

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, April 30, 2024, 6:00 pm
Bartholomew Building, Heppner, OR

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

Members of Commission

Stanley Anderson	Tripp Finch	Elizabeth Peterson
Charlene Cooley	John Kilkenny, Vice Chair	Karl Smith
Stacie Ekstrom, Chair	Mary Killion	Brian Thompson

Members of Staff

Tamra Mabbott, Planning Director	Daisy Goebel, Principal Planner
Stephen Wrecsics, Associate Planner, GIS	Landon Jones, Planning Tech
Michaela Ramirez, Administrative Assistant	

NHMP WORKSHOP 4:30-5:30 Bartholomew Building

1. Call to Order

2. Roll Call

Pledge of Allegiance

3. Minutes: (Draft) March 26th, 2024 [pgs. 4-7](#)

Conditional Use Permit CUP-N-367-24: Guillermo Calvillo, Applicant and Owner. Home Occupation Permit to allow the operation of a commercial trucking business on a residential property. The subject property is described as Tax Lot 7000 of Assessor's Map 4N25E20A and is located in the Suburban Residential (SR) zone. The property is located at the southern extent of the West Glen Subdivision, outside of the City of Boardman Urban Growth Boundary and City Limits. Criteria for approval includes Morrow County Zoning Ordinance (MCZO) Section 3.050 Suburban Residential Zone, and MCZO Article 6, Conditional Uses. [pgs. 9-](#)

Variance V-N-048-24: Armando Rodriguez Villegas, Applicant and Owner. Application for a 2-parcel Land Partition of Tax Lot 7400 of Assessor's Map 04N25E20A requesting a variance to the minimum street frontage and access width requirements of Morrow County Zoning Ordinance (MCZO) Section 4.010. The property is located south of the Boardman City Limits, within the Urban Growth Boundary and is zoned Suburban Residential (SR). Criteria for approval include MCZO Section 3.050 Suburban Residential Zone, and MCZO Section 7.200, Variances. [pgs. 4-4](#)

4. Other Business: April Planning Update [pgs. 4 -](#)

5. Correspondence:
6. Public Comment:
7. Adjourn

Next Meeting: Tuesday, May 28, 2024, at 6:00 p.m.
Location: Morrow County Government Center, Irrigon, OR

ELECTRONIC MEETING INFORMATION

Morrow County Planning is inviting you to a scheduled Zoom meeting. Topic: Planning Commission
Time: April 30, 2024, 6:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/6554697321?pwd=dFMxR2xlaGZkK1ZJRFVrS1Q0SmRxUT09&omn=82399460065>

Meeting ID: 655 469 7321
Passcode: 513093

Find your local number: <https://us02web.zoom.us/u/kdmj6471tm>

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

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

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**Minutes of the Public Meeting of the
Morrow County Planning Commission
Tuesday, March 26, 2024, 6:00 pm
Morrow County Government Center
215 Main Ave Irrigon, OR**

COMMISSIONER PRESENT:

Stanley Anderson
John Kilkenny, Vice Chair
Mary Killion
Elizabeth Peterson
Karl Smith
Brian Thompson

COMMISSIONERS ABSENT:

Charleene Cooley
Stacie Ekstrom, Chair

ATTENDANCE via ZOOM:

Tripp Finch

STAFF PRESENT:

Tamra Mabbott, Planning Director
Daisy Goebel, Principal Planner
Stephen Wrecsics, GIS Analyst
Michaela Ramirez, Administrative Asst

1. CALL TO ORDER

Vice-Chair Kilkenny called the meeting to order at 6:03 PM

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

Recommended Action: Approve

Motion: approve minutes.

Motion by: Commissioner Peterson

Seconded by: Commissioner Thompson

Vote: All approved

Action: Motion carried

5. PUBLIC HEARINGS:

Principal Planner Daisy Goebel presented: AC-153-24 Comprehensive Plan Amendment; Goal Exception. Passage Solar- OneEnergy Inc., Applicant.

Request: Goal 3 exception required to impact up to 753 acres of Farmland for the construction and operation of a 120-MW solar photovoltaic energy generation facility within the Exclusive Farm Use (EFU) zone. The property is located ±17 miles southeast of Hermiston and ±22 miles southeast of Boardman (Tax Lot 1200 of Assessor's Map 03N27 & Tax Lot 100 of Assessor's Map 02N27). Applicable Criteria include Morrow County Zoning Ordinance (MCZO) Article 8 Amendments and Oregon Administrative Rules (OAR) 660-004-0010.

Vice-Chair Kilkenny opened the testimony part of the Public Hearing.

Questions or Comments for Staff by Commissioner: None

Testifying Parties:

Applicant/Representatives

Nathan Stottler, Associate Director, 2003 Western Ave Ste. 225, Seattle, WA 98121.

Tanner Gillespie, Project Manager, 2003 Western Ave Ste. 225, Seattle, WA 98121.

Elaine Albrich

Nathan Stotter and Elaine Albrich presented a PowerPoint (see attached) in regards to sheep grazing plans One Energy has for the acreage stated above.

Questions or Comments for the Applicant by Staff: Planning Director Mabbott

Questions or Comments for the Applicant by Commissioners: Vice-Chair Kilkenny, Commissioners Killion, Thompson

General Public: None

Questions or Comments for Applicant by Commissioners: Commissioner Vice-Chair Kilkenny

Rebuttal by Applicant: Nathan Stottler (explained the hydro-mulch and could add as a condition)

With no further questions, and no request to continue the hearing or leave the record open, Vice-Chair closed the public hearing.

Recommended Action: Recommend to the Board of Commissioners to approve AC-153-24 Comprehensive Plan Amendment; Goal Exception. Passage Solar- OneEnergy

Motion: To approve AC-153-24 Comprehensive Plan Amendment; Goal Exception. Passage Solar- OneEnergy

Motion by: Commissioner Thompson

Seconded by: Commissioner Smith

Vote: All voted, Commissioner Finch abstained from voting

Action: Approved to move to Board of Commissioners

Principal Planner Daisy Goebel presented: CUP-N-364-24 Passage Solar- OneEnergy Inc., Applicant

Request: Conditional Use Permit for the construction and operation of a 120-MW solar photovoltaic energy generation facility within the Exclusive Farm Use (EFU) zone. The property is located ±17 miles southeast of Hermiston and ±22 miles southeast of Boardman (Tax Lot 1200 of Assessor's Map 03N27 & Tax Lot 100 of Assessor's Map 02N27). Criteria for approval are found in MCZO Article 3 Section 3.010 and Article 6 Conditional Uses.

Vice-Chair Kilkenny opened the testimony part of the Public Hearing.

Questions or Comments for Staff by Commissioner: None

Testifying Parties:

Applicant/Representatives

Elaine Albrich spoke on the CUP (presentation)

Questions or Comments for the Applicant by Commissioners: Commissioners Thompson, Killion, Vice-Chair Kilkenny, Peterson, Thompson

Proponents:

Cameron Krebs, 68171 Kunze Lane, Boardman, OR 97818.

Tim Rust, 77252 Mader Rust Lane, Echo, OR 97826

Questions or Comments for the Applicant by Commissioners: Commissioner: Killion, Commissioner Smith

Rebuttal by Applicant:

Elaine Albrich

Nathan Stotter, Associate Director, 2003 Western Ave Ste. 225, Seattle, WA 98121.

Additional Questions of Staff by Commissioners: None

Vice-Chair Kilkenny asked if there was anyone who wanted to hold the record open.

Motion to close the hearing:

Motion by: Commissioner Peterson

Seconded by: Commissioner Thompson

Vote: All approved

Discussion on Motion:

Director Mabbott made it known that there were 2 separate actions:

1. To accept the findings and recommend to the Board of Commissioners to approve AC-153-24.
2. To accept the findings with minor changes to:
 - Condition 3 with the Goal 3 Exception Supplemental Information on Agrivoltaics packet presented.
 - Condition 7 changes Bond language. Not before construction, the applicant should submit proof of bonding at the end of year 10.
 - Condition 10, recommended by the fire marshal, to allow a 26-foot fire buffer as an alternative to having a non-combustible base.

Elaine Albrich added that before construction, instead of requiring an Agricultural Mitigation Plan, a grazing program be implemented in the vegetation and the weed program. She also suggested requiring the applicant to include success criteria in the sheep grazing program. If the success program does not meet the criteria then it is suggested to amend and propose different alternatives. See attachment

Recommended Action: To approve CUP-N-364-24 minor changes to conditions 3, 7, and 10

Motion: To approve CUP-N-364-24 Passage Solar- OneEnergy Inc. with the minor changes to conditions 3, 7, and 10

Motion by: Commissioner Thomspson

Seconded by: Vice Chair Kilkenny

Vote: All approved

Action: approved.

GIS Analyst Wrecsics presented CUP-S-365-24 Jacob Trahan Applicant and Owner

Request: The property is described as Tax Lot 2005 of Assessor's Map 1S 25E, and is located approximately two miles west of the Town of Lexington on Highway 74. The property is zoned Exclusive Farm Use (EFU) and is outside the Lexington UGB. The request is to allow a Home Occupation by Conditional Use. Criteria for approval are found in the MCZO Article 3 Section 3.010 and Article 6 Conditional Uses.

Vice-Chair Kilkenny opened the testimony part of the Public Hearing.

There were no proponents or opponents.

Questions or Comments for Staff by Commissioner: Vice Chair Kilkenny, Commissioner Peterson, Commissioner Thompson, Commissioner Killion

Vice Chair Kilkenny asked if the applicant had any questions or staff questions. Closed the public hearing.

Recommended Action: To adopt findings with a new condition. Condition 3: signage along the highway will require ODOT approval.

Motion: To approve CUP-S-365-24 with the condition of approval that the applicant obtain permission from the Oregon Department of Transportation to post a business sign and adopt the findings.

Motion by: Commissioner Thompson

Seconded by: Commissioner Peterson
Vote: All approved,
Action: Approved.

Other Business: March Planning Update

Correspondence: None

Public Comment: None

Adjourned: Meeting adjourned at 8:18 PM

Next Meeting: Tuesday, April 30, 2024, at 6:00 p.m. The next meeting will be held in Heppner, OR in the Bartholomew Building.

Respectfully submitted,

Michaela Ramirez

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**PRELIMINARY FINDINGS OF FACT
CONDITIONAL USE REQUEST
CUP-N-367-24**

REQUEST: To allow a Home Occupation Permit in a Suburban Residential (SR) Zone for the operation of a small commercial trucking business for up to five (5) years.

APPLICANT/OWNER: Guillermo Calvillo
PO Box 855
Boardman, OR 97818

PROPERTY DESCRIPTION: Tax Lot 7000 of Assessor's Map 4N25E20A

PROPERTY LOCATION: ±700 feet south of the Boardman Urban Growth Boundary (UGB) on Summit Lane, at the southeast extent of the West Glen Subdivision.

- I. BACKGROUND INFORMATION:** The subject site is approximately 2.9 acres and is within the Suburban Residential (SR) zone outside of the City of Boardman UGB. This Conditional Use Permit application requests a Home Occupation Permit to allow the applicant to operate up to two commercial trucks with trailers on the property for a maximum of five years. The applicant has been operating commercial trucks on the site for some time and submitted the CUP application in response to more robust code enforcement actions. The applicant is one of more than a dozen commercial truck operators currently utilizing residential property within the West Glen Residential Area (SR zoning) without the appropriate land use approvals. The approval of this CUP will serve to rectify outstanding code violations while providing specific parameters for the operation of the existing business.

Because the subject property is located outside the Boardman UGB, there are no direct concerns with the use being compatible with City zoning designations in the event of annexation, however, access to the site requires the use of approximately one-half mile of substandard public roads that are not currently subject to a maintenance or usage agreement. Additionally, the property is located south of the West Extension Irrigation District Boardman Canal which is owned by the US Bureau of Reclamation and operated by the West Extension Irrigation District. Access to the site necessitates crossing the canal via a bridge that does not have an identified owner (see Attachment D).

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

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

SECTION 3.050 SUBURBAN RESIDENTIAL ZONE, SR

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

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

Finding: The applicant proposes parking the primary truck and two trailers at the south end of the parcel where they will be minimally visible from the road and/or adjacent residences. A second truck would be stored inside an existing garage that is an accessory to the residential use of the site.

SECTION 6.030 GENERAL CONDITIONS.

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

- A. **Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.**

Finding: The proposed use shall be operated in a way that will not disturb neighboring residences. The Calvillo's have operated commercial trucks on the subject property for several years and the county has not received any specific concerns directly related to their existing operation. Nonetheless, the county has received general complaints related to the operation of commercial trucks in the vicinity of the subject site. The proposed home occupation has the potential to generate some noise and traffic. The recommended conditions of approval attempt to mitigate anticipated concerns. Conditions related to the hours of operation are not specifically identified, however, any complaints received may result in a review of the activity and potential revocation of the permit.

- B. **Establishing a special yard or other open space or lot area or dimension.**

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

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

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

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

- 1. Where access to a county road is needed, a permit from Morrow County Public Works department is required. Where access to a state highway is needed, a permit from ODOT is required.**

Finding: The existing access to the site is from Summit Lane, which is a dedicated Public road. Summit Lane intersects with Parkside Road, which is a dedicated Public road that crosses Boardman Canal Road and the West Extension Irrigation Canal. Access to the site requires the use of a bridge that does not have an identified owner, as addressed in the letter from Bev Bridgewater (WEID) dated 4-18-24 (Attachment D).

- 2. In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and mitigation of the impacts. If the corridor is a State Highway, use ODOT standards.**

Finding: This action will not trigger the need for a Traffic Impact Analysis as it will not generate more than 400 passenger car equivalent trips per day. According to the Applicants Narrative, the trucks typically return to the site two or three days after beginning a trip and remain on the site more continuously during the off-season. As a result, fewer than 1 truck trip per day on average is anticipated, well below the 400-passenger car equivalent threshold for a TIA.

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

Finding: No increase in street dedication, roadway width, or improvements in the right-of-way are proposed by the applicant. The streets that will be impacted by the proposal consist of substandard Public Roads that are not owned or maintained by the County or another entity. These preliminary Findings of Fact have been provided to Morrow County Public Works for their review and comment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Finding: In accordance with WEID and ODOT bridge weight limit requirements, the maximum allowable vehicle weight permitted to use the irrigation canal bridge is 88,000 lbs. This and other conditions of approval are listed at the end of this report.

SECTION 6.050 STANDARDS GOVERNING CONDITIONAL USES

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

...

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

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

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

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

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

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

4. **No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interferences with radio or television reception, or other factors.**

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

5. **No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customer's vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking.**

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

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

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

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

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

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

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

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

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

A conditional use permit may allow a use that would benefit the permit owner on a sporadic or temporary basis until the purpose for the

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

Finding: This permit allows a use that benefits the permit owner and is valid for up to five years or until the ownership of the land changes, at which time the landowner will need to apply for a new conditional use permit. The proposed activities are subject to annual review for the home occupation.

- 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: April 10, 2024
Heppner Gazette-Times

April 9, 2024
East Oregonian

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

V. PROPERTY OWNERS NOTIFIED: April 8, 2024

VI. HEARING DATE: April 30, 2024
Bartholomew Building
Heppner, Oregon

VII. PLANNING COMMISSION:

Option #1: The Planning Commission may deny CUP-N-367-24.

Option #2: The Planning Commission may approve CUP-N-367-24 subject to the following CONDITIONS OF APPROVAL:

1. The applicant shall maintain the home occupation as presented in the application. If complaints are received or it is found that the permit is being performed outside what has been proposed the applicant will be responsible for paying any applicable review or renewal application fees.
2. Noise, traffic, lighting, and other potential impacts to neighboring properties shall be limited to those generally anticipated for a typical residential use.
3. Applicant shall work with the West Extension Irrigation District (WEID) and US Bureau of Reclamation to reach a resolution regarding the Crossing Agreement and assignment of ownership for the bridge that crosses the West Extension Irrigation main canal to access the subject site.
4. Trucks exceeding a maximum weight limit of 88,000 lbs. are not permitted access to the subject site.

- 5. This permit is valid for up to five years, or until the ownership of the land changes, at which time the landowner will need to apply for a new conditional use permit.
- 6. Any proposed signage will need to meet the requirements of the Morrow County Zoning Ordinance and receive Zoning Permit Approval.

MORROW COUNTY PLANNING COMMISSION

Stacie Ekstrom, Chair

Date

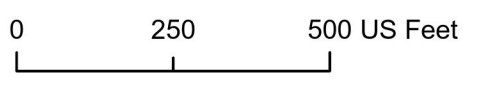
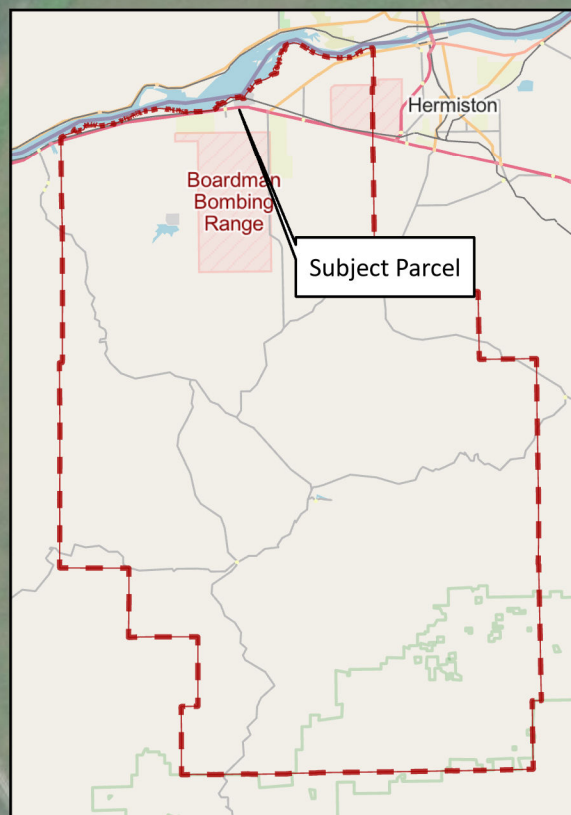
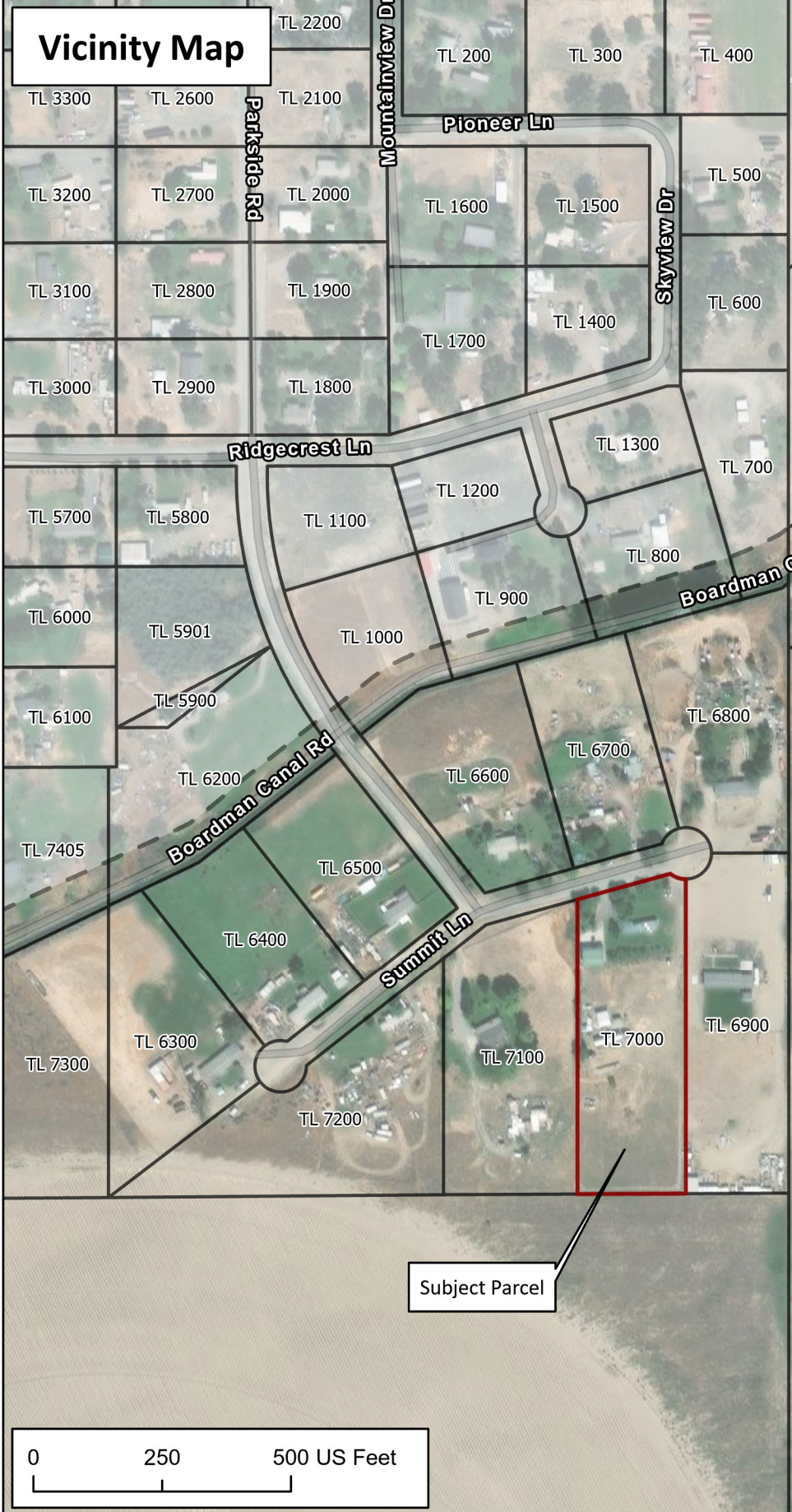
Attachments:

- A. Vicinity Map
- B. Application with Attachments
- C. James Klipfel Public Comment (4/13/24)
- D. WEID Public Comment (4/18/24)

DRAFT





Vicinity Map

18



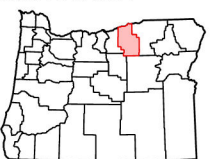
CUP-N-367-24

Guillermo and Margarita Calvillo
4N 25E 20A TL7000

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

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

Cartography By: Stephen Wrecsics
Thursday, April 4, 2024
Morrow County Planning Department



Michaela Ramirez

From: Daisy Goebel
Sent: Monday, April 15, 2024 8:22 AM
To: Michaela Ramirez
Cc: Tamra Mabbott
Subject: Fw: Question about land use hearing

Michaela,

Please file this as a public comment for the Calvillo CUP.

Thanks,

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

From: James Klipfel <kimo76k@yahoo.com>
Sent: Saturday, April 13, 2024 12:58 PM
To: Daisy Goebel <dgoebel@co.morrow.or.us>
Subject: Question about land use hearing

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

Good day,

I recently received a notice about CUP-N-367-24. I am unable to attend the meeting but wanted my voice heard. I have lived across the road for going on 4 years now and I have no issue with Mr. Calvillo running his small trucking business on his land. Living across the road from them I can honestly say it is not a disruption or hinderance to the access or use of my land at all. Mr. Calvillo has been an outstanding neighbor and very considerate of everyone in the area with regard to noise and traffic. Every member of his family I have had the pleasure of meeting are the definition of great neighbors.

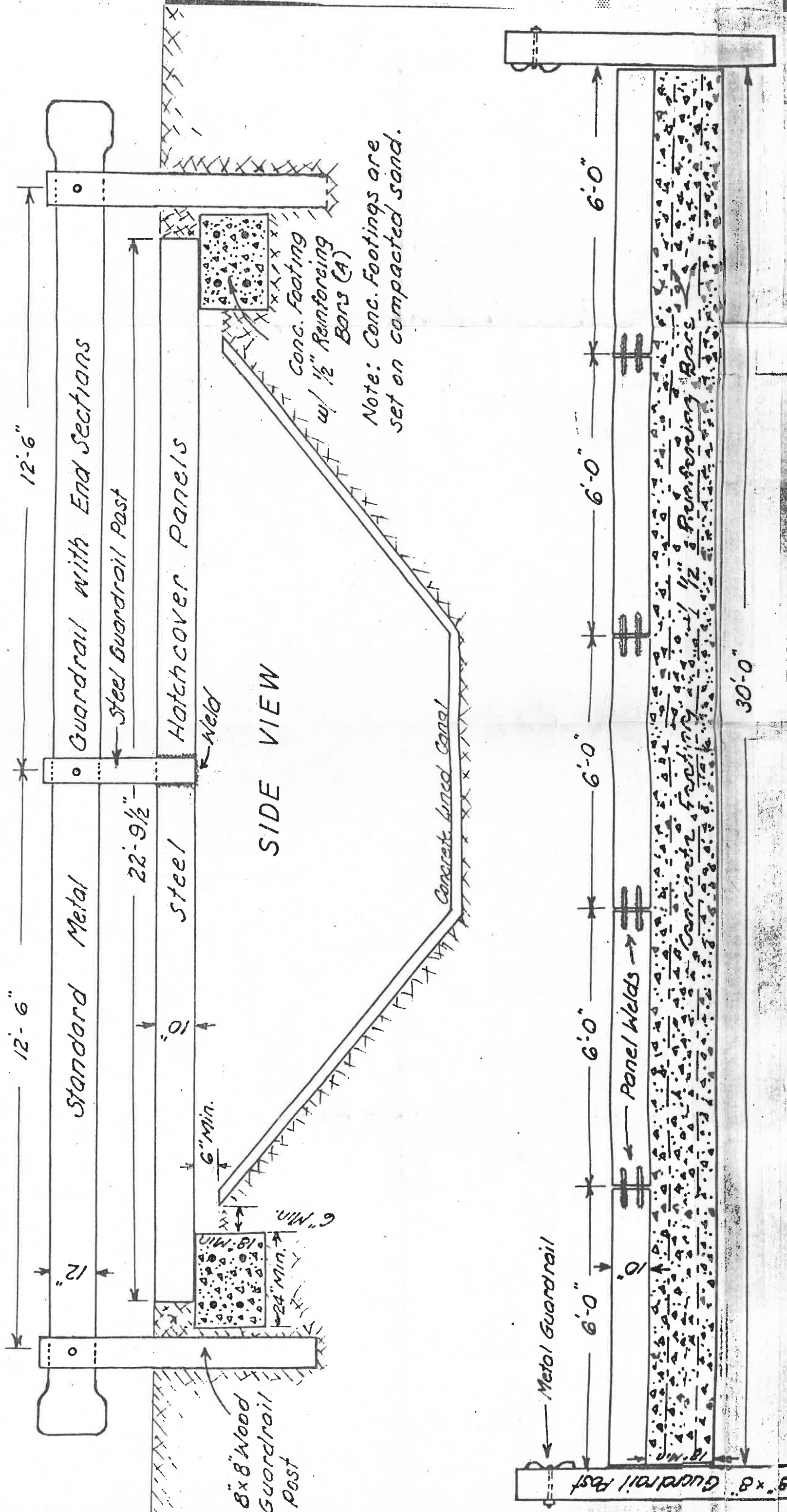
Thank you,
James Klipfel TL 6600

[Sent from Yahoo Mail for iPhone](#)

WEST EXTENSION IRRIGATION CANAL
 CROSSING OF PARKSIDE DRIVE

WEST GLEN SUBDIVISION
 MORROW COUNTY OREGON

Scale 1" = 2'

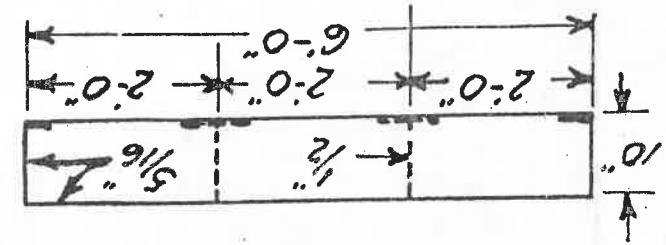


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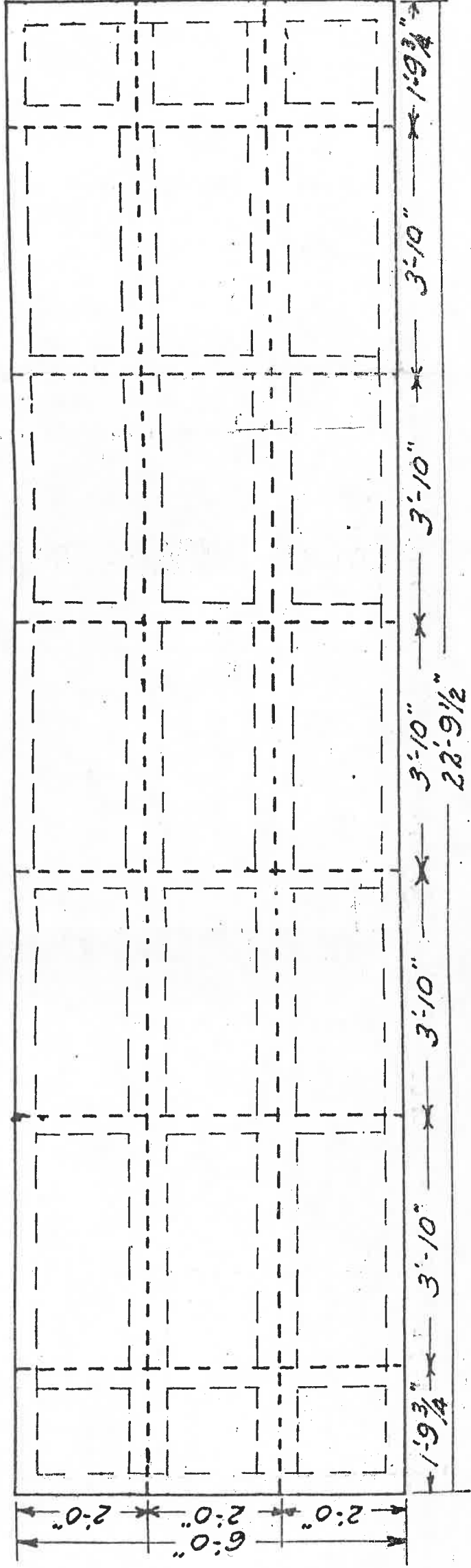
END VIEW

STEEL HATCHCOVER PANEL

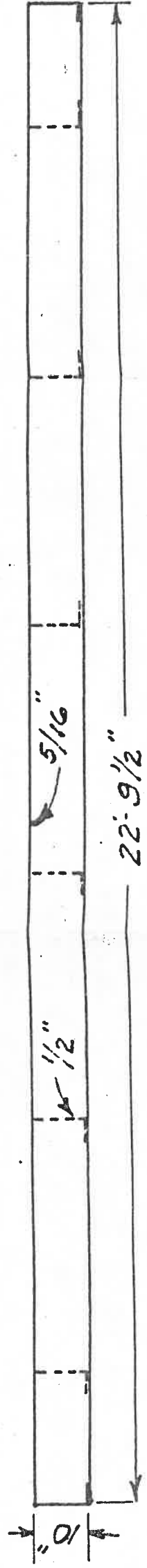
BRIDGE DECK DETAIL



END VIEW



TOP VIEW



SIDE VIEW

EXHIBIT "B"



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Umatilla Project, Oregon

CROSSING AGREEMENT

THIS AGREEMENT, made this 8th day of July, 1987, pursuant to the Act of Congress June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, all of which acts are commonly known and referred to as the Federal Reclamation Laws, between the UNITED STATES OF AMERICA, hereinafter called the United States, represented by the officer executing this agreement, hereinafter referred to as the Contracting Officer, and WEST GLEN, a partnership, and JODY TATONE, BYARD SLOCUMB, DEWEY and JEANNE WEST, JOHN WALKER, and TOM EVANS, as individuals and as members of the aforementioned partnership, hereinafter collectively referred to as the Grantee.

WITNESSETH, THAT:

2. WHEREAS, in connection with the Umatilla Project, Oregon, hereinafter referred to as the Project, the United States, through the Bureau of Reclamation, Department of the Interior, has pursuant to Federal Reclamation Laws, constructed and owns certain power, communication and irrigation works including the West Extension Main Canal, hereinafter called the Project facilities; and

3. WHEREAS, the Project facilities are being operated and maintained under a repayment contract between the United States and the West Extension Irrigation District of the Umatilla Project, hereinafter called the District; and

4. WHEREAS, the Grantee desires to construct, operate, and maintain a vehicular bridge across the Project waterway known as the West Extension Main Canal.

NOW, THEREFORE, in consideration of the mutual covenants and stipulations hereinafter stated, the parties hereto do mutually agree as follows:

5. The United States in consideration of the sum of \$200.00 receipt of which is hereby acknowledged, grants to the Grantee, subject to the terms and conditions of this agreement, the right to construct, operate and maintain a vehicular bridge across the West Extension Main Canal and right-of-way in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 4 North, Range 25 East, Willamette meridian, as the location is shown on the attached Exhibit "A" and in the manner shown on the attached Exhibit "B" said exhibits by this reference made a part hereof.

6. The Grantee shall adhere to the following special requirements in the construction, repair, operation and maintenance of his bridge:

a. Prior to actual construction or repair, the Grantee shall notify the Contracting Officer or the District so that they or their representative can inspect the work.

b. All backfill placed by the Grantee in the Canal right-of-way embankments shall be placed and compacted to the satisfaction of the Contracting Officer. The Canal and appurtenant works shall be restored by the Grantee to a condition at least as good as before the crossing was accomplished.

c. Prior to execution of this agreement the Grantee shall pay to the District an inspection fee in the amount of \$100.00.

d. The bridge will be constructed in a manner to provide a minimum of 6 inches between the lowest part of the bridge.

e. The Grantee shall clean the canal below the bridge and remove all accumulated silt and debris prior to water being turned into the Canal each season.

7. The United States does not warrant the safety, suitability or soundness of the Grantee's construction. The Grantee accepts total responsibility for the bridge being adequate for its intended purpose.

8. The bridge shall be constructed, operated, and maintained by the Grantee without cost to the United States or the District, or their assigns, and in such a manner as to cause no interference or stoppage of the flow of water in canals, laterals, ditches, or other irrigation facilities, or interference with the normal operation of the works of the United States or the District. All construction, reconstruction and maintenance work performed by the Grantee within the right-of-way of the United States shall be undertaken only at times, according to plans, and in a manner satisfactory to the Contracting Officer.

9. Title to the bridge and appurtenant works shall vest in the Grantee. The Grantee shall construct, operate and maintain such facilities and appurtenances in a good workmanlike manner and shall insure compliance with the laws of the State of Oregon and with all laws, regulations and orders of the United States and any other public authority affecting such works. The Grantee further agrees to operate and maintain such facilities to the satisfaction of the Contracting Officer and the District. The failure of the Grantee after due notice to abide by any of the terms and conditions of the applicable laws, rules or regulations, shall cause this agreement to be subject to immediate termination at the option of the Contracting Officer or District. Notice shall be deemed appropriately given if mailed to the address given below.

10. This agreement is granted subject to all rights previously acquired by third parties. The United States has only an easement for the West Extension Main Canal at this location, therefore the Grantee must obtain permission for the construction of the bridge at this location from the holder of the underlying fee title.

11. The Grantee agrees as follows:

a. There is reserved to the United States, its successors and assigns, the prior right to use any of the right-of-way herein described, which right-of-way includes the Grantee's bridge, to construct, operate, and maintain all structures and facilities, including, but not limited to canals, wasteways, laterals, ditches, roadways, electrical transmission lines, communication structures generally, substations, switchyards, powerplants and other appurtenant irrigation and power structures and facilities, without any payment made by the United States or its successors for such right.

b. The Grantee further agrees that if the construction of any or all of such structures and facilities, across, under or upon said right-of-way should be made more expensive by reason of the existence of improvements or works of the Grantee thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto. Within thirty days after demand is made upon the Grantee for payment of any such sums, the Grantee will make payment thereof to the United States or any of its successors or assigns constructing such structures and facilities across, over, and under said right-of-way of the United States. As an alternative to payment, the Grantee, at its sole cost and expense and within the time limits established by the United States, may remove or adapt facilities constructed and operated by it on said right-of-way to accommodate the aforementioned structures and facilities of the United States. The Grantee shall bear any costs incurred by the United States occasioned by the failure of the Grantee to remove or adapt its facilities within the time limits specified.

c. There is also reserved to the United States the right of its officers, agents, employees, licensees and permittees, at all proper times and places freely to have ingress to, passage over, and egress from all of said right-of-way for the purpose of exercising, enforcing and protecting the rights reserved herein.

d. The Grantee further agrees that the United States, its officers, agents and employees and its successors and assigns shall not be held liable for any damage to the Grantee's improvements or works by reason of the exercise of the rights here reserved; nor shall anything contained in this paragraph be construed as in any manner limiting other reservations in favor of the United States contained in this agreement.

12. The Grantee hereby agrees to indemnify and hold harmless the United States, its officers, agents and employees, from any

loss or damage and from any liability on account of personal injury, death, or property damage, or claims for personal injury, death, or property damage of any nature whatsoever and by whomsoever made arising out of the Grantee's activities under this agreement.

13. Upon termination of this agreement for any reason, the Grantee shall, at the option of the Contracting Officer, remove all structures and facilities placed upon the premises by the Grantee and shall restore the premises occupied by such structures and facilities to a condition satisfactory to the Contracting Officer. If the Grantee fails to remove its structures and facilities within sixty (60) days after the termination of the agreement, provided such request has been made by the Contracting Officer, such structures and facilities, at the option of the Contracting Officer, shall become the property of the United States, and may be removed by the United States or the District, the expense of such removal to be borne by the Grantee.

14. a. The provisions of this agreement shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this agreement or any part or interest therein shall be valid until approved by the Contracting Officer.

b. The license granted by the terms of this agreement shall be beneficial to Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Block 6, West Glen, a subdivision, and obligations of Grantee imposed by this agreement shall be both personal to Grantee, and shall encumber the real property benefited. The Grantee agrees to call this agreement to the attention of and to provide copies to its successors and assigns. Grantee further agrees to provide the Contracting Officer with the names and addresses of its successors and assigns prior to such assignment.

15. Upon execution of this agreement by all parties hereto this agreement shall be recorded at the Morrow County recorder's office and all recording dates promptly provided to the Contracting Officer. All assignments of this agreement shall be recorded in like manner.

16. This agreement shall terminate:

a. At the option of the Contracting Officer if the Grantee fails to comply with any of the terms and conditions thereof.

b. At the option of the Contracting Officer upon discontinuance of the use of the facilities constructed by the Grantee in accordance with the terms of this agreement for a period of six (6) consecutive months.

c. At the request of the Grantee by giving written notice to the Contracting Officer.

17. No Member of or Delegate to Congress or resident commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom. This restriction shall not be construed to extend to this agreement if made with a corporation or company for its general benefit.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

THE UNITED STATES OF AMERICA

By Kenneth R. Pedde
Acting Regional Director
Pacific Northwest Region
Bureau of Reclamation
Box 043 - 550 West Fort Street
Boise, Idaho 83724

GRANTEES

Jody Tatone
For WEST GLEN
Address PO Box 9
Boardman, OR 97818

Jody Tatone
JODY TATONE
Address PO Box 9
Boardman, OR 97818

Byard Slocumb
BYARD SLOCUMB
Address 120 W 53rd
Spokane, WA 99337

Dewey West
DEWEY WEST
Address Box 36
Boardman, OR 97818

John Walker
JOHN WALKER
Address 3605 Pioneer Dr. S.E.
Salem, Oregon 97302

Tom Evans
TOM EVANS
Address 31221 41st PL SW
Federal Way WA 98023

This agreement has been considered and is hereby approved by the WEST EXTENSION IRRIGATION DISTRICT this ___ day of _____, 19__.

WEST EXTENSION IRRIGATION DISTRICT

By Tom Layard
Title Manager

Attest:

Betty Wilson
Secretary of the Board

STATE OF IDAHO)
) ss
County of Ada)

On this 8th day of July, 19 87, personally appeared before me Kenneth R. Pedde, to me known to be the official of the UNITED STATES OF AMERICA that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Kenneth R. Pedde
Notary Public in and for the
State of Idaho
Residing at Boise
My Commission expires: 4-1-92

(SEAL)

* * * * *

STATE OF)
) ss
County of)

On this 16th day of June, 19 87, personally appeared before me Jody Tatone, and _____, to me known to be the officials of the WEST GLEN, a partnership, who executed the within and foregoing instrument and acknowledge that they signed the same as their free and voluntary act and deed of said partnership, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Donna R. Balt
Notary Public in and for the
State of Oregon
Residing at Bonanza
My commission expires: 7-13-88

(SEAL)

* * * * *

STATE OF *Oregon*)
) ss
County of *Morrow*)

On this 4th day of June, 1987, appeared before me JODY TATONE, to me personally known (proved to me on the basis of satisfactory evidence) to be the individual described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Patricia L. McClinton
Notary Public in and for the
State of *Oregon*
Residing at *Boardman*
My commission expires: *11-18-88*

(SEAL)

* * * * *

STATE OF *Oregon*)
) ss
County of *Morrow*)

On this 13th day of June, 1987, appeared before me BYARD SLOCUMB, to me personally known (proved to me on the basis of satisfactory evidence) to be the individual described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Patricia L. McClinton
Notary Public in and for the
State of *Oregon*
Residing at *Boardman*
My commission expires: *7-13-88*

(SEAL)

* * * * *

STATE OF OREGON)
) ss
County of MORROW)

On this 5th day of June, 1987, appeared before me DEWEY and JEANNE WEST, husband and wife, to me personally known (proved to me on the basis of satisfactory evidence) to be the individuals described in and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal the day and year first above written.

Patricia L. McClinton
Notary Public in and for the
State of
Residing at
My commission expires:

(SEAL)

* * * * *

STATE OF Oregon)
) ss
County of Morrow)

On this 13th day of June, 1987, appeared before me JOHN WALKER, to me personally known (proved to me on the basis of satisfactory evidence) to be the individual described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Dorinda Ruth Tate
Notary Public in and for the
State of Oregon
Residing at Boardman
My commission expires: 9-13-88

(SEAL)

* * * * *

STATE OF Oregon)
) ss
County of Morrow)

On this 13th day of June, 1987, appeared before me TOM EVANS, to me personally known (proved to me on the basis of satisfactory evidence) to be the individual described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Quinn T. Balt
Notary Public in and for the
State of Oregon
Residing at Bonham
My commission expires: 9-13-88

(SEAL)

* * * * *

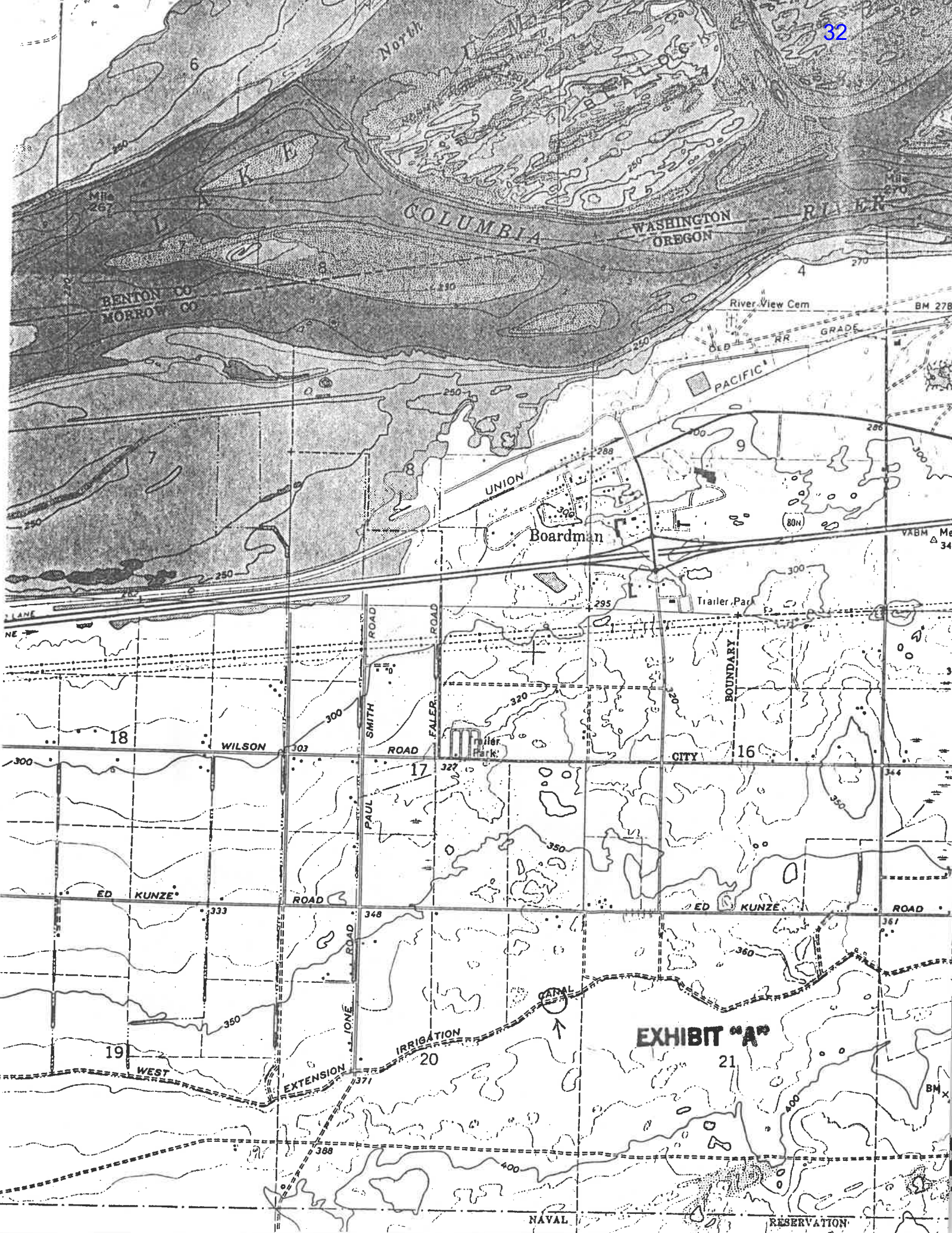


EXHIBIT "A"

NAVAL RESERVATION

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**PRELIMINARY FINDINGS OF FACT
LAND PARTITION AND VARIANCE REQUEST
LP-N-522-24
V-N-048-24**

REQUEST: To partition a ±2.20-acre lot into two parcels, with a variance to the minimum street frontage and access widths requirements.

OWNER/APPLICANT: Armando Rodriguez Villegas
70022 Villegas Lane
Boardman, OR 97818

PROPERTY DESCRIPTION: Tax Lot 7400 of Assessor's Map 04N25E20A

PROPERTY LOCATION: Located north of Boardman Canal Road within the Boardman Urban Growth Boundary, approximately 1/3 mile south of Boardman City Limits.

I GENERAL INFORMATION:

This partition will create two parcels; proposed parcel 1 will be 1.04 acres and the proposed parcel 2 will be 1.17 acres in size. Parcel 2 will be accessed via a 30-foot-wide ingress-egress and utility easement, and neither lot will have frontage on a public street. A major variance is required to approve the proposed substandard access.

The property is located south of the Boardman City Limits, within the Urban Growth Boundary and is zoned Suburban Residential (SR).

II APPROVAL CRITERIA:

Morrow County Zoning Ordinance (MCZO) Article 3, Section 3.050 Suburban Residential Zone (SR), Article 7.200 Variances, and Morrow County Subdivision Ordinance Article 5 Land Partitions will apply. Criteria are listed below in **bold type**, followed by a response in standard type.

MCZO 3.050 SUBURBAN RESIDENTIAL ZONE (SR)

...

D. Lot Size. In an SR Zone, the following lot sizes shall apply; or if located within the Urban Growth Boundary of a city, the lot size standards set forth hereby shall apply:

- 1. For a single-family dwelling served by both an approved community or municipal water system and an approved community or municipal sewerage system, the minimum lot area shall be 7,000 square feet.**
- 2. For a two-family dwelling served by both an approved community or municipal water system, and an approved community or municipal sewerage system, the minimum lot area shall be 10,000 square feet.**

3. For a single-family dwelling not served by either an approved community or municipal water system or an approved community or municipal sewerage system, the minimum lot area shall be 1.0 acre (43,560 square feet).
4. For a single-family dwelling served by an approved community or municipal water system, but not served by an approved community or municipal sewerage system, or a single-family dwelling served by an approved community or municipal sewerage system but not served by an approved community or municipal water system, the minimum lot area shall be 20,000 square feet.

...

Finding: The subject property is not served by an existing municipal water or sewer system. Both proposed parcels are larger than 1.0 acre; therefore, the resultant parcels comply with the minimum lot size for a single-family dwelling. The lots will not meet the minimum lot size standards for two-family and multi-family dwellings unless a municipal water and/or sewer system is installed at a future date. This criterion is met.

- E. Dimensional Standards and Setback Requirements. In an SR Zone, the following requirements shall apply:**
1. **Percent of Coverage.** The main building and accessory buildings located on any building site or lot shall not cover in excess of thirty (30) percent of the lot area.
 2. **Front Yard.** Front yards shall not be less than twenty (20) feet deep.
 3. **Side Yards.** There shall be a minimum side yard of 10 feet for all uses, except in the case of a nonresidential use adjacent to a residential use the minimum side yard shall be 20 feet.
 4. **Building Height.** No building or structure nor the enlargement of any building or structure shall be hereafter erected to exceed two and one-half stories or more than thirty-five (35) feet in height, except hospitals, public schools or churches, which may be increased in height to three stories or forty-five (45) feet.

Finding: The proposed parcels contain sufficient area for the development of a single-family home on parcel 2, and the continuation of the existing single-family home on parcel 1, without conflicting with the setback or lot coverage requirements of this section. A zoning permit will be required for the construction of a new residential use on the southern parcel, and these criteria must be met for zoning permit approval.

MCZO ARTICLE 4—SUPPLEMENTARY PROVISIONS

SECTION 4.010 ACCESS

...

- A. Minimum Lot Frontage Requirement.** Every lot shall abut a street, other than an alley, for at least 50 feet, except on cul-de-sacs where the frontage may be reduced to 30 feet.

Finding: The applicant is requesting a variance to the minimum lot frontage requirement of this section. The existing parcel is accessed via an easement (Villegas Lane) that crosses three other lots before connecting to a public road (Hilltop Drive). The existing easement is \pm 500 feet in length, and 60 feet in width. The application contemplates extending the easement along the eastern property line of the proposed parcel 1 at a reduced 30-foot width to provide access to the proposed parcel 2, as shown on the preliminary plat (Attachment B).

...

- C. Emergency Vehicle Access. It is the responsibility of the landowner to provide appropriate access for emergency vehicles at the time of development. A dead-end private street exceeding one hundred-fifty (150) feet in length shall have an adequate turn around facility approved by the appropriate Fire Marshal or, if the Fire Marshal fails to review the private street, approval by the Building Official or his designee.**

Finding: Fire Marshal Marty Broadbent was provided an opportunity to comment on the proposed partition. An email received on February 28, 2024 confirmed that the proposed access is adequate for Boardman Fire to provide emergency services.

- D. Easements and Legal Access: All lots must have access onto a public right of way. This may be provided via direct frontage onto an existing public road, a private roadway, or an easement. Minimum easement requirements to provide legal access shall be as follows:**

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

Finding: The existing lot shares an access easement with two other lots to the east. The proposed Parcel 2 will be the fourth lot utilizing the Villegas Lane easement. The standard minimum easement width for this configuration is 60-feet, however the applicant is requesting a variance to allow a substandard 30-foot easement across the proposed Parcel 1 to provide access to the proposed Parcel 2.

MCZO ARTICLE 7—DIMENSIONAL ADJUSTMENTS, VARIANCES, SPECIAL OR TEMPORARY USE PERMITS, AND NON-CONFORMING USES

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.

...

- B. 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,**

Finding of Fact
LP-N-522-24
V-N-048-24

Villegas Partition/Major Variance

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.

Finding: The requested variances will apply only to the proposed Parcel 2. The proposed Parcel 1 will not have frontage on a public street, however, because the parcel was approved in its existing configuration, it is considered a pre-existing nonconforming parcel. Because the application doesn't increase the nonconformity, a Variance is not required for Parcel 1. 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.

Finding: The requested variances are not anticipated to create a conflict with existing uses or result in substantial detriment to the public good. This criterion is met.

3. The Variance does not hinder compliance with applicable building code requirements or engineering design standards.

Finding: The requested variances will not affect building code or engineering design standards. This criterion is met.

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

Finding: Approval of the requested variances will not create a violation of any other provisions of the Morrow County Zoning Ordinance or Subdivision Ordinance.

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

Finding: The proposed land partition requires two variances-

- 1) A variance to MCZO 4.010(A) allowing Parcel 2 to be created without street frontage, and;
- 2) A variance to MCZO 4.010(D) to reduce the width of the easement providing legal access to Parcel 2 from 60-feet to 30-feet.

No additional variances are anticipated to achieve the applicant's objectives.

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

Finding: The subject site has not requested prior variances in the past year, and additional

variances are not anticipated to be necessary to achieve the applicant's objectives. This criterion is met.

MORROW COUNTY SUBDIVISION ORDINANCE ARTICLE 5 LAND PARTITIONS SECTION 5.030. REQUIREMENTS FOR APPROVAL. No application for partitioning shall be approved unless the following requirements are met:

1. **Proposal is in compliance with ORS 92 and the County and affected City Comprehensive Plans and applicable Zoning.**

Finding: The proposed land partition meets the requirements of the Zoning Ordinance and Comprehensive Plan relative to minimum parcel size. The property is within the Boardman Urban Growth Boundary, and the proposed parcels are consistent with the minimum lot area requirements identified in the Boardman development code for the Residential (R) zoning district. The City of Boardman has been offered an opportunity to comment on the proposed variance. The applicant will need to submit both a preliminary and final partition plat to be in compliance with this ordinance and ORS Chapter 92. This requirement is listed as a Condition of Approval.

2. **Each parcel is suited for the use intended or offered; including, but not limited to, size of the parcels, topography, sewage disposal approval and guaranteed access. Proof of access must show that each parcel has an easement sufficient for continued ingress and egress to a public, county or state highway or has a deeded access way.**

Finding: The applicant has requested two parcels, one 1.04 acres and one 1.17 acres in size. With onsite wells and septic systems, each proposed parcel is sufficient to accommodate a single-family home. Applicant has requested a variance to the minimum access requirements, as addressed in the findings for MCZO Article 4. Sewage disposal has not been approved for the proposed parcel 2, this is included as a condition of approval.

3. **All required public services and facilities are available and adequate.**

Finding: The proposed parcels will be served by onsite well and septic facilities. The applicable state and local agencies have been notified of this application. Applicant shall, as a condition of approval, provide preliminary evidence that the site can receive electrical power service, and that the site is eligible for the installation of onsite well and septic facilities. Will-serve letters from the applicable utilities or agencies are sufficient to satisfy this criterion.

4. **Proposal will not have any identifiable adverse impacts on adjoining or area land uses, public services and facilities, and natural resource carrying capacities.**

Finding: The subject property, and surrounding properties to the North, East, and West are in the Suburban Residential (SR) zone. Properties to the south are within the Exclusive Farm Use (EFU) zone, separated from the subject property by the West Extension Irrigation Canal and Boardman Canal Road. The existing uses and natural resource carrying capacities for properties in the vicinity are not anticipated to be negatively impacted by the proposal.

5. An approved water rights diversion plan as applicable.

Finding: The applicant intends to provide water and sewer to the proposed Parcel 2 via onsite exempt well and septic systems. These permits shall be approved in conjunction with required zoning permit approvals at the time future development is proposed. A water rights diversion plan is not required. This criterion does not apply.

6. Flag lots will not be permitted when the results would be to increase the number of properties requiring direct and individual access from a State Highway or other arterial. Flag lots may be permitted to achieve planning objectives under the following conditions:

- a. When flag lot driveways are separated by at least twice the minimum frontage distance.
- b. The driveway must meet driveway standards described in Article 8, Section 8.020.V.
- c. The lot meets the minimum lot area of the zoning district, without including the driveway.
- d. Only one flag lot shall be permitted per private right-of-way or access easement.

Finding: The proposed partition will not increase the number of properties requiring direct and individual access from a state highway or other arterial. While the subdivision ordinance is unclear on whether the proposed access would be considered a “flag lot,” staff has interpreted this subsection to be inapplicable, as the plan provides for the shared use of an established common easement driveway and does not include a traditional “flagpole” configuration.

7. The depth of any lot will not be restricted as long as a buildable parcel is proposed.

Finding: The southernmost ±100-feet of the proposed Parcel 2 is encumbered by an easement belonging to the West Extension Irrigation District (WEID) and contains the Boardman Canal. WEID has been provided an opportunity to provide comment. Staff finds the subject parcel sizes to be sufficient for the development of single-family residential uses exclusive of the encumbered portion of the lot. The application meets this requirement.

8. No plat of a subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district or district improvement company will be approved unless the County has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.

Finding: Notice of the application has been provided to the West Extension Irrigation District. County shall verify compliance with WEID prior to final plat approval.

9. **An application for partitioning will be denied when it can be shown that the partitioning is part of a plan or scheme to create more than three (3) parcels without going through subdivision, or is part of a development pattern creating more than three (3) parcels without subdividing. If the Planning Director determines that the proposed partition constitutes series partitioning, or if series partitioning has occurred in the past, then the Planning Director may require the application be subject to the requirements for a subdivision or Planned Unit Development.**

Finding: The partition does not constitute a series partitioning. This provision does not apply to this application.

10. **In addition to the requirements set forth above, the following factors may be considered for approval or disapproval of an application for land partitioning if a geographical or other factor identified by other, appropriate professionals or plans such as the requirements of the Comprehensive Plan, FEMA requirements, Byways rules, etc., requires it:**

a. Placement and availability of utilities.

Finding: Applicant shall, as a condition of approval, provide preliminary evidence that the site can receive electrical power service, and that the site is eligible for the installation of onsite well and septic facilities.

b. Safety from fire, flood and other natural hazards.

Finding: Fire Marshal Marty Broadbent was provided an opportunity to comment on the proposed partition. An email received on February 28, 2024 confirmed that the proposed access is adequate for Boardman Fire to provide emergency services to the site.

c. The same improvements may be required for a partitioning as required of a subdivision, if required it will be installed by the applicant.

Finding: Staff does not recommend requiring additional improvements in accordance with this provision.

d. Possible effects on natural, scenic and historical resources.

Finding: Staff does not anticipate negative impacts to natural, scenic, or historical resources resulting from this proposal.

e. Need for onsite or offsite improvements.

Finding: Staff does not anticipate a need for onsite or offsite improvements to accommodate the proposed partition.

f. Need for additional setback, screening, landscaping and other requirements relative to the protection of adjoining and area land uses. If the proposed partition is located within an Urban Growth Boundary, the affected city must be given notice according to the respective Joint Management agreement.

Finding: The subject site is located within the Boardman Urban Growth Area. The City of Boardman was notified and consulted in accordance with the Joint Management Agreement, and Boardman planning staff attended the pre-application conference to discuss the proposal prior to submittal.

g. In the approval of a land partition, the need for street and other improvements will be considered and may be required as a Condition of Approval at a different standard than for a subdivision.

Finding: Staff is not recommending street improvements beyond the minimum requirements for grading and graveling the access driveway. Planning staff are not recommending any additional requirements based on the factors above.

- III. LEGAL NOTICE PUBLISHED:** April 10, 2024
Heppner Gazette-Times
- April 9, 2024
East Oregonian
- IV. AGENCIES NOTIFIED:** Brandon Hammond, City of Boardman; Eric Imes, Morrow County Public Works; Mike Gorman, Morrow County Assessor; Matt Kenny, Todd Catterson, Morrow County Surveyor; Greg Silbernagel, Watermaster; Umatilla County Public Health; Chris Kowitz, OWRD; Mike Hughes, Boardman Rural Fire Protection District; Glenn McIntire, Building Official;
- V. PROPERTY OWNERS NOTIFIED:** April 8, 2024
- VI. HEARING DATE:** April 30, 2024
Bartholomew Building
Heppner, Oregon
- VII. DECISION OF THE PLANNING COMMISSION:** The Planning Director recommends the approval of this application, subject to the following conditions of approval:
1. Submit both a preliminary and final partition plat in compliance with Article 5 of the Morrow County Subdivision Ordinance and ORS Chapter 92.
 2. All driveway approaches must be developed in conformance with County standards.
 3. Prior to final plat approval, application shall receive preliminary verification that the site can be served by an onsite well and septic system.
 4. Prior to final plat approval, WEID shall confirm the partition is consistent with applicable WEID requirements.
 5. Applicant shall receive Zoning Permit approval for all future development on the site.

MORROW COUNTY PLANNING COMMISSION

Stacie Ekstrom, Chair

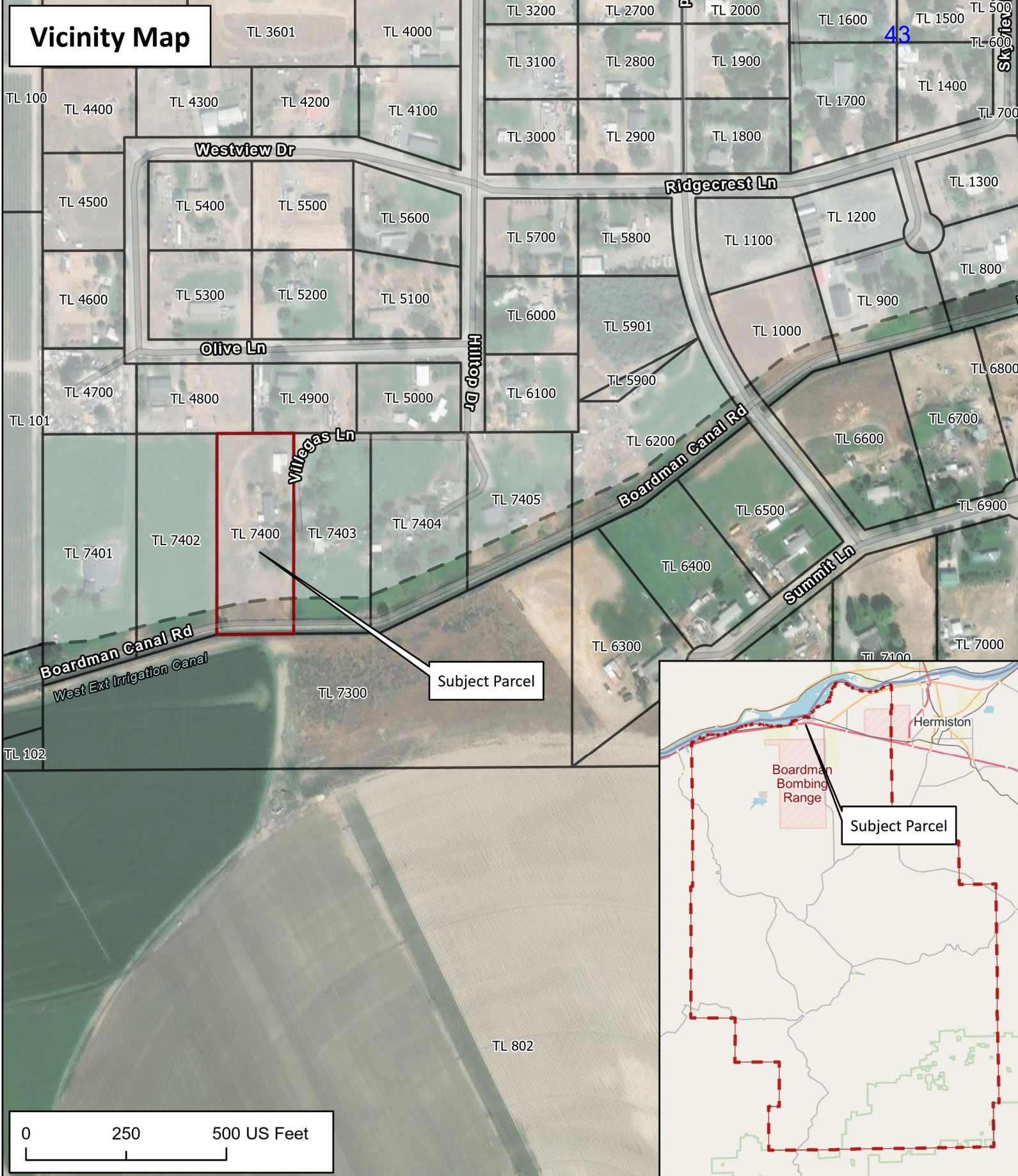
Date

ATTACHMENTS:

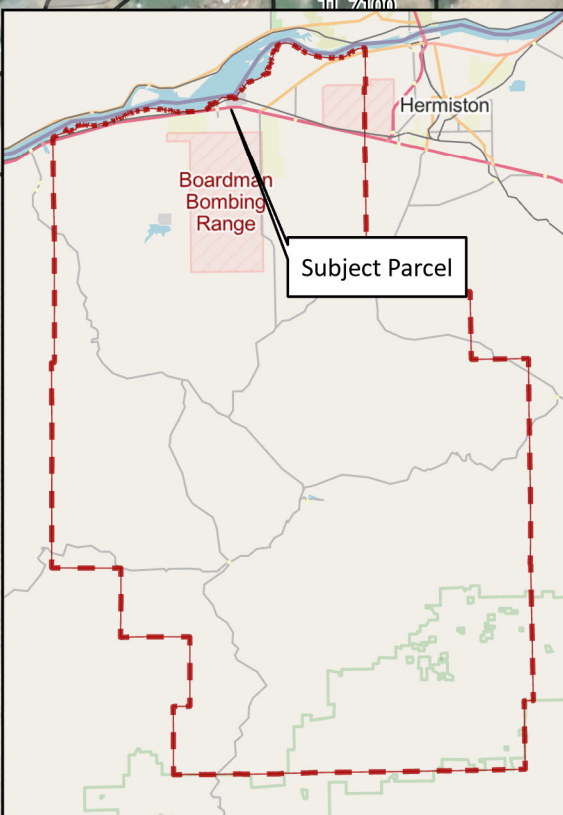
- A. Vicinity Map
- B. Preliminary Plat
- C. Fire Marshal Email (2/27/24)

DRAFT

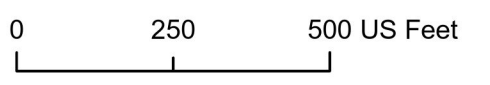
Vicinity Map



Subject Parcel



Subject Parcel



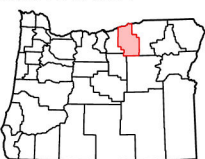
LP-N-522-24
V-N-48-24

Armando Villegas
4N 25E 20A TL7400

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

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

Cartography By: Stephen Wrecsics
Friday, March 29, 2024
Morrow County Planning Department



PARTITION PLAT 2024-

PARTITION OF PARCEL 3, PARTITION PLAT 1995-2 LOCATED IN THE NW1/4 OF SECTION 20, T4N, R25E, W.M., MORROW COUNTY, OREGON

SURVEYOR'S CERTIFICATE & NARRATIVE

I, MATTHEW PATRICK KENNY, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS THE LAND AS SHOWN HEREON IN ACCORDANCE WITH ORS CHAPTER 92, AS REVISED, AND THE MORROW COUNTY SUBDIVISION ORDINANCE. I FURTHER CERTIFY THAT THE INITIAL POINT HAS BEEN IDENTIFIED AS THE FOUND 5/8" REBAR AT THE NORTHEAST CORNER OF PARCEL 1 OF THIS PLAT, AS SHOWN HEREON. I FURTHER CERTIFY THAT I HAVE PROVIDED THE TRACT LEGAL DESCRIPTION IN ACCORDANCE WITH ORS 92.070(1), AS SHOWN BELOW.

I FOUND AND HELD MONUMENTATION SET OR REPORTED ON PARTITION PLAT 1995-2 AS SHOWN HEREON. A 5/8" REBAR WAS FOUND PROTRUDING 2" OUT OF THE GROUND NEAR THE RECORD LOCATION WHICH WAS TO BE LOCATED ON THE NORTHERLY CANAL RIGHT-OF-WAY, BETWEEN PARCEL 2 AND 3 OF PARTITION PLAT 1995-2. THIS MONUMENT WAS FOUND TO BE OUT OF POSITION AS NOTED AND REESTABLISHED HEREON. ALL OTHER MONUMENTS FOUND HAVE BEEN HELD.

THE NEW PARTITION LINES HAVE BEEN COMPUTED AT THE DIRECTION OF MY CLIENT.

THIS SURVEY WAS PERFORMED USING TWO TOPCON HIPER HR GNSS UNITS OPERATED USING RTK METHODS. THE BASIS OF BEARING IS THE EAST LINE OF PARCEL 2 OF PARTITION PLAT 1995-2. DISTANCES ARE GROUND, INTERNATIONAL FEET.

MATTHEW P. KENNY, PLS
CERTIFICATE NO. 89374

LEGAL DESCRIPTION

PARCEL 3 OF PARTITION PLAT 1995-2, MORROW COUNTY CLERK RECORDS.

SUBJECT TO:
EASEMENTS AS SHOWN ON THE FACE OF PARTITION PLAT 1995-2,

OWNER'S DECLARATION

I, ARMANDO RODRIGUEZ VILLEGAS, OWNER OF THE LAND BEING DIVIDED BY THIS PARTITION PLAT, DO HEREBY ACKNOWLEDGE THAT WE HAVE CAUSED THIS PLAT TO BE PREPARED AND THE PROPERTY DIVIDED AS SHOWN HEREON AND IN ACCORDANCE WITH THE PROVISIONS OF ORS CHAPTER 92, AS REVISED, AND THE MORROW COUNTY SUBDIVISION ORDINANCE. I FURTHER ACKNOWLEDGE AND DEDICATE HEREON, THE 30 FOOT INGRESS-EGRESS AND UTILITY EASEMENT AS MAPPED HEREON.

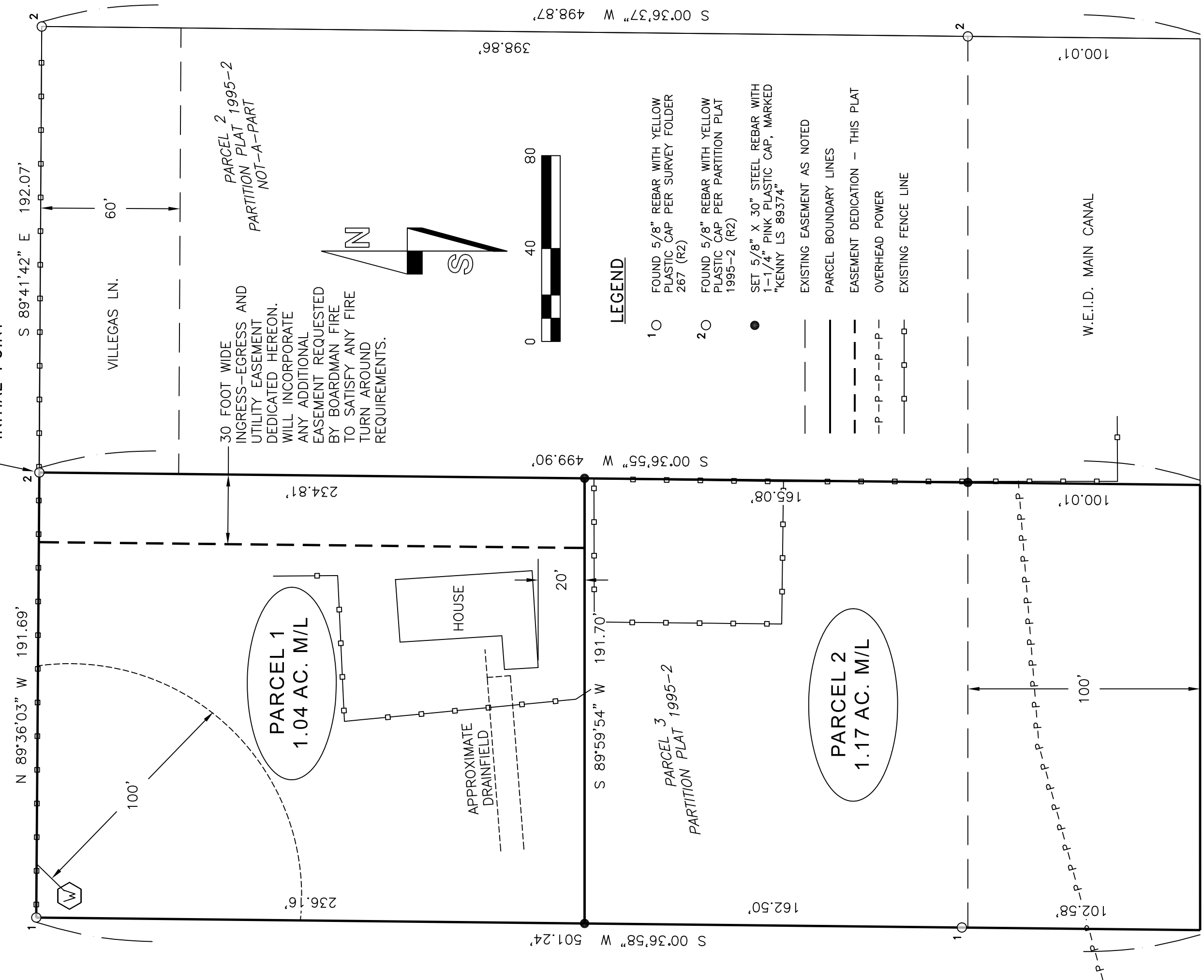
ARMANDO RODRIGUEZ VILLEGAS

STATE OF _____
COUNTY OF _____

ON THE _____ DAY OF _____, 2024, ARMANDO RODRIGUEZ VILLEGAS APPEARED PERSONALLY BEFORE ME AND ARE KNOWN TO ME TO BE THE IDENTICAL INDIVIDUALS WHO EXECUTED THE OWNER'S DECLARATION AND ACKNOWLEDGED THAT THEY DID SO FREELY AND VOLUNTARILY.

NOTARY PUBLIC FOR THE STATE OF _____
PRINTED NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____

OFFICE OF COUNTY RECORDS



RECORDS OF REFERENCE

R1: PARTITION PLAT 1995-2 (SURVEY FOLDER 819), RECORDED 4-17-1995.
R2: SURVEY FOLDER 267, DATED 2-27-1987.

RECEIVED BY
Morrow County Surveyor

Date: _____
Rec'd By: _____
No.: _____
Folder No.: _____

KENNY LAND SURVEYING
P.O. BOX 447, HEPPNER, OR 97836
541-379-0242
www.kennylandsurveying.com

LOCATED IN THE NE1/4 SECTION 20,
TOWNSHIP 4 NORTH, RANGE 25 EAST, W.M., MORROW COUNTY, OR

CLIENT:
MANUEL VILLEGAS & ARMANDO VILLEGAS

PROJECT: 23-62 DR: MPK CH: MPK DATE: FEB. 20, 2024 SHEET 1 OF 1

APPROVALS
I CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PARTITION PLAT ON THIS DAY OF _____, 2024.

GILLIAM COUNTY SURVEYOR
O.R.S. 92.100(4)

I CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PARTITION PLAT ON THIS DAY OF _____, 2024.

MORROW COUNTY PLANNING DIRECTOR

I CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PARTITION PLAT ON THIS DAY OF _____, 2024.

MORROW COUNTY ASSESSOR /
MORROW COUNTY TAX COLLECTOR

Re: Fire Turn-around for Proposed Partition Plat

Daisy Goebel <dgoebel@co.morrow.or.us>

Fri 4/12/2024 3:15 PM

To:Daisy Goebel <dgoebel@co.morrow.or.us>

From: Marty Broadbent <MBroadbent@boardmanfd.com>

Sent: Wednesday, February 28, 2024 8:56 AM

To: Matt Kenny <kennymatt@live.com>

Subject: RE: Fire Turn-around for Proposed Partition Plat

Matt,

Per our conversation, access on Villegas Ln is adequate for Boardman Fire.

Marty Broadbent

Fire Marshal

Boardman Fire Rescue Dist.

From: Matt Kenny <kennymatt@live.com>

Sent: Tuesday, February 27, 2024 7:28 AM

To: Marty Broadbent <MBroadbent@boardmanfd.com>

Subject: Fire Turn-around for Proposed Partition Plat

Importance: High

Hi Marty,

I got your contact information from Morrow County Planning. We have a proposed land partition on a piece of property at the end of Villegas Ln. outside of boardman. The property is within the urban growth boundary. County Planning wanted me to verify we maintain adequate space for a fire turn around. Attached is a map showing the proposed partition plan with the proposed new easement dedication highlighted in red. Is this adequate or would you like to see additional space dedicated for a turn-around?

Property address is 70022 Villegas Ln, Boardman, Oregon.

Please let me know what is required. I'm hoping to get the application submitted within the next few days.

Thanks,

Matt Kenny, PLS

P.O. Box 447

Heppner, OR 97836

Cell: 541-379-0242

kennymatt@live.com



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To: Morrow County Board of Commissioners
 From: Tamra Mabbott, Planning Director
 CC: Planning Commission
 BOC Date: April 17, 2024
 RE: Monthly Planning Update

Mission Statement

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

Planning Department has a vacant position, Compliance Planner. The team is covering the work but hopes to fill the position. Anyone interested please contact someone in the Planning Department of Human Resources.

Land Use Actions

At the March 26th monthly meeting the Planning Commission approved three applications. Two legislative hearings were held by the Board of Commissioners, two zone change applications on March 6th and a code amendment on March 20th.

2024 Code Update

Staff are continuing work on the Zoning Ordinance code update with a focus on clarity and consistency of process. A work session with an initial draft of the updates will be held with the Planning Commission at their April 30th meeting. Key changes include clearly identifying which development applications require findings and public notice, clarifying which applications and types of development that should be referred to the Planning Commission, and updating the review criteria for ministerial and administrative decisions. This code update was initiated last year in response to conversations around the county review process for Data Center applications. While data centers are an "outright use," under Oregon law, applications that are subject to subjective standards or interpretations, must include "findings" aka a report, public notice, and an opportunity for public comment. The code update will look at the entire code relative to site plan review.

Energy Projects

Numerous large projects are under review by the state Energy Facility Siting Council (EFSC) including new applications and amendments. Staff met with development teams and EFSC staff to

review five different projects. Planning staff also had meetings with developers to discuss existing and proposed new projects. Staff presented to the Board of Commissioners a final Agricultural Mitigation Plan and program for the Pinegate Renewables solar project. Planning, Public Works and Weed Department are coordinating closely on local review of energy projects.

Summary of energy projects in Morrow County is found here

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

Morrow County Heritage Trail Update

Staff prepared a Request for Proposal for the Heritage Trail Master Plan update which will be posted soon on the county webpage.

Interpretive Panel Update

Staff have been working closely with the contractor for the Interpretive Panel Update over the past months to discuss the final changes and improvements to the draft panels. Staff submitted final comments to the panels and are ready to be finalized. The final interpretive panel design will be received soon and production underway. The updated draft interpretive panels are available for review upon request to staff. Please see attached slides displaying an overview of the trail. The existing panels can be viewed on the Planning webpage:

<https://www.co.morrow.or.us/planning/page/heritage-trail-panels>

WATER AND PLANNING ACTIVITIES

Water Advisory Committee

The Water Advisory Committee did not meet in April although staff is working on the agenda and a field trip for the May 13th meeting. Meetings are open to the public. The next WAC meeting is scheduled for May 13, 2024, 4-6 pm at the North Morrow County Government Center, Irrigon.

LUBGWMA

Planning Director participates in the Communications Subcommittee and the Best Management Practices subcommittee meetings of the LUBGWMA. The LUBGWMA meeting was postponed due to other projects ongoing in the basin.

Staff are helping Dr. Salini Sadishiran and a graduate student who has started a new research project for wells in the LUBGWMA. So far, about 10 people have volunteered to help with this research project. The purpose of this research project is to test for chemicals that would necessarily link drinking water to septic system, for example caffeine and artificial sweeteners. This would help enhance understanding of the source of nitrate contamination. The study will continue for multiple years. Anyone willing to allow the OSU team to test well for this purpose please contact the Planning Department.



Morrow Umatilla County Drinking Water Investigation

The Environmental Protection Agency grant-funded project is now known as the “Morrow and Umatilla County Drinking Water Investigation.” A bi-county meeting of Umatilla and Morrow County Commissioners was held on March 13th for the purpose of approving an Intergovernmental Agreement, appointing a Steering Committee, and hear a presentation from the consultant and accept agency and public comment on the draft Scope of Work. The consultant selected for the project is GSI Water Solutions Inc. led by Ronan Igloria, Project Manager.

In March, the Board approved the final Scope of Work. The first Steering Committee meeting will be April 11th. Meetings are open to the public and are posted on the county webpage here:

<https://morrowcoor.portal.civicclerk.com/event/1075/files/agenda/2325>

After the first Steering Committee meeting, two half day workshops will be scheduled; one to coordinate data collection and another to develop a communication plan and protocol.

The research project will conclude in August 2026. The final report will include a variety of recommendations to provide drinking water to rural households. Persons interested in the research project are encouraged to contact Tamra Mabbott at tmabbott@co.morrow.or.us. Multiple public engagement and outreach opportunities will take place in the next 2.5 years.

Another funding source, Congressionally Directed Spending (CDS) allocation was announced on Friday, March 8th and will include \$1.2 million for phase II of the project which will include funding for design and engineering work. There will be some overlap with the two projects.

Water Infrastructure Funding

As time and resources allow, staff are gathering resources and assembling a list of various funding sources for water projects. This funding could be accessed by private and public entities and may be a resource to implement some of the recommendations expected in the “Morrow and Umatilla Drinking Water Investigation.” Several state and federal agencies have programs. An example of a funding program is the Oregon Water Resources Department (OWRD) Well Abandonment and Replacement Program which is available to individual well owners.

Water Data and Mapping

As part of the bi-county Drinking Water Investigation, planners are working to secure data from Oregon from Oregon Health Authority (OHA) which will serve as the starting point for data analysis.

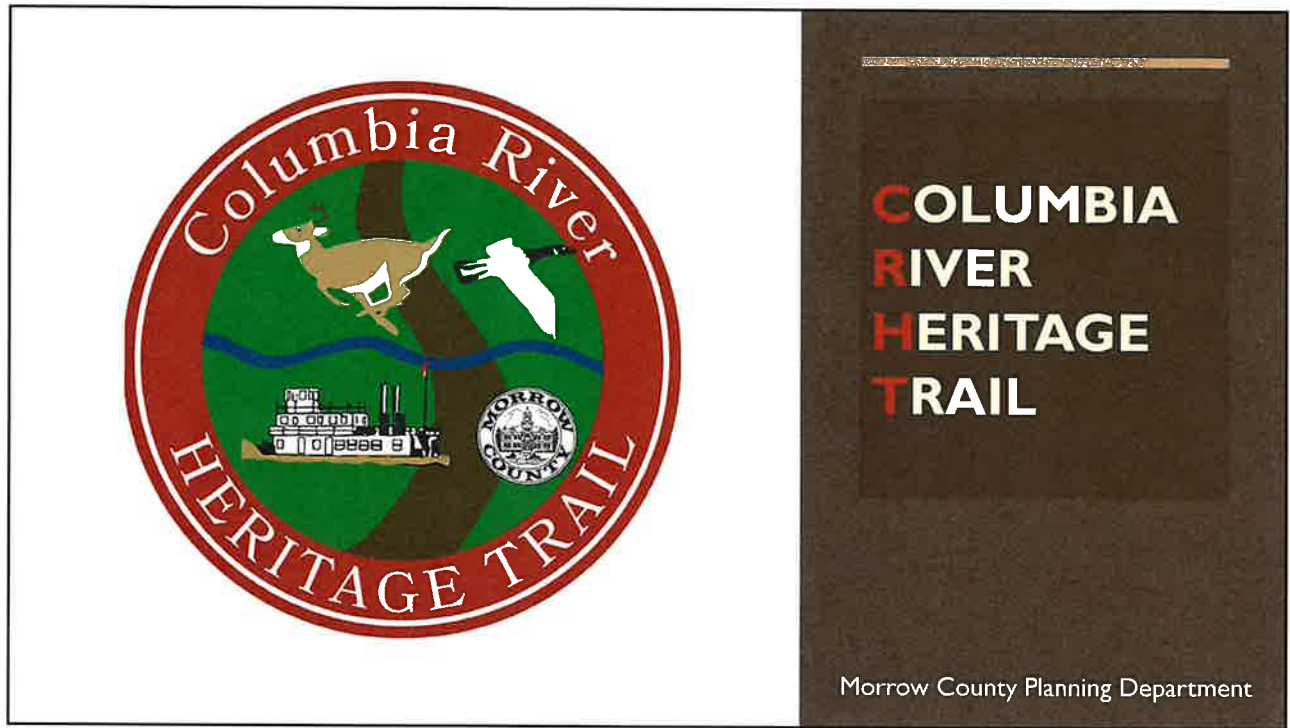
Additional information about the Drinking Water Investigation and other water information are on the Planning Department web page.

CODE COMPLIANCE

Staff have met with numerous landowners wanting to sign the action plan agreement to prolong the compliance process on their properties with commercial trucks. Multiple citations have been issued to those landowners unwilling to work towards compliance voluntarily. Staff have been working diligently to cover the workload while the county looks to fill the Compliance Planner position. It is currently being advertised.

**Natural Hazard Mitigation Plan (NHMP) Update**

NHMP Update is still in progress. Anyone interested in the NHMP Update please contact Stephen Wrecsics swrecsics@co.morrow.or.us The plan update is scheduled to be complete the first half of 2024.



1

TRAIL OVERVIEW

- Trail Signage
 - 29 Trail Markers
 - 7 Interpretive Panels
 - 3 Access Points
- Surface Types
 - Improved
 - Unimproved

The map shows the trail route through Morrow County, Oregon, with an inset map showing the county's location. The legend indicates that the trail is shown in green for improved sections and red for unimproved sections. It also shows city limits and county boundaries. The map includes a scale bar and a north arrow.

Morrow County Heritage Trail 2020

Legend:
Improved Heritage Trail
Unimproved Heritage Trail
City Limits
County Boundary

Scale: 0 1 2 Miles

Copyright 2020 by Morrow County Planning Department. All rights reserved. This map is for informational purposes only. It is not intended to be used for legal or financial purposes. For more information, contact the Morrow County Planning Department.

2



TRAIL SIGNAGE

- Interpretive panels are currently being updated
- Trail markers have been updated and replaced

3



ACCESS POINTS AND SURFACE TYPES

- Access point signage is severely damaged in some instances
- Parts of the trail are improved asphalt/concrete surfaces while others are unimproved paths

4