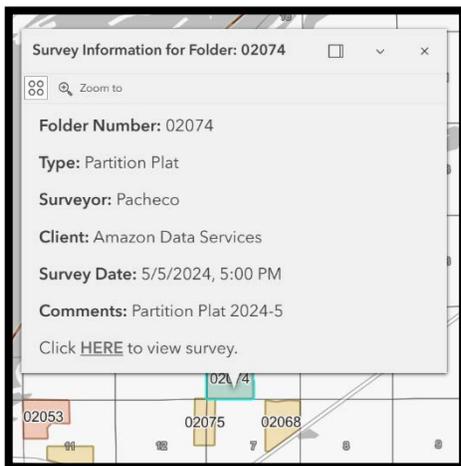
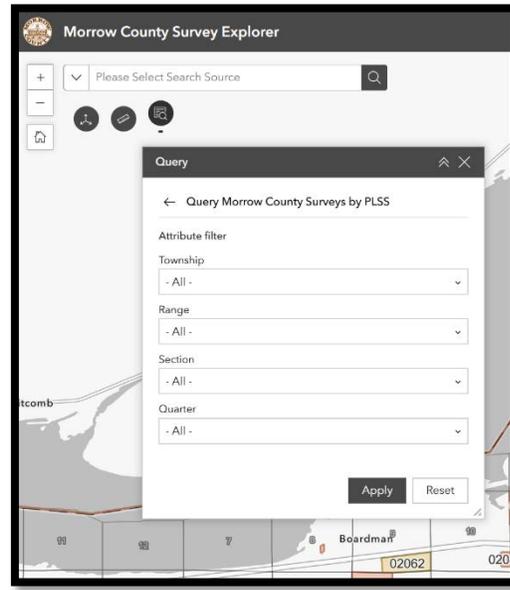
Anyone interested in being involved in the trail plan update please contact Clint Shoemake, Planning Technician.

### **New Goal 3 Farmland and Goal 4 Forestland Administrative Rules**

Planners are working on a new code update to implement the new Land Conservation & Development Commission (LCDC) farm (Exclusive Farm Use) and forest (Forest Use) rules. The statewide rules became effective January 1<sup>st</sup> and are applied directly, however, the code update will incorporate the language into the Morrow County Zoning Ordinance (MCZO). That code update will begin with an informal work session, yet to be scheduled.

## **GIS Mapping and Drone**

Stephen, working closely with Morrow County Surveyor, Matt Kenny has begun developing another interactive mapping tool for Morrow County residents. The Survey Explorer, an interactive tool that will allow users to search and access survey records through an Interactive Web Map. Users will be able to query surveys by surveyor name, client name, year of the survey, survey folder number, or Public Land Survey System (PLSS) location. The map interface will support visual exploration, allowing users to locate and select surveys directly from the map. Clicking on a survey will display related information and include a URL link to access a digital copy of the desired survey document.



The Survey Explorer will also include tools for researching Filed Corner Certificates. These certificates provide information about the history and monumentation of public land corners. Each corner in the PLSS—such as section corners and quarter section corners—has a unique identifier based on its Township and Range location. Users will be able to use these identifiers to locate and review corner certificates through the map interface. This functionality is being developed within ArcGIS Online and will be expanded as additional data becomes available.

The timeframe for launch for the Survey Explorer will depend on the pace of manual data entry.

Approximately 2,100 surveys are currently stored in the digital database, and each one needs to be individually recorded and linked within the map. Stephen is in the process of entering these records, including survey attributes and URL links to documents. This work is being completed in phases, with portions of the data expected to appear on the map as they are processed. A full launch will take place once a significant portion (~100) of the surveys and partition plats have been entered and verified for accuracy.

## **CODE COMPLIANCE**

The Morrow County Compliance Planner has been working closely with property owners to help resolve current code violations and navigate the proper permitting process. Specifically, Conditional Use Permits and Medical Hardship Permits. The Compliance Planner continues to provide information and resources to Morrow County Citizens on solid waste policies and County code/zoning ordinances. Since the last update:

- (11) New Code Violations
- (8) Code Violations Closed

- (1) Code Citation
- (3) Conditional Use Permit Applications
- (2) Medical Hardship Permit Applications

## **WATER AND PLANNING ACTIVITIES**

### **Water Advisory Committee**

A summary of work on the implementation of the four water initiatives adopted by the Board of Commissioners in December 2024, as recommended by the Water Advisory Committee (WAC), is below.

**Initiative 1: Update the comprehensive plan Goals 5 and 6.** Assembling materials and soliciting volunteers to serve on a working group.

**Initiative 2: Develop a Morrow County Drinking Water Program.** Underway at the Public Health Department.

**Initiative 3: Support Regional Water Planning;** staff have included budget for this work.

**Initiative 4: Partner in a Clean Water Consortium.** This effort is underway with the formation and initial meetings of the Clean Water Consortium, led by Board Chair David Sykes. Planning Director Mabbott is a Board member and is continuing with various efforts to secure funding.

### **LUBGWMA**

The LUBGWMA Committee did not meet in April. Planning Director is part of the Oregon Department of Agriculture (ODA) Rule Advisory Committee (RAC) whose mission is to develop administrative rules to implement ODA Rules, that agency's role outlined in the Nitrate Reduction Plan.

Planning Department's GIS Coordinator, Stephen Wrecsics, led the development of a new story map that includes information about the multiple aspects of nitrates, from public health implications, sources of contamination, land use-related matters, geology, and more. Several coordination meetings between county staff and state agencies are set to finalize the content. When complete, the web address will be shared. The interagency goal is to have a comprehensive, single source to answer most questions about nitrates in the Lower Umatilla Basin.

### **EPA Grant - Morrow Umatilla County Drinking Water-ROADMAP**

Ronan Igloria, GSI Water Solutions Inc. and Tamra meet bi-monthly on the Roadmap Project. Staff and consultants are working on the implementation of the Outreach and Communication Plan for the project. A survey was mailed out in March to a number of well-owners, to households in and near two priority study areas. The second week of May, a team from GSI and IRZ Consulting will be in the area testing 12 wells. The Roadmap Project is still looking for more landowners who are willing to have their wells tested for research. Please contact the Planning Department if you live in the GWMA and are willing to have your well tested.

Planning Director organized a meeting with the Regional Solutions Team Director and Department of Land Conservation & Development Regional Representative to talk about the Regional Problem Solving (RPS) Program and its potential to implement recommendations from the Roadmap project. With the County Administrator, there was also discussion about Senate Bill 1154, which, if adopted, would create opportunities to implement programs in the LUBGWMA that might not be allowed under current law.

Information and updates about the Clean Drinking Water Roadmap Project can be found here: <https://drinkingwaterroadmap.org/>

### **Clean Drinking Water Consortium (CWC)**

Planning Director attended two CWC meetings. Work continues on the structure of the organization, bi-laws, adopting a budget protocol and increasing public awareness and searching for funding.

### **West Glen Neighborhood and Area**

Planning Director meets weekly with County Administrator and consultants working to understand water and wastewater needs of the West Glen Subdivision and adjacent community. Included in the weekly meetings is the Rural Engagement and Vitality Center (REV), a nonprofit organization affiliated with Eastern Oregon University (EOU) who is contracted to conduct outreach work and Meier Engineering which is developed a preliminary engineering design for extending water and sewer.

Additionally, Willamette Partnership (WP) provided a draft report, “West Glen Drinking Water Alternatives Viability Check” which outlines options for permanent clean drinking water. Planning Director has reviewed the draft document and routed for further review. That document should be available for public review soon and will serve as an important

### **Transportation Planning**

#### **Tower Road Interchange Area Management Plan (IAMP)**

County staff continue to have regular meetings with Kittleson & Associates and Oregon Department of Transportation planners on the Tower Road IAMP project. The next Technical Advisory Committee (TAC) and Public Advisory Committee (PAC) meetings will be held at the Sage Center in Boardman on June 17<sup>th</sup>. The PAC and TAC members sketched several design options during the March 12<sup>th</sup> meetings. Since then, Kittleson & Associates, the consultant for the project, has developed and refined several interchange designs and preliminary operational analyses. Those will be presented by Kittleson & Associates on June 17<sup>th</sup>.

A Scope of Work for the Morrow County Transportation System Plan (TSP) update is under development, together with ODOT Region 5 planners. Procurement for the project is expected to begin in Summer of 2025. Anyone interested in participating in serving on the transportation planning committee please contact Kaitlin Kennedy in the Planning Department. Planning and Public Works Departments are reviewing a grant program that may supplement the TSP update. The Safe Streets and Roads for All Grant Program could be implemented together with the TSP update.

### **2025 Oregon Legislature**

Planning Director continues to monitor various bills that relate to water and land use.