

# Umatilla County

Department of Land Use Planning



DIRECTOR  
ROBERT  
WALDHER

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

CODE  
ENFORCEMENT

SOLID WASTE  
COMMITTEE

SMOKE  
MANAGEMENT

GIS AND  
MAPPING

RURAL  
ADDRESSING

LIAISON,  
NATURAL  
RESOURCES &  
ENVIRONMENT

## AGENDA

### Umatilla County Planning Commission Public Hearing Thursday, June 23, 2022, 6:30PM

**VIRTUAL HEARING: To participate in the hearing please submit comments before 4PM on June 23<sup>rd</sup> to [planning@umatillacounty.gov](mailto:planning@umatillacounty.gov) or contact the Planning Department at 541-278-6252.**

#### Planning Commission

Suni Danforth, Chair	Cindy Timmons
Don Wysocki, Vice-Chair	John Standley
Tammie Williams	Jodi Hinsley
Tami Green	Emery Gentry
Sam Tucker	

#### Planning Staff

Bob Waldher, Director  
Carol Johnson, Senior Planner  
Megan Davchevski, Planner/Transit Coordinator  
Tamara Ross, Planner II/ GIS  
Gina Miller, Code Enforcement Coordinator  
Tierney Cimmiyotti, Administrative Assistant

1. **Call to Order**
2. **New Hearing**

TYPE I LAND DIVISION, ROYER RANCHETTES SUBDIVISION #S-061-22 & VARIANCE #V-360-20: HOOT ROYER, APPLICANT/ HSG-D, LLC, OWNER. The applicant requests approval to subdivide the property located on Assessor's Map 4N 28 17C, Tax Lots 1900 and 200. The applicant's proposed subdivision will create six (6) lots of at least 4 acres in size. In addition, the applicant requests a variance to the county road standard. The Land Use standards applicable to the applicants' request are found in Umatilla County Development Code 152.665, Type I Land Divisions and 152.625-630, Variances.

3. **New Hearing**

LAND USE DECISION REQUEST, VERIFICATION OF NON-CONFORMING USE #LUD-285-22: VINCENT VAZZA & JANICE LOHMAN, APPLICANTS/ OWNERS. The applicants are requesting verification of non-conforming use approval to continue the use of the subject property as an apiary with accessory beekeeping equipment repair and an equipment/ automotive repair business. The Land Use standards applicable to the applicants' request are found in Umatilla County Development Code 152.600, Verification of Non-Conforming Use.

4. **Minutes Approval;** May 26, 2022 Hearing
5. **Other Business**
6. **Adjournment**

# Umatilla County

Department of Land Use Planning



DIRECTOR  
ROBERT  
WALDHER

MEMO

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

**TO:** Umatilla County Planning Commission

**FROM:** Tamara Ross, Planner II/GIS

**DATE:** June 16, 2022

CODE  
ENFORCEMENT

**RE:** June 23, 2022 Planning Commission Hearing

**Subdivision #S-061-22, Variance #V-360-22**

**Map 4N 28 17C, Tax Lot #1900, Account #121253 and**

**Map 4N 28 17C, Tax Lot #200, Account #22099**

SOLID WASTE  
COMMITTEE

SMOKE  
MANAGEMENT

**CC:** Robert Waldher, Planning Director

GIS AND  
MAPPING

### *Request*

There are two requests associated with this application. The applicant's first request is to create a new rural residential subdivision. The applicant's second request is for a variance providing relief from the County's road development standard.

RURAL  
ADDRESSING

LIAISON, NATURAL  
RESOURCES &  
ENVIRONMENT

**Proposed Subdivision:** The proposed subdivision establishes six lots, which is the maximum amount of lots that could be developed on the subject tract per the four-acre minimum parcel size allowed by the zone. Proposed Lot 1 is currently developed with a manufactured home and the remaining five are undeveloped. (See the applicant's tentative plan map for lot configuration, plan details and proposed access.)

PUBLIC TRANSIT

**Proposed Variance:** The applicant proposes to dedicate a new road through the subdivision by extending Horizon Lane and connecting to Southwest 'I' Avenue to provide access to Agnew Road. The substandard width of Southwest 'I' Avenue is outside the boundaries and ownership of the proposed Royer Ranchettes subdivision, and it is considered pre-existing and non-conforming to the current road standard. Under the current development code, easements serving more than four properties are typically established at 60-foot wide. Therefore, the applicant is requesting relief to the access easement width requirement through a variance request to reduce, or vary, the County Subdivision "S-1" 60-foot easement width standard.

### *Location*

The property is located north of Westland Road and east of Agnew Road, about one-mile west of Hermiston City Limits.

### *Standards*

The Land Use standards applicable to the applicants' request are found in Umatilla County Development Code 152.665, Type I Land Divisions and 152.625-630, Variances.

## **Memo**

**Planning Commission Hearing – June 16, 2022**

### ***Notice***

Notice of the applicant's request and the public hearing was mailed on June 3, 2022 to the owners of properties located within 250-feet of the perimeter of Tax Lots #1900 and #200. Notice was also published in the *East Oregonian* on June 11, 2022 notifying the public of the applicants request before the Planning Commission on June 23, 2022.

### ***Conclusion***

The proposed Conditions of Approval address road improvement and access standards (including road naming and Irrevocable Consent Agreements) as well as survey and recording requirements, with final approval accomplished through the recording of the final subdivision plat.

### ***Decision***

The decision made by the Planning Commission is final unless timely appealed to the County Board of Commissioners.

**UMATILLA COUNTY  
PRELIMINARY FINDINGS & CONCLUSIONS  
ROYER RANCHETTES  
SUBDIVISION #S-061-22, VARIANCE #V-360-22  
Map 4N 28 17C, Tax Lot #1900, Account #121253 and  
Map 4N 28 17C, Tax Lot #200, Account #22099**

- |    |                                       |            |
|----|---------------------------------------|------------|
| 1. | Staff Memo to Planning Commission     | Pages 1-2  |
| 2. | Vicinity and Notice Map               | Page 5     |
| 3. | Preliminary Subdivision Replat Survey | Page 7     |
| 4. | Staff Report & Preliminary Findings   | Pages 8-16 |

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APPLICANT: HOOT ROYER

OWNER: HSG-D LLC

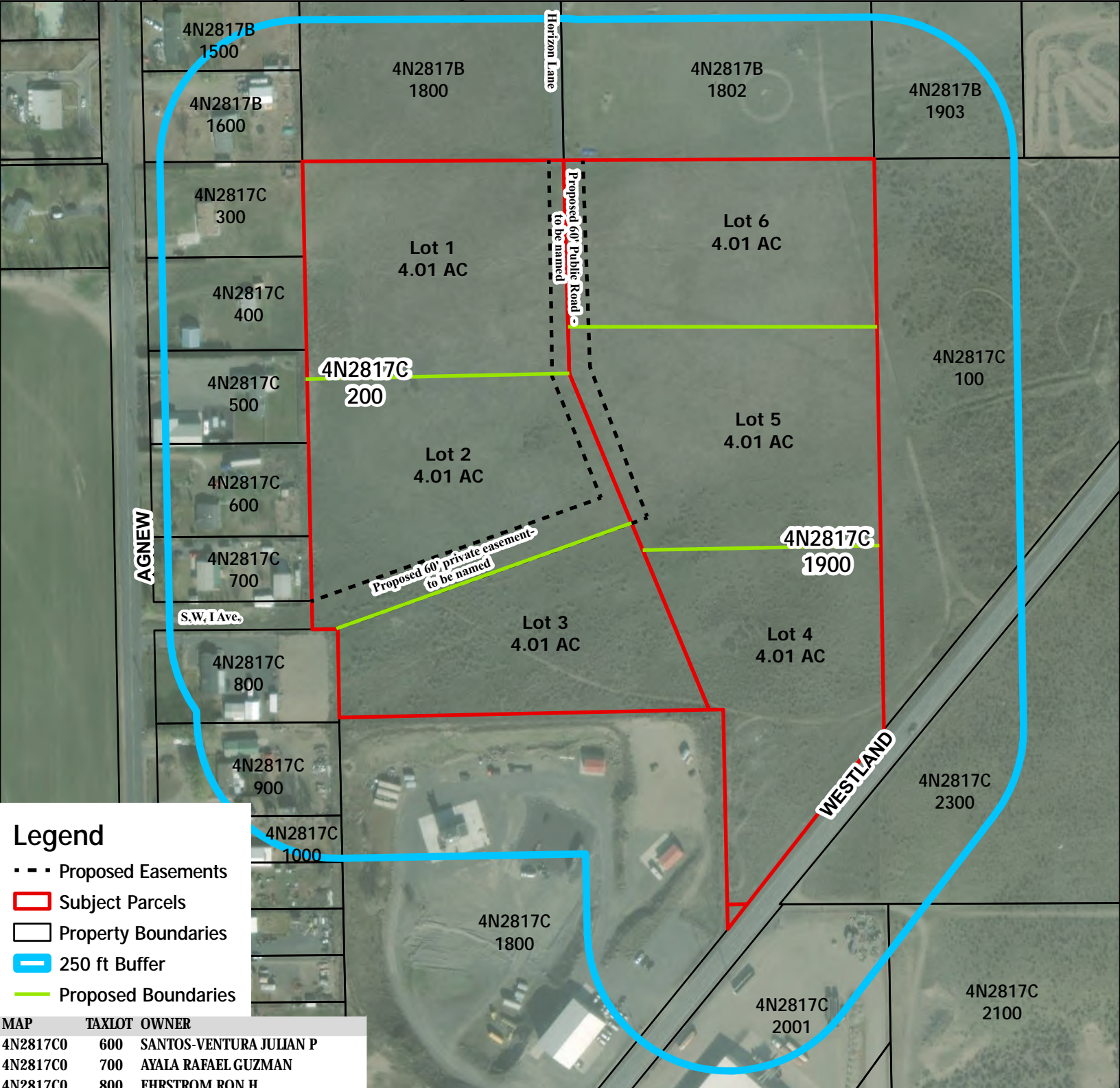
S-061-22

MAP: 4N 28 17C TAX LOT: 200 & 1900

N



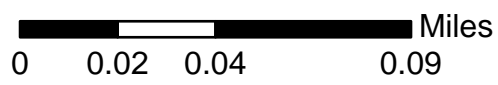
Notified property owners within 250 feet of Subject Parcel



- Legend**
- - - Proposed Easements
  - Red outline Subject Parcels
  - Black outline Property Boundaries
  - Blue outline 250 ft Buffer
  - Green line Proposed Boundaries

MAP	TAXLOT	OWNER
4N2817C0	600	SANTOS-VENTURA JULIAN P
4N2817C0	700	AYALA RAFAEL GUZMAN
4N2817C0	800	EHRSTROM RON H
4N2817C0	900	TOLLIVER LOUIS EDWARD & SARA
4N2817C0	1000	CAMPBELL JOYCE
4N2817C0	1800	UMATILLA COUNTY FIRE DISTRICT NUMBER 1
4N2817C0	1900	HSG-D, LLC
4N2817C0	2001	COLUMBIA BASIN REAL ESTATE LLC
4N2817C0	2100	QUICK NORMA (TRS) & QUICK THOMAS BERT
4N2817C0	2300	QUICK NORMA L
4N2817C0	200	HSG-D, LLC

MAP	TAXLOT	OWNER
4N2817B0	1500	LOPEZ-CENICEROS MA. FELIX
4N2817B0	1600	CURTIS BILLY A JR
4N2817B0	1800	ROYER CHARLES & LORI
4N2817B0	1802	NICODEMUS RYAN & ASHLEY R
4N2817B0	1903	CASWELL EVELYN H
4N2817C0	100	WESTLAND IRRIG DIST
4N2817C0	300	CARDENAS EDGAR I RODRIGUEZ
4N2817C0	400	GREEN HERMANN T & BETSY B
4N2817C0	500	HARRIS EDWARD L & LUCY D



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by T. Ross, Umatilla County Planning Department Date: 6/1/2022

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**UNDERGROUND PIPELINE NOTE**

ACCORDING TO THE OWNER/AGENT, AN UNDERGROUND IRRIGATION PIPELINE EXISTS ON THIS PROPERTY AND RUNS APPROXIMATELY EAST-WEST. THIS PIPELINE IS BELIEVED TO BE UNRECORDED AS A TITLE SEARCH DID NOT RETURN ANY RECORDED EASEMENTS OVER THIS PROPERTY.

**TENTATIVE PLAN - ROYER RANCHETTES**

LOCATED IN THE SW1/4 OF SECTION 17  
TOWNSHIP 4 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN,  
UMATILLA COUNTY, OR

**SURVEY NARRATIVE**

THIS SUBDIVISION PLAT HAS BEEN PREPARED AT THE REQUEST OF CHUCK ROYER, AGENT FOR HSG-D, LLC. THE PURPOSE IS TO DIVIDE THAT REAL PROPERTY DESCRIBED UNDER DOCUMENT NUMBER 2021-7240141; A PROPERTY LINE ADJUSTMENT DEED MEMORIALIZED BY SURVEY RECORD 21-070-B (R1). BOTH TRACTS ADJUSTED BY THE AFOREMENTIONED DEED HAVE AN AREA OF 12.03 ACRES. AT THE REQUEST OF THE OWNER AND THEIR AGENT, THESE TRACTS ARE BEING DIVIDED EQUALLY BY AREA INTO SIX, 4.01 ACRE LOTS AS SHOWN HEREON. THE LOT CONFIGURATIONS WERE COMPUTED AT THE DIRECTION OF MY CLIENT.

ALL SURVEY MONUMENTATION REPORTED IN SURVEY RECORD 21-070-B WAS FOUND AND HELD IN THIS SURVEY. THE 2" DIAMETER FENCE POST LOCATIONS AS CALLED OUT IN SAID SURVEY WERE TIED IN THE FIELD AND ALSO COMPUTED BY DISTANCE-DISTANCE INTERSECTION FROM MONUMENTATION SET IN SAID SURVEY. I FOUND THE COMPUTED LOCATION FIT WELL WITH THE MEASURED LOCATION IN ALL INSTANCES WITH EXCEPTION TO THAT POST LOCATED NEAR THE SOUTHWEST CORNER OF LOT 3 OF THIS PLAT. THIS POST LOCATION IS CALLED FOR IN THE SURVEY AND DEED AS THE CORNER; HOWEVER, I BELIEVE THIS POST HAS SINCE BEEN DISTURBED. I SET THE TRUE CORNER LOCATION ON LINE BETWEEN THE FOUND NORTHEAST AND SOUTHEAST CORNERS OF LOT 10, BLOCK 5 OF WESTLAND ESTATES, AND BY HOLDING THE DISTANCES FROM CONTROLLING MONUMENTATION PER SURVEY 21-070-B.

THE NORTHEAST CORNER OF LOT 6 OF THIS PLAT (ALSO KNOWN AS THE C-W 1/16TH CORNER OF SECTION 17) IS MARKED BY A 5/8" REBAR WITH YELLOW PLASTIC CAP (951) AS SET IN SURVEY NO. 11-137-B. A SECOND (ERRONEOUS) 5/8" REBAR WITH YELLOW PLASTIC CAP (951) SET IN SURVEY NO. 01-125-B BEARS N 02°32'19" W, 2.03 FEET FROM THE ACCEPTED CORNER LOCATION. SEE SURVEY NO. 11-137-B FOR FURTHER EXPLANATION OF THIS 1/16TH CORNER LOCATION.

THIS SURVEY WAS PERFORMED USING TWO TOPCON HIPER LITE+ GNSS UNITS OPERATED USING RTK METHODS. THE BASIS OF BEARING IS NAD 83/11 OREGON NORTH STATE PLANE AS DETERMINED BY GNSS MEASUREMENT. DISTANCES ARE GROUND, INTERNATIONAL FEET.

**LEGEND**

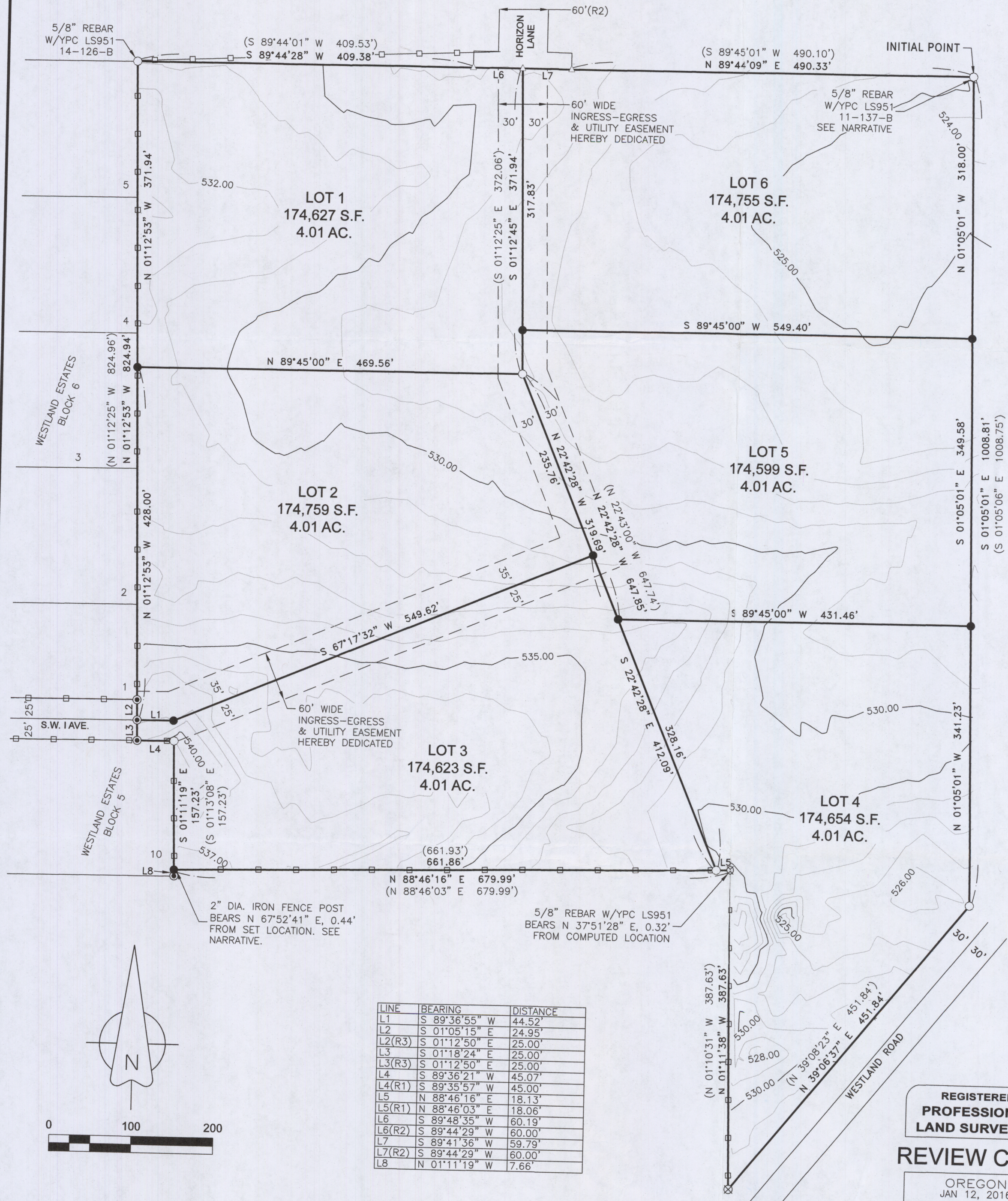
- SET 5/8" X 30" STEEL REBAR WITH 1-1/4" PINK PLASTIC CAP, MARKED "KENNY LS 89374".
- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP AS REPORTED IN R1, UNLESS NOTED OTHERWISE.
- △ FOUND 5/8" REBAR WITH RED PLASTIC CAP AS REPORTED IN R2, UNLESS NOTED OTHERWISE.
- FOUND 1" IRON BAR PER R3.
- ⊗ COMPUTED LOCATION PER R1. 2" DIA. IRON FENCE POST OCCUPIES CORNER POSITION. NOTHING FOUND OR SET, UNLESS NOTED OTHERWISE.
- EASEMENT AS NOTED
- LOT BOUNDARY LINES
- EXISTING FENCE LINE
- ( ) RECORD DATA REFERENCE FROM SURVEY RECORD R1

**RECORDS OF REFERENCE**

- R1: SURVEY NO. 21-070-B BY KEITH PRIMM, RECORDED 06-16-2021.
- R2: PARTITION PLAT NO. 2018-24 BY LANCE KING, RECORDED 12-31-2018.
- R3: WESTLAND ESTATES, BOOK 10, PAGE 5, TOWN PLATS, RECORDED 9-19-1972.

**DATUM STATEMENT**

HORIZONTAL DATUM: NAD 83/11 OREGON NORTH STATE PLANE  
VERTICAL DATUM: NAVD 88  
CONTOUR INTERVAL: MAJOR: 5-FOOT  
MINOR: 1-FOOT



LINE	BEARING	DISTANCE
L1	S 89°36'55" W	44.52'
L2	S 01°05'15" E	24.95'
L2(R3)	S 01°12'50" E	25.00'
L3	S 01°18'24" E	25.00'
L3(R3)	S 01°12'50" E	25.00'
L4	S 89°36'21" W	45.07'
L4(R1)	S 89°35'57" W	45.00'
L5	N 88°46'16" E	18.13'
L5(R1)	N 88°46'03" E	18.06'
L6	S 89°48'35" W	60.19'
L6(R2)	S 89°44'29" W	60.00'
L7	S 89°41'36" W	59.79'
L7(R2)	S 89°44'29" W	60.00'
L8	N 01°11'19" W	7.66'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
**REVIEW COPY**  
OREGON  
JAN 12, 2016  
MATTHEW PATRICK KENNY  
89374PLS  
RENEWS: 6-30-23

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

PROPOSED SUBDIVISION LOCATED IN THE SW 1/4 OF SECTION 17,  
T4N. R28E, W.M., UMATILLA COUNTY, OREGON.

CLIENT: **CHUCK ROYER / HSG-D, LLC**

PROJECT: 22-03    DR: MPK    CH: MPK    DATE: APRIL 05, 2022    SHEET 1 OF 2



**UMATILLA COUNTY**  
**PRELIMINARY FINDINGS & CONCLUSIONS**  
**ROYER RANCHETTES**  
**SUBDIVISION #S-061-22, VARIANCE #V-360-22**  
**Map 4N 28 17C, Tax Lot #1900, Account #121253 and**  
**Map 4N 28 17C, Tax Lot #200, Account #22099**

1. APPLICANT: Hoot Royer, 2055 Minnehaha Rd., Hermiston, Oregon 97838
2. PROPERTY OWNERS: HSG-D LLC, 1730 SW Schaeffer Rd., West Linn, Oregon 97068
3. LOCATION: The property is located north of Westland Road and east of Agnew Road, about one-mile west of Hermiston City Limits.
4. PARCEL ACREAGE: Tax Lot 1900 = 12.03 acres, Tax Lot 200 = 12.03 acres
5. REQUEST: There are two requests associated with this application. The applicant's first request is to create a new rural residential subdivision. The applicant's second request is for a variance providing relief from the County's road development standard.

**Proposed Subdivision:** The proposed subdivision establishes six lots, which is the maximum amount of lots that could be developed on the subject tract per the four-acre minimum parcel size allowed by the zone. Proposed Lot 1 is currently developed with a manufactured home and the remaining five are undeveloped. (See the applicant's tentative plan map for lot configuration, plan details and proposed access.)

The applicant provides, each undeveloped lot will have its own water source either from an individual domestic well or through the sharing of a domestic well. Individual septic systems are proposed for each lot. Further, proposed Lot 1 has been inspected and determined to be suitable for a standard septic system by the Umatilla County Environmental Health Department however, site suitability reports for the remainder of the lots has not been submitted. Proposed Lot 1 currently contains a well and septic system which serve the existing manufactured home.

Conventional site built dwellings are planned for each proposed lot. The applicant has not submitted a draft of the proposed Covenants, Conditions and Restrictions.

**Proposed Variance:** The applicant proposes to dedicate a new road through the subdivision by extending Horizon Lane and connecting to Southwest 'I' Avenue to provide access to Agnew Road. The substandard width of Southwest 'I' Avenue is outside the boundaries and ownership of the proposed Royer Ranchettes subdivision, and it is considered pre-existing and non-conforming to the current road standard. Under the current development code, easements serving more than four properties are typically established at 60-foot wide. Therefore, the applicant is requesting relief to the access easement width requirement through a variance request to reduce, or vary, the County Subdivision "S-1" 60-foot easement width standard.

6. PROPOSED LOT ACREAGE:

Lot 1=4.01 ac      Lot 3=4.01 ac      Lot 5=4.01 ac  
 Lot 2=4.01 ac      Lot 4=4.01 ac      Lot 6=4.01 ac

7. COMPREHENSIVE PLAN MAP DESIGNATION: Rural Residential

8. ZONING: RR-4 Zone (Rural Residential four-acre minimum parcel/lot size)

9. ACCESS: Lot 1 is served by an existing private access easement from Horizon Lane. Lots 2, 3, 5 and 6 are to be served by extending Horizon Lane south and west to connect to Agnew Road via Southwest 'I' Avenue. Lot 4 is to be accessible via Westland Road with an existing road access permit issued by Umatilla County Public Works Department.

10. ROAD TYPE: Horizon Lane is a 60-foot wide graveled two-lane private road. As shown in the tentative plan, the applicant plans to extend Horizon Lane south and west to connect to Agnew Road via Southwest 'I' Avenue. The proposed road is required to be improved with a 22-ft wide gravel road surface. Westland Road #1215 is a two-lane paved County Road which is proposed to provide access to Lot 4.

11. EASEMENTS: HSG-D, LLC granted an easement to benefit real property commonly described as Map 4N 28 17C, Tax Lots 200 and 1900. The purpose of creating this 60-ft wide easement area was for the extension of Horizon Lane south and west to aid in further development of properties.

12. LAND USE: The property is planned and zoned for rural residential use as rural home sites to provide space for rural services, a limited number of farm animals and pasture.

13. ADJACENT LAND USE: The property is zoned rural residential, RR-4. Likewise, the properties to the north, east and west of the property are zoned RR-4. Properties to the south are zoned Exclusive Farm Use (EFU) and generally used for farming. Immediately south of this proposal is Umatilla County Fire District #1, station 23, a permitted use within the EFU zone. Additionally, there are two tax lots which contain storage buildings used by Columbia Basin Storages Inc., a permitted use related to farming in an EFU zone.

14. SOILS: The properties consist of the following soil:

Unit Number, Soil Name, Description & Slope	Land Capability Class	
	Dry	Irrigated
74B: Quincy fine sand, 0 - 5 percent slopes	7e	4e
75E: Quincy loamy fine sand, 0 - 5 percent slopes	7e	6e
76B: Quincy loamy fine sand, gravelly substratum, 0 - 5 percent slopes	7e	4e

15. BUILDINGS: Proposed Lot 1 is currently developed with a manufactured home.

16. UTILITIES: Electricity is provided by Umatilla Electric and currently exists over proposed lot 1 of the tentative plan. Additionally, electricity is also available from Westland Road.

17. WATER AND SANITATION: Proposed Lot 1 contains a septic system and well that serve the existing manufactured home. The applicant provides that future purchasers will be responsible for installing wells and septic systems on the remaining lots.

18. IRRIGATION: The property is located within Westland Irrigation District. The applicant provides that the property does not have irrigation water rights.

19. OTHER: Before subdivisions can be accepted for recording, all property taxes must be paid in full including, if applicable, prepayment of the current tax year. This will be noted in the conditions that taxes must be paid prior to recording the final subdivision plat. The property may need to be disqualified from the Farm Deferral program, and may have to pay the last 10 years of deferred taxes. It is recommended that the applicant consult with the County Taxation department, however, the disqualification is not a condition of this approval, rather, it will be addressed as due property taxes at the time of plat recording.

20. PROPERTY OWNERS & AGENCIES NOTIFIED: June 3, 2022

21. PUBLIC HEARING DATE: A public hearing before the Umatilla County Planning Commission is scheduled for June 23, 2022 at 6:30 pm.

22. AGENCIES NOTIFIED: County Public Works Director, County Surveyor, County Environmental Health, County Assessor, County GIS/Mapping Department, Oregon State Water Resources, City of Hermiston, Westland Irrigation District, Umatilla County Fire District #1 and Umatilla Electric.

23. COMMENTS: Comments are pending.

24. CRITERIA FOR APPROVAL, TYPE I LAND DIVISION "SUBDIVISION", contained in Section 152.666(6) of the Development Code.

Following are a list of the standards of approval applied to a rural residential subdivision<sup>1</sup>. Included is information gathered from the tentative plan and the review of the proposed access, road improvements, traffic potential, and rural facilities to serve rural residential development. The standards are provided in underlined text and responses are provided in standard text.

(a) Complies with applicable elements of the Comprehensive Plan, including, but not limited to, policies listed in the public facilities and services and transportation elements of the Comprehensive Plan.

Sewage Disposal: The property owner understands individual septic systems are necessary to serve

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<sup>1</sup> ORS 92.010 (16) "Subdivide land" means to divide land to create four or more lots within a calendar year.'  
UCDC 152.003 "Subdivide Land. To divide land into four or more lots within a calendar year."

each undeveloped lot. Since the proposed lots are greater than four acres in size, a site evaluation from County Environmental Health is not required as part of the subdivision request. A subsequent condition of approval is imposed that Lots 2 through 6 receive necessary permits (including septic approval from Umatilla County Environmental Health) prior to future development.

Domestic Water: Domestic water wells are under the authority of Oregon State Water Resources. Domestic wells are exempt wells and do not require a water right. Each exempt well allows 15,000 gallons per day of household usage including irrigation of up to one half acre of lawn and landscaping per well. The applicant provides that the future purchaser of each subdivision lot will be responsible for receiving exempt well approval and costs of drilling a well.

Irrigation Water: The applicant provides that the subject parcels do not have irrigation water rights. However, the property is within the Westland Irrigation District and is required to meet the district's standards. A precedent condition of approval is imposed to provide verification from Westland Irrigation District that irrigation standards have been met. This can be satisfied with a signature on the final subdivision plat.

Fire Protection: The subject property is within Umatilla County Fire District #1 and the district provides fire protection services to the area. As shown in the tentative plan, emergency access would be provided by extending Horizon Lane south and west to connect to Agnew Road via Southwest 'I' Avenue. The proposed road is required to be improved to meet the S-1 County Road Standard to accommodate large firefighting equipment by the fire protection service provider. The applicant is required, as a condition of approval, to provide confirmation from Umatilla County Fire District #1 that this connection is adequate for emergency vehicles ingress and egress.

Access and Road Improvements:

The applicant proposes to dedicate a new road through the subdivision by extending Horizon Lane and connecting to Southwest I' Avenue to provide access to Agnew Road. The County's Transportation Plan (TSP) requires right-of-way within subdivisions to have a width of 60-feet, with a minimum of two, 11-foot travel lanes. The County Road Department standard is a Subdivision "S-1" standard. The S-1 standard consists of a crushed gravel surface compacted to a thickness of 8 inches. The applicant's plan proposes one (1) 60-foot access easement, with the exception of Southwest I' Avenue. Southwest I' Avenue is a 50-foot wide public right-of-way, outside the boundaries and ownership of the proposed Royer Ranchettes subdivision, and it is considered pre-existing and non-conforming to the current road standard. The applicant requests a variance to provide relief to the access easement width requirement through a variance request to reduce, or vary, the S-1 standard.

A precedent condition of approval is imposed to improve the extension of Horizon Lane and existing Southwest 'I' Avenue to the County Subdivision "S-1" standard. A diagram of the S-1 road standard is attached.

Road Signs and Naming: Private roads serving as access to three or more buildings<sup>2</sup> are required to be named. The applicant proposes extending Horizon Lane and utilizing Southwest 'I' Avenue to

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<sup>2</sup> County Code of Ordinances, Addressing Chapter 93.05 – Definitions. "Building. A building designed for human occupancy, such as a residence or place of business, or other buildings as determined by the Planning Department."

serve Lots 1-3, 5 and 6. Currently there is no road sign at the intersection of Southwest 'T' Avenue and Agnew Road. Therefore, to create consistency in road naming convention and providing an increase in public safety and assistance to the traveling public, it was recommended by County Dispatch the road is renamed to Horizon Lane.

The condition requiring the installation of a road sign for Horizon Lane at the intersection with Agnew Road is imposed. The applicant is responsible for paying for the sign and the County Road Department is the agency that would install the sign. The sign may be installed either on the applicant's property near the County right of way, or within the County right of way, where allowed by County Public Works.

A precedent condition of approval is imposed that Southwest 'T' Avenue is renamed to Horizon Lane.

A precedent condition of approval is imposed that the approved road name be shown on the final subdivision plat and a sign is installed where allowed by County Public Works.

Addressing: Currently a manufactured home is sited on proposed Lot 1, the dwelling is addressed as 29597 Horizon Ln. Lot 1's proposed access will continue to be from Horizon Lane. There are no other dwellings on the property, therefore, no addresses will need to change due to the creation of the proposed road connection from Horizon Lane to S.W. I Ave. Vacant lots created as part of the subdivision will receive rural addresses when future permits are issued for development.

Road Improvement Agreements: Over time additional road impacts occur and future upgrading and realignment of roads become necessary. An Irrevocable Consent Agreement (ICA) is required when there are new parcels or lots added along county roads, public roads and private lanes. The ICA is for participation in future road upgrading which runs with the property and is binding on the heirs, assigns and all other successors in interest to the owner of the property, according to the interest of the property, and does not operate as a personal contract of the owner.

A few Irrevocable Consent Agreements (ICAs) are required for the subdivision approval and imposed as precedent conditions of approval:

- An agreement for future participation in improvements to Agnew Road to serve Lots 1 through 3, 5 and 6, if and when, a Local Improvement District is formed for road improvements along this roadway is imposed as a condition of approval.
- An agreement for future participation in improvements to Horizon Lane to serve Lots 1 through 3, 5 and 6, if and when, a Local Improvement District is formed for road improvements along this roadway is imposed as a condition of approval.
- An agreement for future participation in improvements to Westland Road to serve Lot 4, if and when, a Local Improvement District is formed for road improvements along this roadway is imposed as a condition of approval.

(b) Complies with the Statewide Planning Goals adopted by the Land Conservation and Development Commission (LCDC), until the comprehensive Plan is "acknowledged." The Umatilla County Comprehensive Plan was acknowledged October 24, 1985, by the State Land Conservation

& Development Commission (LCDC). The Plan designates the subject property and surrounding properties for rural residential use. The applicant's proposal will create a total of six rural residential lots. This property and properties in the vicinity are designated rural residential as part of the County adopted and State acknowledged Comprehensive Plan.

(c) Complies with provision of 152.019, Traffic Impact Analysis, as applicable. A Traffic Impact Analysis (TIA) is required to be submitted with a land use application when the proposal is projected to cause an increase in traffic volume by 250 or more Average Daily Trips (ADT). A single family dwelling generates approximately 9.52 ADT on week days. The applicant's proposal will add five developable lots (one lot of six is already developed), one dwelling per lot, and therefore total less than 250 ADT. Therefore, the TIA is not applied to the applicant's request.

(d) Complies with applicable provisions listed in the zoning regulations of this chapter; The subject properties are zoned Rural Residential – four acres minimum (RR-4).

Lot Size: All proposed lots will conform to or exceed the 4-acre minimum parcel size for the RR-4 zone.

Setbacks: All proposed lots show adequate area available for dwellings, accessory structures, septic systems and a water source within the zoning setback requirements. Setback standards will be enforced at the time development is proposed. A site plan was submitted that verified the existing structure on Lot 1 will conform to setback requirements.

Flood Hazard Areas: The subject parcels are not located within a Special Flood Hazard Area.

(e) Complies with the applicable provisions, including the intent and purpose of the Type I regulations listed in this chapter;

Subdivision Name: The applicant has selected Royer Ranchettes as the subdivision name. The County Surveyor or the County GIS Manager must approve new subdivision names to avoid duplicate names. The applicant's subdivision name, Royer Ranchettes, had not yet been confirmed by the County GIS Manager as an acceptable subdivision name. This is because the subdivision plat has not been submitted to County GIS or County Surveyor. A condition of the subdivision approval is imposed to place the approved subdivision name on the Final Subdivision Plat, prior to recording the plat.

(f) The Tentative Plan conforms and fits into the existing development scheme in the area, including the logical extension of existing streets [roads] and public facilities through the tentative plan; The subject property and the surrounding properties are plan designated and zoned for rural residential development. The existing development scheme is rural residential with some pasture land used as rural home sites. Once access and utility easement are proposed, which will be dedicated as a public road on the final Subdivision Plat and are required to be named. There are no public facilities such as public water and sewer systems that may be extended into the rural area.

(g) Complies with other specific requirements listed in Section 152.667 for approval of subdivisions within multiple use areas. The subdivision is not proposed within an adopted Comprehensive Plan

multiple use designated area. Therefore, specific requirements in Section 152.667 are not applied.

**25. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR VARIANCES, Section 152.627, Circumstances for Granting a Variance**, contains the criteria of approval for reviewing a variance. The standards of approval are underlined, the responses and findings are provided in standard text.

**§ 152.627 CIRCUMSTANCES FOR GRANTING A VARIANCE.**

A variance may be granted under *some or all* of the following circumstances:

(A) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this chapter have had no control;

Southwest 'I' Avenue is an existing 50-foot wide, unimproved right-of-way. Deed research conducted by the Umatilla County Planning Department and the applicant's surveyor found that the public right-of-way was dedicated in 1972 as part of the plat for Westland Estates (Book 10, Page 5 Town Plat of Umatilla County, OR). The applicant proposes to dedicate a new public road through the subdivision by extending Horizon Lane and connecting to Southwest 'I' Avenue to provide access to Agnew Road. The substandard width of Southwest 'I' Avenue is outside the boundaries and ownership of the proposed Royer Ranchettes subdivision, and it is considered pre-existing and non-conforming to the current road standard. Under the current development code, easements serving more than four properties are typically established at 60-foot wide. Therefore, the applicant is requesting relief to the access easement width requirement through a variance request to reduce, or vary, the County Subdivision or "S-1" 60-foot easement width standard.

Umatilla County finds that the applicant does not own or have authority over Southwest 'I' Avenue and did not have control over the development of the 50-foot easement when it was dedicated as part of Westland Estates. Thus, Umatilla County finds that there are indeed exceptional or extraordinary circumstances over which the owners of property since enactment of this chapter have had no control. This criterion is met.

(B) The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by the owner of other property in the same zone or vicinity;

The applicant provides that Southwest 'I' Avenue is necessary for the landowner to exercise legal right of ingress-egress and utility needs to serve their property and the proposed subdivision. Any member of the general public would have the right to use this roadway in a similar manner.

Umatilla County finds to preserve the applicant's property right to subdivide the subject property and provide access and connectivity, a variance is necessary to provide relief from the S-1 standard. Because the existing right-of-way (Southwest 'I' Avenue) would serve four or

more parcels, the current land division standards for access is a 60-foot wide easement or right-of-way. The applicant's variance request to this standard would substitute, or allow, the use of the existing 50-foot right-of-way in place of a 60-foot easement. Thus, approval of the variance would allow the applicant to pursue their right for a subdivision, which are the same property rights that would be possessed by owners of other property in the same zone or vicinity. This criterion is met.

(C) The variance would not be materially detrimental to the purposes of this chapter, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county plan or policy;

The applicant provides that utilization of Southwest 'I' Avenue would transform an unimproved and unmaintained area of public right-of-way to a road structure built to county standards and that use of the right-of-way would have only positive material effects on area landowners while increasing safety and aesthetics in the area.

Umatilla County finds that even though the variance would allow a deviance from the required width of the Southwest 'I' Avenue right-of-way, the applicant's proposed road pattern of connecting Horizon Lane to Agnew Road by utilizing an already platted roadway (Southwest 'I' Avenue) is consistent with county plans and policies, specifically Umatilla County Development Code Section 152.684<sup>3</sup>. In addition, the road will be constructed at a width that meets the county road standard. Therefore, the variance would not be materially detrimental to the purposes of this chapter, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county plan or policy. This criterion is met.

(D) The variance requested is the minimum variance which would alleviate the hardship.

The applicant provides that the variance is necessary to provide access to a new 6-lot subdivision. The road right-of-way within the boundaries of the proposed subdivision will be dedicated at a width of 60 feet, which complies with the county standard. The applicant proposes to utilize Southwest 'I' Avenue to connect to Agnew Road. However, the fact that the road was dedicated at a width of 50 feet in 1972, which is now substandard, is out of the applicants control.

Umatilla County finds that the applicant's proposal to provide access to the subdivision requires the use of Southwest 'I' Avenue, which was dedicated in 1972 at a width of 50 feet. The applicant does not request a deviation from the existing 50-foot width. Therefore, the variance requested is the minimum variance which would alleviate the hardship. This criterion is met.

**DECISION: THE ROYER RANCHETTES SUBDIVISION, #S-061-22 & VARIANCE, #V-360-22 REQUEST COMPLIES WITH THE STANDARDS OF THE UMATILLA COUNTY**

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<sup>3</sup> Umatilla County Development Code Section 152.684 – "Roads and recorded easements for access purposes are laid out so as to conform, within the limits of the development standards, to the plats of subdivisions and maps of partitions already approved for adjoining property unless the Planning Director determines it is in the public interest to modify the road pattern."



**DEVELOPMENT CODE, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:**

The following "Precedent Conditions" shall be completed prior to issuance of final approval signified by recording of the final subdivision plat.

1. Pay public notice fee charges to the Umatilla County Planning Department.
2. Sign and record an Irrevocable Consent Agreement for future participation in improvements to Agnew Road to serve Lots 1 through 3, 5 and 6, if and when, a Local Improvement District is formed for road improvements. (Document provided by the Planning Department.)
3. Sign and record an Irrevocable Consent Agreement for future participation in improvements to Horizon Lane to serve Lots 1 through 3, 5 and 6, if and when, a Local Improvement District is formed for road improvements. (Document provided by the Planning Department.)
4. Sign and record an Irrevocable Consent Agreement for future participation in improvements to Westland Road to serve Lot 4, if and when, a Local Improvement District is formed for road improvements. (Document provided by the Planning Department.)
5. Submit and receive approval for the Road Naming Application of the private easement serving Lots 1 through 3, 5 and 6, renaming "Southwest I Avenue" to "Horizon Lane". If the road renaming is approved, install a new road sign at the intersection with Agnew Road, at a location approved by the Umatilla County Public Works Department.
6. Improve the extension of Horizon Lane and Southwest 'I' Avenue to the County Subdivision "S-1" road standard. The S-1 road standard consists of a 22-ft wide, nominal compacted 8-inch crushed gravel surface road.  
  
[Verification roadway improvements have been completed to County Subdivision (S-1) standards may be provided by a combination of photos of the road improvements and receipt copies for gravel and services by the road contractor, or by written verification from a licensed Civil (road) Engineer that County Subdivision (S-1) standards have been met.]
7. Provide confirmation from Umatilla County Fire District #1 that the proposed public road consists of adequate area for emergency vehicles to ingress and egress for the road serving Lots 1-3, 5 and 6.
8. Provide verification from Westland Irrigation District that irrigation standards have been met. This can be satisfied with a signature on the final subdivision plat.
9. Pay and/or pre-pay property taxes prior to recording the final subdivision plat map.
10. Provide a draft copy of the Subdivision Covenants, Conditions and Restrictions to County Planning.

11. Receive subdivision name approval for Royer Ranchettes from County GIS or the County Surveyor.
12. Submit a preliminary subdivision plat that meets county and state plat requirements to County Planning, County GIS, and the County Surveyor.

The following "Subsequent Conditions" may consist of on-going requirements and conditions to be fulfilled following approval of the Tentative Subdivision Plan Plat:

1. Within two years, record the final subdivision plat that meets county and state plat requirements. The subdivision name, Royer Ranchettes, must be placed on the subdivision plat. The plat shall show the access/utility easements as shown on the tentative plan survey map. In addition, the plat shall contain the approved road name on the face of the plat.
2. Obtain zoning permits from the Umatilla County Planning Department to place structures on a lot with an approved site plan showing setbacks, driveways, utilities, etc.
3. Obtain all other permits necessary for development (i.e. septic, building, etc.)

UMATILLA COUNTY PLANNING COMMISSION

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

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Suni Danforth, Chair  
Umatilla County Planning Commission



# Umatilla County

Department of Land Use Planning



DIRECTOR  
ROBERT  
WALDHER

MEMO

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

**TO:** Umatilla County Planning Commission  
**FROM:** Megan Davchevski, Planner  
**DATE:** June 16, 2022

CODE  
ENFORCEMENT

**RE:** June 23, 2022 Planning Commission Hearing  
Vazza Verification of Non-Conforming Use, LUD-28-22  
Map 5N 29 33, Tax Lot 1001

SOLID WASTE  
COMMITTEE

**CC:** Robert Waldher, Planning Director

SMOKE  
MANAGEMENT

GIS AND  
MAPPING

### ***Request***

RURAL  
ADDRESSING

The applicants request verification of a non-conforming use occurring on Tax Lot 1001 located on Assessor's Map 5N 29 33. The application requests verification of two uses: an apiary and repair of associated farm equipment and an automotive/equipment repair business. Beekeeping (apiary) and associated farm equipment repair is considered a farm use. Farm uses are allowed outright in the Rural Residential 4-acre minimum zone and thus do not require permits. The application and applicants' narratives address both the beekeeping operation and the automotive/equipment repair business, however, only the automotive/equipment repair business requires a determination of verification of non-conforming use.

LIAISON, NATURAL  
RESOURCES &  
ENVIRONMENT

A supplemental narrative provided by the applicants is included as an attachment. The narrative provides a timeline of the uses occurring on the subject property since it was first rented by Vazza Farms in 1981 and then purchased in 1992. The applicants provided a letter of support from their neighbor, Dennis Lovely. Following clarification questions from Planning Staff, the applicants provided an additional narrative. These letters and other supporting documents are included in the hearing packets.

PUBLIC TRANSIT

### ***Location***

The property is located north of Highway 207 and west of Cabana Road, approximately 3 miles north-east of the City of Hermiston.

### ***Standards***

The Standards of Approval are found in the Umatilla County Development Code 152.600, Verification of Non-Conforming Use. Standards for reviewing a verification of a non-conforming use generally consist of evaluating evidence to determine when the use was established, if it was lawful in accordance with zoning ordinances at the time, and if the use has continued for the last ten years. The applicant must be able to demonstrate that all of the standards are met. The burden of proof remains on the applicant.

### ***Notice***

Notice of the applicant's request and the public hearing was mailed on June 3, 2022 to the owners of properties located within 250-feet of the perimeter of Tax Lot 1001.

## Memo

### Planning Commission Hearing – June 16, 2022

Notice also was published in the *East Oregonian* on June 11, 2022 notifying the public of the applicants' request before the Planning Commission on June 23, 2022.

#### **Conclusion**

Staff have compiled the applicants' evidence and have presented the criteria with evidence in the staff report. As outlined in the staff report, unless the applicants provide additional information before the Planning Commission, the automotive/equipment repair business **does not** satisfy the approval standards.

#### **Decision**

To summarize, the Planning Commission is tasked with determining that all of the below requirements are met for each proposed use:

- 1) First and foremost an applicant must provide proof that the use of any building, structure or land existed as a "lawful" use at the time the law was applied or changed.
- 2) Counties may adopt and provide an option for an applicant to establish a "rebuttable presumption" by the submission of proof of the existence, continuity, nature and extent of the use for the 10-year period immediately preceding the date of application. Proof of the use for the 10-year period is sufficient to entitle the applicant to a rebuttable presumption.

This presumption may be rebutted by evidence in opposition to the applicant's proof. Proof that a use "existed" 10 years ago does not mean that the use existed when the zoning or other land use regulation was first applied more than 10 years ago or that the use existed "legally" at that time. This burden remains on the applicant and must be met.

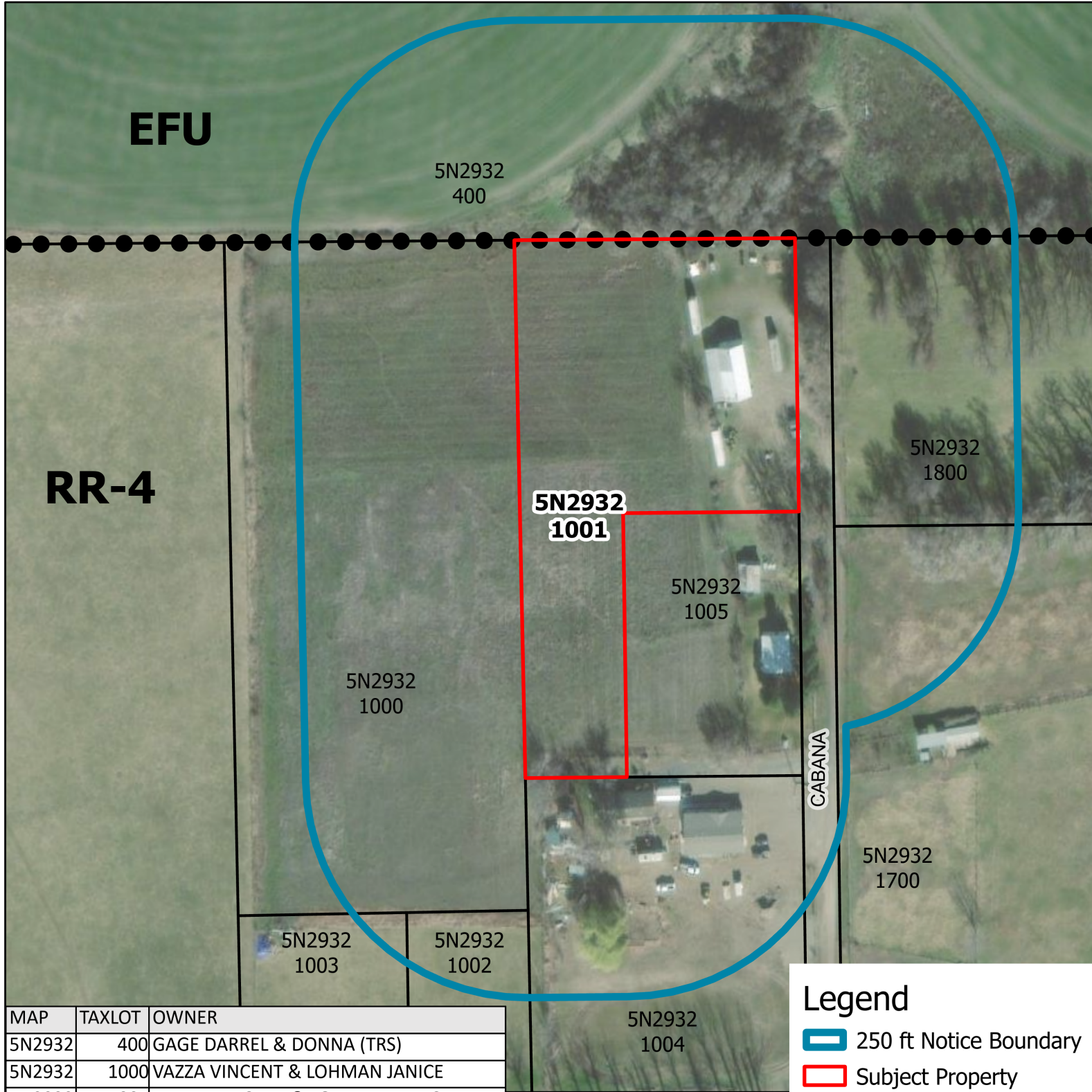
- 3) Applicants cannot be required to provide more than 20 years of proof of existence as an element of continuity of use lawfulness. The applicant must prove:
  - a. That the use, when initiated, was a legal use allowed in the zone and the applicant complied with the permit requirements (if any) to establish the use, and
  - b. The use has existed continuously for at least 10 years, but the applicant cannot be required to prove more than 20 years of continual existence.

The decision made by the Planning Commission is final unless timely appealed to the County Board of Commissioners.

**UMATILLA COUNTY  
PLANNING COMMISSION HEARING – JUNE 23, 2022  
LAND USE DECISION REQUEST #LUD-285-22  
VINCENT VAZZA & JANICE LOHMAN, APPLICANTS / OWNERS  
PACKET CONTENT LIST**

1.	Staff Memo to Planning Commission	Pages 1-2
2.	Vicinity and Notice Map	Page 4
3.	Staff Report & Preliminary Findings	Pages 5-14
4.	Attachments: Supporting Documents	
	Deed of the Subject Property	Pages 15-17
	Supplemental Narrative	Page 19
	Letter of Support from Dennis Lovely	Page 21
	Jim Abell Transaction Reports	Pages 23-26
	Rent Ledgers	Pages 27-28
	Repair Service Invoices	Pages 29-36
	DMV Title, dated July 6, 1982	Page 37
	Hermiston Herald Clippings, dated August 6, 1980	Pages 39-40
	Kodak Slip with Address, Dated August 14	Page 41
	Site Plan	Page 43
	Planning Staff Questions and Applicant Response	Pages 45-46
	Oregon Secretary of State Business Registry Information	Pages 47-49
	Farm Exemption Permits dated March and May 1982	Pages 51-54

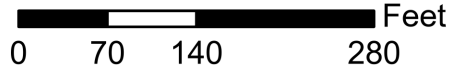
Notified Property Owners with 250 feet of Subject Parcel



MAP	TAXLOT	OWNER
5N2932	400	GAGE DARREL & DONNA (TRS)
5N2932	1000	VAZZA VINCENT & LOHMAN JANICE
5N2932	<b>1001</b>	<b>VAZZA VINCENT &amp; LOHMAN JANICE</b>
5N2932	1002	LOVELY STACIE D & WEBB ALLEN D
5N2932	1003	LOVELY DENNIS EDWARD & CAROL LINDA
5N2932	1004	STUBBS COREY & BRENDA
5N2932	1005	VAZZA VINCENT & LOHMAN JANICE
5N2932	1700	WAGNER JOYCE E ET AL
5N2932	1800	CHAVEZ FIDEL R JR

**Legend**

- 250 ft Notice Boundary
- Subject Property
- Property Boundary
- Zone Boundary



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Davchevski, Umatilla County Planning Department Date: 5/4/2022

**UMATILLA COUNTY PLANNING COMMISSION  
PRELIMINARY FINDINGS AND CONCLUSIONS  
VERIFICATION OF NON-CONFORMING USE  
LAND USE DECISION #LUD-285-22  
ASSESSORS MAP #5N 29 33; TAX LOT #1001, ACCOUNT #130304**

1. APPLICANTS: Vincent Vazza and Janice Lohman, 77225 Colonel Jordan Road, Hermiston, OR 97838
2. OWNERS: Vincent Vazza and Janice Lohman, 77225 Colonel Jordan Road, Hermiston, OR 97838
3. REQUEST: The applicants/owners are requesting verification of a non-conforming use to continue the use of the subject property as an apiary with accessory beekeeping equipment repair and an automotive/equipment repair business.

Beekeeping and associated beekeeping equipment repair is considered a farm use and therefore allowed outright under the current RR-4 zoning. Because beekeeping is an outright use under the current Development Code, it cannot be considered a non-conforming use and therefore does not require verification. The application and applicants' narrative address both uses, however, beekeeping is not required to meet the non-conforming use standards as detailed in this report.

Automotive and equipment repair in the RR-4 zone is not an outright use and would require land use approval. The applicant provides the automotive and equipment repair business was established at this location prior to Umatilla County's current zoning ordinance. Therefore, the automotive/equipment repair business needs to satisfy the verification of non-conforming use standards.

4. LOCATION: The property is located north of Highway 207 and west of Cabana Road, approximately 3 miles north-east of the City of Hermiston.
5. SITUS: The site address is 80720 North Cabana Road, Hermiston, OR 97838.
6. ACREAGE: The subject property is assessed as 3.15 acres
7. COMP. PLAN: Rural Residential
8. ZONING: Rural Residential – 4 acre minimum (RR-4).
9. ACCESS: The subject property has access to/from Cabana Road, County Road #1257.
10. ROAD TYPE: Cabana Road is a two-lane, gravel, County roadway, County Road #1257.



11. EASEMENTS: There is a 15-foot wide access easement on the subject property, the easement is located on the southern portion of Tax Lot #1001. According to deed records, the access easement benefits Tax Lot #1000 to the west.
12. LAND USE: The subject property is zoned for residential use. However, the applicant provides that the subject property has historically been used for farming and an automotive/equipment repair business. Umatilla County Planning property files only contain two farm exemption permits, both issued in 1982, one in March and the second in May. More information about the history of the subject property is included in Items #21, #22 and #26 below.
13. SURROUNDING USE: Parcels east, west, and south of the subject property are zoned for residential use and primarily consist of single family dwellings, accessory buildings, and irrigated pastures. The property to the north is zoned Exclusive Farm Use (EFU) and appears to be in circle pivot irrigation.
14. BUILDINGS: There is one 30 foot by 60 foot multipurpose shop building that is used for storage and farm equipment repair. This building was permitted with a farm exemption signature in 1982.
15. UTILITIES: Umatilla Electric Cooperative provides electrical service to this property.
16. RURAL FIRE: The subject property is within Umatilla County Fire District #1.
17. IRRIGATION: The subject property is within the Hermiston Irrigation District.
18. WETLANDS: National Wetland Inventory (NWI) mapping indicates Freshwater Forested/Shrub wetlands cover a majority of the subject property. Wetlands are not apparent on a recent aerial image.
19. FLOODPLAIN: The subject property is not located within a mapped floodplain.
20. WATER/SEWER: The applicant provides the subject property contains a domestic well and an onsite septic system.
21. PERMITTING HISTORY: According to County Planning property files, only two farm exemption sign-offs are on file for the subject property, both were signed in 1982. In March 1982, a farm storage building was approved. In May 1982, a storage building for hay and bees was approved. During this time period, farm exempt permit requirements were minimal, thus, the size of the buildings and locations are unknown. No other land use approvals have been issued.

22. CHAIN OF TITLE: The following provides the chain of title since 1969. Land use ordinances were first adopted by Umatilla County on July 19, 1972.

March 31, 1969 John R. Halladay SR. and Josie Halladay convey to James C. and Mary Halladay  
Book 299, Page 128, Umatilla County Deed Records.

September 26, 1972 Mary Halladay conveys to James C. Halladay  
Reel 58, Page 1390, Umatilla County Deed Records.

August 22, 1989 James C. Halladay conveys to John R. Halladay, SR.  
Reel 183, Page 677, Umatilla County Deed Records.

October 28, 1992 John R. Halladay SR. conveys to Vincent C. Vazza and  
Janice H. Lohman.  
Reel 227, Page 467, Umatilla County Deed Records.

23. NOTICES SENT: Hearing notices to adjacent property owners and agencies were sent on Friday, June 3, 2022. Notice also was published in the East Oregonian on June 11, 2022.

24. AGENCIES: Oregon State Building Codes, Oregon Water Resources Department, Umatilla County Assessor, Umatilla County Counsel, Umatilla County Public Works, Umatilla County Environmental Health, Umatilla County Code Enforcement, Umatilla Electric and Umatilla County Fire District #1.

25. HEARING: A public hearing will be held before the Umatilla County Planning Commission on Thursday, June 23, 2022 at 6:30 PM. The meeting will be held in virtual format only.

26. COMMENTS: Comments are pending.

**27. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR VERIFICATION OF NON-CONFORMING USE:** The applicable criteria for Verification of Non-Conforming Use are found in Umatilla County Development Code (UCDC) Section 152.600. The criteria and standards of approval are listed below and underlined. Findings are provided in standard text.

**UCDC §152.600: VERIFICATION OF NON-CONFORMING USE**

(A) A property owner may make application to the Planning Department to verify the lawful use of a building or a structure or of any land or premises lawfully existing at the time of a change in the official zoning maps or ordinances.

The applicants' request stems from a code violation. Code Enforcement discovered that

an automotive/equipment repair business was operating without permits in March 2022. The applicants/owners state that the operation has been existing for decades, therefore, Planning Staff encouraged them to apply for a verification of a non-conforming use.

The applicant provides they began renting the property in 1981 from John Halladay. The use was an apiculture operation with farm machine and farm equipment repair being a portion of the beekeeping operation. The applicant provides that outside automotive/equipment repair work for individuals has also been in operation since 1981.

The applicants' purchased the property in 1992 from Mr. Halladay. Subsequently, in 2002 the applicants' beekeeping operation was primarily relocated to a property located elsewhere in Umatilla County with bees being periodically placed back on the subject property. In addition to the beekeeping operation, the land has also been leased and planted with melons, corn and test plots. Since 2007, Jim Abell has been renting the farm exempt building and working on specialized equipment, vehicles and automotive for Vazza Farms, as well as, other businesses and individuals.

County Planning has two farm exemption sign-offs on file for the subject property, both were signed in 1982. In March 1982, a farm storage building was approved. In May 1982, a storage building for hay and bees was approved. During this time period, farm exempt permit requirements were minimal, thus, the size and locations of the buildings are unknown. The applicant's recent site plan demonstrates only one building is on the property today.

In 1981 the County's 1972 Zoning Ordinance applied. The subject property was zoned F-1, Exclusive Farm Use under the County's 1972 Zoning Code. Under the 1972 Zoning Ordinance, automobile service stations were permissible with a zoning permit in the General Commercial (C-1) and Tourist Commercial (C-2) zones; and conditionally allowed with a Conditional Use Permit (CUP) in the Light Industrial (M-1) zone.

The F-1 zone in the 1972 Zoning Ordinance permitted commercial activities that were **only in conjunction with Farm Use**, through a Conditional Use Permit.

In 1983, through the adoption of the Umatilla County Comprehensive Plan and Development Code, the subject property and nearby properties were re-zoned to RR-4, Rural Residential 4-acre minimum.

Under the RR-4 zone in the 1983 Development Code as well as in the County's current Development Code, an automotive repair business could be applied for through a Conditional Use Permit (CUP) as a Home Occupation. The Conditional Use Permit application would be a separate action from the current Land Use Request.

The Umatilla County Planning Commission finds the applicant is requesting verification of the automotive and equipment repair business.

The Umatilla County Planning Commission may find that in 1981 the automotive repair business required land use approval and was not obtained.

The Umatilla County Planning Commission may find the automotive repair business was **not** lawfully existing at the time the zoning ordinances and maps were established in 1972 and as subsequently amended in 1983.

(B) The Planning Director, or its designee, will review the application and make a recommendation if the use lawfully existed at the time of a change in the official zoning maps or ordinances, and that the use complies with all other requirements to constitute a nonconforming use, with the initial decision to be made in a public hearing established under Section 152.771 after proper notice. An application for verification of non-conforming use was submitted to the County Planning Department on April 19, 2022. Staff has reviewed the application and accepted it as complete. A public hearing will be held before the Umatilla County Planning Commission (designee) on Thursday, June 23, 2022. The Planning Commission will conduct the public hearing, take testimony and review the record to determine if the application permits verification of the use as non-conforming as required by the Umatilla County Development Code (UCDC). The applicant is providing evidence under UCDC Subsection (C)(2) below to substantiate approval of a verification of non-conforming use.

(C) The application may be approved if the applicant proves either of the following:  
(1) The use lawfully existed at the time of a change in the official zoning maps or ordinances, and that the use has continued uninterrupted until the date of application, or;  
(2) If the presumption under Section 152.600 (D) is not rebutted, that the use continually existed for the ten year period immediately preceding the date of application, and that the use was first established prior to January 1, 1990.  
*In Aguilar v. Washington County, Land Use Board of Appeals (LUBA) No. 2004-193; A128583, LUBA makes clear that the law contemplates that an applicant who wishes to prove the existence of a non-conforming use must establish two predicates, namely, that a use continued uninterrupted for the specified period of time and that the use was lawful<sup>1</sup> at the time a zoning ordinance or regulation went into effect, not one or the other, as provided in Section 152.600 (C).*

A supplemental narrative provided by Janice Lohman and Vincent Vazza (applicants and owners) is included as an attachment. The narrative provides a timeline of the uses occurring on the subject property since it was first rented by Vazza Farms in 1981 and then purchased in 1992, as well as a description of the nature of the beekeeping (farm use) and the automotive/equipment repair business operating on the property.

The following presents excerpts of the narrative:

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<sup>1</sup> Permitting history appears to indicate that the accessory farm building located on the subject property was legally established with land use approval, maintenance of personal farm equipment was lawful at the time the zoning ordinance went into effect.

*I started renting this property, which was then Rt. 3 Box 3536 (Now 80720 North Cabana Road) in 1981 from John Halladay. He added the building to the site in early 1982. Even prior to the building being added I ran my business out of this location and have continued to utilize this property and building since that time. My primary business, apiculture, located its home base here beginning in 1981 and we worked exclusively from that location until 2001. Our agriculture endeavor takes machinery, woodenware and additional equipment to support our business as well as land to manage the bees. We have also over the past years leased the ground for melons, corn and other test plots as well as a home for our bees and our growing colonies. All of our support equipment and machinery has been maintained in this building as well as other work done on specialized equipment for other businesses.*

*In 1995 I purchased another property in Umatilla County and moved a portion of my business to that new location for honey processing and bee work, BUT we have always maintained the shop at Cabana for the machinery repairs, crops grown and sometimes a home for our honeybees.*

*In December of 2007 Jim Abell and Gail Farler began renting the Cabana Property. Gail is our employee and has been for over 20 years and Jim worked for us as well over the years in the bees, but his love is keeping the machinery in top shape. I have included records of our payments to him for maintenance from 2009 to the current time to show that this has been a continuous relationship for the past 20 years. Also, I am attaching his rental records, beginning in 2008 and still renting to this day. I have all of the records if you would like to see the years between 2009 and 2019. I also included a few books of his records and he has every year from 2009 to today for invoicing work done on our equipment at this location.*

*This business has always been very mobile and migratory but we do require considerable attention to maintenance in a stationary location with skilled help. Please consider approving our use of the building on tax lot 5N293200010001. This building has been used by Vazza Farms, Inc and Jim Abell since 1982 in the same capacity.*

Planning Staff asked for clarification on what type of businesses are occurring on the property and when those operations began. The applicants provided a supplemental response, an excerpt is provided below.

*Jim Abell and Gale Farler have rented the house to live in since 2008. Tax Lot 1001 (the one being disputed) is also rented by Jim Abell and Gale Farler since 2008 and has a shop on it. This shop has been used as a repair shop since it was rented by Vincent Vazza in 1981 with Jim Abell as the mechanic, and continues in the same capacity since being rented by Jim Abell in 2008.*

*Over the past 40 years many agricultural uses have been associated with the 6 acres [on] Tax Lot 1000. We have raised bees many of those years, as well as corn and watermelon crops raised on the six acres. Currently it is being rented by Nate Barak to raise corn for a Pioneer test plot.*

*Gail Farler has worked off and on for Vazza Farms over the past 25 years. She helps us raise honeybees. Jim Abell in the early years did both bee work and maintenance, but since 2000 concentrates on maintenance, equipment build, modify and repair for us as well as others.*

*The specialized equipment mentioned includes Forklift trailers for off road work, syrup systems for feeding bees (both mobile and stationary), truck bed modifications and some built from scratch, truck maintenance...heavy, medium and light weight and any modifications necessary to accommodate apiary work. These jobs are done for Vazza Farms as well as other apiaries, farms and other individuals. Jim Abell does outside work, both agricultural and automotive. We have always done outside work beginning in the 80's for our apiary as well as other apiaries, farms and individuals.*

*What we would encourage is that we can be allowed to continue our work there as it has been since 1981.*

The letters, emails and supporting documents submitted by the applicant are included as attachments.

As stated earlier, the apiary and associated farm equipment repair is allowed outright as a farm use. Therefore, the only use requiring verification as a non-conforming use is the automotive/equipment repair business.

The Umatilla County Planning Commission finds the applicants provided that they began renting the property in 1981 and later acquired the property for both the apiary operation and the automotive/equipment repair business.

The Umatilla County Planning Commission finds in 1981, a commercial business required a Conditional Use Permit in the F-1 zone, provided the use met the standards for a Commercial Activity in Conjunction with Farm Use.

The Umatilla County Planning Commission finds the automotive/equipment repair business did not receive a Conditional Use Permit to operate as a Commercial Activity in Conjunction with Farm Use.

The Umatilla County Planning Commission finds the applicant fails to provide evidence that the automotive and equipment repair business was lawfully established prior to Umatilla County's 1972 Zoning Ordinance, and as amended by the 1983 Development Code, and therefore was not lawfully established.

(D) If the applicant submits evidence providing the existence, continuity, nature and extent of the use for the 10 year period, a rebuttable presumption is created that the use, as proven, existed at the time the applicable zoning map, or ordinance was adopted and has continued uninterrupted until the date of application.

The Umatilla County Planning Commission finds although the applicant provided evidence of the existence and continuity of the automotive repair and equipment repair business for a 10-year period, as detailed above, the automotive repair and equipment repair business was not found to be lawfully established at the time the zoning maps were adopted in 1972 and amended in 1983.

The Umatilla County Planning Commission may find and conclude the commercial automotive repair and equipment repair business is **not** verified as a legal non-conforming use.

(E) In no event will the applicant be required to prove the existence, continuity, nature and extent of the use for a period exceeding 20 years immediately preceding the date of application. The Umatilla County Planning Commission finds the applicant has submitted evidence for a 10-year period, including additional supplemental information dating back to 1980. The applicant provided this in support of the application and was not asked to provide evidence from more than 20 years preceding the date of application. This criterion is not applicable.

(F) Conditions may be imposed under Section 152.776 on the non-conforming use to the extent provided by this Umatilla County Development Code and Oregon State law. If conditions may not be imposed under state law, this Section 152.600 shall be deemed void and revoked. (Ord. 2000-04, passed July 26, 2000). The Umatilla County Planning Commission may impose conditions of approval.

## **28. DECISION:**

### Motion to Approve with Additional Findings

I, Commissioner \_\_\_\_\_, make a motion to approve the Vazza Land Use Decision, number LUD-285-22, with the following additional Findings of Fact and Conditions of Approval: \_\_\_\_\_.

### Motion to Deny Based on Evidence in the Record

I, Commissioner \_\_\_\_\_, make a motion to deny of the Vazza Land Use Decision, number LUD-285-22, based on the foregoing Findings of Fact and Conclusions of Law.

## UMATILLA COUNTY PLANNING COMMISSION

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

---

Suni Danforth, *Planning Commission Chair*

THIS DECISION BECOMES FINAL FIFTEEN DAYS AFTER MAILING THE FINAL DECISION UNLESS TIMELY APPEALED.

### **Attachments:**

- Deed of the Subject Property
- Supplemental Narrative Describing Historical Use of Subject Property (provided by applicants)
- Letter of Support from Dennis Lovely (provided by applicants)
- Jim Abell Transaction Reports (provided by applicants)
- Rent Ledgers (provided by applicants)
- Repair Service Invoices (provided by applicants)
- DMV Title, dated July 6, 1982 (provided by applicants)
- Hermiston Herald Clippings, dated August 6, 1980 (provided by applicants)
- Kodak Slip with Address, Dated August 14 (provided by applicants)
- Site Plan (provided by applicants)
- Planning Staff Questions and Applicant Response, dated May 31, 2022
- Oregon Secretary of State Business Registry Information (obtained by County Planning)
- Farm Exemption Permits dated March and May 1982 (provided by County Planning)





CURRENT DEED

WARRANTY DEED

HOMESTEAD TITLE 2439611

AFTER RECORDING, RETURN TO:

KNOW ALL MEN BY THESE PRESENTS, That JOHN R. HALLADAY, SR. AKA JOHN ROBERT HALLADAY, SR., TRUSTEE, UNDER THAT CERTAIN TRUST AGREEMENT DATED NOVEMBER 9, 1979, Grantor in consideration of SIXTY FIVE THOUSAND (65,000.00)\*\*\*\*\* Dollars, to him paid by the Grantee s herein, does hereby grant, bargain, sell and convey unto VINCENT C. VAZZA AND JANICE H. LOHMAN, NOT AS TENANTS IN COMMON, BUT WITH THE RIGHT OF SURVIVORSHIP

Grantee s the following described real property, situate in the County of UMATILLA and State of Oregon, to wit:

"SEE LEGAL DESCRIPTION ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF"

TAX REFERENCE NO. 8-3 5N 29 32 1000,1001 & 1005

To Have and to Hold the granted premises unto the said Grantee s, their Heirs and Assigns forever. And the Grantor does covenant that he is lawfully seized in fee simple of the above granted premises free from all encumbrances, THE ASSESSMENT ROLL AND THE TAX ROLL DISCLOSE THAT THE WITHIN DESCRIBED PREMISES WERE SPECIALLY ASSESSED AS FARM USE LAND. IF THE LAND BECOMES DISQUALIFIED FOR THE SPECIAL ASSESSMENT UNDER THE STATUTE, AN ADDITIONAL TAX, INTEREST AND PENALTIES THEREON MAY BE LEVIED FOR THE YEARS IN WHICH THE LAND WAS SUBJECT TO THE SPECIAL LAND USE ASSESSMENT. (AFFECTS TAX LOTS 1000 AND 1001). REGULATIONS OF THE HERMISTON IRRIGATION DISTRICT, THE RIGHTS OF THE PUBLIC IN ROADS AND HIGHWAYS, RIGHT OF WAY RECORDED MARCH 8, 1966, IN BOOK 283, PAGE 475, EASEMENT and that he will and his heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as above stated. Witness my hand and seal this 28 day of October, 1992.

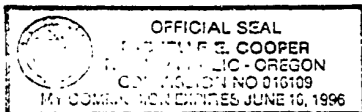
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

JOHN R. HALLADAY, SR, TRUSTEE (SEAL) John R. Halladay Sr Trustee (SEAL) (SEAL) (SEAL)

STATE OF OREGON County of UMATILLA }ss.

BE IT REMEMBERED, That on this 28 day of October, 1992, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named JOHN R. HALLADAY, SR., TRUSTEE

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that HE executed the same freely and voluntarily. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Michelle E. Cooper Notary Public for Oregon. My Commission expires 06/16/96

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

VINCENT C. VAZZA RT. 3 BOX 3537 HERMISTON, OR 97838

Return to:

VINCENT C. VAZZA RT. 3 BOX 3537 HERMISTON, OR 97838

STATE OF OREGON, COUNTY OF UMATILLA I Thomas L. Groat, County Clerk, certify that this Instrument was received and recorded on 10-29-92 at 2:32 in the record of document code type DE-WD

Location R227-0467 Document number 92-176653 Fee 45.00

Thomas L. Groat Umatilla County Clerk

received by G. McNaught Deputy

ESCROW NO: 24396H

REEL 227 PAGE 0468

PAGE 2

RECORDED APRIL 7, 1977, IN REEL 17, PAGE 346. SAID EASEMENT WAS CORRECTED BY  
CORRECTIVE EASEMENT AGREEMENT RECORDED MARCH 7, 1980, IN REEL 62, PAGE 1529.  
EASEMENT RECORDED MARCH 7, 1980, IN REEL 62, PAGE 1514. (AFFECTS SOUTH 15 FEET OF  
TAX LOT 1005). EASEMENT RECORDED MARCH 7, 1980, IN REEL 62, PAGE 1517. (AFFECTS  
THE NORTH 15 FEET OF TAX LOT 1004 FOR BENEFIT OF TAX LOT 1000 AND 1001).

TRACT I:

East Half of the Southeast Quarter of the Northwest Quarter of Section 32, Township 5 North, Range 29, East of the Willamette Meridian, Umatilla County, Oregon;

EXCEPT the East 330 feet thereof; and

EXCEPT the South 528 feet thereof;

EXCEPT any and all water rights of way and roads.

TRACT II:

Beginning at the Southeast corner of the Southeast Quarter of the Northwest Quarter of Section 32, Township 5 North, Range 29; thence North along the East line thereof a distance of 330 feet to the Northeast corner of that tract of land conveyed to Hugh W. Burney, et ux, by Deed recorded in Book 244, Page 215 Deed Records; thence continuing North along said East line a distance of 990 feet to the Northeast corner of the Southeast Quarter of the Northwest Quarter and the true point of beginning; thence West along the North line of said Southeast Quarter of the Northwest Quarter 330 feet; thence South and parallel with the East line of said Southeast Quarter of the Northwest Quarter 615 feet to a point 705 feet North of the South line of the Southeast Quarter of the Northwest Quarter; thence East and parallel with the North line of said Southeast Quarter of the Northwest Quarter 130 feet to a point; thence North and parallel with the East line of said Southeast Quarter of the Northwest Quarter 300 feet; thence East and parallel with the North line of the Southeast Quarter of the Northwest Quarter 200 feet to a point on the East line of said Southeast Quarter of the Northwest Quarter; thence North and parallel with said East line 315 feet to the Northeast Corner of the Southeast Quarter of the Northwest Quarter of said Section 32 and the true point of beginning;

All being in the County of Umatilla and State of Oregon;

Excepting therefrom any and all water rights of way and roads.

TRACT III:

That portion of the Southeast Quarter of the Northwest Quarter of Section 32, Township 5 North, Range 29 East, of the Willamette Meridian, Umatilla County, Oregon, described as follows:

Beginning at the Southeast corner of said Southeast Quarter of the Northwest Quarter; thence North along the East line thereof a distance of 705 feet to the true point of beginning; thence continuing North along said East line a distance of 300 feet; thence West at right angles a distance of 200 feet; thence South and parallel with the East line of said Southeast Quarter of the Northwest Quarter, a distance of 300 feet to a point; thence East at right angles a distance of 200 feet to the true point of beginning;

EXCEPT any and all water rights of way and roads.

Together with easement, including the terms and provisions thereof, for ingress and egress, to John R. Halladay, Sr., Trustee under Trust Agreement dated November 9, 1979, in Reel 62, Page 1525, Umatilla County Microfilm Records.  
(Affects the North 15 feet of Tax Lot 1004 for benefit of Tax Lot 1000 and 1001)



NARRATIVE

April 19, 2022

To the Umatilla County Planning Department

I am applying for a verification of non-conforming use for my property at 80720 North Cabana Road.

I moved to Hermiston, Oregon with my honey bee operation in 1980 because my dad lived nearby and I was interested in the area and I have included an interview in the newspaper from 1980.

I started renting this property, which was then Rt. 3 Box 3536 (Now 80720 North Cabana Road) in 1981 from John Halladay. He added the building to the site in early 1982. Even prior to the building being added I ran my business out of this location and have continued to utilize this property and building since that time. My primary business, apiculture, located its home base here beginning in 1981 and we worked exclusively from that location until 2001. Our agriculture endeavor takes machinery, woodenware and additional equipment to support our business as well as land to manage the bees. We have also over the past years leased the ground for melons, corn and other test plots as well as a home for our bees and our growing colonies. All of our support equipment and machinery has been maintained in this building as well as other work done on specialized equipment for other businesses.

In 1995 I purchased another property in Umatilla County and moved a portion of my business to that new location for honey processing and bee work, BUT we have always maintained the shop at Cabana for the machinery repairs, crops grown and sometimes a home for our honeybees.

In December of 2007 Jim Abell and Gail Farler began renting the Cabana Property. Gail is our employee and has been for over 20 years and Jim worked for us as well over the years in the bees, but his love is keeping the machinery in top shape. I have included records of our payments to him for maintenance from 2009 to the current time to show that this has been a continuous relationship for the past 20 years. Also I am attaching his rental records, beginning in 2008 and still renting to this day. I have all of the records if you would like to see the years between 2009 and 2019. I also included a few books of his records and he has every year from 2009 to today for invoicing work done on our equipment at this location.

This business has always been very mobile and migratory but we do require considerable attention to maintenance in a stationary location with skilled help.

Our neighbor, Dennis Lovely, has resided in this neighborhood since the 70's. He knew John Halladay well because they both worked for Union Pacific for years and has known me since I moved into this location in 1981. He is happy to discuss this with you if you would like to talk with him.

It has been very difficult to find documents from the early 1980's but I included a film envelope from my early days with the Rt 3 address on it. There is also a vehicle title dated 1982 with the Cabana address to show that we have been at this location since that date.

Please consider approving our use of the building on tax lot 5N293200010001. This building has been used by Vazza Farms, Inc and Jim Abell since 1982 in the same capacity.

Sincerely,

Jan Lohman and Vincent Vazza

**RECEIVED**  
APR 19 2022  
UMATILLA COUNTY  
PLANNING DEPARTMENT





DENNIS LOVELY LETTER

April 15, 2022

My name is Dennis Lovely and I live at 32755 West Columbia Lane in Hermiston, Oregon

Vincent Vazza has been my neighbor for many years. He has operated his beekeeping business from his North Cabana property since at least 1982 that I am aware of, which included living in the house on the Cabana property, raising honey bees and working on machinery.

Dennis Lovely

A handwritten signature in black ink that reads "Dennis Lovely". The signature is written in a cursive style with a large, stylized "L" at the end.

**RECEIVED**

**APR 19 2022**

**UMATILLA COUNTY  
PLANNING DEPARTMENT**



# ABELL TRANSACTION REPORTS

**Vazza Farms, Inc.**  
**Find Report**  
**All Transactions**

*Shows Jim Abell has been working on equipment there since 1997 with no problems*

Type	Date	Num	Name	Men	
Check	01/26/2022	2199h	Jim Abell		
Check	01/05/2022	2199h	Jim Abell		
Check	01/05/2022	2200h	Jim Abell		
Check	12/16/2021	2198h	Jim Abell		
Check	12/12/2021	2198h	Jim Abell		
Check	05/15/2021	2195h	Jim Abell		
Check	04/30/2021	2194h	Jim Abell		
Check	02/15/2021	2190h	Jim Abell		
Check	01/28/2021	2186h	Jim Abell		
Check	11/19/2020	2197h	Jim Abell		
Check	10/20/2020	2195H	Jim Abell		
Check	10/20/2020	2194H	Jim Abell	Lost Lake	
Check	06/19/2020	2185H	Jim Abell		
Check	04/16/2020	2184	Jim Abell	Forklift rep...	Bank of Eastern Ore...
Check	01/26/2020	2178h	Jim Abell	Forklift repair	Bank of Eastern Ore...
Check	12/31/2019	2177h	Jim Abell	Forklift repair	Bank of Eastern Ore...
Check	12/20/2019	2190h	Jim Abell	Forklift repair	Bank of Eastern Ore...
Check	10/25/2019	2187h	Jim Abell	Forklift repair	Bank of Eastern Ore...
Check	10/06/2019	2174h	Jim Abell	Forklift repair	Bank of Eastern Ore...
Check	07/21/2019	2172h	Jim Abell	Forklift repair	Bank of Eastern Ore...
Check	06/04/2019	2171h	Jim Abell		Bank of Eastern Ore...
Check	04/08/2019	2170h	Jim Abell		Bank of Eastern Ore...
Check	02/08/2019	2185h	Jim Abell		Bank of Eastern Ore...
Check	01/28/2019	2184h	Jim Abell		Bank of Eastern Ore...
Check	12/28/2018	2181h	Jim Abell	Wiring for F8 ...	Bank of Eastern Ore...
Check	12/12/2018	2178h	Jim Abell	Painted Sugar...	Bank of Eastern Ore...
Check	10/29/2018	2164h	Jim Abell	Painted Sugar...	Bank of Eastern Ore...
Check	09/21/2018	2176h	Jim Abell	Painted Sugar...	Bank of Eastern Ore...
Check	07/28/2018	2149H	Jim Abell		Bank of Eastern Ore...
Check	07/14/2018	2148H	Jim Abell		Bank of Eastern Ore...
Check	06/28/2018	2144H	Jim Abell		Bank of Eastern Ore...
Check	06/18/2018	2144h	Jim Abell		Bank of Eastern Ore...
Check	05/31/2018	2155h	Jim Abell	Borrowed Los...	Bank of Eastern Ore...
Check	04/21/2018	2151h	Jim Abell		Bank of Eastern Ore...
Check	04/10/2018	2126h	Jim Abell		Bank of Eastern Ore...
Check	11/08/2017	5871	Jim Abell		Bank of Eastern Ore...
Check	01/27/2017	2112H	Jim Abell		Bank of Eastern Ore...
Check	12/13/2016	2128h	Jim Abell		Bank of Eastern Ore...
Check	04/14/2016	3948h	Jim Abell		V. Vazza Farms,
Check	04/06/2016	3947h	Jim Abell		V. Vazza Farms,
Check	01/17/2016	3944h	Jim Abell		V. Vazza Farms,
Check	12/17/2015	3940h	Jim Abell		V. Vazza Farms,
Check	11/05/2015	9301	Jim Abell		V. Vazza Farms,
Check	08/14/2015	9201	Jim Abell		V. Vazza Farms,
Check	12/19/2014	8906	Jim Abell		V. Vazza Farms,
Check	05/21/2014	3849h	Jim Abell		V. Vazza Farms,
Check	04/30/2014	3848H	Jim Abell		V. Vazza Farms,
Check	04/03/2014	3904h	Jim Abell		V. Vazza Farms,
Check	01/27/2014	3845h	Jim Abell		V. Vazza Farms,
Check	12/13/2013	8444	Jim Abell		V. Vazza Farms,
Check	07/12/2013	3838H	Jim Abell		V. Vazza Farms,
Check	04/29/2013	3864H	Jim Abell		V. Vazza Farms,
Check	01/13/2013	3856h	Jim Abell		V. Vazza Farms,
Check	12/17/2012	3854H	Jim Abell		V. Vazza Farms,
Check	07/20/2012	3898h	Jim Abell		V. Vazza Farms,
Check	05/22/2012	3896h	Jim Abell		V. Vazza Farms,
Check	04/09/2012	3824h	Jim Abell		V. Vazza Farms,
Check	04/06/2012	3895h	Jim Abell		V. Vazza Farms,
Check	02/20/2012	3820h	Jim Abell		V. Vazza Farms,
Check	01/28/2012	3893H	Jim Abell		V. Vazza Farms,
Check	12/29/2011	3887H	Jim Abell		V. Vazza Farms,
Check	10/07/2011	7451	Jim Abell		V. Vazza Farms,
Check	09/02/2011	3800h	Jim Abell		V. Vazza Farms,
Check	05/13/2011	3799h	Jim Abell		V. Vazza Farms,
Check	02/22/2011	3798	Jim Abell		V. Vazza Farms,
Check	01/23/2011	3796h	Jim Abell		V. Vazza Farms,
Check	01/22/2011	3795h	Jim Abell		V. Vazza Farms,

## Vazza Farms, Inc.

## Find Report

## All Transactions

Clr	Split	Amount	Balance
	Machine T15	-1,150.00	-1,150.00
	Machine T14	-150.00	-1,300.00
	Machine F8	-1,500.00	-2,800.00
	-SPLIT-	-2,900.00	-5,700.00
X	-SPLIT-	-3,200.00	-8,900.00
X	Machine T15	-837.00	-9,737.00
X	Machine F8	-175.00	-9,912.00
X	-SPLIT-	-965.00	-10,877.00
X	Machine T15	-470.00	-11,347.00
X	-SPLIT-	-1,237.00	-12,584.00
X	Machine T15	-225.00	-12,809.00
X	Machine Suppl...	-2,590.00	-15,399.00
X	-SPLIT-	-350.00	-15,749.00
X	Machine F8	-750.00	-16,499.00
X	Machine Suppl...	-112.00	-16,611.00
X	Machine F8	-1,696.00	-18,307.00
X	Machine T4	-675.00	-18,982.00
X	Machine F8	-750.00	-19,732.00
X	-SPLIT-	-499.00	-20,231.00
X	Lost Lake Exp	-1,975.00	-22,206.00
X	Machine T4	-236.00	-22,442.00
X	Machine F8	-325.00	-22,767.00
X	Machine T4	-200.00	-22,967.00
X	-SPLIT-	-900.00	-23,867.00
X	Machine F8	-1,616.00	-25,483.00
X	Machine F8	-2,424.00	-27,907.00
X	-SPLIT-	-225.00	-28,132.00
X	Feeding Syste...	-150.00	-28,282.00
X	Repairs/Maint.	-110.00	-28,392.00
X	Machine F8	-1,940.00	-30,332.00
X	-SPLIT-	-837.00	-31,169.00
X	Machine F8	-625.00	-31,794.00
X	Equip-Rent	-520.00	-32,314.00
X	Equip-Rent	-250.00	-32,564.00
X	-SPLIT-	-625.00	-33,189.00
X	-SPLIT-	-1,119.00	-34,308.00
X	-SPLIT-	-302.00	-34,610.00
X	-SPLIT-	-4,955.00	-39,565.00
X	-SPLIT-	-719.00	-40,284.00
X	-SPLIT-	-1,226.00	-41,510.00
X	Machine F6	-404.00	-41,914.00
X	-SPLIT-	-2,977.00	-44,891.00
X	-SPLIT-	-1,542.00	-46,433.00
X	-SPLIT-	-3,639.00	-50,072.00
X	-SPLIT-	-5,666.00	-55,738.00
X	-SPLIT-	-495.00	-56,233.00
X	-SPLIT-	-472.00	-56,705.00
X	-SPLIT-	-794.00	-57,499.00
X	-SPLIT-	-1,972.00	-59,471.00
X	-SPLIT-	-4,428.00	-63,899.00
X	-SPLIT-	-524.00	-64,423.00
X	Machine Supply	-763.00	-65,186.00
X	-SPLIT-	-719.00	-65,905.00
X	-SPLIT-	-5,308.00	-71,213.00
X	Machine T6	-480.00	-71,693.00
X	-SPLIT-	-734.00	-72,427.00
X	Machine F6	-210.00	-72,637.00
X	-SPLIT-	-360.00	-72,997.00
X	-SPLIT-	-664.00	-73,661.00
X	-SPLIT-	-2,355.00	-76,016.00
X	-SPLIT-	-3,466.00	-79,482.00
X	Machine T6	-22.44	-79,504.44
X	-SPLIT-	-1,292.00	-80,796.44
X	Machine T4	-455.00	-81,251.44
X	-SPLIT-	-1,413.00	-82,664.44
X	-SPLIT-	-925.00	-83,589.44
X	Machine Suppl...	-1,450.00	-85,039.44

## Vazza Farms, Inc.

## Find Report

## All Transactions

Type	Date	Num	Name	Memo	Account	Class
Check	12/29/2010	3790H	Jim Abell		V. Vazza Farms,	
Check	12/28/2010	3787H	Jim Abell		V. Vazza Farms,	
Check	12/20/2010	3791h	Jim Abell		V. Vazza Farms,	
Check	01/22/2010	6692	Jim Abell		V. Vazza Farms,	
Check	12/30/2009	6634	Jim Abell		V. Vazza Farms,	
Check	12/30/2009	6635	Jim Abell		V. Vazza Farms,	
Check	05/11/2009	3753H	Jim Abell		V. Vazza Farms,	
Check	04/06/2009	3751H	Jim Abell		V. Vazza Farms,	
Check	02/20/2009		Jim Abell		V. Vazza Farms,	
Check	01/15/2009	3737H	Jim Abell		V. Vazza Farms,	
Check	01/11/2009	3736h	Jim Abell		V. Vazza Farms,	
Check	12/26/2008	3733H	Jim Abell		V. Vazza Farms,	
Check	12/15/2008	3731h	Jim Abell		V. Vazza Farms,	
Check	12/14/2008	3730h	Jim Abell		V. Vazza Farms,	
Check	11/10/2008	6125	Jim Abell		V. Vazza Farms,	
Check	10/05/2008	3687H	Jim Abell		V. Vazza Farms,	
Check	09/18/2008	3727	Jim Abell		V. Vazza Farms,	
Check	08/08/2008	3725H	Jim Abell		V. Vazza Farms,	
Check	08/06/2008	3724H	Jim Abell		V. Vazza Farms,	
Check	08/03/2008	3723H	Jim Abell		V. Vazza Farms,	
Check	06/20/2008	3721H	Jim Abell		V. Vazza Farms,	
Check	05/10/2008	3720H	Jim Abell		V. Vazza Farms,	
Check	04/21/2008		Jim Abell		V. Vazza Farms,	
Check	04/10/2008	3716h	Jim Abell		V. Vazza Farms,	
Check	01/17/2008	3715H	Jim Abell		V. Vazza Farms,	
Check	01/12/2008	3713H	Jim Abell		V. Vazza Farms,	
Check	12/29/2007	3711H	Jim Abell		V. Vazza Farms,	
Check	12/29/2007	3712H	Jim Abell		V. Vazza Farms,	
Check	12/25/2007	3706H	Jim Abell		V. Vazza Farms,	
Check	11/26/2007	3704H	Jim Abell		V. Vazza Farms,	
Check	11/21/2007	3702H	Jim Abell		V. Vazza Farms,	
Check	11/21/2007	3703H	Jim Abell		V. Vazza Farms,	
Check	11/16/2007	3701H	Jim Abell		V. Vazza Farms,	
Check	09/16/2006	3637H	Jim Abell		V. Vazza Farms,	
Check	08/26/2006	3624H	Jim Abell		V. Vazza Farms,	
Check	08/20/2006	3620	Jim Abell		V. Vazza Farms,	
Check	08/01/1997	3150	Jim Abell		V. Vazza Farms,	

Total



6:41 PM

03/14/22

Accrual Basis

# Vazza Farms, Inc.

## Find Report

### All Transactions

Clr	Split	Amount	Balance
X	Machine Suppl...	-175.00	-85,214.44
X	Machine Suppl...	-280.00	-85,494.44
X	-SPLIT-	-4,353.00	-89,847.44
X	-SPLIT-	-472.00	-90,319.44
X	-SPLIT-	-3,000.00	-93,319.44
X	Machine Supply	-2,281.29	-95,600.73
X	Machine Supply	-157.00	-95,757.73
X	-SPLIT-	-245.00	-96,002.73
X	-SPLIT-	-250.00	-96,252.73
X	-SPLIT-	-560.00	-96,812.73
X	Machine F7	-297.50	-97,110.23
X	-SPLIT-	-1,050.00	-98,160.23
X	-SPLIT-	-68.00	-98,228.23
X	-SPLIT-	-745.00	-98,973.23
X	-SPLIT-	-1,440.00	-100,413.23
X	Trailer Labor	-673.64	-101,086.87
X	-SPLIT-	-717.50	-101,804.37
X	Machine T4	-297.00	-102,101.37
X	-SPLIT-	-140.00	-102,241.37
X	-SPLIT-	-227.50	-102,468.87
X	Machine F7	-489.00	-102,957.87
X	-SPLIT-	-840.00	-103,797.87
X	Machine F6	-211.00	-104,008.87
X	-SPLIT-	-940.00	-104,948.87
X	-SPLIT-	-464.00	-105,412.87
X	Machine T4	-700.00	-106,112.87
X	Machine T7	-346.00	-106,458.87
X	Machine T6	-238.00	-106,696.87
X	Machine F6	-520.00	-107,216.87
X	Feeding Syste...	-610.00	-107,826.87
X	Trailer Materials	-2,400.00	-110,226.87
X	-SPLIT-	-1,820.50	-112,047.37
X	Machine F7	-1,520.00	-113,567.37
X	-SPLIT-	-613.13	-114,180.50
X	Machine T4	-600.00	-114,780.50
X	Shop Supplies	-62.00	-114,842.50
X	Shop Supplies	-50.00	-114,892.50
		<b>-114,892.50</b>	<b>-114,892.50</b>

# RENT LEDGERS

Rent Expense UNIT ABELL & CARL VEDOTT

2008	Date	Amount	Check #
JAN	12/10/07	800 <sup>00</sup>	185231319
FEB	12/20/07	800 <sup>00</sup>	185231329
MARCH	1/10/08	800 <sup>00</sup>	185231350
April	1/16/08	800 <sup>00</sup>	185231362
May	4/21/08	800 <sup>00</sup>	100052082
June	5/12/08	800 <sup>00</sup>	100052118
July	6/13/08	800 <sup>00</sup>	100052147
Aug	7/13/08	800 <sup>00</sup>	100052180
Sept	8/12/08	800 <sup>00</sup>	296821
Oct	8/21/08	800 <sup>00</sup>	298573
Nov	10/09/08	800 <sup>00</sup>	306673
Dec	11/14/08	800 <sup>00</sup>	310597
Jan	12/15/08	800 <sup>00</sup>	314667
Feb	1/09/09	800 <sup>00</sup>	317073
Mar	3/31/09	800 <sup>00</sup>	324777
April	4/08/09	800 <sup>00</sup>	327565
May	5/14/09	800 <sup>00</sup>	332801
June	6/12/09	800 <sup>00</sup>	336706
July + Aug	7/08/09	800 <sup>00</sup>	339743

Pg 2



2017

1/6/19	Jan/Feb (848912)	1600 <sup>00</sup>
1/24/19	MAR/APR (852117)	1600 <sup>00</sup>
3/26/19	May & June	1600 <sup>00</sup>
6/1/19	July August	1600 <sup>00</sup>
1/2/19	Sept	1600 <sup>00</sup>
1/15/19	Nov Dec	1600 <sup>00</sup>

2020

1/15/20	Jan/Feb 931348	1600 <sup>00</sup>
2/20	Mar/Apr	1600 <sup>00</sup>
7/15	May/June	1600 <sup>00</sup>
6/20	July/Aug	1600 <sup>00</sup>
8/15	Sept, Oct	1600 <sup>00</sup>
10/20	Nov, Dec	1600 <sup>00</sup>
1/20/21	Jan - Apr	3200 <sup>00</sup>
4/01/21	May, June	1600 <sup>00</sup>
6/01/21	July Aug	1600 <sup>00</sup>

Abell & Farner



Abell/Fairlie  
80730 North Cabana

2021

1/01/2021 Jan, Feb, Mar, Apr. 3200<sup>00</sup>

4/01/2021 May, June 1600<sup>00</sup>

6/30/21 July, Aug 1600<sup>00</sup>

7/30/21 Sept, Oct 1600<sup>00</sup>

12-4/21 Nov, Dec 1600<sup>00</sup>

2022

1-4-22 Jan - April 3200.00

4-13/22  
May - June 1600.00



# REPAIR SERVICE INVOICES

539851

INVOICE

6/29/09

SOLD TO: Vazza Farms				SHIPPER
ADDRESS				ADDRESS
CITY, STATE, ZIP				CITY, S
CUSTOMER'S ORDER	SALESPERSON	TERMS	VIA	
F7 Forklift + Trailer				

These invoice books show  
Jim Abell working on  
our equipment for  
2009, 2010 - he has  
them through this year.

Quick Service & Lubes: Change oil ✓ boxes + grease Clean Air filter look over: tighten engine side bolts 2.0	70.00
Repair Broken wire behind mast at bottom of body for Red light 1.5	52.50
Check trailer: Break away, not working had to Replace battery. Rght at Cassidy replaced for free 1.0	35
Check Park Brake on forklift. I called A+O. They said guy cutting big gear <sup>with</sup> off on tooth size. They sending replacement gear + Paul Kit. Under warranty	

539852

INVOICE

SOLD TO: <i>Vazza Farms</i>		7/9/09		SHIPPED TO:	
ADDRESS				ADDRESS	
CITY, STATE, ZIP				CITY, STATE, ZIP	
CUSTOMER'S ORDER	SALESPERSON	TERMS	VIA	F.O.B.	DATE
<i>F6 forklift + trailer</i>					

Service: change oil + filter, change both fuel filters, clean air filter grease ✓ boxes, ✓ lug nuts, ✓ engine bolts tighten fan belt Steam Clean <sup>108 parts</sup> 3.5hr	122	50
Put bolt + bushing in to stop seat sliding .5	17	50
change 2 speed switch + replace ground at solenoid .5	17	50
Roll off scale		
	157	50
Repair Radio Antenna + adjust <sup>total</sup>		25.00

**Total 182.50**

*Li*

238825  
539853

INVOICE

7/10/09

SOLD TO: <i>Varza Farms</i>		SHIPPED TO:			
ADDRESS		ADDRESS			
CITY, STATE, ZIP		CITY, STATE, ZIP			
CUSTOMER'S ORDER	SALESPERSON	TERMS	VIA	F.O.B.	DATE
<i>T4 FL 80 Freightliner</i>					

<i>Service: change oil &amp; filter, change fuel filter</i>				
<i>clean air filter, grease, check boxes</i>				
<i>✓ Tune Air</i>	<i>3.0</i>		<i>105.00</i>	
<i>Replace &amp; paint left windshield trim</i>	<i>2.5</i>		<i>87.50</i>	
<i>Replace left dome light</i>	<i>2.0</i>		<i>35.00</i>	
<i>Lube Pac Brake</i>	<i>1.5</i>		<i>17.50</i>	
<i>Rub out hood scratches</i>	<i>2.5</i>		<i>87.50</i>	
		<i>Total</i>	<i>332.50</i>	

*JW*



539856

**INVOICE**

SOLD TO: <i>V. Sazza Farms</i>		SHIPPED TO:	
ADDRESS		ADDRESS	
CITY, STATE, ZIP		CITY, STATE, ZIP	

CUSTOMER'S ORDER	SALESPERSON	TERMS	VIA	F.O.B.	DATE
<i>Swinger 1600 FY</i>					<i>7/25/09</i>

<i>Service &amp; lube - change oil &amp; filter grease, ✓ boxes, check lug nuts, ✓ lights, clean air filter, add 1/2 gal hydraulic oil, steam clean</i>	<i>2.5</i>	<i>87.50</i>
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<i>Total</i>		<i>87.50</i>
--------------	--	--------------

*[Signature]*

636901

INVOICE

SOLD TO: V. Varza Farms				SHIPPED TO:			
ADDRESS				ADDRESS			
CITY, STATE, ZIP				CITY, STATE, ZIP			
CUSTOMER'S ORDER	SALESPERSON	TERMS	VIA	F.O.B.	DATE		
T6	2002 GMC Sonoma				1/8/11		
Service: Change oil + Filter, Change fuel filter, Clean Air filter, Grease, ✓ Boxes, ✓ Air in tires							
Checked window wiring in left + front door.							
Strapped plastic piece back on seat							
adjust left headlight down to match other							
						3.00	
						Total	105.00

636902

**INVOICE**

SOLD TO: V. Varza Farms	SHIPPED TO:
ADDRESS	ADDRESS
CITY, STATE, ZIP	CITY, STATE, ZIP

CUSTOMER'S ORDER	SALESPERSON	TERMS	VIA	F.O.B.	DATE
haul Revive Forklift Hammer Per					1/11/11

X	Rewire complete Light Wiring - Install separate fuse + Relay for All Light Power - Install All New lights - Rewire Back up Alarm through toggle - Install All New wiring + Function Bars - Solder All connections	35 hr	1225 00
X	Cut floor plate down 1/2" to get full Reverse; weld in center nut for Bolt	2.0	70 00
X	Repair - Replace hand Brake lever + adjust	2.0	70 00
X	Service + Lube: Change oil + filter, change Both fuel filters, Clean air filter grease, ✓ boxes	2.0	70 00
	Total Labor		1435 00
	License Plate Light for Trailer		15 00
			1450 00

838305  
636903

**INVOICE**

SOLD TO: <i>V. Varza Farms Inc.</i>		SHIPPED TO:	
ADDRESS		ADDRESS	
CITY, STATE, ZIP		CITY, STATE, ZIP	

CUSTOMER'S ORDER	SALESPERSON	TERMS	VIA	F.O.B.	DATE
<i>FL80 Freightliner</i>					<i>1/22/11</i>

	<i>Service Lube: change oil + filter, change fuel + water f. filters, clean air filter Grease, ✓ all bores, ✓ air in tires Service Air Dryer Cartridge</i>	<i>6.0</i>	<i>205.00</i>
	<i>Remove Park Brake Clean out carbon + Lubricate</i>	<i>2.0</i>	<i>175.00</i>
	<i>Change Main Brake Valve Firewheel</i>	<i>4.0</i>	<i>140.00</i>
	<i>Change Park Valve + Replace Various Bulbs in Dash</i>		
	<i>Replace Headlight Switch</i>	<i>6.0</i>	<i>205.00</i>
	<i>Install New Wire from mirror swtd through door jam</i>		
	<i>Replace Air hose Right front</i>	<i>1.0</i>	<i>35.00</i>

838303  
636904

**INVOICE**

SOLD TO: <i>N. Vazza Farms</i>		SHIPPED TO:	
ADDRESS		ADDRESS	
CITY, STATE, ZIP		CITY, STATE, ZIP	

CUSTOMER'S ORDER <i>Mix Tanks</i>	SALESPERSON	TERMS	VIA	F.O.B.	DATE <i>1/28/11</i>
--------------------------------------	-------------	-------	-----	--------	------------------------

<i>Go out to Farm + wire in Battery + Switch for new Pump</i>	<i>2.5</i>	<i>87 50</i>
<i>Remove old compressor from Mix Tank + Mount + fabricate New compressor 1h</i>	<i>5.5</i>	<i>192 50</i>
		<i>280 00</i>
<i>Total</i>		

DMV TITLE

# OREGON VEHICLE CERTIFICATE OF TITLE

MOTOR VEHICLES DIVISION OF OREGON CERTIFIES THAT THE APPLICANT HAS BEEN REGISTERED AS OWNER OF DESCRIBED VEHICLE AND DOCUMENTS FILED WITH THE DIVISION SHOW THE VEHICLE TO BE SUBJECT TO OWNERSHIP AND INTEREST SPECIFIED.

PLATE NUMBER <b>NR99105</b>	TITLE NUMBER <b>8801252630</b>	REG DATE <b>070682</b>	PROCESS DATE <b>011288</b>	SURVIVOR <b>NO</b>	CONTROL NUMBER <b>4354663</b>
YEAR <b>1959</b>	MAKE <b>BROWN</b>	STYLE <b>VA</b>	VEHICLE IDENTIFICATION NUMBER <b>592398</b>		WEIGHT <b>34000</b>
OWNER / LESSEE				ODOMETER READING	DATE OF READING

**V VAZZA FARMS INC  
RT 3 BOX 3536  
HERMISTON OR 97838**

AT THE TIME OF TRANSFER, I CERTIFY THAT THE ODOMETER READING WAS:

ODOMETER READING (NOT TENTHS) <input type="checkbox"/> MILES <input type="checkbox"/> KILOMETERS	DATE OF READING (IF DIFFERENT FROM LINES 1, 2, OR 3)	TO THE BEST OF MY KNOWLEDGE THE READING IS: <input type="checkbox"/> ACTUAL <input type="checkbox"/> NOT ACTUAL <input type="checkbox"/> OVER 99,999
--	--	---

TO THE BEST OF MY KNOWLEDGE THE ODOMETER READING  WAS NOT  WAS SET BACK, ALTERED, DISCONNECTED OR ALTERED FOR REPAIR OR REPLACEMENT. IF IT HAS BEEN REPAIRED OR REPLACED, WAS THE READING IDENTICAL TO THE READING PRIOR TO SUCH SERVICE?  
 YES  NO. IF THE ANSWER TO THE LAST QUESTION WAS "NO," A REPAIR / REPLACEMENT ODOMETER CERTIFICATION MUST BE ATTACHED (IF NOT PREVIOUSLY SUBMITTED TO THE MOTOR VEHICLES DIVISION).

SIGNATURE OF OWNER/RELEASING INTEREST/CERTIFYING ODOMETER READING (SIGN YOUR NAME EXACTLY AS IT APPEARS ABOVE) <b>1X Vazza Farms by [Signature]</b>	DATE OF RELEASE
SIGNATURE OF OWNER/LESSEE RELEASING INTEREST (SIGN YOUR NAME EXACTLY AS IT APPEARS ABOVE) <b>2X</b>	DATE OF RELEASE
SECURITY INTEREST HOLDER/LESSOR <b>3X</b>	DATE OF RELEASE

*Heat R/M  
East Van  
800 #  
Date when sold*

Showing VAZZA ON Cabana property since 1982.

FOR OFFICE USE ONLY      **NR99105 592398**  
**1342 088 02 VH T1 06 S8 M1 P5 E0 M0**





HERMISTON HERALD  
NEWSPAPER CLIPPINGS

# Beekeeper Stung More By People

By Julie Sobotta  
Staff Writer

The killer bee stories that blow the effect and power of bees out of proportion do much to alienate people about bees and the beekeeping industry, said Vincent Vazza. "People have a natural insect fear which makes them wonder why I do what I do," he said. Actually I get stung more by people than by bees."

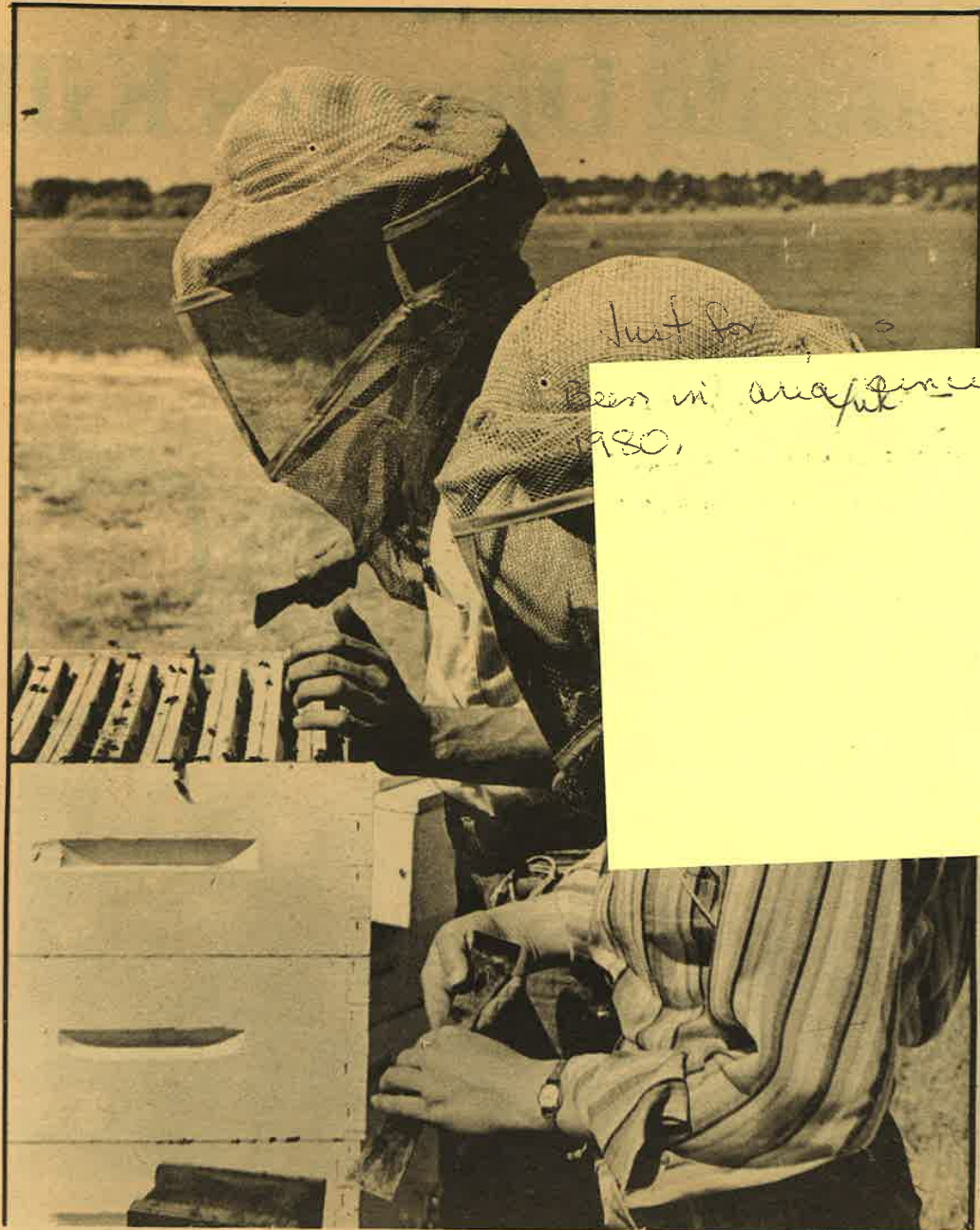
Vince and Janeen Vazza have been beekeepers for eight years and brought their bees to the area so they could escape the competition of the beekeeping business in the Boise valley. "We came to an area not as good for making honey, but less crowded, as far as other beekeepers go," said Vince.

Having their home base in Hermiston for the past two years

that most beekeepers have to keep them at home," said Vince. "It's easy for us just to pick up and leave because we can go together."

The Vazzas take care of placing the bees in orchards or fields, depending on what the farmer wants pollinated. Usually in February they move to northern California where the bees are used for pollinating almonds. Then, they move to The Dalles in early April to help pollinate the cherry crop. In late April the bees are moved to the upper Hood River valley for the pear and apple crop. And in June they're moved to Hermiston to help pollinate some watermelon fields and then to begin making honey.

Leasing their bees to farmers



Vince and Janeen Vazza, beekeepers, are shown here with their bees in Hermiston.

# Couple Disputes Killer Bee Image



Vince and Janeen Vazza enjoy the beekeeping business.

(Herald photo)

(Continued from page 21)  
on the weather and other variables.

For honey-making purposes the bees are placed in different locations in the area where they have access to alfalfa and locust and olive trees. The bees fly around in about a one-and-a-half mile radius and "visit a lot of flowers," according to Vince. When the bees aren't making much honey in this area, the less productive colonies are moved where they can make honey off of the mint and sunflowers.

The Vazzas usually give honey to the owners of the land that is used for their bee yards.

"Making honey is not a guaranteed thing," said Vince. "Beekeeping is farming and in farming nothing is for sure." One of the reasons that the Vazzas got into beekeeping instead of farming crops is that in Vince's opinion, it's easier to build and increase as a beekeeper than to build and increase with land, farm machinery and other implements needed for the farming of land.

Actually, they got interested in bees from the beginning because they both loved honey so much. "We visited an old-time beekeeper and bought some hives to make our own honey," said Vince. "Then, we started working with other beekeepers and eventually migrated to northern California." The Vazzas ended up selling their farm in Fruitland and living out of their camper because they started moving so often.

Now the Vazzas operate between 500 to 1,000 colonies of

bees and they live in a bigger camper when they're on the road.

Other than expanding the business and the homestead, life goes on pretty much the same as it used to. Both Vince and Janeen work long hours every day with only a few breaks during slack periods of the year. "We haven't

had much time to enjoy the things around us because we're so busy," said Vince. The Vazzas have expanded their business enough this year that they have hired part-time help for the first time.

Skiing and hiking is something that the Vazzas sorely miss, but will do more of when they take up residence for part of next year

in the Hood River valley.

"We're still in kind of a state of confusion," said Vince. "When we get more organized and more established we'll have more time to do those things."

Getting established is one of the Vazza's biggest goals right now. They sell most of their honey wholesale in 55 gallon drums, but would like to sell more retail in the local area. "Right now 90 percent of our honey goes to the cities," said Vince. "We want to eventually get our own warehouse and sell it out of the front."

Although honey sales have slowed in the last year, Vince believes that it parallels the whole economy. Wholesale honey draws around 50 cents a pound, while retail sells for \$1 a pound because of all the handling costs involved.

It's hard to count on profits for a particular year because "we can't predict how much honey the bees will make," said Vince. "Also, one year we're making \$50 a pound and the next year it's \$5

a pound." Vazza usually ends up figuring a four to five year average instead of annual profits.

An additional factor that affects the profit of the honey-making is the use of chemicals by farmers at or near Vazza's bee yards. "Pesticides are terrifying," said Vince. "We have to keep the communication going between the farmers and ourselves or we can lose a lot of bees in a short amount of time."

He adds that the farmers he has dealt with this year have been very helpful. "Ninety-nine percent of the farmers are fantastic to work with," Vince said. "To me the farmers are the basis of this country and deserve a lot of respect."

When Vince and Janeen were just starting in the business "we thought we could just go off and play with the bees." But, they've found that they deal with people more than with bees, so communication is important. "I like it though. I like what I'm doing," said Vince. "I wouldn't be doing it if I didn't."

KODAK SLIP

# Kodak

PROCESSING



73 47 9-8

PAYLESS DRG STR NW 1455  
930 HWY 395 SOUTH  
HERMISTON, OR 97838

**Pay Less**  
Drug Store

1514-2

PRINT FIRST LETTER  
OF LAST NAME

*Shows our address when  
Payless was on Hwy 395  
1980*

1514-2 73 47 9-8

Name *Vince Verge*

Address *Rt 3 Box 3536*

City *Hermiston* Zip \_\_\_\_\_

Phone *567-3209* Date \_\_\_\_\_

1514  
C AUG-14  
1 K35 20 4.65  
01S \$4.19

## ENCLOSED:

1 ROLL \_\_\_\_\_ /MOVIES

(QTY.) NEG. STRIPS \_\_\_\_\_ SIZE \_\_\_\_\_

(QTY.) SLIDES *✓* \_\_\_\_\_ SIZE \_\_\_\_\_

(QTY.) PRINTS \_\_\_\_\_ SIZE \_\_\_\_\_

## SPECIAL INSTRUCTIONS:



Check one finish  
 Glossy  Textured

ENLARGEMENTS  
Circle size: 5x7 8x10/12 11x14

If cropping of  
enlargements is  
desired, specify:  
Mask No. \_\_\_\_\_

Circle One:

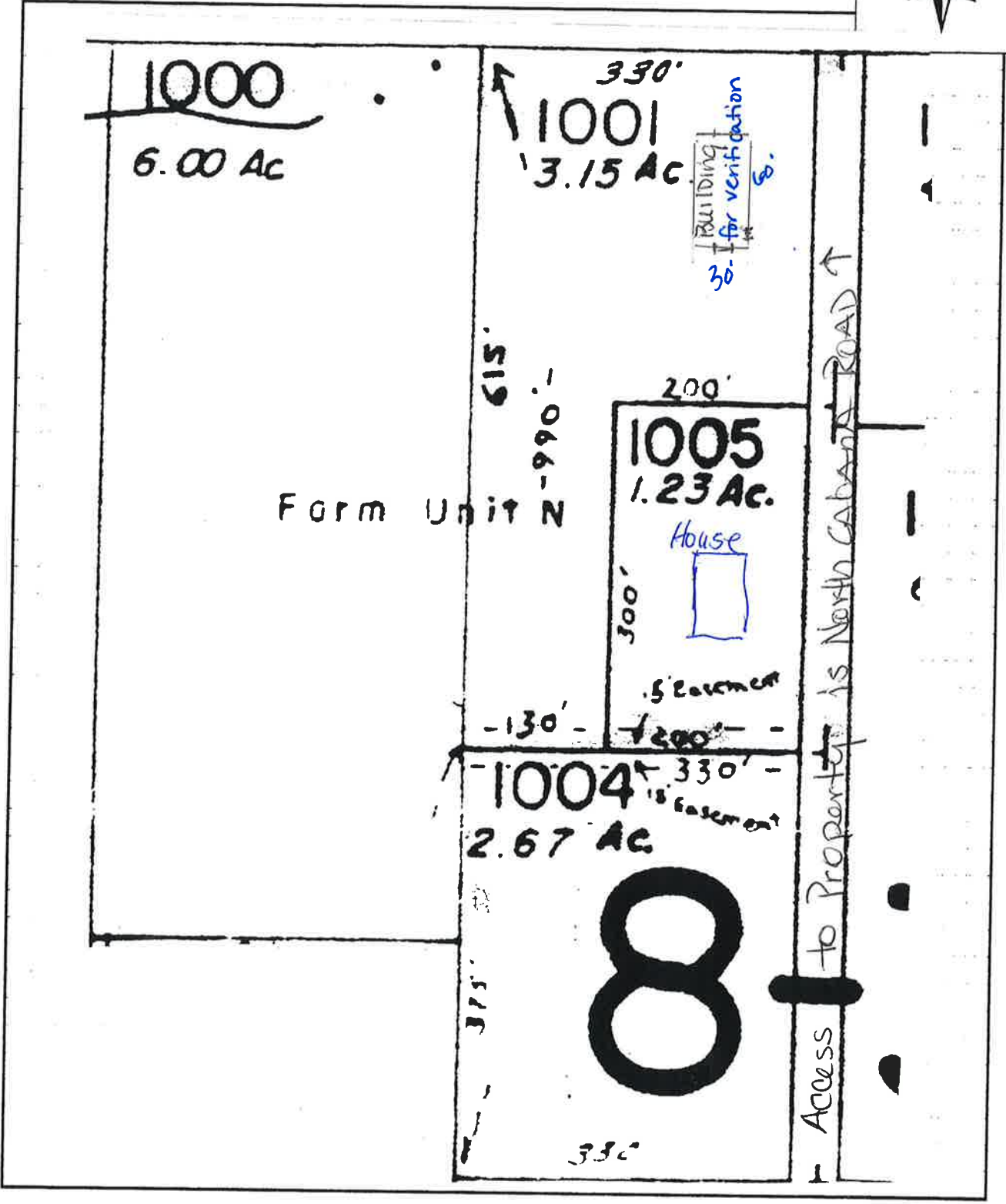
S  V  H

J

Plant use only ▼ do not cover or write ▼ below here



# SITE PLAN







# PLANNING STAFF QUESTIONS AND APPLICANTS' RESPONSE



Megan Davchevski <megan.davchevski@umatillacounty.gov>

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## Vazza and Lohman Verification of Non-Conforming

---

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Thu, May 26, 2022 at 2:00 PM

To: Jan Lohman <jan.lohman55@gmail.com>

Cc: Robert Waldher <robert.waldher@umatillacounty.gov>, Gina Miller <gina.miller@umatillacounty.gov>

Hi Jan,

I've been working on the staff report for your verification of a non-conforming use request and would like some clarification from you. If you want to give me a call at 541-278-6246 to chat about it, that would be fine, but I think having a written response would be beneficial. I am in the office today and tomorrow.

As I mentioned in our earlier discussions, the burden of proof is placed on the applicant. Your letter provides that the apiary and apiary machine repairs have been established since 1982. In 1982 the property was zoned F-1, Exclusive Farm Use. Today, it is zoned Rural Residential, four-acre minimum.

The letter is a bit unclear about Jim Abell's and Gail Farler's roles with Vazza Farms and this property. I understand they rent the property from you, Gail is your employee, and it appears that Jim does equipment repairs for Vazza Farms on a contract. What work does Gail do for Vazza Farms? And for what purpose is the property being rented?

The letter also mentions "other work done on specialized equipment for other businesses". What other businesses, what type of equipment, and when did this commercial operation begin?

When we spoke in person, my understanding was that on this property, there is a beekeeping operation as well as maintenance of beekeeping equipment. Is that what is occurring today, and is wished to continue? Or, is there a commercial machine repair business that is occurring and is wished to continue?

I appreciate your time on this and your response.

Best,

Megan

[Quoted text hidden]

Hi Megan,

Vincent Vazza began renting the Cabana Property (Tax lots 1000 and 1001) from John Halliday in 1981. In 1990's Vincent Vazza and Janice Lohman purchased all three tax lots from John Halliday.

A house is on Tax Lot 1005 and Jim Abell and Gale Farler have rented the house to live in since 2008. Tax Lot 1001 (the one being disputed) is also rented by Jim Abell and Gale Farler since 2008 and has a shop on it. This shop has been used as a repair shop since it was rented by Vincent Vazza in 1981 with Jim Abell as the mechanic, and continues in the same capacity since being rented by Jim Abell in 2008.

Over the past 40 years many agricultural uses have been associated with the 6 acres Tax Lot 1000. We have raised bees many of those years, as well as corn and watermelon crops raised on the six acres. Currently it is being rented by Nate Barak to raise corn for a Pioneer test plot.

Gail Farler has worked off and on for Vazza Farms over the past 25 years. She helps us raise honeybees. Jim Abell in the early years did both bee work and maintenance, but since 2000 concentrates on maintenance, equipment build, modify and repair for us as well as others.

The specialized equipment mentioned includes Forklift trailers for off road work, syrup systems for feeding bees (both mobile and stationary), truck bed modifications and some built from scratch, truck maintenance...heavy, medium and light weight and any modifications necessary to accommodate apiary work. These jobs are done for Vazza Farms as well as other apiaries, farms and other individuals. Jim Abell does outside work, both agricultural and automotive. We have always done outside work beginning in the 80's for our apiary as well as other apiaries, farms and individuals.

The beekeeping operation was moved to 77225 Colonel Jordan Road in 2001 after completion of a new facility. Our maintenance on machinery has continued at the Cabana Location along with other additional repair work.

What we would encourage is that we can be allowed to continue our work there as it has been since 1981.

Thank you so much for working on this.

Vince Vazza and Jan Lohman

**RECEIVED**  
MAY 31 2022  
UMATILLA COUNTY  
PLANNING DEPARTMENT

SECRETARY OF STATE REGISTRY  
INFORMATION

[HOME](#)
OREGON SECRETARY OF STATE  
**Corporation Division**

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[oregon business guide](#)

[license directory](#)
[business registry/renewal](#)
[forms/fees](#)
[notary public](#)

[uniform commercial code](#)
[uniform commercial code search](#)
[documents & data services](#)

## Business Name Search

[New Search](#)
[Printer Friendly](#)

## Business Entity Data

05-31-2022

14:01

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
098606-85	DBC	ACT	OREGON	12-15-1987	12-15-2022	
Entity Name	VAZZA FARMS, INC.					
Foreign Name						

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## Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	77225 COLONEL JORDAN RD			
Addr 2				
CSZ	HERMISTON	OR	97838	Country UNITED STATES OF AMERICA

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

Type	AGT	REGISTERED AGENT	Start Date	11-19-2021	Resign Date	
Name	JANICE	H	LOHMAN			
Addr 1	77225 COLONEL JORDAN RD					
Addr 2						
CSZ	HERMISTON	OR	97838	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	77225 COLONEL JORDAN RD			
Addr 2				
CSZ	HERMISTON	OR	97838	Country UNITED STATES OF AMERICA

Type	PRE	PRESIDENT		Resign Date	
Name	VINCENT	C	VAZZA		
Addr 1	77225 COLONEL JORDAN RD				
Addr 2					
CSZ	HERMISTON	OR	97838	Country	UNITED STATES OF AMERICA

Type	SEC	SECRETARY		Resign Date	
Name	JANICE	H	LOHMAN		
Addr 1	77225 COLONEL JORDAN RD				
Addr 2					

CSZ	HERMISTON	OR	97838		Country	UNITED STATES OF AMERICA
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## Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
VAZZA FARMS, INC.	EN	CUR	03-19-2008	
V. VAZZA FARMS, INC.	EN	PRE	12-15-1987	03-19-2008

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## Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	11-19-2021		FI	Agent	
	AMENDED ANNUAL REPORT	12-10-2020		FI	Agent	
	AMENDED ANNUAL REPORT	11-06-2019		FI	Agent	
	AMENDED ANNUAL REPORT	11-11-2018		FI		
	AMENDED ANNUAL REPORT	12-16-2017		FI		
	AMENDED ANNUAL REPORT	11-23-2016		FI		
	AMENDED ANNUAL REPORT	11-13-2015		FI		
	AMENDED ANNUAL REPORT	11-20-2014		FI		
	AMENDED ANNUAL REPORT	11-13-2013		FI		
	ANNUAL REPORT PAYMENT	11-15-2012		SYS		
	ANNUAL REPORT PAYMENT	11-17-2011		SYS		
	ANNUAL REPORT PAYMENT	11-16-2010		SYS		
	ANNUAL REPORT PAYMENT	11-17-2009		SYS		
	ANNUAL REPORT PAYMENT	11-06-2008		SYS		
	ARTICLES OF AMENDMENT	03-19-2008		FI	Name	
	ANNUAL REPORT PAYMENT	11-16-2007		SYS		
	ANNUAL REPORT PAYMENT	11-16-2006		SYS		
	ANNUAL REPORT	11-18-2005		SYS		

PAYMENT				
ANNUAL REPORT PAYMENT	11-09-2004		SYS	
ANNUAL REPORT PAYMENT	11-06-2003		SYS	
ANNUAL REPORT PAYMENT	11-13-2002		SYS	
ANNUAL REPORT PAYMENT	11-26-2001		SYS	
STRAIGHT RENEWAL	12-04-2000		FI	
CHANGED RENEWAL	12-30-1999		FI	
STRAIGHT RENEWAL	12-13-1999		FI	
STRAIGHT RENEWAL	12-02-1998		FI	
STRAIGHT RENEWAL	11-03-1997		FI	
CHANGED RENEWAL	11-03-1997		FI	
STRAIGHT RENEWAL	12-06-1996		FI	
CHANGED RENEWAL	12-06-1996		FI	
STRAIGHT RENEWAL	11-28-1995		FI	
STRAIGHT RENEWAL	11-28-1994		FI	
STRAIGHT RENEWAL	11-19-1993		FI	
STRAIGHT RENEWAL	11-05-1992		FI	
AMENDED RENEWAL	11-21-1991		FI	
STRAIGHT RENEWAL	11-09-1990		FI	
STRAIGHT RENEWAL	12-11-1989		FI	
AMENDED RENEWAL	12-01-1988		FI	
NEW FILING	12-15-1987		FI	

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# FARM EXEMPTION PERMITS

STATE OF OREGON  
DEPARTMENT OF COMMERCE  
BUILDING CODES DIVISION

NAME JOHN HALLADAY Address 113 Box 3501, Harney, Ore

Directions to Site Diagonal - 6.21 mi - Low Cabana Rd. off 1000 ft.

Phone # 567-5779 Use of Building Farm Storage

Zoning Authorization Allyce Powell RR-4

I am the owner/or lessee of the above noted structure to be erected, located on Tax Lot 1001, Township 5N, Range 29, Section 32, and do hereby declare said structure is an agriculture building as defined in Section 402, State Structural Specialty Code and Fire and Life Safety Code, and is exempt from the State Structural Specialty Code and Fire and Life Safety Code. Plans will not be required to be submitted and a Building Permit will not be required. Electrical, plumbing, mechanical, elevator, and boiler permits are required. (Reference ORS 456.758)

RECORDED  
MAR 16 '82

- I further declare that said building is not:
- a. A dwelling.
  - b. A structure used for a purpose other than growing plants in which persons perform more than 144 man-hours of labor a week.
  - c. A structure regulated by the State Fire Marshall pursuant to ORS Chapter 476.
  - d. A place used by the public.
  - e. ~~Is~~ located in a designated Flood Zone.

UMATILLA COUNTY  
PLANNING COMMISSION

I further declare that prior to any change in use of said structure that would remove said structure from the exemption, a Building Permit will be obtained and the structure will be made to conform to all requirements of the State Structural Specialty Code and Fire and Life Safety Code as required for the new use.

STATE OF OREGON  
County of Umatilla

I, JOHN R HALLADAY, do hereby swear and affirm under the penalty of perjury that the above statement is true and correct.

Date 3-12-82 Signature of Applicant John R Halladay

Subscribe and sworn to before me on this 12 day of March, 1982

Allyce Powell  
BCD District Office

Charlene White  
Notary Public of State of Oregon

Jean A. Swenier 3-15-82  
Office Manager Date

My Commission Expires 8-18-85

[Signature] 3-3-82  
Construction Inspector Date

CC: Applicant  
Salen  
Local Zoning

Name JOHN HALLADAY Legal Description: SE 1/4  
of the NW 1/4 of Section 32, Township 3N,  
Range 29, EWM; Sheet No. 5N2932, Tax Lot 1001.

The Umatilla County Zoning Ordinance does not require a zoning permit for the following reasons:

A. Farm Use

"1.040 Exemptions: In farm use zones F-1, F-2, and F-5 agriculture, grazing, horticulture and other commercial farm uses allowed in those zones shall be exempt from the provisions of this ordinance. This exemption includes farm buildings such as barns, sheds and silos, but does not include a principal dwelling unit of an owner or tenant farmer, nor farm employee living quarters."

- B. 100 square feet or less
- C. Remodel or alteration
- D. Other

I state that my proposed building meets these requirements for an exemption from the ordinance.

3-12-82  
DATE

John R Halladay  
OWNER

Steve P... ..  
Zoning Administrator

STATE OF OREGON  
DEPARTMENT OF COMMERCE  
BUILDING CODES DIVISION

NAME John Halladay Address Rt. 3 Box 3501, Hermiston OR

Directions to Site \_\_\_\_\_

Phone # 503-5297 Use of Building \_\_\_\_\_

Zoning Authorization RR-4

I am the owner/or lessee of the above noted structure to be erected, located on Tax Lot 1001, Township 5N, Range 29, Section 32, and do hereby declare said structure is an agriculture building as defined in Section 402, State Structural Specialty Code and Fire and Life Safety Code, and is exempt from the State Structural Specialty Code and Fire and Life Safety Code. Plans will not be required to be submitted and a Building Permit will not be required. Electrical, plumbing, mechanical, elevator, and boiler permits are required. (Reference ORS 456.758)

- I further declare that said building is not:
- a. A dwelling.
  - b. A structure used for a purpose other than growing plants in which persons perform more than 144 man-hours of labor a week.
  - c. A structure regulated by the State Fire Marshall pursuant to ORS Chapter 476.
  - d. A place used by the public.
  - e.  located in a designated Flood Zone.

I further declare that prior to any change in use of said structure that would remove said structure from the exemption, a Building Permit will be obtained and the structure will be made to conform to all requirements of the State Structural Specialty Code and Fire and Life Safety Code as required for the new use.

RECEIVED

STATE OF OREGON  
County of Umatilla

MAY 18 '82

I, John R. Halladay, do hereby swear and affirm under the penalty of perjury that the above statement is true and correct.

UMATILLA COUNTY  
PLANNING COMMISSION

Date \_\_\_\_\_ Signature of Applicant John R. Halladay

Subscribe and sworn to before me on this 17th day of May, 1982.

\_\_\_\_\_  
BCD District Office

\_\_\_\_\_  
Notary Public of State of Oregon

\_\_\_\_\_  
Office Manager Date 11-12

My Commission Expires 11-84

\_\_\_\_\_  
Construction Inspector Date

CC: Applicant  
Salen  
Local Zoning

Name John R Halladay Legal Description: SE 1/4  
of the NW 1/4 of Section 32, Township 5N,  
Range 29, EWM; Sheet No. 5N 29 32, Tax Lot 1001.

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A. Farm Use

"1.040 Exemptions: In farm use zones F-1, F-2, and F-5 agriculture, grazing, horticulture and other commercial farm uses allowed in those zones shall be exempt from the provisions of this ordinance. This exemption includes farm buildings such as barns, sheds and silos, but does not include a principal dwelling unit of an owner or tenant farmer, nor farm employee living quarters. ---"

- B. 100 square feet or less
- C. Remodel or alteration
- D. Other

I state that my proposed building meets these requirements for an exemption from the ordinance.

DATE 5/17/82 John R Halladay OWNER  
[Signature]  
Zoning Administrator

# **DRAFT MINUTES**

## **UMATILLA COUNTY DEVELOPMENT CODE**

### **TEXT AMENDMENT #T-090-22**

The County is proposing a Post Acknowledgment Plan Amendment to amend the text of the Umatilla County Development Code Chapter 152 to conform to State Statutes and Oregon Administrative Rules guiding uses permitted on farm land zoned Exclusive Farm Use and mixed farm and forest lands zoned Grazing/ Farm in Umatilla County.

**UMATILLA COUNTY  
PLANNING COMMISSION HEARING  
May 26, 2022**

**DRAFT MINUTES**  
**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, May 26, 2022, 6:30pm**

**Umatilla County Justice Center, Media Room, 4700 NW Pioneer Place, Pendleton, OR**

\*\* \*\* \*\* \*\*

**COMMISSIONERS**

**PRESENT:** Suni Danforth, Chair, Don Wysocki, Vice Chair, Sam Tucker, Cindy Timmons, John Standley & Emery Gentry

**ABSENT:** Tammie Williams, Tami Green & Jodi Hinsley

**STAFF:** Bob Waldher, Planning Director; Carol Johnson, Senior Planner, Megan Davchevski, Planner/ Transit Coordinator; & Tierney Cimmiyotti, Administrative Assistant

\*\* \*\* \*\*\*\*

*NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. RECORDING IS AVAILABLE AT THE PLANNING OFFICE*

**CALL TO ORDER**

Chair Danforth called the meeting to order at 6:30pm and read the Opening Statement.

**NEW HEARING**

**UMATILLA COUNTY DEVELOPMENT CODE TEXT AMENDMENT #T-090-22.** The County is proposing a Post Acknowledgment Plan Amendment (PAPA) to amend the text of the Umatilla County Development Code (UCDC) Chapter 152 to conform to State Statues and Oregon Administrative Rules (OAR) guiding uses permitted on farm land zoned Exclusive Farm Use (EFU) and mixed farm and forest lands zoned Grazing/ Farm (GF) in Umatilla County.

UCDC Section 152.751 requires that an amendment to the text of the UCDC comply with provisions of the Umatilla County Comprehensive Plan, the Oregon Transportation Planning Rule, OAR Chapter 660, division 12 and the Umatilla County Transportation Plan. Statewide Planning Goals 1, 2, 3 & 4 also apply.

The Planning Commission will make a recommendation to the Board of County Commissioners (BCC). A public hearing before the BCC is scheduled for Tuesday, July 19, 2022, 9am at the Umatilla County Courthouse, Room 130.

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex-parte contact or objections to jurisdiction. There were none. She called for the Staff Report.

**STAFF REPORT**

Carol Johnson, Senior Planner, presented the Staff Report. Mrs. Johnson stated that the purpose of today's hearing is to consider a PAPA to amend the text of the UCDC. She explained that the amendments are necessary due to several years of legislative changes and to incorporate OAR Chapter 660, Divisions 6 and 33 for uses affecting lands zoned EFU & GF. Some of the



proposed changes result in the grouping or reorganizing of similar uses, and some uses (such as those involving construction of structures) would be approved after the review and issuance of a counter permit. Additionally, some uses were relocated into the Land Use Decision (LUD) or Conditional Use (CUP) sections and will now include a public notice process.

Mrs. Johnson pointed out that the Commissioner's Packets include the Staff Memo, Draft Findings of Fact and Conclusions of Law (Findings), a presentation with information for the proposed changes and a copy of the code changes inserted into the code sections for the amendment. Subsequently, two emailed comments were received; one from the Oregon Department of Transportation (ODOT) and one from the Umatilla County Road Department. Both comments expressed satisfaction with the amendment proposal.

Mrs. Johnson directed the Planning Commission to the Findings on page 7 of the Commissioners packet to make a correction. She explained that Policy 8 contains language copied from the recent Planning Commission hearing consisting of a reference to 'youth camps'. Instead, this Finding should read, "The County finds Agriculture policy 8 and finding 8 is met by the proposed text amendment and the effect of upholding the policy with the inclusion of conditional use permit standards."

Mrs. Johnson directed the Planning Commission to page 178 of the Commissioner's Packet and explained that one of the proposed amendments captures the Planning Department's current practice to record a covenant stating that an approved Temporary Hardship Residence must be removed once the person who qualified for the hardship is no longer present or in need of care. She further explained that Temporary Hardship Residences have become a problem when it comes time for removal, as many of these approvals do not seem to go away. Once the justification for the hardship no longer exists and the property owner is asked to remove the temporary dwelling, they may introduce a new hardship request with hopes to keep the hardship dwelling and perpetuate the use. She added that, some of these new hardship requests are legitimate while some are not. Other property owners may try to justify an existing Temporary Hardship Dwelling for a different need, such as a second Farm Related Dwelling, regardless of whether or not they work fulltime operating a commercial farm or have a need for a fulltime farm worker to reside on the property. Properties with Temporary Hardship Dwellings have been sold to new owners who believe they are purchasing a property with two permanent dwellings. Thus, the recorded covenant is a tool that Planning can use to remind property owners and applicants that the Temporary Hardship Dwelling must be removed. This action also provides a recorded document attached to the property which may be gathered in a title search to inform prospective buyers that one of the dwellings on the property is not permanent and must be removed.

Mrs. Johnson concluded that, UCDC Sections 152.750 - 152.755 govern the local Amendment hearing process, with the first hearing held before the Planning Commission followed by a second hearing before the Board of County Commissioners. This amendment process is

legislative and the Planning Commission's action today is to make a recommendation to the BCC.

Commissioner Standley asked Mrs. Johnson if she feels that the new language is written in a way that allows for Planning Staff to adequately enforce the standards. Mrs. Johnson stated that the criterion comes from the State of Oregon's Administrative Rules. She added that the Planning Commission has some latitude to be slightly more restrictive on certain things. She used the example of the recorded covenant the County has implemented as part of the process of approving requests for Caretaker Dwellings and Temporary Hardship Dwellings, but is not required under the State's standards. It's an additional tool the County uses to help to make potential property purchasers aware that the second dwelling on the property must be removed.

Chair Danforth asked if it would be possible for a buyer to purchase a property that already has a Temporary Hardship Dwelling in place, and then continue the use of the second dwelling on the property under a new qualifying CUP approval for a Temporary Hardship Dwelling. Mrs. Johnson stated that Planning Staff has approved such applications when the applicant demonstrates that they meet the standards for approval and are able to justify the request. Discussion continued about the Hardship Dwelling approval and renewal processes.

Chair Danforth asked if there is any opportunity for the Planning Commission to implement stronger standards or additional criteria as part of this update. Mrs. Johnson stated that standards applied to a CUP can be changed but they cannot lessen the criteria or make fewer restrictive standards than the state has imposed. Chair Danforth asked clarifying questions about existing and proposed code language and the group discussed.

Chair Danforth asked more about what it means for a request to be approved via administrative review. Mrs. Johnson explained that staff processes applications under administrative review by generating a Staff Report demonstrating that the applicant has met the standards for approval. Then, public notices are issued and that starts a timeframe in which the public and other agencies have an opportunity to provide comments or request a public hearing before the Planning Commission on the matter. She added that most applications are handled administratively. Furthermore, applications can be directed to the Planning Commission by staff when the matter is considered controversial or staff is uncertain or uneasy and would like the Planning Commission to provide additional guidance in the decision making. Additionally, certain requests such as Comprehensive Plan, Map and Development Code Amendments, Subdivisions, Replats, Lot of Record Dwellings on High Value Farmland and others are required to go before the Planning Commission.

Chair Danforth asked for more information about new proposed language in a few sections of the Commissioner's Packet. Discussion continued about various language changes, omissions and new language inserted in the code for consideration.

Chair Danforth asked for more information about 152.085(S)(1) (Conditional Uses Permitted; Utilities) on page 144 of the Commissioners Packet. Specifically, she asked for details pertaining to the new inserted language adding restrictions on maximum acreage size for power generating facilities which reads, “[a] power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660 division 4.” Mrs. Johnson clarified that this rule only applies to forest or mixed farm/forest lands, not EFU land. She agreed that it is a limitation but added that the State of Oregon has imposed this limitation and the County needs to adopt the new language into the UCDC to comply with their standards. Discussion continued about proposed new language in a number of areas of the code.

Chair Danforth pointed out a grammatical correction under 152.710(E)(3)(v) on page 204 of the Commissioner’s Packets which states, “[t]he non-farm/ non-resource parcel may not be later be used to rezone...”. Mrs. Johnson agreed to remove the additional ‘be’ from the sentence.

Commissioner Tucker directed the Commissioners to 152.059(K)(7)(a) on page 119 of the Commissioner’s Packets which reads in part, “[a] relative farm help dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator.” He asked if there is a way for these type of requests to be treated more like a CUP for a Hardship Dwelling so when the need is no longer there, or the dwelling is no longer occupied by a relative, the dwelling must be removed. Mrs. Johnson agreed that it is difficult to apply enforcement to changes in occupation that may occur because there are no restrictions to specify that Relative Farm Help Dwellings must be temporary. As a result, applicants can choose to place a frame built or a manufactured dwelling at the site. She explained that the Planning Commission cannot add additional restrictions to this particular language.

Commissioner Timmons pointed out a grammatical correction under 152.617(I)(E) on page 57 of the Commissioner’s Packets which states, “[c]omposing facilities for which a permit has been granted...”. Mrs. Johnson agreed to change the word ‘composing’ to ‘composting’, as intended.

Chair Danforth closed the hearing for deliberation.

### **DELIBERATION & DECISION**

Commissioner Tucker made a motion to recommend approval of Umatilla County Development Code Text Amendment #T-090-22 to amend the text of the UCDC Chapter 152 to conform to State Statues and Oregon Administrative Rules guiding uses permitted on farm land zoned Exclusive Farm Use and mixed farm and forest lands zoned Grazing/ Farm in Umatilla County, to the Board of County Commissioners. Commissioner Gentry seconded the motion. Motion passed with a vote of 6:0.

A public hearing before the BCC is scheduled for Tuesday, July 19, 2022 at 9am, Room 130 of the Umatilla County Courthouse.

## **MINUTES**

Chair Danforth called for any corrections or additions to the minutes from the April 28, 2022 meeting. There were none. Commissioner Timmons moved to approve the minutes as presented. Commissioner Gentry seconded the motion. Motion carried by consensus.

## **OTHER BUSINESS**

Mr. Waldher stated that he will distribute a copy of the Planning Commission Handbook along with other training materials to the Planning Commissioners. He added that he has reached out to the Oregon Chapter of the American Planning Association (OAPA) to request a recording of the virtual training we participated in last fall.

Mr. Waldher stated that he attended the Oregon Department of Energy's (ODE) public hearing to provide comments pertaining to the Draft Proposed Order for the Nolin Hills Wind Power Project. He added that he attended a driving-tour of the site and concurred that the location is appropriate for the proposed wind and solar energy generation facility. The proposed project will be a large facility located within a site boundary of approximately 48,196 acres of private land primarily zoned exclusive farm use. Mr. Waldher provided comments to ODE to call attention to the fact that the project fails to meet one standard related to land use; the 2 mile residential setback from a wind turbine to a rural residence. Other proposed components include two 230 kilovolt (kV) transmission lines, two substations, an operations and maintenance building, a battery energy storage system, electrical collection system (underground and overhead collector lines), access roads, and up to three meteorological towers.

## **ADJOURNMENT**

Chair Danforth adjourned the meeting at 7:45pm.

Respectfully submitted,

Tierney Cimmiyotti,  
Administrative Assistant