



PLANNING DIVISION

216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252

Email: planning@umatillacounty.gov

AGENDA

Umatilla County Planning Commission Public Hearing Thursday, February 26, 2026, 6:30PM Justice Center Media Room, Pendleton, Oregon

To participate in the hearing please submit comments **before 4PM, February 26th** to planning@umatillacounty.gov or contact the Planning Department at 541-278-6252

Planning Commission

Sam Tucker, Chair
Tami Green
John Standley
Emery Gentry
Malcolm Millar
Andrew Morris
Jim Setzer

Planning Staff

Bob Waldher, Community Development Director
Megan Davchevski, Planning Division Manager
Carol Johnson, Senior Planner
Tierney Cimmiyotti, Planner / GIS
Charlet Hotchkiss, Planner
Bryce Fairchild, Planner II
Shawna Van Sickle, Administrative Assistant

1. **Call to Order**
2. **Minutes Approval:** January 22, 2026 Meeting
3. **NEW HEARING: DEPARTMENT REQUEST TO VOID #R-002-26, CONDITIONAL USE PERMIT #C-791-96: BACKWARD S FARMS LLC, PROPERTY OWNER.** The Community Development Department requests the Planning Commission void Conditional Use Permit (CUP) #C-791-96, issued to Backward S Farms, LLC. The CUP was granted for a temporary hardship dwelling that was required to be removed once the hardship ceased for Gloria Franklin. Umatilla County Development Code (UCDC) §152.613(F) provides the procedures for the County to void a conditional use permit.
4. **NEW HEARING: DEPARTMENT REQUEST TO VOID #R-003-26, CONDITIONAL USE PERMIT #C-958-00: 1036 PIONEER EXCHANGE ACCOMM TITLE HLDER, PROPERTY OWNER.** The Community Development Department requests the Planning Commission void Conditional Use Permit (CUP) #C-791-96, issued to Allen Pemberton. The CUP was granted for a caretaker dwelling that was accessory to an equipment storage yard and was required to be removed once the business was no longer operating, or the property sold. Umatilla County Development Code (UCDC) §152.613(F) provides the procedures for the County to void a conditional use permit.

5. NEW HEARING: DEPARTMENT REQUEST TO VOID #R-004-26, CONDITIONAL USE PERMIT #C-1243-15: OLE C. & YVONNE J. OLESEN, PROPERTY OWNERS.

The Community Development Department requests the Planning Commission void Conditional Use Permit (CUP) #C-1243-15, issued to Gabriel and Heather Alarcon. The CUP was issued for a commercial trucking business in conjunction with the onsite blueberry farm. A condition of approval was imposed that any changes in the trucking operation, including a change in the number of trucks and trailers onsite required a review of the Conditional Use Permit. Umatilla County Development Code (UCDC) §152.613(F) provides the procedures for the County to void a conditional use permit.

6. Election of Chair & Vice Chair

7. Other Business

8. Adjournment

DRAFT MINUTES

COMPREHENSIVE PLAN TEXT AMENDMENT #T-101-25, and
CONDITIONAL USE PERMIT REQUEST #C-1402-25:

FOURMILE SOLAR OR LLC, APPLICANT / TIMOTHY AND SHANNON RUST LIVING TRUST ET AL, OWNER.

The applicant requests approval to develop a photovoltaic solar generation facility and associated components. The proposed site is located approximately 11 miles south west of the City of Echo and east of Highway 207. The site is identified on Assessor's Map as Township 2 North, Range 27 East, Tax Lots 800 and 900. The applicant wishes to microsite the solar generation facility, battery storage and other ancillary components up to 450 acres within the Project Area Extent of 626 acres. The proposed site subject to the Goal 3 Exception is approximately 450 acres and is zoned Exclusive Farm Use (EFU).

The criteria of approval are found in Oregon Revised Statutes 197.732(2)(c), 215.446 Oregon Administrative Rule 660-004-0022, 660-033-0130(5) and 660-033-0180 (38) and Umatilla County Development Code (UCDC) Sections 152.060, 152.061 152.487, 152.488, 152.611 and 152.750 through 152.755.

UMATILLA COUNTY
PLANNING COMMISSION HEARING
January 22, 2026

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, January 22, 2026, 6:30pm

COMMISSIONERS

PRESENT: Sam Tucker, Chair, and Emery Gentry

COMMISSIONER

PRESENT VIA

GOOGLE MEETS: Jim Setzer and Andrew Morris

COMMISSIONERS

ABSENT: Tami Green, John Standley and Malcolm Millar

PLANNING STAFF:

Megan Davchevski, Planning Manager, Charlet Hotchkiss, Planner, and
Shawna Van Sickle, Administrative Assistant

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

CALL TO ORDER

Chair Sam Tucker called the meeting to order at 6:31PM and read the Opening Statement.

NEW HEARING

COMPREHENSIVE PLAN TEXT AMENDMENT #T-101-25, and CONDITIONAL USE PERMIT REQUEST #C-1402-25: FOURMILE SOLAR OR LLC, APPLICANT / TIMOTHY AND SHANNON RUST LIVING TRUST ET AL, OWNER. The applicant requests approval to develop a photovoltaic solar generation facility and associated components. The proposed site is located approximately 11 miles south west of the City of Echo and east of Highway 207. The site is identified on Assessor’s Map as Township 2 North, Range 27 East, Tax Lots 800 and 900. The applicant wishes to microsite the solar generation facility, battery storage and other ancillary components up to 450 acres within the Project Area Extent of 626 acres. The proposed site subject to the Goal 3 Exception is approximately 450 acres and is zoned Exclusive Farm Use (EFU).

The criteria of approval are found in Oregon Revised Statutes 197.732(2)(c), 215.446 Oregon Administrative Rule 660-004-0022, 660-033-0130(5) and 660-033-0180 (38) and Umatilla County Development Code (UCDC) Sections 152.060, 152.061 152.487, 152.488, 152.611 and 152.750 through 152.755.

Chair Tucker called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. Chair Tucker stated he had represented Ms. McLane and Mr. Richard “Dick” Snow in the past, but this would not affect his decisions. No other reports were made.

Chair Tucker called for the Staff Report.

STAFF REPORT

Mrs. Megan Davchevski started by stating that the applicant has requested approval to construct and operate a 90-megawatt (MW) solar photovoltaic energy generation facility with battery energy storage systems (BESS) on lands zoned Exclusive Farm Use (EFU). The project would be confined to a 450-acre micro-sited Project Area within the identified 626-acre Project Area Extent. The applicant was requesting a post-acknowledgement plan amendment (PAPA) and an exception to Statewide Planning Goal 3, Agricultural Lands. The applicant also provided proposed Comprehensive Plan text amendment language in support of the request.

She explained that the applicant was requesting the Goal 3 Exception in order to site the project on more than 12-acres of high value farmland which is an existing limitation in Oregon Revised Statute (ORS) and Oregon Administrative Rules (OAR). The request also included a Conditional Use Permit (CUP) for the solar generation facility, battery storage and accessory components including an operations and maintenance building.

Mrs. Davchevski stated the packet included the Applicant’s application attachments that were submitted with the text amendment and conditional use permit application. The Applicant’s Attachment I in the Goal Exception Application and Attachment P in the CUP application are not included in the packet because both attachments are Confidential Cultural Resources Survey Report. This report was shared with County Staff and CTUIR.

Mrs. Davchevski shared that notice of the applicant’s request were mailed on January 2, 2026 to nearby property owners and necessary agencies. Notice of the January 22, 2026 Planning Commission hearing was published in the East Oregonian on January 7, 2026.

Mrs. Davchevski stated the criteria of approval were found in ORS 197.732(2)(c) and ORS 215.446, OAR 660-004-0022, 660-033-0130(5) and 660-033-0180 (38) and Umatilla County Development Code (UCDC) Sections 152.060, 152.061, 152.487, 152.488, 152.611 and 152.750 through 152.755.

Mrs. Davchevski explained that because the Conditional Use Permit included a Goal 3 Exception, the approval process required a review by the County Planning Commission followed by a recommendation to the Board of County Commissioners. The Planning Commission was responsible for determining whether the application met the approval criteria based on the facts in the record. Additionally, staff provided Preliminary Findings of Fact and Conclusions of Law, which were based on information supplied by the applicant.

Mrs. Davchevski further explained that following the Planning Commission's recommendation, the Board of County Commissioners must also hold a public hearing(s) and decide whether or not to adopt the proposed amendments. A public hearing before the Board is scheduled for March 18, 2026 at 10AM in Room 130 of the Umatilla County Courthouse.

Proponent: Mr. Tanner Gillespie, Associate Director of Development for OneEnergy Renewables, 2003 Western Ave #225, Seattle, WA 98121; Mr. Tanner Gillespie, representing FourMile Solar OR LLC introduced the company and their project. Mr. Gillespie presented Exhibit 4, and went over the overview of their agenda based on the following points. He explained that One Energy Renewables is a Washington-based company primarily focused on solar and battery projects, and their solar siting process involves prioritizing existing infrastructure, suitable flat sites with limited sensitive resources, and landowner partnerships. Mr. Gillespie noted that solar was non-permanent, with a 30-to-40-year lifespan, and was compatible with agricultural uses, providing stable income for landowners.

Mr. Gillespie stated the FourMile Solar project was located in northwest Umatilla County, near the border with Morrow County. Just across the border is the Passage Solar Project which connects into the Oregon Trail substation with Umatilla Electric Cooperative, taking advantage of existing electrical infrastructure also used by Morrow County. He explained that the proposed project area extent (micro-sighting boundary) covers 626 acres, within which the permanent facility footprint would not exceed 450 acres. The site control was secured through a long-term land use lease with the landowners, Tim and Shannon Rust and Clarkson Development Company, and the land was currently used for dryland crops.

Mr. Gillespie explained that the facility will use single-axis tracking solar panels, which follow the sun from East to West for increased efficiency, and will have an estimated annual output of about 140,000 megawatt-hours. The project includes optional battery storage to spread out power availability, especially during non-peak sun hours. He also detailed the components, including inverters, step-up transformers, control houses, fencing for safety, and internal gravel access roads.

Mr. Gillespie shared that OneEnergy Renewables has conducted extensive due diligence, including environmental and geotechnical surveys, wetland delineations, habitat and wildlife surveys, cultural surveys with CTUIR support, and a soils analysis which indicated no Class I or II soils and limited high-value farmland impacts. He stated that the development and permitting phase was expected to last through 2027, with construction commencing in early 2027 and estimated completion around the third quarter of 2028.

Ms. Elaine Albrich, Attorney for Applicant, Davis Wright Tremaine LLP, 560 SW 10th Ave, Suite 700, Portland, OR 97207; Ms. Elaine Albridge stated the applicant was requesting a Goal 3 exception because the facility will exceed the maximum impact of 12 acres of high-value farmland and 20-acres of arable land. She outlined the Goal 3 exception criteria, which required justifying the exception based on reasons like rural industrial use and conducting an alternatives

analysis to demonstrate that no other area could accommodate the project without needing a Goal 3 exception. The analysis also included a consequences analysis of environmental, economic, social, and energy impacts, concluding they would not be significant.

Ms. Albrich expressed that the project was aiming to be compatible with adjacent uses and proposes mitigation in the form of a vegetation and weed management plan that will incorporate sheep grazing. She stated, the plan was intended to continue using the land in a way which supports the agricultural economy, though the grazing itself may not meet the full definition of an accepted farming practice.

Ms. Albrich reported that the project had met all applicable criteria, including solar siting standards for soil erosion and weed control for the Conditional Use Permit. She expressed that the project also met the Department of Land Conversation and Development's (DLCD) new farm impacts test, demonstrating that construction and operation would not result in significant impacts to accepted farming practices. She confirmed that the project must provide financial assurance for decommissioning prior to construction, to ensure the site can be safely returned to a non-hazardous condition at the end of the project's estimated 35-year life.

Commissioner Gentry asked if the lease agreement dictates who is responsible to taking care of the weed mitigation and associated costs. Mr. Gillespie confirmed that the lease-holding company under contract would be responsible for all costs and maintenance, including vegetation and weed management within the fenced project area. Commissioner Gentry also asked, when a lease was up would the lease-holder have the opportunity to repower the site again and/or replace equipment should they choose and sign another lease? Mr. Gillespie stated that could be a possible avenue for renegotiating terms when the life of a project comes towards its end.

In response to a question about the confidential nature of the mitigation agreement from Chair Tucker, Ms. Albrich explained that it was at the request of the Confederated Tribes of the Umatilla Indian Reservations (CTUIR) and it related to sensitive cultural resources, which fell under an exception to public records requirements for remaining confidential in nature. Mr. Gillespie clarified that the 35-year life span is based on the industry standard, and while the initial lease is for that duration, there are options to extend it for new technology or to repower the facility. Ms. Albrich stated the preliminary site layout for the 450-acre maximum footprint is still being finalized to ensure access for farming on the remaining land and to comply with setbacks and drainage.

Mr. Gillespie provided details on construction timelines expecting to start in early 2027, lasting 9 to 18 months, with an estimated peak of 70 construction personnel. He stated the project access for construction and operations will be from Highway 207 via an existing private gravel road, which is about 4.75 miles long. Routine site maintenance and operations will be mostly remote, with the bulk of on-site staffing focused on vegetation management, which the company intends

to contract out, utilizing sheep grazing as the primary method for which they have a signed Letter of Intent with Krebs Solar Grazing.

Mr. Gillespie detailed the decommissioning objectives, which included restoring the site to facility conditions or better, removing disturbed soils, fences, roadways, and cement pads. Ms. Albrich emphasized that the decommissioning plan, presented with the financial assurance plan prior to construction, would outline the removal process for all components, including salvage or recycling programs, and mandates 100% financial assurance coverage prior to construction, which is updated every five years. They noted that the salvage value from steel racking and copper wire typically covers more than the actual cost of decommissioning.

Mr. Cameron Krebs, Owner, Krebs Solar Grazing, 68171 Kunze Lane, Boardman, OR 97818; Mr. Cameron Krebs spoke in favor of the Goal Three exception request, sharing their experience with Krebs Solar Grazing since it originated in 2003, treating six solar assets across the Columbia Basin. He stated that utility-scale vegetation management with sheep is completely possible, especially in the Columbia Basin, and believed OneEnergy's vegetation and weed management plan will set up a site welcome in their portfolio. Mr. Krebs highlighted that maintaining ground cover reduces erosion, improves water infiltration, and protects the soil from dust, capturing these benefits throughout the solar array's life cycle until it returns to arable farmland.

Commissioner Setzer inquired about the anticipated percentage of agricultural return from the grazing operation compared to wheat farming, noting that it was mentioned to be less. Mr. Krebs responded that they view it as a retooling of the land from rangeland back to prairie with grazing, and while it may not involve a combine, the revenue changes to products like shirts and lamb rather than loaves of bread. Mr. Krebs stated that the agricultural impact remains in the community through new business activities, such as neighbors getting sheep trailers and spending on goods like sheep medicine and dog food instead of combine parts, though he could not provide a specific calculation for the lesser return.

Mr. Tim Rust, 77252 Mader Rust Lane, Echo, OR 97826; Mr. Tim Rust, a majority owner of the property with their spouse Shannon, shared a history of their family farming the land since 1979 and discussed their initial concerns about the project. These concerns included weed problems, which they were excited to see addressed with the sheep grazing concept, and the decommissioning process, especially if the ownership changed before the end of the project. He confirmed that they have been assured the company has enough capital for the project and admitted that while they struggled with the decision as farmers, they view the project as a form of diversification and another source of income.

Neutral: None

Opponents: None

Public Agencies: Mrs. Davchevski noted that one written comment from the Oregon Department of Fish and Wildlife was received and shared, to be entered into the record as Exhibit 2.

Rebuttal Testimony: Ms. Elaine Albrich requested that the Planning Commission approve the conditional use permit as recommended by staff with the subject conditions and make a recommendation to the board to approve the Goal 3 exception.

Mrs. Davchevski proposed a quick modification to condition #13 (page 83 of the packet) regarding the perimeter fence, recommending that "chain link" be replaced with "wire fence" based on the applicant's stated intentions and also adding a signature line for Chair Tucker to sign the Conditional Use Permit Approval.

Chair Tucker called for any requests for the hearing to be continued, or for the record to remain open. There were none.

Chair Tucker closed the hearing for deliberation.

Chair Tucker adopted the following exhibits into the record:

Exhibit 2; January 8, 2026, Email from Lindsay Somers, Habitat Biologist-John Day Watershed, Oregon Department of Fish and Wildlife, Letter in response to application and recommendation for revegetation and weed management plan.

Exhibit 3; January 21, 2026, Supplemental Filing and Update Transportation Plan and attachments from Tanner Gillespie, Associate Director, Development – OneEnergy Renewables

Exhibit 4; January 22, 2026, Microsoft PowerPoint Presentation and copy of slides from Tanner Gillespie, Associate Director, Development – OneEnergy Renewables

DELIBERATION & DECISION

Chair Tucker asked for any discussion on the matters presented that evening.

Commissioner Gentry made a motion to recommend approval of the FourMile Solar PAPA request; Comprehensive Plan Text Amendment #T-101-25, based on the evidence and Findings of Fact and Conclusions of Law in the record.

Commissioner Setzer seconded the motion. Motion passed with a vote of 4:0 to recommend approval to the Board of County Commissioners.

Voting Record:

Yes - Commissioner Gentry, Commissioner Morris, Commissioner Setzer, Chair Tucker

No – none.

Absent - Commissioner Green, Commissioner Standley and Commissioner Millar

Commissioner Gentry made a motion to approve the FourMile Solar CUP request to site a 450-acre solar generation facility, battery storage, and ancillary components, based on the evidence and Finding of Fact and Conclusions of Law in the record and with the presented conditions of approval: including the modification to strike "chain link fencing" and replace it with "wire mesh fencing" in condition 13.

Commissioner Morris seconded the motion. Motion passed with a vote of 4:0 to approve the Conditional Use Request.

Voting Record:

Yes - Commissioner Gentry, Commissioner Morris, Commissioner Setzer, Chair Tucker

No – none.

Absent - Commissioner Green, Commissioner Standley and Commissioner Millar

MINUTES

Chair Tucker called for any corrections or additions to the October 23, 2025, meeting minutes. No other additions nor corrections were noted.

Commissioner Morris moved to approve the draft minutes from October 23, 2025, meeting minutes, as presented. Commissioner Setzer seconded the motion. Motion carried by consensus.

OTHER BUSINESS

No new business to present.

ADJOURNMENT

Chair Tucker adjourned the meeting at 7:50PM.

Respectfully submitted,

Shawna Van Sickle,

Administrative Assistant

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PLANNING DIVISION

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Email: planning@umatillacounty.gov

COMMUNITY &
BUSINESS
DEVELOPMENT

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Planning Commission
FROM: Megan Davchevski, Planning Division Manager
DATE: February 16, 2026

CODE
ENFORCEMENT

RE: February 26, 2026 PC Hearing
#R-002-26 Department Request to Void Conditional Use Permit #C-791-96
Backward S Farms, LLC, Property Owner
Tim and Chris Pacheco, CUP Holders/Applicants

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND MAPPING

Background Information

RURAL ADDRESSING

The Community Development Department is requesting the Planning Commission void Conditional Use Permit #C-791-96. The CUP was issued in 1996 to Tim and Chris Pacheco for a temporary hardship home for Gloria Franklin. In 1996, Gloria Franklin required full-time care from her relatives, Tim and Chris Pacheco, who were to reside in the temporary hardship manufactured home.

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

PUBLIC TRANSIT

Conditional Use Permit #C-791-96 was imposed with Condition #F which states the following: "The approval of this request be for a period of one (1) year which may be renewed. The applicant shall submit a letter requesting the continued use of the mobile home on a yearly basis as long as the medical hardship remains. **Once the hardship ceases the temporary hardship mobile home shall either be removed within 30 days or the existing dwelling be destroyed, removed or be converted into an accessory structure according to definitions and standards in the county development ordinance**".

On February 11, 2025, County Code Enforcement Officer Estes conducted a site visit to the subject property for purposes of completing the annual review. Officer Estes spoke with a resident of the property, who informed Officer Estes that Gloria Franklin was no longer living on the subject property. He was further advised that other members of the family now occupied the temporary hardship dwelling.

On February 19, 2025, Code Enforcement sent a termination letter to Backward S Farms LLC, the current property owner, stating that the temporary hardship home was to be destroyed, removed, or converted to an accessory structure within 30 days, in accordance with the CUP approval. The letter included a copy of the final decision letter initially sent in 1996.

On February 28, 2025, County Planning received an email from Chris Pacheco, representing Backward S Farms, LLC, acknowledging the February 19th letter, and requested a timeline of 6 months to remove the temporary hardship dwelling.

In August 2025, the Community Development Director authorized an additional time extension, granting the property owner until the end of 2025 to remove the manufactured home.

Staff Memo

Planning Commission – February 26, 2026

Request to Void #R-002-26 Backward S Farms #C-791-96

On January 30, 2026, County Code Enforcement Officer Estes drove by the subject property and observed that the temporary hardship dwelling appeared occupied and did not appear to make any progress towards being removed. Planning Staff then began to prepare to request that the Conditional Use Permit be void.

On February 2, 2026, County Code Enforcement issued a citation for failure to comply with the Conditional Use Permit, and failing to remove the temporary hardship dwelling. The first court date is scheduled for April 17, 2026.

Table of Contents

The included Table of Contents includes the Final Findings and Conclusions for #C-791-96 and Final Decision Letter, Annual Review file notes, Annual Renewals for 2020 and 2021, the public obituary for Gloria Franklin, and various communications with the permit holders/property owners. Note the County did not complete annual renewals in 2022, 2023, or 2024. Annual Renewals prior to 2020 were not included in the packet as the property was in compliance during those years. These renewals remain in the CUP file.

Notice

Notice of the applicant's request was mailed on February 6, 2026 to nearby property owners and necessary agencies. Notice of the February 26, 2026 Planning Commission hearing was published in the East Oregonian on February 11, 2026.

Criteria of Approval

The conditions of approval are found in the approval for #C-791-96. Umatilla County Development Code (UCDC) §152.613(F) provides the procedures for the County to void a conditional use permit.

Conclusion

The Community Development Department is requesting the Conditional Use Permit to be closed in accordance with Subsequent Condition #F of Conditional Use Permit #C-791-96. Condition #F states: "The approval of this request be for a period of one (1) year which may be renewed. The applicant shall submit a letter requesting the continued use of the mobile home on a yearly basis as long as the medical hardship remains. **Once the hardship ceases the temporary hardship mobile home shall either be removed within 30 days or the existing dwelling be destroyed, removed or be converted into an accessory structure according to definitions and standards in the county development ordinance**". The Community Development Department's request to void Conditional Use Permit #C-791-96 is based on the following facts:

1. The temporary hardship dwelling was established because Gloria Franklin required medical care, necessitating having a relative live on the same property to provide care. According to the obituary posted on the Walla Walla Union-Bulletin Obituaries website, Gloria Franklin passed on January 28, 2022.
2. As stated in Condition #F of the conditional use permit approval, the temporary hardship dwelling was to be removed within 30 days from when the hardship ceased for Gloria Franklin. The temporary hardship home should have been removed no later than February 27, 2022.

If the property owner would like to establish a new hardship home for a different relative requiring medical care, they would have to apply under a new conditional use permit.

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

**UMATILLA COUNTY
PLANNING COMMISSION HEARING – FEBRUARY 26, 2026
DEPARTMENT REQUEST TO VOID #R-002-26
CONDITIONAL USE PERMIT #C-791-96
BACKWARD S FARMS LLC, OWNER
TIM & CHRIS PACHECO, APPLICANTS/CUP PERMIT HOLDER
PACKET CONTENT LIST**

- | | | |
|----|---|-------------|
| 1. | Staff Memo to Planning Commission | Pages 1-2 |
| 2. | Public Notice and Soil Maps | Pages 4-5 |
| 3. | Preliminary Findings | Pages 6-14 |
| 4. | #C-791-96 Final Decision Letter and Findings | Pages 15-28 |
| 5. | Exhibit 1 –CUP Annual Renewal File Notes | Pages 29-35 |
| | a. File Notes | Page 29 |
| | b. Annual Renewals: 2020 and 2021 | Pages 30-35 |
| 6. | Exhibit 2 – Obituary for Gloria Franklin | Page 36 |
| 7. | Exhibit 3 – Communications with Department | Pages 37-45 |
| | a. Termination Letter dated February 19, 2025 | Page 37 |
| | i. Attachment: Conditions of Approval #C-791-96 | Pages 38-40 |
| | b. Email from Chris Pacheco, Backward S Farms LLC
Dated February 28, 2025 | Pages 41-42 |
| | c. Emails from Karin Dallas, Corey, Byler & Rew
Dated May 21, 2025, May 22, 2025 and June 25, 2025 | Pages 43-46 |
| 8. | Exhibit 4 – Code Enforcement Citation
Dated February 2, 2026 | Page 47 |
| 9. | Exhibit 5 – Code Enforcement Case Report | Pages 48-51 |



PLANNING DIVISION

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COMMUNITY &
BUSINESS
DEVELOPMENT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

PUBLIC TRANSIT

NOTICE OF PUBLIC HEARING UMATILLA COUNTY PLANNING COMMISSION

YOU ARE HEREBY NOTIFIED of a public hearing to be held before the Umatilla County Planning Commission on **Thursday, February 26, 2026 at 6:30 PM** in the Justice Center Media Room, 4700 NW Pioneer Place, Pendleton, OR. **Virtual hearing options** are available by contacting the Umatilla County Planning Division at Room 104 of the Umatilla County Courthouse, 216 SE Fourth Street, Pendleton, OR, 97801 or by calling 541-278-6252, **the day before the scheduled Planning Commission hearing date.**

DEPARTMENT REQUEST TO VOID #R-002-26, CONDITIONAL USE PERMIT #C-791-96: BACKWARD S FARMS LLC, PROPERTY OWNER

The Community Development Department requests the Planning Commission void Conditional Use Permit (CUP) #C-791-96, issued to Backward S Farms, LLC. The CUP was granted for a temporary hardship dwelling that was required to be removed once the hardship ceased for Gloria Franklin. Umatilla County Development Code (UCDC) §152.613(F) provides the procedures for the County to void a conditional use permit.

For further information concerning the above request, please contact Megan Davchevski, Planning Division Manager, at the Umatilla County Community Development Department, 216 SE 4th Street, Courthouse, Pendleton, Oregon 97801; telephone (541)278-6252; email Megan.Davchevski@umatillacounty.gov.

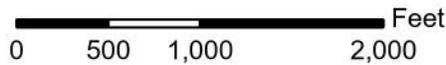
Opportunity to voice support or opposition to the above proposal, or to ask questions, will be provided. Failure to raise an issue in a hearing, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to that issue, precludes appeal to the Land Use Board of Appeals based on that issue. Copies of applications, documents and evidence pertaining to the hearing listed above, and all relevant criteria are available for inspection at no cost and will be duplicated at printing cost. A copy of the staff report will be available for inspection or duplicated at least seven days before the hearing. Hearings shall be governed by Section 152.772 of the Umatilla County Development Code.

DATED THIS 6th DAY of FEBRUARY, 2026
UMATILLA COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

CONDITIONAL USE PERMIT REVOCATION #R-002-26 FOR #C-791-96

MAP: 4N 35 15 TAX LOT: 200

BACKWARD S FARMS, OWNER

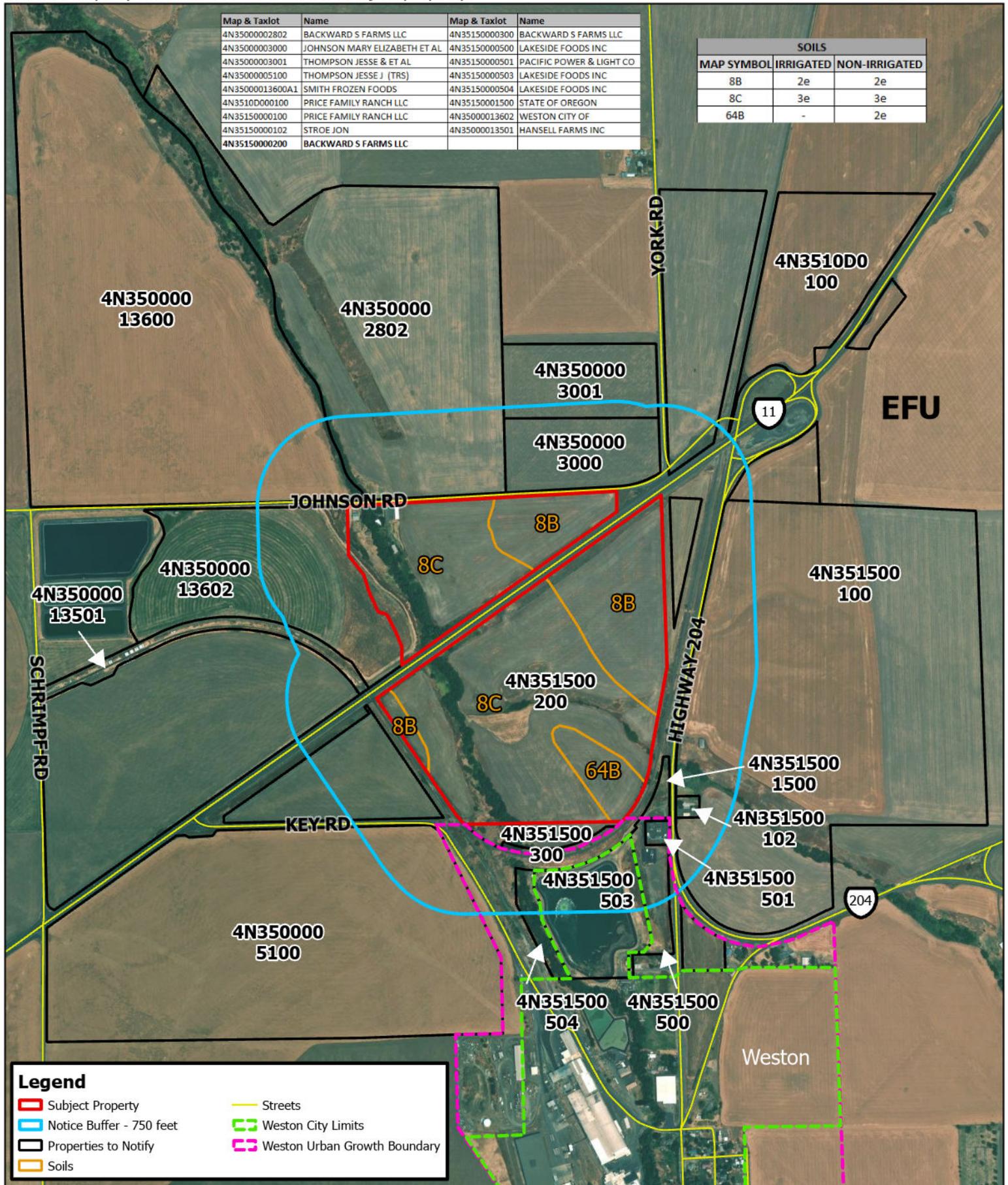


Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by B. Fairchild, Umatilla County Planning Department Date: 2/3/2026

Notified Property Owners within 750 feet of subject property.

Map & Taxlot	Name	Map & Taxlot	Name
4N3500002802	BACKWARD S FARMS LLC	4N3515000300	BACKWARD S FARMS LLC
4N35000003000	JOHNSON MARY ELIZABETH ET AL	4N35150000500	LAKESIDE FOODS INC
4N35000003001	THOMPSON JESSE & ET AL	4N35150000501	PACIFIC POWER & LIGHT CO
4N35000005100	THOMPSON JESSE J (TRS)	4N35150000503	LAKESIDE FOODS INC
4N35000013600A1	SMITH FROZEN FOODS	4N35150000504	LAKESIDE FOODS INC
4N3510D000100	PRICE FAMILY RANCH LLC	4N35150001500	STATE OF OREGON
4N35150000100	PRICE FAMILY RANCH LLC	4N35000013602	WESTON CITY OF
4N35150000102	STROE JON	4N35000013501	HANSELL FARMS INC
4N35150000200	BACKWARD S FARMS LLC		

MAP SYMBOL	SOILS	
	IRRIGATED	NON-IRRIGATED
8B	2e	2e
8C	3e	3e
64B	-	2e



Legend

- ▭ Subject Property
- ▭ Notice Buffer - 750 feet
- ▭ Properties to Notify
- ▭ Soils
- ▭ Streets
- ▭ Weston City Limits
- ▭ Weston Urban Growth Boundary

**UMATILLA COUNTY PLANNING COMMISSION
STAFF REPORT AND PRELIMINARY FINDINGS OF FACT
COMMUNITY DEVELOPMENT DEPARTMENT REQUEST TO VOID, #R-002-26
TO VOID CONDITIONAL USE PERMIT #C-791-96
MAP #4N 35 15, TAX LOT #200, ACCOUNT #123260**

1. **APPLICANT:** Umatilla County Community Development Department
2. **PROPERTY OWNERS:** Backward S Farms, LLC, 53006 Johnson Rd, Weston OR 97886
3. **LOCATION:** The subject property is bifurcated by Highway 11. The portion north of Highway 11 fronts Johnson Road and the portion south of Highway 11 fronts Highway 204. The subject property is located approximately 150-feet from the City of Weston city limits. The southern-most portion of the subject property is adjacent to Weston’s Urban Growth Boundary.
4. **PARCEL ACREAGE:** The subject property is assessed as 117.83 acres.
5. **REQUEST:** Conditional Use Permit (CUP) #C-791-96 was issued to Tim and Chris Pacheco in 1996 for a temporary hardship home for Gloria Franklin. Gloria Franklin required full-time care from her relatives, Tim and Chris Pacheco, who were to reside in the temporary hardship manufactured home.

Conditional Use Permit #C-791-96 was imposed with Condition #F which states the following: “The approval of this request be for a period of one (1) year which may be renewed. The applicant shall submit a letter requesting the continued use of the mobile home on a yearly basis as long as the medical hardship remains. **Once the hardship ceases the temporary hardship mobile home shall either be removed within 30 days or the existing dwelling be destroyed, removed or be converted into an accessory structure** according to definitions and standards in the county development ordinance”.

In November of 2021, the property owner completed the CUP renewal request form and stated the following, “Gloria Franklin is still unable to care for herself and her needs continue”. The CUP was renewed in 2021.

On February 11, 2025, County Code Enforcement Officer Estes conducted a site visit to the subject property for purposes of completing the annual review. Officer Estes spoke with a resident of the property, who informed Officer Estes that Gloria Franklin was no longer living on the subject property. He was further advised that other members of the family now occupied the temporary hardship dwelling.

On February 19, 2025, Code Enforcement sent a termination letter to Backward S Farms LLC, the current property owner, stating that the temporary hardship home was to be destroyed, removed, or converted to an accessory structure within 30 days, in accordance with the CUP approval. The letter included a copy of the final decision letter initially sent in 1996.

On February 28, 2025, County Planning received an email from Chris Pacheco, representing Backward S Farms, LLC, acknowledging the February 19th letter, and requested a timeline of 6 months to remove the temporary hardship dwelling.

In June 2025, County Planning was contacted via email by Kari Dallas of Corey Byler and Rew, regarding possible permitting paths to make the dwelling a permanent home site.

In August 2025, the Community Development Director authorized an additional time extension, granting the property owner until the end of 2025 to remove the manufactured home.

On January 30, 2026, County Code Enforcement Officer Estes drove by the subject property and observed that the temporary hardship dwelling appeared occupied and did not appear to make any progress towards being removed. Planning Staff then began to prepare to request that the Conditional Use Permit be void.

On February 2, 2026, County Code Enforcement issued a citation for failure to comply with the Conditional Use Permit, and failing to remove the temporary hardship dwelling. The first court date is scheduled for April 17, 2026.

The Community Development Department is requesting the Conditional Use Permit to be closed in accordance with Subsequent Condition #F of Conditional Use Permit #C-791-96. Condition #F states: “The approval of this request be for a period of one (1) year which may be renewed. The applicant shall submit a letter requesting the continued use of the mobile home on a yearly basis as long as the medical hardship remains. **Once the hardship ceases the temporary hardship mobile home shall either be removed within 30 days or the existing dwelling be destroyed, removed or be converted into an accessory structure** according to definitions and standards in the county development ordinance”. The Community Development Department’s request to void Conditional Use Permit #C-791-96 is based on the following facts:

1. The temporary hardship dwelling was established because Gloria Franklin required medical care, necessitating having a relative live on the same property to provide care. According to the obituary posted on the Walla Walla Union-Bulletin Obituaries website, Gloria Franklin passed on January 28, 2022.
2. As stated in Condition #F of the conditional use permit approval, the temporary hardship dwelling was to be removed within 30 days from when the hardship ceased for Gloria Franklin. The temporary hardship home should have been removed no later than February 27, 2022.

If the property owner would like to establish a new hardship home for a different relative requiring medical care, they would have to apply under a new conditional use permit.

6. **COMPREHENSIVE PLAN MAP DESIGNATION:** North/South Agriculture

7. **ZONING:** Exclusive Farm Use (EFU)

8. **ACCESS:** Access to the temporary hardship home is from Johnson Road.

9. **ROAD TYPE:** Johnson Road is a 60-foot-wide gravel County Road, County Road #678.

10. **EASEMENTS:** There are no known easements on the property.

11. **SOILS:** The property consists of the following soil:

Unit Number, Soil Name, Description & Slope	Land Capability Class	
	Dry	Irrigated
8B: Athena Silt Loam, 1 to 7 percent slopes	2e	2e
8C: Athena Silt Loam, 7 to 12 percent slopes	3e	3e
64B: Palouse Silt Loam, 1 to 7 percent slopes	2e	--

12. **BUILDINGS:** According to County Assessment records, the subject property has a 200 square foot shed, an 8-foot-tall grain bin, a 946 square foot feeder barn, a 4,375 square foot machine shed, a 2,704 square foot loft barn, a 3,021 square foot two story single-family dwelling (built in 1951) and the 1985 Golden West manufactured home (approved as the temporary hardship dwelling).

13. **UTILITIES:** Electricity is provided by Pacific Power.

14. **WATER AND SANITATION:** As this request is coming from the Community Development Department, information on water and septic were not provided by the property owner. Presumably, the homes on the property are served by a domestic well for water. Per the 1996 Conditional Use Permit approval, the temporary hardship dwelling was to be connected to the same septic system as the 1951 single-family dwelling. Thus, there should be only one septic system on the subject property.

15. **IRRIGATION:** The subject property is not located within an irrigation district.

16. **PROPERTY OWNERS & AGENCIES NOTIFIED:** February 6, 2026

17. **PUBLIC HEARING DATE:** February 26, 2026

18. **AGENCIES NOTIFIED:** Umatilla County Public Works, County Surveyor, County Environmental Health, Umatilla Rural Fire District, County Assessor, County GIS/Mapping Department, Department of State Lands, Oregon State Water Resources, Umatilla Electric Cooperative, West Extension Irrigation District, Morrow County Public Works and Morrow County Planning Department.

19. **COMMENTS RECEIVED:** Comments are pending.

20. **CRITERIA FOR APPROVAL:** Umatilla County Development Code text is provided below in underlined text.

§ 152.613 TIME LIMIT ON A CONDITIONAL USE PERMIT AND LAND USE DECISION.

(F) The County may void a conditional use permit or land use decision under the following circumstances:

(1) The property owner/applicant no longer complies with the conditions of approval imposed as part of the original decision, the County provided the property owner/applicant at least 30-days written notice and opportunity to correct or cure the compliance issue and the property owner/applicant failed to correct or cure the compliance issue within said notice period; or

County Planning Response: The County mailed a letter on February 19, 2025 to the current property owner. The letter advised that the Conditional Use Permit did not qualify for an annual renewal, and due to the hardship ending for Gloria Franklin, the temporary hardship home had to be removed within 30 days.

On February 28, 2025 Chris Pacheco, representing Backward S Farms LLC, emailed the Planning division acknowledging that per the Conditional Use Permit approval and letter, the temporary hardship home was to be removed. Chris requested an additional six months to get the temporary hardship dwelling removed. This request was granted.

On August 28, 2025 Code Enforcement visited the subject property and observed that the temporary hardship home was still on the property.

Planning Commission Findings: The Planning Commission finds the County provided the property owner written notice on February 19, 2025 that the temporary hardship dwelling was no longer compliant with the Conditional Use Permit approval conditions, and the home was to be removed within 30 days from when Gloria Franklin no longer resided on the property. The property owner was given more than 30-days written notice and opportunity to correct the compliance issue and failed to do so within the 30-day notice period and two time extensions.

The Planning Commission finds the County Community Development Department has the opportunity to request the Conditional Use Permit be voided, and that the Planning Commission has the authority to grant that request.

(2) The use approved pursuant to the conditional use permit or land use decision has been continuously discontinued for a period of one (1) year or more, unless a longer period is provided in state law.

County Planning Response: The Planning Division is requesting that the conditional use permit be voided under (1) above. The temporary hardship home is being resided in by someone other than the person granted the hardship dwelling, Gloria Franklin. The Planning Division was made aware that Gloria Franklin no longer resided on the property on February 11, 2025 which was one year ago. The approved use has been continuously discontinued for a period of more than one year.

Planning Commission Findings: The Planning Commission finds the approved use has been continuously discontinued for a period of more than one year.

(3) If the County intends to void a conditional use permit or land use decision under subsection

(1) or (2) above, it shall do so pursuant to a public process set forth in § 152.769 and § 152.771. The County bears the burden of proving the elements set forth in subsections (1) and (2) above.

County Planning Response: The Planning Division is requesting the Planning Commission to void the CUP under (1) above. The County followed the public process outlined in UCDC §152.769 and §152.771, evaluated below. The County bears the burden of proving the elements listed in subsection (1).

Planning Commission Findings: The Planning Commission finds the County bears the burden of proving the elements listed in subsection (1). The Planning Commission finds UCDC §152.769 and §152.771 are evaluated below.

§ 152.769 ADMINISTRATIVE REVIEW.

(A) The administrative review procedure is designed to provide a less time-consuming alternative to the public hearing process for land use requests which require discretion in the decision-making process (i.e., quasi-judicial decisions).

(B) The administrative review procedure is as follows:

(1) Within 20 business days of filing a completed application, the Planning Department shall determine whether the application and accompanying material conforms with the applicable requirements of this chapter and render a tentative decision. When the application is within an Interchange Management Area Plan (IAMP) Management Area or within a ¼ mile of an ODOT facility, the Planning Department shall provide written notification to ODOT when the application is deemed complete.

(2) All documents or evidence relied upon by the applicant shall be submitted to the Planning Department and shall be made available to the public prior to issuance of the tentative decision.

(3) A tentative decision by the Planning Department to approve, modify or deny a land use request shall include written modifications and conditions, if any, and findings and conclusions which shall specifically address the relationship between the proposal and the applicable criteria for approval listed elsewhere in this chapter.

(4) If the Planning Department determines that there are minor inconsistencies between the application and the criteria, the applicant shall be so advised in writing and afforded an opportunity to make corrections within 10 business days of written notification;

(5) If the applicant makes the necessary corrections as specified by the Planning Director, the Director shall then grant tentative approval of the partition, as provided in this section.

(6) Within two business days from a tentative decision by the Planning Director, a notice of the tentative decision shall be mailed to the applicant and all registered owners of property and affected agencies pursuant to § 152.770. The notice shall inform the applicant and the surrounding property owners that the Planning Director will issue a final decision, with or without modifications and/or conditions, or denial of the land use request 21 calendar days from the date of the notice; unless a public hearing is requested.

(7) The purpose of the notice is to provide affected property owners and agencies the opportunity to review the request and the tentative findings and conclusions of the Department, and to either offer comments or requested conditions, or request a public hearing be held to deliberate on issues they deem are significant. If a public hearing is requested, then the Planning Department shall schedule a public hearing before the County Hearings Officer within 45 days from the

receipt of the request for a public hearing pursuant to § 152.771.

(8) The failure of the property owner to receive notice as provided in this section shall not invalidate such proceedings if the mailing affidavit demonstrates that the notice was mailed to the address listed in the County Assessor's tax records.

(9) If no request for a public hearing is received within the 21 days, then the Planning Department's tentative decision shall become the final decision, although conditions of approval may be added, modified, or deleted based on information received subsequent to notification.

(10) Notice of the final decision shall be sent to the applicant, to any property owner, person, or agency which commented on the request, and to any other persons who requested such notice.

(11) If the proposed final decision is significantly different from that proposed in the tentative findings and conclusions sent out per subdivision (B)(5) of this section, then the process outlined in subdivision (B)(5) of this section will be repeated.

(12) The final decision of the Planning Department on a land use request may be appealed within 15 days to the Hearings Officer pursuant to § 152.766;

(13) Conditions of approval shall be imposed pursuant to §§ 152.753 and 152.776.

County Planning Response: The Planning Division is requesting the Planning Commission to void the CUP. The Administrative Review process provides the guideline for the Planning Division to accept, review and process administrative applications. Since the Planning Commission is the deciding body on the request to void conditional use permits, §152.771 is followed and evaluated below.

Planning Commission Findings: The Planning Commission finds the Community Development Department's request to void the Conditional Use Permit follows the process outlined in UCDC §152.771, evaluated below.

152.771 PUBLIC HEARING REQUIREMENTS.

(A) Public hearings are required for the following types of land use requests:

(1) Legislative amendments to the map or text of this chapter.

(2) Quasi-judicial amendments to the map or text of this chapter.

(3) Type I and III Land Divisions.

(4) Upon the request of an affected property owner, state, local, or federal agency, or at the discretion of the Planning Director, for Type II and IV Land Divisions, conditional uses, variances, farm dwellings, or any other request processed through the administrative review procedures set forth in § 152.769.

(5) Appeals of a land use decision, per § 152.766.

County Planning Response: The Planning Division is requesting the Planning Commission to void the CUP which is a request that requires a public hearing under (A)(4). A public hearing is scheduled to be held before the Planning Commission on February 26, 2026.

Planning Commission Findings: The Planning Commission finds a public hearing is required and was held on February 26, 2026. The criterion is satisfied.

(B) A legal notice of hearing authorized by this chapter for amendments to the map or text of this chapter shall be published in a newspaper of general circulation in the county at least 10 days prior to the date of the hearing.

County Planning Response: Legal notice of the February 26, 2026 Planning Commission hearing was published on February 11, 2026 in the East Oregonian newspaper which was more than 10 days prior to the hearing date.

Planning Commission Findings: The Planning Commission finds legal notice of the February 26, 2026 Planning Commission hearing was published on February 11, 2026 in the East Oregonian newspaper. The publication was at least 10 days prior to the date of the public hearing. The criterion is satisfied.

(C) At least 20 days in advance, a notice of public hearing on a Type I, II, III or IV Land Division, a conditional use, a land use decision, or a variance application. If two evidentiary hearings are required, notice of the hearing shall be sent 10 days before the first evidentiary hearing for applications such as a quasi-judicial amendment to the zoning map or Comprehensive Plan Map, or appeals thereof, shall be mailed to all owners of property, affected state, local, or federal agencies, and affected municipalities pursuant to § 152.770.

County Planning Response: Public notice of the February 26, 2026, Planning Commission hearing was mailed to the property owners, permit holders, nearby property owners and state, local and federal agencies on February 6, 2026. The public notice was mailed at least 20 days in advance of the public hearing.

Planning Commission Findings: The Planning Commission finds public notice of the February 26, 2026, Planning Commission hearing was mailed to the property owners, permit holders, nearby property owners and state, local and federal agencies on February 6, 2026. The public notice was mailed at least 20 days in advance of the public hearing. The criterion is satisfied.

(D) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing provided that the county's mailing affidavit indicates that notice was indeed sent in accordance with this chapter.

County Planning Response: The County Planning Division has on file a list of property owners and agencies that were notified of the public hearing. An affidavit of mailing was signed in front of a notary on February 6, 2026. Failure of a person on the notified list to receive notice does not impair the validity of the public hearing.

Planning Commission Findings: The Planning Commission finds failure of a person to receive notice does not impair the validity of the public hearing if that person is on the notified list.

(E) All documents or evidence relied upon by the applicant shall be submitted to the Planning Department and be made available to the public by the date the notice required in division (C) of this section is mailed. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The Hearings Officer, Planning Commission and County Board of Commissioners may grant such request in accordance with ORS 197.763.

County Planning Response: The County Planning Division is the applicant in this request to void Conditional Use Permit #C-791-96. All documents and evidence relied on by the Planning Division are available to the public upon request. The property owner or other hearing participants may request an opportunity to present additional evidence, arguments or testimony during the public

hearing.

Planning Commission Findings: The Planning Commission finds all documents and evidence relied on by the Planning Division are available to the public upon request. The public hearing provided opportunities for hearing participants to present additional evidence, arguments and testimony.

(F) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television.

County Planning Response: The County Planning Division provided notice of the hearing via newspaper publication and notice to nearby property owners and agencies via USPS mail.

Planning Commission Findings: The Planning Commission finds the Planning Division provided notice of the hearing via newspaper publication and notice to nearby property owners and agencies via USPS mail.

(G) A staff report shall be prepared for each request requiring a public hearing. This staff report shall be available at least seven calendar days prior to the hearing.

County Planning Response: The County Planning Division staff have prepared a staff report which was made available on the County's website, or upon request, seven calendar days prior to the hearing.

Planning Commission Findings: The Planning Commission finds the County Planning Division staff have prepared a staff report which was made available on the County's website, or upon request, seven calendar days prior to the hearing.

(H) The Hearings Officer, Planning Commission and County Board of Commissioners may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

(I) Unless a continuance of the hearing is requested per division (E) of this section, any participant at the first evidentiary hearing may request prior to the conclusion of the hearing that the record remain open pursuant to ORS 197.763 for at least seven days after the hearing for the submittal of additional testimony.

(J) When the record for a hearing is reopened, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

(K) The Hearings Officer, Planning Commission and Board of County Commissioners shall conduct their public hearings pursuant to the requirements of § 152.772.

County Planning Response: The provisions of H through K govern the procedures of the public hearing.

Planning Commission Findings: The Planning Commission finds the provisions of H through K govern the procedures of the public hearing and do not pertain to whether or not the Community Development Department's request to void the conditional use permit could be approved.

DECISION TO VOID THE CONDITIONAL USE PERMIT: PENDING

THE PLANNING COMMISSION MAY DECIDE TO VOID THE CONDITIONAL USE PERMIT #C-791-96 OR DENY THE COMMUNITY DEVELOPMENT DEPARTMENT'S REQUEST TO VOID THE PERMIT.

IN ORDER TO AMEND THE CONDITIONS OF APPROVAL IMPOSED ON #C-791-96, THE APPLICANT WOULD NEED TO SUBMIT AN APPLICATION TO THE COUNTY PLANNING DIVISION, REQUESTING AN AMENDMENT TO #C-791-96 OR APPLY FOR A NEW CUP. THE CUP AMENDMENT WOULD BE SUBJECT TO ALL CODE CRITERIA IN PLACE AT THE TIME OF APPLICATION.

UMATILLA COUNTY PLANNING COMMISSION

Dated the _____ day of _____, 2026

Samuel Tucker, Chair
Umatilla County Planning Commission

Mailed the _____ day of _____, 2026

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

**Land & Water
Resources
Division:**

LAND USE PLANNING
503-278-6262

UMATILLA BASIN
WATERSHED COUNCIL
503-278-3836

**Emergency
Management
Division:**

EMERGENCY
MANAGEMENT
503-278-6263

RURAL ADDRESSING
PROGRAM
503-278-6263

CHEMICAL STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM (CSEPP)
503-687-2084

**County/State
Services
Division:**

COUNTY FAIR
503-567-6121

STATE AGENCY
LIAISONS:

OSU EXTENSION
SERVICE
503-278-5403

WATERMASTER
503-278-5456

July 9, 1996

Tim & Chris Pacheco
4381 S.E. Mason Hill Drive
Milwaukie, Or. 97222

RE: "TENTATIVE APPROVAL" of
Pacheco CONDITIONAL USE, #C-791-96 &
VARIANCE REQUEST #V-205-96
MAP 4N 35 15, TAX LOT 200

Dear Pacheco's:

The 21-day notice period for your conditional use and variance requests for a temporary hardship mobile home that would be set back 45 feet from the high water line of a stream elapsed without a public hearing having been requested. Notified property owners Jack & Sherry Long phoned and said they have no objections to the temporary hardship mobile home provided it meets the planning department and the Department of Environmental Quality requirements.

On July 9, 1996, the Findings document was signed, signifying formal approval of the TENTATIVE PLAN for your land division. The conditions placed on this approval are as follows:

AMENDED PRECEDENT CONDITIONS:

- A. The applicants secure a favorable "Existing Systems Evaluation" or other appropriate approval from the Department of Environmental Quality (DEQ) to show that the additional hardship mobile home can be hooked up to a septic/sewage system that meets DEQ specifications.

SUBSEQUENT CONDITIONS:

- B. If applicable, the applicants be required to gravel a parking area within 60 days of the hardship mobile home placement, and continually maintain this area.
- C. The applicants be required to skirt the hardship mobile home and develop a landscaped yard area around the hardship mobile home within one year of the date of approval.

- D. The location of the temporary hardship mobile home on the applicant's property shall not be considered a separate dwelling site or lot area, and shall not be used as justification for a future zone change.
- E. Variance would allow placement of the hardship dwelling 45 feet from the stream (Pine Creek) or more specifically 45 feet from the high water line of this creek.
- F. The approval of this request be for a period of one (1) year which may be renewed. The applicant shall submit a letter requesting the continued use of the mobile home on a yearly basis as long as the medical hardship remains. Once the hardship ceases the temporary hardship mobile home shall either be removed within 30 days or the existing dwelling be destroyed, removed or be converted into an accessory structure according to the definitions and standards in the county development ordinance.

A statutory 15-day appeal period commenced the date the Findings were signed. Either you, a notified property or a notified agency may appeal this decision. Appeals must be made in writing and submitted on the applicable form available from the Planning Department. There is a fee to process an appeal. The appeal period will be over on July 23, 1996, following which the land use request is final, provided all "precedent conditions" have been met.

Our approval will expire on the following date, one year from issuance of Tentative Plan approval. By that time, at the latest, all the "precedent conditions" of approval must have been met, and a zoning permit issued:

* JULY 9, 1997

NOTE: If this deadline is missed, you will have to reapply for your conditional use and variance requests through our office, and be subject to all review procedures and standards in effect at that time.

UMATILLA COUNTY PLANNING DEPARTMENT
Letter to Tim & Chris Pacheco, July 9, 1996
Pacheco Conditional Use #C-791-96 &
Variance #V-205-96

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A zoning permit is enclosed along with a signed Land Use Compatibility Statement (LUCS). The LUCS will need to be submitted to the Department of Environmental Quality to start the "Existing Systems Evaluation". You will need to sign the Zoning Permit and return it with a \$30 check and I will sign it and assign a zoning permit number. You will receive copies of the Zoning Permit one of which (light yellow) will need to be eventually returned to the State Building Codes Agency. I will also send you a partially completed state building codes permit when the Zoning Permit is finalized.

If you have any questions, please do not hesitate to contact us. Thank you very much for your cooperation.

Sincerely,



Bob Perry
Senior Planner

BP

cc: Jack & Sherry Long

enc.

UMATILLA COUNTY PLANNING DEPARTMENT
FINDINGS AND CONCLUSIONS
PACHECO CONDITIONAL USE REQUEST, #C-791-96 &
VARIANCE REQUEST, #V-205-96
MAP 4N 35 15, TAX LOT 200

1. APPLICANTS: Tim & Chris Pacheco, 4381 S.E. Mason Hill Drive, Milwaukie, Or. 97222
2. OWNER: Gloria Franklin, Life Estate, 53002 Johnson Rd., Weston, OR 97886.
3. LOCATION: Subject property and proposed house site is on the south side of Johnson Road about 1/2 mile west where Highway 11, Highway 204 and Johnson Road all intersect. The city center of Weston is approximately 1 mile to the south.
4. PARCEL ACREAGE: 127 acres
5. REQUEST: To allow the placement of a manufactured home as a medical hardship temporary dwelling for Mrs. Franklin's relatives who would help her because of her have medical problems requiring close family involvement and care. A map accompanying the application shows the temporary hardship dwelling would be set behind or to the south of the existing home where Mrs. Franklin currently lives. This request will also involve a variance because the proposed dwelling is closer to the creek than the required 100 feet. (See justification reasons for both requests below)

The application includes a letter from Mrs. Franklin's doctor. The doctor states Mrs. Franklin has rheumatoid arthritis. The prognosis of her improving this condition is not likely. The doctor also mentions Mrs. Franklin having had several total hip surgeries in recent months. Daily supervised care is encouraged by the doctor. Tim & Chris Pacheco, relatives of Mrs. Franklin, have agreed to provide the care needed and recommended by the doctor.

6. COMP PLAN: North/South County Agriculture
7. ZONING: EFU (Exclusive Farm Use, 160 acre minimum lot size) Zone.

8. ACCESS: The proposed temporary hardship dwelling would be accessed from Johnson Road.
9. ROAD TYPE: Johnson Road is a county road. It is maintained by the county road department and is identified by the assigned number 678. The surface improvement along this portion of road is gravel.
10. EASEMENTS: Application information states that no easements are on the subject property.
11. LAND USE: The subject property is part of an eighty acre farm. The farm produces water melons and alfalfa.
12. BUILDINGS: The subject parcel contains the existing single family dwelling, yard and farm shop building.
13. ADJACENT: North, west and east are dry land farms. To the south is the Smith Frozen Foods Processing Plant.
14. LANDFORM: Upland plains.
15. SOIL TYPES: SLOPE/AG CLASS/FOREST/SEPTIC/BUILDING
Name: irr/dry SITE SITE
8C Athena silt loam 7-12% 3e 3e na mod moderate
- Note: There are other soils types found on this rather large property but the majority is the 8C soil and this soil is found where the temporary hardship mobile home would be placed.
16. UTILITIES: The site is located outside of the Urban Growth Boundary of Weston, Oregon and is dependent upon private septic systems. Power is existing on site.
17. WATER: The existing dwelling is served by a single private well.
18. GOAL 5 ISSUES: Scenic, Open Space, Historic, Wildlife, and other Resources: The site is not known to contain any of the said areas or natural resources.
19. CONDITIONAL USE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT ORDINANCE: The standards/criteria are in standard text and the responses are in caps and underlined.

A. SPECIFIC CRITERIA FOR GRANTING A SPECIAL EXCEPTION FOR
TEMPORARY MOBILE HOME PLACEMENT:

1. Section 5.200 of the County Development Ordinance allows for:

"...temporary housing on a given lot or parcel such as a dwelling for...aged or disabled family members..."

MRS. GLORIA FRANKLIN, THE OWNER, DESIRES AND NEEDS THE CARE OF HER DAUGHTER AND FAMILY. MRS. FRANKLIN HAS HAD MEDICAL PROBLEMS AND IS APPROACHING 70 YEARS OF AGE. THE TEMPORARY DWELLING WOULD BE LOCATED A SHORT DISTANCE SOUTH AND EAST OF MRS. FRANKLIN'S EXISTING DWELLING.

2. Section 5.202 of the County Development Ordinance allows a mobile home to be temporarily located under the following circumstances:

(A) Where there exists a personal, but not necessarily financial hardship on the part of the applicant, whereby it is necessary to have someone living on the same premises as the applicant's dwelling or mobile home; however, the installation of a separate sub-surface sewage disposal system for a mobile home permit granted pursuant to this subsection is prohibited; or

THE OWNER'S PHYSICAL HEALTH IS NOT GOOD. SHE WANTS HER DAUGHTER TO BE NEAR HER. THE OWNER HAS SOME ROOM ON HER PROPERTY AND IS WILLING TO USE A SINGLE EXISTING SEPTIC SYSTEM TO HANDLE AN ADDITIONAL TEMPORARY DWELLING. THE APPLICANTS UNDERSTAND THAT ONE SEPTIC SYSTEM MUST BE ABLE TO HANDLE BOTH DWELLINGS. AS A CONDITION OF APPROVAL, A FAVORABLE "EXISTING SYSTEMS EVALUATION" OR AN APPROVAL FOR A MODIFICATION TO THE EXISTING SYSTEM FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE EXISTING SEPTIC SYSTEM MUST BE SUBMITTED TO THE PLANNING DEPARTMENT EVALUATED.

(B) Where the resident of the mobile home is to be engaged in bona fide agricultural, forestry management or mineral extraction work on the subject property, and where the subject property is not in an EFU or GF Zone.

THIS WOULD NOT APPLY TO THIS REQUEST SINCE THE INHABITANTS OF THE TEMPORARY DWELLING WOULD NOT BE INVOLVED FULL-TIME IN FARMING THE LAND.

3. Conditions: (Section 5.204) The following conditions shall be applied in evaluating an application for Special Exception for Temporary Mobile Home Placement:

(A) Approval shall clearly set forth the conditions under which the temporary mobile home placement is allowed;

THIS REQUEST WILL BE REQUIRED TO MEET THE CRITERIA OF SECTION 7.060(24) AS NOTED BELOW.

(B) Approval shall be for a period of one year which may be renewed. However, the mobile home shall be removed thirty (30) days after the original need has ceased;

THIS IS WILL BE REQUIRED AS A CONDITION OF APPROVAL.

(C) The Hearings Officer may require doctor's certification for applications based upon family member dependency due to medical reasons;

THE APPLICANTS HAVE SUBMITTED A LETTER FROM THEIR PARENT'S DOCTOR. THE LETTER IS DATED MAY 9, 1996. IT IS FROM DOCTOR TERRY DIETRICK. THE DOCTOR SAYS HIS PATIENT TAKES MEDICATION FOR RHEUMATOID ARTHRITIS AND HAS HAD TWO HIP SURGERYS SINCE FEBRUARY OF THIS YEAR. THE DOCTOR ALSO STATES THAT HER POOR HEALTH CONDITON WILL NOT LIKELY IMPROVE.

(D) The location of a temporary mobile home on a parcel of land shall not be considered a separate dwelling site and the lot area, frontage and access requirements of the applicable zoning district shall not apply;

THIS WILL BE NOTED AS A CONDITION OF APPROVAL.

(E) In granting a Special Exception for Temporary Mobile Home Placement, additional reasonable conditions may be imposed to meet the purposes of this section and the goals and policies of the Comprehensive Plan. Guarantees and evidence of compliance with conditions may be required.

SEE REVIEW OF SECTION 7.050 BELOW.

B. CONDITIONAL USE CRITERIA FOR ACCESSORY USE DWELLINGS:

In addition to the specific criteria for granting a special exception to allow a temporary mobile home placement, the following conditional use criteria contained in Section 7.060(24) must also be applied in the review of this request.

1. If a mobile home is to be used, the mobile home shall be skirted and set up to have the appearance of a residential dwelling;

THE TEMPORARY HARDSHIP MOBILE HOME MUST BE SKIRTED AND SET UP AS A RESIDENCE.

2. A yard area including landscaping shall be maintained around the dwelling;

THE PROPOSED HARDSHIP MOBILE HOME WILL NEED TO HAVE A LANDSCAPED YARD AREA. THIS WILL BE REQUIRED AS A CONDITION OF APPROVAL.

3. Any mobile home used as an accessory dwelling shall be removed within 30 days after the principal use on the property ceases;

SEE #19.3(B) ABOVE.

4. Complies with other conditions that the Hearings Officer deems necessary to maintain the integrity of the zoning district.

SEE REVIEW OF SECTION 7.050 NOTED BELOW.

C. GENERAL CONDITIONS FOR ALL CONDITIONAL USES:

In addition to the requirements and criteria listed in the review of this request, the following conditions listed in Section 7.050 of the Development Ordinance may be imposed upon a finding that a circumstance warrants such additional restrictions:

1. Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, glare or odor;

THIS WOULD NOT APPEAR TO APPLY TO THIS REQUEST WHERE THE PROPOSED MOBILE HOME WILL BE A RESIDENCE. THERE IS, HOWEVER, A STANDARD POLICY OF A YEARLY REVIEW OF HARDSHIP MOBILE HOMES TO ASSURE THAT THE ADDITIONAL

DWELLING IS NOT CAUSING PROBLEMS WITH NEIGHBORING PROPERTY OWNERS AND TO DETERMINE IF THERE IS STILL A NEED FOR THE HARDSHIP DWELLING.

2. Establishing a special yard, other open space or lot area or dimension;

THE LOCATION OF THE PROPOSED MOBILE HOME IS NEAR A STREAM (PINE CREEK). DUE TO SEVERAL FACTORS THE APPLICANT IS REQUESTING A VARIANCE TO THE STREAM SETBACK REQUIREMENT OF 100 FEET. (SEE VARIANCE CRITERIA BELOW)

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

SEE VARIANCE CRITERIA BELOW REGARDING LOCATION OF THE DWELLING.

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

THIS WOULD NOT APPEAR TO APPLY.

5. Increasing the required street dedication, roadway width or improvements within the street right-of-way;

THIS WOULD NOT APPEAR TO APPLY TO THIS REQUEST WHERE THE IMPACT TO AREA ROADS WILL NOT CHANGE SIGNIFICANTLY BY ALLOWING AN ADDITIONAL TEMPORARY MOBILE HOME.

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

THE ACCESS DRIVE AND THE PROPOSED PARKING AREA FOR THE HARDSHIP MOBILE HOME REQUIRE GRAVEL SURFACING TO MEET THE STANDARDS OF SECTION 4.130(9).

7. Limiting or other wise designating the number, size, location, height and lighting of signs;

NO SIGN IS PROPOSED OR REQUIRED.

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

OUTDOOR LIGHTING WOULD BE LIMITED AND FOR SECURITY

PURPOSES. THERE ARE NO NEIGHBORING DWELLINGS IN THE VICINITY.

9. Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance;

THIS WOULD NOT APPEAR TO APPLY TO THIS REQUEST WHERE THE MOBILE HOME SITE IS NOT CLOSE TO DWELLINGS ON ADJACENT PROPERTIES.

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

THIS WOULD NOT APPEAR TO APPLY TO THIS REQUEST AS NOTED IN #9 ABOVE.

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

SEE VARIANCE CRITERIA BELOW.

12. Parking area requirements as listed in Section 4.110 to 4.130.

THE EXISTING PARCEL CONTAINS ADEQUATE AREA FOR THE ONE REQUIRED PARKING SPACE AND WOULD APPEAR TO MEET THE REQUIREMENTS FOR PARKING AND LOADING AREAS PROVIDED THE AREAS ARE GRAVELED PER SECTION 4.130, AND LOCATED AWAY FROM DRAINFIELD LINES.

20. STANDARDS FOR GRANTING A VARIANCE:

A variance may be granted under some or all of the following circumstances listed in Section 8.030:

1. 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 Ordinance have had no control;

THERE ARE REALLY NO EXTRAORDINARY OR EXCEPTIONAL CIRCUMSTANCES EXISTING SINCE THERE ARE OTHER, BUT LESS DESIRABLE, OPTIONS TO SITE THE TEMPORARY HARDSHIP DWELLING.

2. 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 DID NOT SPECIFICALLY ADDRESS OR PROVIDE SUBSTANTIATION OF WHETHER OTHER PROPERTY OWNERS IN THE GENERAL VICINITY HAVE DWELLINGS CLOSE TO A CREEK. THERE WAS GENERAL MENTION OF THE APPLICANTS' MOTHER'S HOUSE BEING ABOUT 18 FEET FROM THE CREEK BANK.

3. The variance would not be materially detrimental to the purposes of this Ordinance 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 APPLICANTS STATE THAT TO MEET THE REQUIRED 100 FOOT STREAM SETBACK WOULD BE DETRIMENTAL TO THE EXISTING USE OF THE PROPERTY THAT BEING FARMING. PLACING A TEMPORARY MANUFACTURED DWELLING WITH THE PROPER SETBACK WOULD ENCROACH INTO A FARM FIELD AND NEGATIVELY IMPACT FARMING PATTERNS. ALSO, THE APPLICANTS CONTEND THAT LOCATING THE HARDSHIP DWELLING FURTHER EASTWARD THE REQUIRED DISTANCE FROM THE STREAM WOULD CUT OFF AN EXISTING ACCESS THEREBY NECESSITATING AN ALTERNATE ACCESS WITHIN EXISTING FARM LAND. LASTLY, APPLICANT'S MAINTAIN THAT THE COST OF HOOKING INTO THE EXISTING SEPTIC SYSTEM WOULD BE CONSIDERABLY INCREASED BY THE REQUIRED SETBACK DISTANCE. APPLICANTS DID OFFER TO INCREASE THE ORIGINAL SITE LOCATION OF HARDSHIP DWELLING AT 30 FEET FROM THE STREAM EASTWARD ANOTHER 15 FEET ABOUT 45 FOOT SETBACKS.

PLANNING STAFF AGREES WITH THE APPLICANTS. A MAJOR GOAL OF THE COUNTY IS TO MAINTAIN AND PROTECT AGRICULTURAL LAND. PLACEMENT OF THE HARDSHIP DWELLING AS OFFERED ABOVE WOULD TAKE VERY LITTLE AGRICULTURAL LAND OUT OF PRODUCTION, STILL ALLOW EXISTING ROAD ACCESS, PERMIT EASIER HOOK UP TO THE EXISTING SEPTIC SYSTEM AND STILL BE NEARLY 50 FEET FROM THE STREAM. THE PROPOSED SITE OF THE HARDSHIP DWELLING IS ALSO ALONG A STREAM WHERE FLOOD ELEVATION HAVE NOT BEEN DETERMINED (ZONE D) AND WOULD NOT FALL WITHIN COUNTY FLOODPLAIN REGULATIONS. HOWEVER, TO HELP ASSURE SAFETY, THE TEMPORARY HARDSHIP DWELLING WILL BE PLACED PARALLEL TO THE STREAM AS MUCH AS POSSIBLE AS IS SHOWN ON THE APPLICANTS SITE PLAN.

4. The variance requested is the minimum variance which would alleviate the hardship.

YES. THE APPLICANTS HAVE COMPROMISED ON THEIR ORIGINAL LOCATION AND ARE WILLING TO MOVE THE HARDSHIP MOBILE HOME FURTHER AWAY FROM THE STREAM AND WOULD STILL CONFORM AS MUCH AS POSSIBLE TO EXISTING LAND USES, TOPOGRAPHY, AND ACCESS.

20. ZONING STANDARDS: See Finding #19 above. Also Section 4.300 requires any newly placed mobile home to meet basic fire, life and safety codes. Basically, most all mobile homes manufactured after January 1, 1969 meets this ordinance requirement. The applicants mentioned that the hardship mobile home would be a newer dwelling. The proposed hardship mobile home will meet Section 4.300 requirements.
21. PROPERTY OWNERS NOTIFIED: June 18, 1996
22. CLOSING DATE: July 8, 1996.
23. AGENCIES NOTIFIED: State Dept. of Environmental Quality, East Umatilla Rural Fire District, County Assessor, Public Works Director, ODF&W.
24. COMMENTS RECEIVED: None to date.

BASED ON THE ABOVE FINDINGS AND CONCLUSIONS, THIS REQUEST COULD BE GRANTED IF SUBJECT TO THE FOLLOWING CONDITIONS:

The following "Precedent Conditions" must be completed prior to the issuance of final approval.

- A. The applicants secure a favorable "Existing Systems Evaluation" or other appropriate approval from the Department of Environmental Quality (DEQ) to show that the additional hardship mobile home can be hooked up to a septic/sewage system that meets DEQ specifications.

The following "Subsequent Conditions" must be completed or required after issuance of final approval.

- B. If applicable, the applicants be required to gravel a parking area within 60 days of the hardship mobile home placement, and continually maintain this area.
- C. The applicants be required to skirt the hardship mobile home and develop a landscaped yard area around the hardship mobile home within one year of the date of approval.
- D. The location of the temporary hardship mobile home on the applicant's property shall not be considered a separate dwelling site or lot area, and shall not be used as justification for a future zone change.

- E. Variance would allow placement of the hardship dwelling 45 feet from the stream (Pine Creek) or more specifically 45 feet from the high water line of this creek.
- F. The approval of this request be for a period of one (1) year which may be renewed. The applicant shall submit a letter requesting the continued use of the mobile home on a yearly basis as long as the medical hardship remains. Once the hardship ceases the temporary hardship mobile home shall either be removed within 30 days or the existing dwelling be destroyed, removed or be converted into an accessory structure according to definitions and standards in the county development ordinance.

Bob Perry for

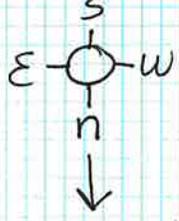
Dennis Olson, Planning Director

7-9-96

Date

ATTACHMENTS:
Approved Site Plan

5/1/96



1sq = 2 1/2' approx.

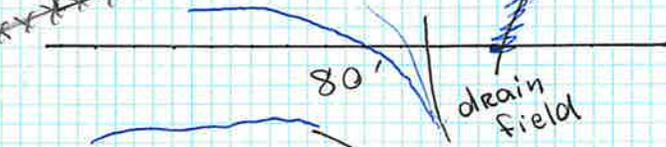
Wheat Field

Proposed Dwelling

dwelling will be at least ~~20'~~ 45' from Pine Creek

Legend

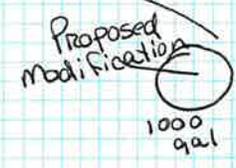
XXXXX Compromise House Location



80'

drain field

Existing Power source



Proposed modification

1000 gal

Existing Septic 500 gal



existing dwelling

Pine Creek

18' distance

West side of existing Machine Shop



existing driveway

Schreimpf/Johnson Rd.

Existing well

1sq = 2 1/2'

EXHIBIT 1

1791 61

Date	CUP RENEWAL SITE VISIT	Comments	Reported by
04/09/14	Site visit - OK to renew		Jan
2/24/25		Spoke w/ Chris Pacheco she is requesting 6 months extension of time to remove home. She needs to arrange other living situation.	

Rich checked 2/11/25
 spoke w/ occupants.
 Grandma passed 2 yrs
 ago. ^{CE} letter was sent 6/24
 no response
 home needs removed.

Chris Pacheco
 541-969-3582

Owners indicate they
 are working toward
 compliance by moving
 the home. Gave extension
 to end of 2025.
 RTW

SENDE U. C. (D) For (End) Ret (End) To Sen Size or F CUP PS
 7003 3110 0005 8092 1927

Umatilla County

Department of Land Use Planning



DIRECTOR
Robert Waldher

June 22, 2020

LAND USE
PLANNING,
ZONING AND
PERMITTING

Tim & Chris Pacheco
53002 Johnson Rd
Weston, OR 97886

CODE
ENFORCEMENT

Re: Conditional Use Permit #C-791-96

SOLID WASTE
COMMITTEE

Dear Mr. & Mrs. Pacheco:

SMOKE
MANAGEMENT

On July 9, 1996, your Conditional Use Permit #C -791-96 was approved to allow a temporary hardship mobile home in an EFU (Exclusive Farm Use) zone, in accordance with the Umatilla County Development Ordinance. The Conditional Use Permit was granted for a one-year term, renewable each year thereafter, contingent upon a yearly review and \$50.00 renewal fee.

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

Your Conditional Use Permit is currently due for annual review, and we will be conducting a site visit within the next 90 days. Prior to granting you a one-year extension, the Planning Department **must receive a completed request form from you, justifying your continued need for the hardship mobile home, and a request for the renewal of the Conditional Use Permit, naming the occupant(s) of the hardship home, for another year and the renewal fee. Please complete the enclosed Renewal Request Form and return to our office. Failure to respond to this request could jeopardize your permit for the temporary mobile home.**

If you have any questions concerning this renewal process, please contact this office at (541) 278-6300.

Regards,


Gina Miller
Code Enforcement Coordinator

Umatilla County

Department of Land Use Planning



DIRECTOR
Robert Waldher

May 20, 2021

LAND USE
PLANNING,
ZONING AND
PERMITTING

Tim & Chris Pacheco
53002 Johnson Rd
Weston, OR 97886

CODE
ENFORCEMENT

Re: Conditional Use Permit #C-791-96
2021 Renewal

SOLID WASTE
COMMITTEE

Dear Mr. & Mrs. Pacheco:

SMOKE
MANAGEMENT

On July 9, 1996, your Conditional Use Permit #C -791-96 was approved to allow a temporary hardship mobile home in an EFU (Exclusive Farm Use) zone, in accordance with the Umatilla County Development Ordinance. The Conditional Use Permit was granted for a one-year term, renewable each year thereafter, contingent upon a yearly review and \$50.00 renewal fee.

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
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Your Conditional Use Permit is currently due for annual review, and we will be conducting a site visit within the next 90 days. Prior to granting you a one-year extension, the Planning Department **must receive a completed request form from you, justifying your continued need for the hardship mobile home, and a request for the renewal of the Conditional Use Permit, naming the occupant(s) of the hardship home, for another year and the renewal fee. Please complete the enclosed Renewal Request Form and return to our office. Failure to respond to this request could jeopardize your permit for the temporary mobile home.**

PLEASE NOTE: Our office did not receive your renewal request/fee for 2020. Please include this with your 2021 renewal request and fee.

If you have any questions concerning this renewal process, please contact this office at (541) 278-6300.

Regards,

COPY
Gina Miller
Code Enforcement Coordinator

Umatilla County

Department of Land Use Planning



DIRECTOR
Robert Waldher

May 20, 2021/November 10, 2021

LAND USE
PLANNING,
ZONING AND
PERMITTING

Tim & Chris Pacheco
53002 Johnson Rd
Weston, OR 97886

FINAL NOTICE

CODE
ENFORCEMENT

Re: Conditional Use Permit #C-791-96
2021 Renewal

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

Dear Mr. & Mrs. Pacheco:

GIS AND
MAPPING

On July 9, 1996, your Conditional Use Permit #C -791-96 was approved to allow a temporary hardship mobile home in an EFU (Exclusive Farm Use) zone, in accordance with the Umatilla County Development Ordinance. The Conditional Use Permit was granted for a one-year term, renewable each year thereafter, contingent upon a yearly review and \$50.00 renewal fee.

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

Your Conditional Use Permit is currently due for annual review, and we will be conducting a site visit within the next 90 days. Prior to granting you a one-year extension, the Planning Department **must receive a completed request form from you, justifying your continued need for the hardship mobile home, and a request for the renewal of the Conditional Use Permit, naming the occupant(s) of the hardship home, for another year and the renewal fee. Please complete the enclosed Renewal Request Form and return to our office. Failure to respond to this request could jeopardize your permit for the temporary mobile home.**

PLEASE NOTE: Our office did not receive your renewal request/fee for 2020. Please include this with your 2021 renewal request and fee.

If you have any questions concerning this renewal process, please contact this office at (541) 278-6300.

Regards,

COPY

Gina Miller

Code Enforcement Coordinator



SCANNED

Jul

UMATILLA COUNTY
CONDITIONAL USE PERMIT
RENEWAL REQUEST FORM

Please complete the entire form, and return it within 30 days to:

Umatilla County Planning Department
216 SE 4th
Pendleton, OR 97801

RECEIVED

NOV 17 2021

**UMATILLA COUNTY
PLANNING DEPARTMENT**

Please include a check or money order for \$50.00 for the annual renewal fee.

OWNER / PROPERTY INFORMATION:

Gloria C. Franklin
Name

53002 Johnson Rd, Weston, OR 97886
Mailing Address

541-969-3582 chris9025@hughes.net
Phone Email

CONDITIONAL USE PERMIT INFORMATION:

C-791-96 Care of elderly parent
Permit # Purpose of permit

Address of permitted use (if different than the mailing address listed above)

If a hardship or caretaker dwelling, please list residents;

Gloria Franklin is still unable to care for herself + her needs continue

Annual Renewal Fee check for \$50 included + \$50 (2020) \$100.00

PLEASE COMPLETE THE OTHER SIDE

RENEWAL REQUEST:

Please write a brief statement detailing your continued need for a Conditional Use Permit:

Gloria Franklin at this point is a 1 person assist in her daily care. Please renew permit

(use additional pages if necessary)

Detail any changes to the property and permit in the last year:

None

Please renew my permit for one year. I understand that if any changes occur in the status of this Conditional Use Permit that I am required to notify the Planning Department immediately.

~~I/We no longer require a Conditional Use Permit for this property because;~~

Chris Pacheco

Print name

Chris Pacheco

Signature

11/12/21
Date

Umatilla County

Department of Land Use Planning



216 S.E. 4th Street • Pendleton, OR 97801
Ph: 541-278-6252 • Fax: 541-278-5480

Receipt

Fee Receipt Number: 20716 Permit Number: C-791-96
Transaction Date: 11/17/2021
Transaction Time: 10:11:37 AM
Payor: GLORIA C FRANKLIN
Paid in Cash: \$0.00
Paid via Check: \$100.00 Check# 3736Bank#
Paid via EFT: \$0.00

Comments:

2020 & 2021 CUP RENEWALS FOR TEMPORARY HARDSHIP DWELLING @ 53002
JOHNSON RD, WESTON FOR GLORIA FRANKLIN

Fee Description	Quantity	Fee	Total
Review Fee	1	\$50.00	\$50.00
Review Fee	1	\$50.00	\$50.00

Total:	\$100.00
Amount Received:	\$100.00
Amount Paid:	\$100.00
Change:	\$0.00
Amount Left Owing:	\$0.00



Gloria C. Franklin

August 26, 1927 - January 28, 2022

Obituary

Events

Guestbook

Share



Be the first to offer your condolence on Gloria's [Guestbook](#)

Plant a Tree

In Memory of Gloria C.
Franklin

Gloria C. Franklin Obituary

Gloria C. Franklin

Aug. 26, 1927 — Jan. 28, 2022

WESTON - Gloria Camille Franklin, 94, died Jan. 28, 2022, at home.

Arrangements are pending at Munselle-Rhodes Funeral Home, 902 S Main, Milton Freewater.

To plant a beautiful memorial tree in memory of Gloria, please visit our [Tree Store](#).

Published on June 9, 2022

Events

There are no events scheduled.

You can still show your support by planting a memorial tree in memory of Gloria C. Franklin.

Plant a Tree

Guestbook

Umatilla County

EXHIBIT 3

Community Development Department



COMMUNITY &
BUSINESS
DEVELOPMENT

February 19, 2025

LAND USE
PLANNING,
ZONING AND
PERMITTING

Backward S Farms LLC
53002 Johnson Rd
Weston, OR 97886

CODE
ENFORCEMENT

Re: Conditional Use Permit #C-791-96
Termination Notice

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

Dear Sir or Madam:

GIS AND
MAPPING

On July 9, 1996, Conditional Use Permit #C -791-96 was approved to allow a temporary hardship mobile home in an EFU (Exclusive Farm Use) zone, in accordance with the Umatilla County Development Ordinance.

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

On February 11, 2025 a Code Enforcement Officer conducted a site visit to this subject property for the purposes of the annual review. Officer Estes spoke with a resident of the property. He was advised that Gloria Franklin, named in the Temporary Hardship Dwelling permit, was no longer living on the subject property. He was further advised that other members of the family now occupy the temporary hardship dwelling.

PUBLIC TRANSIT

According to the Findings for #C-791-96, Subsequent Condition (F), ***“Once the hardship ceases, the temporary hardship mobile home shall be removed within 30 days or the existing dwelling be destroyed, removed or converted into an accessory structure according to the definitions and standards in the county development ordinance”***. Please accept this letter as a **TERMINATION NOTICE** for Conditional Use Permit #C-791-96. Please advise our office when you will be satisfying Condition F. I have enclosed a copy of the Conditions of Approval for your reference.

If you have any questions concerning this termination notice, please contact this office at (541) 278-6300.

Regards,

Gina Miller
Code Enforcement Coordinator

Enc: Findings #C-791-96

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

**Land & Water
Resources
Division:**

LAND USE PLANNING
503-278-6252

UMATILLA BASIN
WATERSHED COUNCIL
503-278-3889

**Emergency
Management
Division:**

EMERGENCY
MANAGEMENT
503-278-6253

RURAL ADDRESSING
PROGRAM
503-278-8253

CHEMICAL STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM (CSEPP)
503-567-2084

**County/State
Services
Division:**

COUNTY PAIR
503-567-6121

STATE AGENCY
LIAISONS:

OSU EXTENSION
SERVICE
503-278-5403

WATERMASTER
503-278-5456

July 9, 1996

Tim & Chris Pacheco
4381 S.E. Mason Hill Drive
Milwaukie, Or. 97222

RE: "TENTATIVE APPROVAL" of
Pacheco CONDITIONAL USE, #C-791-96 &
VARIANCE REQUEST #V-205-96
MAP 4N 35 15, TAX LOT 200

Dear Pacheco's:

The 21-day notice period for your conditional use and variance requests for a temporary hardship mobile home that would be set back 45 feet from the high water line of a stream elapsed without a public hearing having been requested. Notified property owners Jack & Sherry Long phoned and said they have no objections to the temporary hardship mobile home provided it meets the planning department and the Department of Environmental Quality requirements.

On July 9, 1996, the Findings document was signed, signifying formal approval of the TENTATIVE PLAN for your land division. The conditions placed on this approval are as follows:

AMENDED PRECEDENT CONDITIONS:

- A. The applicants secure a favorable "Existing Systems Evaluation" or other appropriate approval from the Department of Environmental Quality (DEQ) to show that the additional hardship mobile home can be hooked up to a septic/sewage system that meets DEQ specifications.

SUBSEQUENT CONDITIONS:

- B. If applicable, the applicants be required to gravel a parking area within 60 days of the hardship mobile home placement, and continually maintain this area.
- C. The applicants be required to skirt the hardship mobile home and develop a landscaped yard area around the hardship mobile home within one year of the date of approval.

- D. The location of the temporary hardship mobile home on the applicant's property shall not be considered a separate dwelling site or lot area, and shall not be used as justification for a future zone change.
- E. Variance would allow placement of the hardship dwelling 45 feet from the stream (Pine Creek) or more specifically 45 feet from the high water line of this creek.
- F. The approval of this request be for a period of one (1) year which may be renewed. The applicant shall submit a letter requesting the continued use of the mobile home on a yearly basis as long as the medical hardship remains. Once the hardship ceases the temporary hardship mobile home shall either be removed within 30 days or the existing dwelling be destroyed, removed or be converted into an accessory structure according to the definitions and standards in the county development ordinance.

A statutory 15-day appeal period commenced the date the Findings were signed. Either you, a notified property or a notified agency may appeal this decision. Appeals must be made in writing and submitted on the applicable form available from the Planning Department. There is a fee to process an appeal. The appeal period will be over on July 23, 1996, following which the land use request is final, provided all "precedent conditions" have been met.

Our approval will expire on the following date, one year from issuance of Tentative Plan approval. By that time, at the latest, all the "precedent conditions" of approval must have been met, and a zoning permit issued:

* JULY 9, 1997

NOTE: If this deadline is missed, you will have to reapply for your conditional use and variance requests through our office, and be subject to all review procedures and standards in effect at that time.

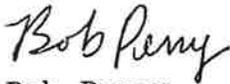
UMATILLA COUNTY PLANNING DEPARTMENT
Letter to Tim & Chris Pacheco, July 9, 1996
Pacheco Conditional Use #C-791-96 &
Variance #V-205-96

Page 3

A zoning permit is enclosed along with a signed Land Use Compatibility Statement (LUCS). The LUCS will need to be submitted to the Department of Environmental Quality to start the "Existing Systems Evaluation". You will need to sign the Zoning Permit and return it with a \$30 check and I will sign it and assign a zoning permit number. You will receive copies of the Zoning Permit one of which (light yellow) will need to be eventually returned to the State Building Codes Agency. I will also send you a partially completed state building codes permit when the Zoning Permit is finalized.

If you have any questions, please do not hesitate to contact us. Thank you very much for your cooperation.

Sincerely,



Bob Perry
Senior Planner

BP

cc: Jack & Sherry Long

enc.



Conditional Use Permit #C-791-96

Chris Pacheco <chris9025@hughes.net>
cc: planning <planning@umatillacounty.gov>
cc: ceana1231 <ceana1231@gmail.com>, Patrick <gregg@corey-byler.com>

Fri, Feb 28, 2025 at 10:50 A

Greetings,

I am writing to address the conditional use permit referenced above. Your office has informed us that we must move our temporary dwelling, and this letter serves as confirmation and acknowledgment of that requirement. This dwelling has been located on our property since 1996, so the removal process will take some time. We intend to obtain a building permit for another piece of property we own to construct a permanent residence. To achieve this, several concurrent tasks need to be completed. Specifically, we will need time to secure the permit, sell our residence in the City of Weston to fund the project, and sell the dwelling currently subject to the conditional use permit.

As per our previous conversation, I understand that you are granting us an additional six months to initiate this process. Furthermore, as long as we can demonstrate progress toward our stated goals, we may be granted more time beyond the initial six months. Please be assured that we will make every effort to comply with your request. Thank you for your understanding.

Regards,

Chris Pacheco
Backward S Farms LLC

RECEIVED

FEB 28 2025

UMATILLA COUNTY
COMMUNITY DEVELOPMENT



Conditional Use Permit #C-791-96

Charlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>

Fri, Feb 28, 2025 at 11:00 AM

To: Chris Pacheco <chris9025@hughes.net>

Cc: planning <planning@umatillacounty.gov>, ceana1231 <ceana1231@gmail.com>, Patrick <gregg@corey-byler.com>

Thank you for the information.

Have a nice weekend,

On Fri, Feb 28, 2025 at 10:50 AM Chris Pacheco <chris9025@hughes.net> wrote:

Greetings,

I am writing to address the conditional use permit referenced above. Your office has informed us that we must move our temporary dwelling, and this letter serves as confirmation and acknowledgment of that requirement. This dwelling has been located on our property since 1996, so the removal process will take some time. We intend to obtain a building permit for another piece of property we own to construct a permanent residence. To achieve this, several concurrent tasks need to be completed. Specifically, we will need time to secure the permit, sell our residence in the City of Weston to fund the project, and sell the dwelling currently subject to the conditional use permit.

As per our previous conversation, I understand that you are granting us an additional six months to initiate this process. Furthermore, as long as we can demonstrate progress toward our stated goals, we may be granted more time beyond the initial six months. Please be assured that we will make every effort to comply with your request. Thank you for your understanding.

Regards,

Chris Pacheco
Backward S Farms LLC

--
Charlet Hotchkiss (Charly)

(She/Her)

Planner I

Umatilla County Land Use Department

216 SE 4th Street, Pendleton, OR 97801

Phone: 541-278-6283

Email: charlet.hotchkiss@umatillacounty.gov





Re: Backward S Farms LLC / Conditional Use Permit #C-791-96 / Possible non-farm dwelling application

Kari Dallas <dallas@corey-byler.com>

Wed, Jun 25, 2025 at 12:51 PM

To: Carol Johnson <carol.johnson@umatillacounty.gov>

Cc: Megan Davchevski <megan.davchevski@umatillacounty.gov>, Planning <planning@umatillacounty.gov>

Thank you; yes, no new dwelling approval would be sought. Thanks again. Kari

Karin E. Dallas

Corey, Byler & Rew, LLP

P.O. Box 218

222 SE Dorion Ave.

Pendleton, Oregon 97801-0218

Telephone: (541) 276-3331

Fax: (541) 276-3148

dallas@corey-byler.com

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From: Carol Johnson <carol.johnson@umatillacounty.gov>

Sent: Wednesday, June 25, 2025 12:49 PM

To: Kari Dallas <dallas@corey-byler.com>

Cc: Megan Davchevski <megan.davchevski@umatillacounty.gov>; Planning <planning@umatillacounty.gov>

Subject: Re: Backward S Farms LLC / Conditional Use Permit #C-791-96 / Possible non-farm dwelling application

Hi Kari,

Any land use application for an approval would need to meet the standards in place at the time of application.

If a property were in violation of the Development Code no land use applications would be processed unless the application corrected the violation.

That said, today, two lawfully established EFU sub-standard sized properties, where there is no code violation present, may be involved in a property line adjustment application. This would still result in two non-conforming sized EFU properties after the

adjustment approval. However, you may not use a property line adjustment to qualify a dwelling in the EFU zone as a result of the adjustment.

Take care,

Carol

On Wed, Jun 25, 2025 at 12:02 PM Kari Dallas <dallas@corey-byler.com> wrote:

Follow-up email. Understood, regarding removal of the temporary hardship home.

New question from clients: If in the future they wanted to do a property line adjustment, would that be possible, as between 4N3515-00200, 117.85 acres, and 4N3515-00300, 6.32, such that after the adjustment Tax Lot 200 would be left with approximately 20 acres and the existing dwelling, and Tax Lot 300 would be approximately 104.17 acres?

Thank you.

Kari

Karin E. Dallas

Corey, Byler & Rew, LLP

P.O. Box 218

[222 SE Dorion Ave.](#)

[Pendleton, Oregon 97801-0218](#)

Telephone: (541) 276-3331

Fax: (541) 276-3148

dallas@corey-byler.com

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From: Carol Johnson <carol.johnson@umatillacounty.gov>

Sent: Thursday, May 22, 2025 9:27 AM

To: Kari Dallas <dallas@corey-byler.com>

Cc: Megan Davchevski <megan.davchevski@umatillacounty.gov>; Planning <planning@umatillacounty.gov>

Subject: Re: Backward S Farms LLC / Conditional Use Permit #C-791-96 / Possible non-farm dwelling application

Hi Kari,

My apologies for the length of this email. However, there is a good deal to unpack pertaining to your inquiry.

The temporary hardship home conditional use permit (#C-791-96) file was reviewed. The temporary hardship home was approved for one year with the ability to renew the conditional use permit each year for as long as the hardship existed for the person the home was approved to support. The original Findings and past reviews and renewals for the temporary hardship home conditional use permit emphasized the temporary hardship home was to be removed once the hardship no longer existed for Gloria Franklin.

It was learned that Gloria Franklin had passed and the temporary hardship home was being resided in by other family members. It is my understanding this resulted in Code Enforcement following up with the property owner regarding the continued presence of the temporary hardship home. The owner requested additional time to remedy the situation and was provided an additional six month time period, according to file information this will be up later this summer. It is expected this is why you are inquiring about other options.

Converting a dwelling to a non-farm dwelling in the EFU zone is not available for a temporary hardship dwelling. It may be possible for a "farm related dwelling" to be converted to a non-farm dwelling and receive approval for a non-farm dwelling partition where the remnant farm parcel left behind would remain or exceed the 160 acre parcel size.

Non-farm dwelling partitions with approved non-farm dwellings (in Eastern Oregon) offer two paths:

- path one, non-farm dwelling approval on a parcel of over 160 acres in size,
- path two, non-farm dwelling approval on a parcel between 40 - 160 acres.

The non-farm dwelling opportunity for approval on a parcel between 40 - 160 acres is the more restrictive path and requires approval of two new non-farm dwellings, one on each new parcel. Additionally, both non-farm parcels must be predominantly 90 percent Class VII through VIII soils, or 90 percent Class VI through VIII soils and not capable of producing adequate herbaceous forage for grazing livestock.

The Backward S property is comprised of Athena Silt Loam, Class II soils (Prime soils are Class I and Class II soils), and is considered high value farmland that has been cultivated for many years; thus, the opportunity to create two non-farm dwelling parcels and approve two new non-farm dwellings would not be feasible for the Backward S property where the temporary hardship home is located.

Adjusting a temporary hardship home into another nearby property would not be justifiable. The hardship home is a temporary living arrangement, and was not approved as a farm related dwelling permitted in the farm zone.

Expect this is not what you, or your client, wants to hear; however, if a path existed to leave temporary hardship homes in place many Oregon counties would have hundreds of added permanent homes into their EFU zones established with no clear nexus to farm use and the intent of the "temporary" hardship home would no longer have meaning.

If you have additional questions please let me know. However, I'm out of the office this afternoon and tomorrow, back next Tuesday, May 27th.

Thank you,

Carol

Hi Kari,

I will take a look and get back to you.

Thank you,

Carol

On Wed, May 21, 2025 at 10:02 AM Kari Dallas <dallas@corey-byler.com> wrote:

Morning, Carol. Our office has been asked to look into the possibility of keeping a manufactured structure in place, after the expiration of the original hardship dwelling permit under which it was originally placed. This is your file #C-791-96.

I am wondering if you see anything that would prevent the client from applying under UCDC Section 152.710(D)(1)(b) for the partition of 4N3515-00200, 117.85 acres, into two new small non-farm dwelling parcels (one with the current farm dwelling and one with the manufactured structure), and one parent parcel with the remaining farm ground.

Alternative would be a boundary line adjustment with 4N3515-00300, 6.32, to adjust the manufactured structure out onto a small parcel as a non-farm dwelling, if possible.

I know that getting the non-farm dwelling(s) approved is very difficult and might not happen, but I did not know whether the fact that the manufactured structure was originally placed on a hardship dwelling permit would somehow bar it from being eligible for consideration as a non-farm dwelling.

I would appreciate your thoughts. Thank you.

Kari

Karin E. Dallas

Corey, Byler & Rew, LLP

P.O. Box 218

[222 SE Dorion Ave.](#)

[Pendleton, Oregon 97801-0218](#)

Telephone: (541) 276-3331

Fax: (541) 276-3148

dallas@corey-byler.com

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EXHIBIT 4

OREGON UNIFORM CITATION AND COMPLAINT

COMPLAINT #

Use for All Violations or Crimes Where Separate Complaint Will Not Be Filed/ ORS 153.045 or 153.069

CE26023

<input type="checkbox"/> CRIME(S) <small>(See A on Back)</small>	OR <small>(Not Both)</small>	<input checked="" type="checkbox"/> VIOLATION(S) <small>(See B on Back)</small>	<input type="checkbox"/> Traffic <input checked="" type="checkbox"/> Other <input type="checkbox"/> Wildlife <input type="checkbox"/> Boating <input type="checkbox"/> Commercial Fishing
---	--	--	--

STATE OF OREGON CITY/OTHER PUBLIC BODY <u>UMATILLA COUNTY</u> COUNTY OF <u>UMATILLA</u>	Docket No _____ Court: <input type="checkbox"/> Municipal <input type="checkbox"/> Justice <input type="checkbox"/> Juvenile <input checked="" type="checkbox"/> Circuit
---	--

DEPENDANT	THE UNDERSIGNED CERTIFIES AND SAYS THAT THE FOLLOWING PERSON:										
	ID Type: <input type="checkbox"/> CDL <input type="checkbox"/> Non-CDL	ID No:	State:	License Class:							
	Name Last BACKWARD S FARMS LLC First MI										
	Address 53002 JOHNSON RD					Tel No					
	City: WESTON State: OR Zip Code: 97886					Def is <input type="checkbox"/> Passenger <input type="checkbox"/> Employed to drive <input type="checkbox"/>					
	Sex:	Race:	DOB:	Height:	Weight:	Hair:	Eyes:				
	AT THE FOLLOWING TIME AND PLACE IN THE ABOVE-MENTIONED STATE AND COUNTY:										
	Offense Date Month Day Year Time <input type="checkbox"/> AM <input type="checkbox"/> PM on or about 01/30/2026 AND CONTINUING					<input type="checkbox"/> Highway <input type="checkbox"/> <input type="checkbox"/> Premises open to public					
	At or near Location 4N3515000200 53002 JOHNSON RD WESTON										
	TIME/PLACE REL. INFO	INVOLVING THE FOLLOWING:									
Type:		Regis/VIN/ID No	State:	<input type="checkbox"/> Accident <input type="checkbox"/> Injury <input type="checkbox"/> Property damage <input type="checkbox"/> Endanger others							
Vehicle year, make, model, style, color, OR Other, describe											
Other <input type="checkbox"/> Driver not Reg. Owner <input type="checkbox"/> Haz. Material <input type="checkbox"/> Commercial Veh.											
DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):											
OFFENSE(S)	1 Violated (cite ORS/ORD/rule) 152.055-152.063		Describe Alleged Spd Designated Spd <input type="checkbox"/> Posted Limit <input type="checkbox"/> VBR		<input type="checkbox"/> Radar <input type="checkbox"/> Pace <input type="checkbox"/> Laser						
			UNPERMITTED DWELLING								
	<input type="checkbox"/> Intentional <input type="checkbox"/> Knowing <input type="checkbox"/> Reckless <input type="checkbox"/> Criminal negligence <input type="checkbox"/> No culpable mental state				<input type="checkbox"/> Safety Corridor <input type="checkbox"/> Pstd Sch Zn <input type="checkbox"/> Hwy Wk Zn		1 Presumptive fine: \$1,000				
	2 Violated (cite ORS/ORD/rule) 152.617		Describe FAILURE TO COMPLY WITH PERMIT								
	<input type="checkbox"/> Intentional <input type="checkbox"/> Knowing <input type="checkbox"/> Reckless <input type="checkbox"/> Criminal negligence <input type="checkbox"/> No culpable mental state				2 Presumptive fine: \$1,000						
	3 Violated (cite ORS/ORD/rule)		Describe								
<input type="checkbox"/> Intentional <input type="checkbox"/> Knowing <input type="checkbox"/> Reckless <input type="checkbox"/> Criminal negligence <input type="checkbox"/> No culpable mental state				3 Presumptive fine: \$1,000							
OTH.	CASE #26-010 #123260					Expl					
I certify, under ORS 153.045 and 153.990 and under other applicable law and under penalties for false swearing, do swear/affirm that I have sufficient grounds to and do believe that the above-mentioned defendant/person committed the above offense(s) and I have served the defendant/person with this complaint								Officer(s) Agency ID: 32-63			
Date Issued 02/02/2026								1 st Officer ID No			
Print 1 st Officer Name: ESTES								2 nd Officer ID No			
2 nd Officer or arresting person (if not officer) Signature								Print name:			
YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE:											
Mo/Day/Year 04/17/2026		Time 10:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM		Location UMATILLA COUNTY COURTHOUSE 216 SE 4TH ST PENDLETON, OR 97801							

Reserved for DA use:

Reserved for Court use:

**Code Violation
L2026-010**

Code Enforcement Report

Property Information

Owner: BACKWARD S FARMS LLC
Street Address: 53002 JOHNSON RD
City: WESTON **State:** OR **Zip:** 97886
Mailing Address: 53002 JOHNSON RD WESTON OR 97886

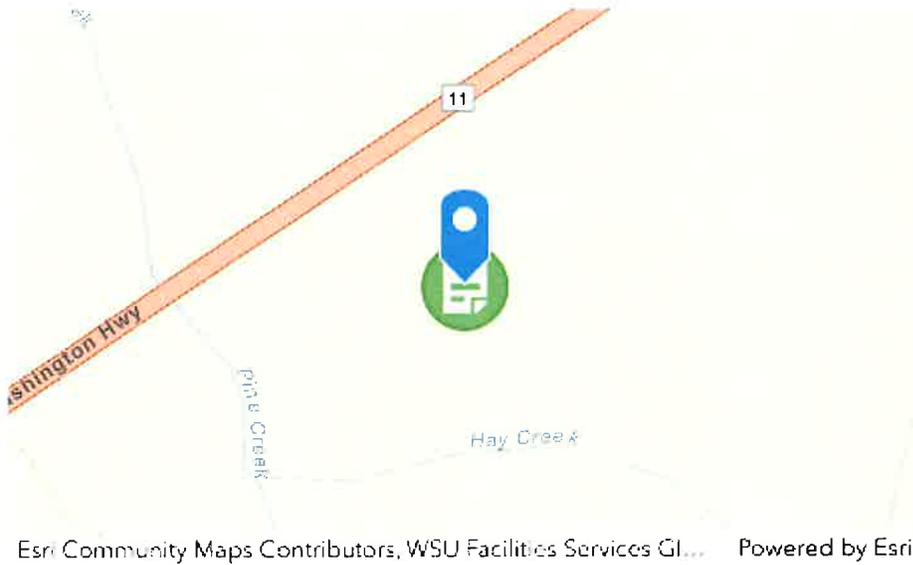
Account Number: 123260
Map and Tax Lot: 4N35150000200

Officer: Rich Estes

Status: Open

Jurisdiction:

- City
- County
- Joint Management



Zoning Information

Zoning Jurisdiction: County
Zoning: Exclusive Farm Use (EFU)
Zoning Overlay: Unknown

Violation Information

Violation Type:

1. Unpermitted Dwelling
2. Other

Other Violation Type:

Failure not comply with permit (hardship).

Complaint Origin:

CEO

Violation Location:

Complaint Information

Complaint Description:

Violation Description:

Hardship home is not currently needed for hardship. It is being used as family home.

Date of Violation: January 30, 2026

Office Correspondence

Field Notes

Field Photos

Date of Photos: 2026/01/30
Time of Photos: 14:05:55



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PLANNING DIVISION

216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252

Email: planning@umatillacounty.gov

COMMUNITY &
BUSINESS
DEVELOPMENT

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Planning Commission
FROM: Megan Davchevski, Planning Division Manager
DATE: February 16, 2026

CODE
ENFORCEMENT

RE: February 26, 2026 PC Hearing
#R-003-26 Department Request to Void Conditional Use Permit #C-958-00
1036 Pioneer Exchange Accomm Title Hlder, C/O Clinton J Fordice Revocable
Trust, LLC, Property Owner
Allen Pemberton, CUP Holder/Applicant

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND MAPPING

Background Information

RURAL ADDRESSING

The Community Development Department is requesting the Planning Commission void Conditional Use Permit #C-958-00. The CUP was issued in 2000 to Allen Pemberton for a caretaker (nightwatchman) dwelling. The caretaker dwelling was issued in conjunction with an equipment storage yard in the light industrial zone.

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

PUBLIC TRANSIT

Conditional Use Permit #C-958-00 was imposed with Condition #D which states the following: "The approval of this request will be for a one year period. The approval may be renewed beyond the one year period. A \$25.00 annual renewal fee applies. The applicant shall submit a letter requesting the continued use of the caretaker dwelling. This conditional use may be renewed as long as the business remains in operation and complies with the conditions and County Development Code Standards. When this accessory dwelling ceases to be needed, **or should the circumstances under which the caretaker dwelling was approved change (i.e. business is sold or closes), the dwelling shall be removed from the property within 30 days**".

On May 21, 2025, County Code Enforcement sent a letter to Denise Squires, following up on communication from Ms. Squires where she had notified the County that her brother, Allen Pemberton, had passed. The letter asked Ms. Squires to contact County Community Development to discuss the status of the property and the removal of the manufactured home in accordance with Subsequent Condition #D of Conditional Use Permit #C-958-00.

On June 13, 2025, County Planning Staff emailed Ms. Squires following a phone conversation. Application materials were sent for requesting a new caretaker dwelling and establishing a new commercial use. An extension of time until September 1, 2025 to finish the probate process was also discussed.

On September 4, 2025, a Code Enforcement Citation was issued to Denise Squires for failure to remove the temporary caretaker dwelling. The first court date was scheduled for October 17, 2025.

On October 17, 2026, at Umatilla County Circuit Court, Ms. Squires had an attorney

Staff Memo

Planning Commission – February 26, 2026

Request to Void #R-003-26 Pemberton #C-958-00

represent her in court and stated there was a potential buyer of the property. The judge set the next court date as January 16, 2026 for a progress review.

On December 5, 2025, the Planning Division received an application from Clinton J. Fordice to establish an outdoor storage yard and caretaker dwelling on the subject property. On December 30, 2025, the Planning Division deemed this application incomplete and sent Mr. Fordice a completeness letter, listing what information is missing and needed in order to process his request.

On January 16, 2026, the judge reviewed progress of the case and set another court date for April 17, 2026 for a progress review.

On February 5, 2026, while writing this staff report, Planning Staff discovered the property had sold to 1036 Pioneer Exchange Accommodation Titleholder LLC, in care of Clinton J. Fordice Revocable Trust. The deed was recorded at Umatilla County Deed Records on January 30, 2026 as document number 2026-3833051.

Although the property was sold while staff were writing the report, Planning Staff met with the new property owner, Clinton Fordice numerous times before he purchased the property. Conversations included the status of the conditional use permit, and that the manufactured home is required to be removed per the conditions of the conditional use permit. Mr. Fordice expressed a desire to keep the manufactured home on the property, however, he failed to submit complete applications for both establishing a new business, as well as the caretaker dwelling which would be accessory to the business.

Table of Contents

The included Table of Contents includes the Final Findings and Conclusions for #C-958-00 and Final Decision Letter, Annual Review file notes, Annual Renewal 2021, the public obituary for Allen Pemberton, Code Enforcement Citation and various communications. Note the County did not complete annual renewals in 2022, 2023, or 2024. Annual Renewals prior to 2021 were not included in the packet as the property was in compliance during those years. These renewals remain in the CUP file.

Notice

Notice of the applicant's request was mailed on February 6, 2026 to nearby property owners and necessary agencies. Notice of the February 26, 2026 Planning Commission hearing was published in the East Oregonian on February 11, 2026.

Criteria of Approval

The conditions of approval are found in the approval for #C-958-00. Umatilla County Development Code (UCDC) §152.613(F) provides the procedures for the County to void a conditional use permit.

Conclusion

The Community Development Department is requesting the Conditional Use Permit to be closed in accordance with Subsequent Condition #D of Conditional Use Permit #C-958-00. Condition #D states: "when this accessory dwelling ceases to be needed, **or should the circumstances under which the caretaker dwelling was approved change (i.e. business is sold or closes), the dwelling shall be removed from the property within 30 days**". The Community Development Department's request to void Conditional Use Permit #C-958-00 is based on the

Staff Memo

Planning Commission – February 26, 2026

Request to Void #R-003-26 Pemberton #C-958-00

following facts:

1. The outdoor storage business that warranted the caretaker dwelling, operated by Allen Pemberton, has not been operating since at least March 2025. According to the obituary posted on the Burns Mortuary of Hermiston website, Allen Pemberton passed on March 10, 2025. Mr. Pemberton was the individual operating the outdoor storage business, since this business was no longer operating, the caretaker dwelling was to be removed from the property within 30 days.
2. Denise Squires, a representative of the Estate of Allen Pemberton, acknowledged that the caretaker dwelling was no longer necessary, and requested time to sell the property or remove the home.
3. The property was sold on January 30, 2026. Condition #D of the CUP approval required the caretaker dwelling to be removed within 30 days that the business is sold or closes. The transfer of the property itself requires the CUP to be closed and the home removed from the property.

Should the new property owner decide they would like to operate a business that is allowed in the Light Industrial zone, and also establish a caretaker dwelling, they would need to apply under a new conditional use permit.

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

**UMATILLA COUNTY
PLANNING COMMISSION HEARING – FEBRUARY 26, 2026
DEPARTMENT REQUEST TO VOID #R-003-26
CONDITIONAL USE PERMIT #C-958-00
CLINTON J FORDICE REVOCABLE TRUST LLC, OWNER
ALLEN PEMBERTON, APPLICANTS/CUP PERMIT HOLDER
PACKET CONTENT LIST**

- | | | |
|----|---|-------------|
| 1. | Staff Memo to Planning Commission | Pages 1-3 |
| 2. | Public Notice | Pages 5-6 |
| 3. | Preliminary Findings | Pages 7-15 |
| 4. | #C-958-00 Final Findings | Pages 16-21 |
| 5. | Exhibit 1 –CUP Annual Renewal File Notes | Pages 22-25 |
| | a. File Notes | Page 22 |
| | b. Annual Renewal: 2021 | Pages 23-25 |
| 6. | Exhibit 2 – Obituary for Allen Pemberton | Page 26 |
| 7. | Exhibit 3 – Communications with Department | Pages 27-28 |
| | a. Termination Letter dated May 21, 2025 | Page 27 |
| | b. Email to Denise Squires following phone call
Dated June 13, 2025 | Page 28 |
| 8. | Exhibit 4 – Code Enforcement File | Pages 29-50 |
| | a. File Notes | Page 29 |
| | b. Code Enforcement Case Report | Pages 30-33 |
| | c. Code Enforcement Citation
Dated October 17, 2025 | Pages 34-35 |
| | d. Assessment Name Ledger | Page 36 |
| 9. | Exhibit 5 – Comment from Hermiston Irrigation District
Received February 12, 2026 | Page 37 |



PLANNING DIVISION

216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252

Email: planning@umatillacounty.gov

COMMUNITY &
BUSINESS
DEVELOPMENT

NOTICE OF PUBLIC HEARING UMATILLA COUNTY PLANNING COMMISSION

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

PUBLIC TRANSIT

YOU ARE HEREBY NOTIFIED of a public hearing to be held before the Umatilla County Planning Commission on **Thursday, February 26, 2026 at 6:30 PM** in the Justice Center Media Room, 4700 NW Pioneer Place, Pendleton, OR. **Virtual hearing options** are available by contacting the Umatilla County Planning Division at Room 104 of the Umatilla County Courthouse, 216 SE Fourth Street, Pendleton, OR, 97801 or by calling 541-278-6252, **the day before the scheduled Planning Commission hearing date.**

DEPARTMENT REQUEST TO VOID #R-003-26, CONDITIONAL USE PERMIT #C-958-00: 1036 PIONEER EXCHANGE ACCOMM TITLE HLDER, PROPERTY OWNER

The Community Development Department requests the Planning Commission void Conditional Use Permit (CUP) #C-791-96, issued to Allen Pemberton. The CUP was granted for a caretaker dwelling that was accessory to an equipment storage yard and was required to be removed once the business was no longer operating, or the property sold. Umatilla County Development Code (UCDC) §152.613(F) provides the procedures for the County to void a conditional use permit.

For further information concerning the above request, please contact Megan Davchevski, Planning Division Manager, at the Umatilla County Community Development Department, 216 SE 4th Street, Courthouse, Pendleton, Oregon 97801; telephone (541)278-6252; email Megan.Davchevski@umatillacounty.gov.

Opportunity to voice support or opposition to the above proposal, or to ask questions, will be provided. Failure to raise an issue in a hearing, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to that issue, precludes appeal to the Land Use Board of Appeals based on that issue. Copies of applications, documents and evidence pertaining to the hearing listed above, and all relevant criteria are available for inspection at no cost and will be duplicated at printing cost. A copy of the staff report will be available for inspection or duplicated at least seven days before the hearing. Hearings shall be governed by Section 152.772 of the Umatilla County Development Code.

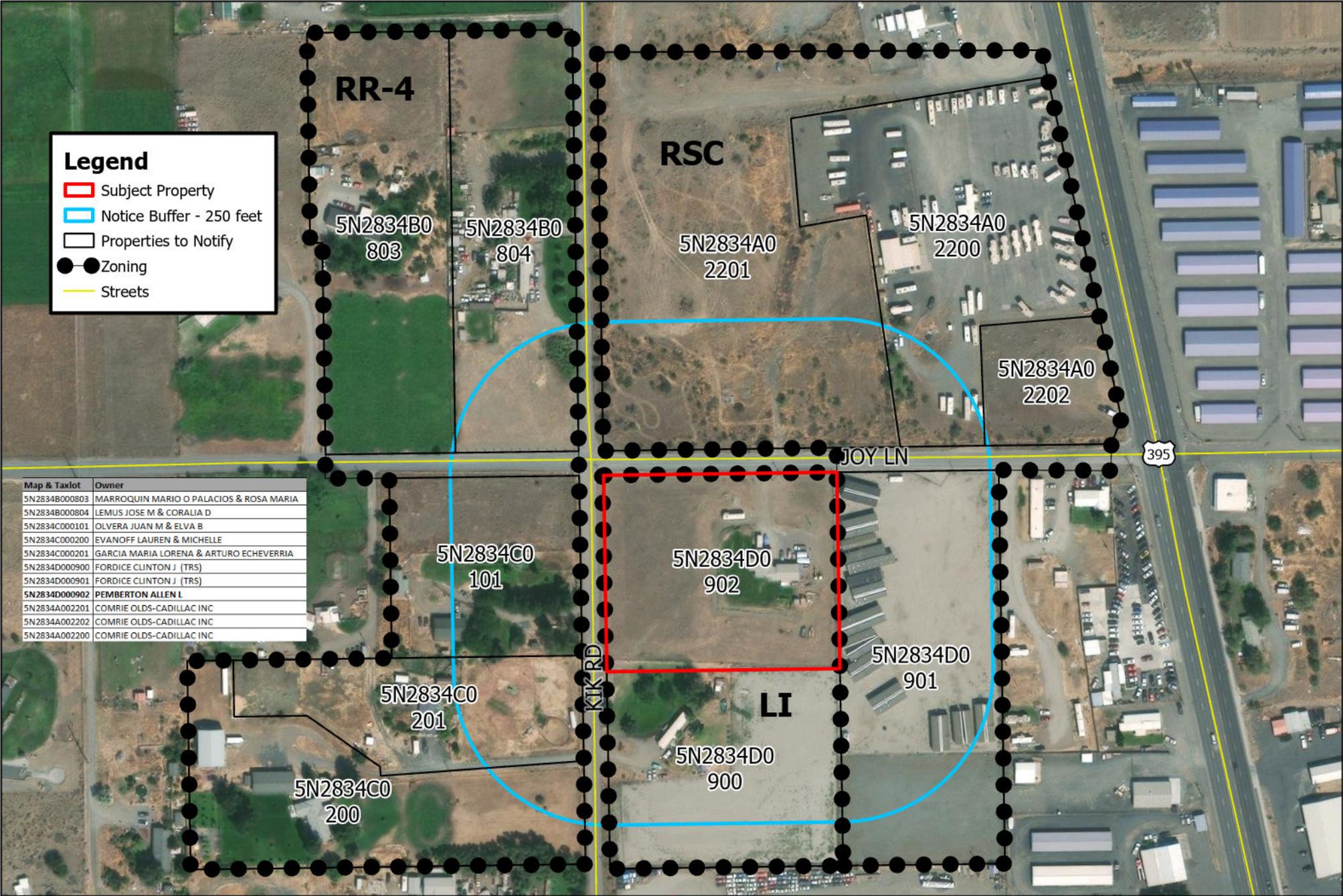
DATED THIS 6th DAY of FEBRUARY, 2026
UMATILLA COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

CONDITIONAL USE PERMIT REVOCATION #R-003-26 FOR #C-958-00
MAP: 5N 28 34D TAX LOT: 902
ALLEN PEMBERTON, OWNER

Notified Property Owners within 250 feet of Subject Property.



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 B. Fairchild, Umatilla County Planning Department Date: 2/2/2026



Legend

- ▭ Subject Property
- ▭ Notice Buffer - 250 feet
- Properties to Notify
- Zoning
- Streets

Map & Taxlot	Owner
5N2834B000803	MARROQUIN MARIO O PALACIOS & ROSA MARIA
5N2834B000804	LEMUS JOSE M & CORALIA D
5N2834C000101	OLVERA JUAN M & ELVA B
5N2834C000200	EVANOFF LAUREN & MICHELLE
5N2834C000201	GARCIA MARIA LORENA & ARTURO ECHEVERRIA
5N2834D000900	FORDICE CLINTON J (TRS)
5N2834D000901	FORDICE CLINTON J (TRS)
5N2834D000902	PEMBERTON ALLEN L
5N2834A002201	COMRIE OLDS-CADILLAC INC
5N2834A002202	COMRIE OLDS-CADILLAC INC
5N2834A002200	COMRIE OLDS-CADILLAC INC

**UMATILLA COUNTY PLANNING COMMISSION
STAFF REPORT AND PRELIMINARY FINDINGS OF FACT
COMMUNITY DEVELOPMENT DEPARTMENT REQUEST TO VOID, #R-003-26
TO VOID CONDITIONAL USE PERMIT #C-958-00
MAP #5N 28 34D, TAX LOT #902, ACCOUNT #137750**

1. **APPLICANT:** Umatilla County Community Development Department
2. **PROPERTY OWNERS:** 1036 Pioneer Exchange Accom Title Hlder, C/O Clinton J Fordice Revocable Trust, PO Box 653, Hermiston OR 97838

Note, the property was previously owned by Allen Pemberton. A deed was recorded on January 30, 2026 transferring ownership to the above-named owner. At the time the deed was recorded, Planning Staff had already begun proceeding with this request to void the Conditional Use Permit under the Pemberton ownership.

3. **LOCATION:** The subject property is located on the intersection of Joy Lane and Kik road. It is approximately 0.45 miles north of the City of Hermiston. The property is addressed as 30896 Joy Lane, Hermiston OR 97838.

4. **PARCEL ACREAGE:** The subject property is assessed as 2.84 acres.

5. **REQUEST:** Conditional Use Permit (CUP) #C-958-00 was issued to Allen Pemberton for a caretaker (night watchman) dwelling. The caretaker dwelling was issued in conjunction with an equipment storage yard in the light industrial zone.

Conditional Use Permit #C-958-00 was imposed with Condition #D which states the following: “The approval of this request will be for a one year period. The approval may be renewed beyond the one year period. A \$25.00 annual renewal fee applies. The applicant shall submit a letter requesting the continued use of the caretaker dwelling. This conditional use may be renewed as long as the business remains in operation and complies with the conditions and County Development Code Standards. When this accessory dwelling ceases to be needed, **or should the circumstances under which the caretaker dwelling was approved change (i.e. business is sold or closes), the dwelling shall be removed from the property within 30 days**”.

In June of 2021, the property owner completed the CUP renewal request form and stated the following, “Equipment storage and trailer”. The CUP was renewed in 2021.

On May 21, 2025, County Code Enforcement sent a letter to Denise Squires, following up on communication from Ms. Squires where she had notified the County that her brother, Allen Pemberton, had passed. The letter asked Ms. Squires to contact County Community Development to discuss the status of the property and the removal of the manufactured home in accordance with Subsequent Condition #D of Conditional Use Permit #C-958-00. Again, the condition states: “when this accessory dwelling ceases to be needed, **or should the circumstances under which the caretaker dwelling was approved change (i.e. business is sold or closes), the dwelling shall be removed from the property within 30 days**”. The letter enclosed the final findings of #C-958-00.

On June 13, 2025, County Planning Staff emailed Ms. Squires following a phone conversation with Ms. Squires. Application materials were sent for requesting a new caretaker dwelling and establishing a new commercial use. An extension of time until September 1, 2025 to finish the probate process was also discussed.

On September 4, 2025, a Code Enforcement Citation was issued to Denise Squires for failure to remove the temporary caretaker dwelling. The first court date was scheduled for October 17, 2025.

On October 17, 2026, at Umatilla County Circuit Court, Ms. Squires had an attorney represent her in court and stated there was a potential buyer of the property. The judge set the next court date as January 16, 2026 for a progress review.

On December 5, 2025, the Planning Division received an application from Clinton J. Fordice to establish an outdoor storage yard and caretaker dwelling on the subject property. On December 30, 2025, the Planning Division deemed this application incomplete and sent Mr. Fordice a completeness letter, listing what information is missing and needed in order to process his request.

On January 16, 2026, the judge reviewed progress of the case and set another court date for April 17, 2026 for a progress review.

On February 5, 2026, while writing this staff report, Planning Staff discovered the property had sold to 1036 Pioneer Exchange Accommodation Titleholder LLC, in care of Clinton J. Fordice Revocable Trust. The deed was recorded at Umatilla County Deed Records on January 30, 2026 as document number 2026-3833051.

Although the property was sold while staff were writing this report, Planning Staff met with the new property owner, Clinton Fordice numerous times before he purchased the property. Conversations included the status of the conditional use permit, and that the manufactured home is required to be removed per the conditions of the conditional use permit. Mr. Fordice expressed a desire to keep the manufactured home on the property, however, he failed to submit complete applications for both establishing a new business, as well as the caretaker dwelling which would be accessory to the business.

The Community Development Department is requesting the Conditional Use Permit to be closed in accordance with Subsequent Condition #D of Conditional Use Permit #C-958-00. Condition #D states: “when this accessory dwelling ceases to be needed, **or should the circumstances under which the caretaker dwelling was approved change (i.e. business is sold or closes), the dwelling shall be removed from the property within 30 days**”. The Community Development Department’s request to void Conditional Use Permit #C-958-00 is based on the following facts:

1. The outdoor storage business that warranted the caretaker dwelling, operated by Allen Pemberton, has not been operating since at least March 2025. According to the obituary

posted on the Burns Mortuary of Hermiston website, Allen Pemberton passed on March 10, 2025. Mr. Pemberton was the individual operating the outdoor storage business, since this business was no longer operating, the caretaker dwelling was to be removed from the property.

2. Denise Squires, a representative of the Estate of Allen Pemberton, acknowledged that the caretaker dwelling was no longer necessary, and requested time to sell the property or remove the home.
3. The property was sold on January 30, 2026. Condition #D of the CUP approval required the caretaker dwelling to be removed within 30 days that the business is sold or closes. The transfer of the property itself requires the CUP to be closed and the home removed from the property.

Should the new property owner decide they would like to operate a business that is allowed in the Light Industrial zone, and also establish a caretaker dwelling, they would need to apply under a new conditional use permit.

6. **COMPREHENSIVE PLAN MAP DESIGNATION:** Industrial

7. **ZONING:** Light Industrial (LI)

8. **ACCESS:** Access to the caretaker dwelling is from Joy Lane. The subject property also has road frontage along Kik Road.

9. **ROAD TYPE:** Joy Lane is a 40-foot-wide gravel County Road, County Road #1256. Kik road is a 40-foot-wide gravel County Road, County Road #1271.

10. **EASEMENTS:** There are no known easements on the property.

11. **BUILDINGS:** According to County Assessment records, the subject property has a 140 square foot general purpose shed, a 2000 Oakcrest doublewide (the caretaker dwelling) and a detached garage, built in the year 2000.

12. **UTILITIES:** Electricity is provided by Umatilla Electric Cooperative.

13. **WATER AND SANITATION:** As this request is coming from the Community Development Department, information on water and septic were not provided by the property owner. Presumably, the home on the property is served by a domestic well for water and an onsite septic system.

14. **IRRIGATION:** The subject property is located within the Hermiston Irrigation District and does not appear to have irrigation water rights.

15. **PROPERTY OWNERS & AGENCIES NOTIFIED:** February 6, 2026

16. **PUBLIC HEARING DATE:** February 26, 2026

17. **AGENCIES NOTIFIED:** Umatilla County Public Works, County Surveyor, County Environmental Health, Umatilla County Fire District #1, County Assessor, Oregon State Water Resources, Umatilla Electric Cooperative, Hermiston Irrigation District

18. **COMMENTS RECEIVED:** Hermiston Irrigation District provided a written comment stating that the subject property is within the boundary for Hermiston Irrigation District, however the property does not have irrigation water rights, facilities, easements or rights-of-way.

19. **CRITERIA FOR APPROVAL:** Umatilla County Development Code text is provided below in underlined text.

§ 152.613 TIME LIMIT ON A CONDITIONAL USE PERMIT AND LAND USE DECISION.

(F) The County may void a conditional use permit or land use decision under the following circumstances:

(1) The property owner/applicant no longer complies with the conditions of approval imposed as part of the original decision, the County provided the property owner/applicant at least 30-days written notice and opportunity to correct or cure the compliance issue and the property owner/applicant failed to correct or cure the compliance issue within said notice period; or

County Planning Response: The County mailed a letter on May 11, 2025 to Denise Squires, the executor of the Allen Pemberton Estate, otherwise known as the current property owner. The letter advised that the Conditional Use Permit did not qualify for an annual renewal, and due to the passing of Allen Pemberton, the caretaker dwelling had to be removed within 30 days in accordance with Condition #D.

On June 13, 2025, Denise Squires contacted the County Community Development Department regarding applications to re-establish a business and caretaker dwelling, as well as a time extension to September 1, 2025 to remove the existing caretaker dwelling or sell the property. This request was granted.

On September 4, 2025 Code Enforcement visited the subject property and observed that the caretaker dwelling was still on the property and issued a citation for failure to remove the dwelling.

Planning Commission Findings: The Planning Commission finds the County provided the property owner written notice on May 11, 2025 that the caretaker dwelling was no longer compliant with the Conditional Use Permit approval conditions, and the home was to be removed within 30 days from when the business was no longer operating on the property, or the property sold. The property owner was given more than 30-days written notice and opportunity to correct the compliance issue and failed to do so within the notice period and the granted time extensions.

The Planning Commission finds the County Community Development Department has the

opportunity to request the Conditional Use Permit be voided, and that the Planning Commission has the authority to grant that request.

(2) The use approved pursuant to the conditional use permit or land use decision has been continuously discontinued for a period of one (1) year or more, unless a longer period is provided in state law.

County Planning Response: The Planning Division is requesting that the conditional use permit be voided under (1) above. The outdoor storage business that warranted the caretaker dwelling is no longer operating, Allen Pemberton no longer resides in the caretaker dwelling and since Mr. Pemberton's passing, the property has been sold to a new landowner.

Planning Commission Findings: The Planning Commission finds this section is not applicable.

(3) If the County intends to void a conditional use permit or land use decision under subsection (1) or (2) above, it shall do so pursuant to a public process set forth in § 152.769 and § 152.771. The County bears the burden of proving the elements set forth in subsections (1) and (2) above.

County Planning Response: The Planning Division is requesting the Planning Commission to void the CUP under (1) above. The County followed the public process outlined in UCDC §152.769 and §152.771, evaluated below. The County bears the burden of proving the elements listed in subsection (1).

Planning Commission Findings: The Planning Commission finds the County bears the burden of proving the elements listed in subsection (1). The Planning Commission finds UCDC §152.769 and §152.771 are evaluated below.

§ 152.769 ADMINISTRATIVE REVIEW.

(A) The administrative review procedure is designed to provide a less time-consuming alternative to the public hearing process for land use requests which require discretion in the decision-making process (i.e., quasi-judicial decisions).

(B) The administrative review procedure is as follows:

(1) Within 20 business days of filing a completed application, the Planning Department shall determine whether the application and accompanying material conforms with the applicable requirements of this chapter and render a tentative decision. When the application is within an Interchange Management Area Plan (IAMP) Management Area or within a ¼ mile of an ODOT facility, the Planning Department shall provide written notification to ODOT when the application is deemed complete.

(2) All documents or evidence relied upon by the applicant shall be submitted to the Planning Department and shall be made available to the public prior to issuance of the tentative decision.

(3) A tentative decision by the Planning Department to approve, modify or deny a land use request shall include written modifications and conditions, if any, and findings and conclusions which shall specifically address the relationship between the proposal and the applicable criteria for approval listed elsewhere in this chapter.

(4) If the Planning Department determines that there are minor inconsistencies between the application and the criteria, the applicant shall be so advised in writing and afforded an

opportunity to make corrections within 10 business days of written notification;

(5) If the applicant makes the necessary corrections as specified by the Planning Director, the Director shall then grant tentative approval of the partition, as provided in this section.

(6) Within two business days from a tentative decision by the Planning Director, a notice of the tentative decision shall be mailed to the applicant and all registered owners of property and affected agencies pursuant to § 152.770. The notice shall inform the applicant and the surrounding property owners that the Planning Director will issue a final decision, with or without modifications and/or conditions, or denial of the land use request 21 calendar days from the date of the notice; unless a public hearing is requested.

(7) The purpose of the notice is to provide affected property owners and agencies the opportunity to review the request and the tentative findings and conclusions of the Department, and to either offer comments or requested conditions, or request a public hearing be held to deliberate on issues they deem are significant. If a public hearing is requested, then the Planning Department shall schedule a public hearing before the County Hearings Officer within 45 days from the receipt of the request for a public hearing pursuant to § 152.771.

(8) The failure of the property owner to receive notice as provided in this section shall not invalidate such proceedings if the mailing affidavit demonstrates that the notice was mailed to the address listed in the County Assessor's tax records.

(9) If no request for a public hearing is received within the 21 days, then the Planning Department's tentative decision shall become the final decision, although conditions of approval may be added, modified, or deleted based on information received subsequent to notification.

(10) Notice of the final decision shall be sent to the applicant, to any property owner, person, or agency which commented on the request, and to any other persons who requested such notice.

(11) If the proposed final decision is significantly different from that proposed in the tentative findings and conclusions sent out per subdivision (B)(5) of this section, then the process outlined in subdivision (B)(5) of this section will be repeated.

(12) The final decision of the Planning Department on a land use request may be appealed within 15 days to the Hearings Officer pursuant to § 152.766;

(13) Conditions of approval shall be imposed pursuant to §§ 152.753 and 152.776.

County Planning Response: The Planning Division is requesting the Planning Commission to void the CUP. The Administrative Review process provides the guideline for the Planning Division to accept, review and process administrative applications. Since the Planning Commission is the deciding body on the request to void conditional use permits, §152.771 is followed and evaluated below.

Planning Commission Findings: The Planning Commission finds the Community Development Department's request to void the Conditional Use Permit follows the process outlined in UCDC §152.771, evaluated below.

152.771 PUBLIC HEARING REQUIREMENTS.

(A) Public hearings are required for the following types of land use requests:

(1) Legislative amendments to the map or text of this chapter.

(2) Quasi-judicial amendments to the map or text of this chapter.

(3) Type I and III Land Divisions.

(4) Upon the request of an affected property owner, state, local, or federal agency, or at the

discretion of the Planning Director, for Type II and IV Land Divisions, conditional uses, variances, farm dwellings, or any other request processed through the administrative review procedures set forth in § 152.769.

(5) Appeals of a land use decision, per § 152.766.

County Planning Response: The Planning Division is requesting the Planning Commission to void the CUP which is a request that requires a public hearing under (A)(4). A public hearing is scheduled to be held before the Planning Commission on February 26, 2026.

Planning Commission Findings: The Planning Commission finds a public hearing is required and was held on February 26, 2026. The criterion is satisfied.

(B) A legal notice of hearing authorized by this chapter for amendments to the map or text of this chapter shall be published in a newspaper of general circulation in the county at least 10 days prior to the date of the hearing.

County Planning Response: Legal notice of the February 26, 2026 Planning Commission hearing was published on February 11, 2026 in the East Oregonian newspaper which was more than 10 days prior to the hearing date.

Planning Commission Findings: The Planning Commission finds legal notice of the February 26, 2026 Planning Commission hearing was published on February 11, 2026 in the East Oregonian newspaper. The publication was at least 10 days prior to the date of the public hearing. The criterion is satisfied.

(C) At least 20 days in advance, a notice of public hearing on a Type I, II, III or IV Land Division, a conditional use, a land use decision, or a variance application. If two evidentiary hearings are required, notice of the hearing shall be sent 10 days before the first evidentiary hearing for applications such as a quasi-judicial amendment to the zoning map or Comprehensive Plan Map, or appeals thereof, shall be mailed to all owners of property, affected state, local, or federal agencies, and affected municipalities pursuant to § 152.770.

County Planning Response: Public notice of the February 26, 2026, Planning Commission hearing was mailed to the property owners, permit holders, nearby property owners and state, local and federal agencies on February 6, 2026. The public notice was mailed at least 20 days in advance of the public hearing.

Planning Commission Findings: The Planning Commission finds public notice of the February 26, 2026, Planning Commission hearing was mailed to the property owners, permit holders, nearby property owners and state, local and federal agencies on February 6, 2026. The public notice was mailed at least 20 days in advance of the public hearing. The criterion is satisfied.

(D) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing provided that the county's mailing affidavit indicates that notice was indeed sent in accordance with this chapter.

County Planning Response: The County Planning Division has on file a list of property owners and agencies that were notified of the public hearing. An affidavit of mailing was signed in front of a notary on February 6, 2026. Failure of a person on the notified list to receive notice does not impair the validity of the public hearing.

Planning Commission Findings: The Planning Commission finds failure of a person to receive notice does not impair the validity of the public hearing if that person is on the notified list.

(E) All documents or evidence relied upon by the applicant shall be submitted to the Planning Department and be made available to the public by the date the notice required in division (C) of this section is mailed. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The Hearings Officer, Planning Commission and County Board of Commissioners may grant such request in accordance with ORS 197.763.

County Planning Response: The County Planning Division is the applicant in this request to void Conditional Use Permit #C-958-00. All documents and evidence relied on by the Planning Division are available to the public upon request. The property owner or other hearing participants may request an opportunity to present additional evidence, arguments or testimony during the public hearing.

Planning Commission Findings: The Planning Commission finds all documents and evidence relied on by the Planning Division are available to the public upon request. The public hearing provided opportunities for hearing participants to present additional evidence, arguments and testimony.

(F) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television.

County Planning Response: The County Planning Division provided notice of the hearing via newspaper publication and notice to nearby property owners and agencies via USPS mail.

Planning Commission Findings: The Planning Commission finds the Planning Division provided notice of the hearing via newspaper publication and notice to nearby property owners and agencies via USPS mail.

(G) A staff report shall be prepared for each request requiring a public hearing. This staff report shall be available at least seven calendar days prior to the hearing.

County Planning Response: The County Planning Division staff have prepared a staff report which was made available on the County's website, or upon request, seven calendar days prior to the hearing.

Planning Commission Findings: The Planning Commission finds the County Planning Division staff have prepared a staff report which was made available on the County's website, or upon request, seven calendar days prior to the hearing.

(H) The Hearings Officer, Planning Commission and County Board of Commissioners may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

(I) Unless a continuance of the hearing is requested per division (E) of this section, any participant at the first evidentiary hearing may request prior to the conclusion of the hearing that the record

remain open pursuant to ORS 197.763 for at least seven days after the hearing for the submittal of additional testimony.

(J) When the record for a hearing is reopened, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

(K) The Hearings Officer, Planning Commission and Board of County Commissioners shall conduct their public hearings pursuant to the requirements of § 152.772.

County Planning Response: The provisions of H through K govern the procedures of the public hearing.

Planning Commission Findings: The Planning Commission finds the provisions of H through K govern the procedures of the public hearing and do not pertain to whether or not the Community Development Department's request to void the conditional use permit could be approved.

DECISION TO VOID THE CONDITIONAL USE PERMIT: PENDING

THE PLANNING COMMISSION MAY DECIDE TO VOID THE CONDITIONAL USE PERMIT #C-958-00 OR DENY THE COMMUNITY DEVELOPMENT DEPARTMENT'S REQUEST TO VOID THE PERMIT.

IN ORDER TO AMEND THE CONDITIONS OF APPROVAL IMPOSED ON #C-791-96, THE APPLICANT WOULD NEED TO SUBMIT AN APPLICATION TO THE COUNTY PLANNING DIVISION, REQUESTING AN AMENDMENT TO #C-791-96 OR APPLY FOR A NEW CUP. THE CUP AMENDMENT WOULD BE SUBJECT TO ALL CODE CRITERIA IN PLACE AT THE TIME OF APPLICATION.

UMATILLA COUNTY PLANNING COMMISSION

Dated the _____ day of _____, 2026

Samuel Tucker, Chair
Umatilla County Planning Commission

Mailed the _____ day of _____, 2026

UMATILLA COUNTY PLANNING DEPARTMENT
FINAL FINDINGS AND CONCLUSIONS
“ACCESSORY CARE-TAKER DWELLING”
CONDITIONAL USE REQUEST #C-958-00,
MAP 5N 28 34D, TAX LOT 902

1. **APPLICANT:** Allen Pemberton, 1120 NW Stockton Street, Hermiston, OR 97838
2. **OWNERS:** Robert R and Belinda K Smith, 32146 Diagonal Road, Hermiston, OR 97838
Edward P and Mary L Griggs, 32146 Diagonal Road, Hermiston, OR 97838
Albert L and Melonie D Russell, 3804 Turtle Cove Court, Virginia Beach, VA 23452
3. **LOCATION:** The subject property is located north of Hermiston on the southeast corner of the intersection of Kik Road and Joy Lane, west of Highway 395.
4. **REQUEST:** To receive a conditional use permit for the placement of an accessory care-takers dwelling in conjunction with an equipment storage yard now being developed on the subject property. The applicant desires to protect the property and business investment by living near and in view of the business at all times.

Technically, the request comprises the following land use action: CONDITIONAL USE for the creation of an "accessory dwelling" in a Light Industrial Zone as listed in §152.307(A)(1) of the Umatilla County Land Use Regulations, subject to the requirements listed in §§152.610 through 152.616 (see review in #19), and upon the issuance of a zoning permit.

The applicant has recently received a zoning permit and (ZP-00-164) to construct a shop/storage unit/garage for the equipment storage yard on the property prior to the placement of the care-taker dwelling.

5. **ACREAGE:** 2.84 acres
6. **COMP PLAN/ ZONING:** LI (Light Industrial)
7. **ACCESS:** Joy Lane.
8. **ROAD TYPE:** Joy Lane (County Road #1256) is a two-lane gravel road maintained by the County.
9. **EASEMENTS:** There are no easements existing on property.

10. **LAND USE:** The property is mostly vacant and used for pasture. Some new construction is now underway as indicated in #4 above.
11. **BUILDINGS:** Please see comments in #10 above.
12. **ADJACENT:** The area to the north and east is zoned Retail Service Commercial with small business development on parcels. Lots adjacent to the west are zoned Rural Residential. To the south the property is zoned Light Industrial. The nearest commercial structure is approximately 100 ft to the east.
13. **LAND FORM:** The property is on Columbia River plateau land.
14. **SOIL TYPE:** *122B Winchester sand, 1-5% slope, Agricultural Capability VIIe non-irrigated & IVe irrigated, shallow excavation is severe with cutbanks cave, slight rating for building with basement, slight rating for building without basement, severe rating for septic tank/drainfield installation, poor filter, seepage and too sandy.*
15. **UTILITIES:** According to the application, Umatilla Electric Cooperative provides electricity service in the area.
16. **WATER/SEWER:** The applicant indicates water will be provided to the property by a domestic well. The applicant states that there are no irrigation water rights on the property.
17. **GOAL 5 ISSUES:** Scenic, Open Space, Historic, Wildlife, and other resources. None are known to exist on this property.
18. **LIMITATIONS ON CONDITIONAL USES IN "LIGHT INDUSTRIAL" ZONES:**
The following criteria apply to most conditional uses in this zone, as listed in §152.308, of the Umatilla County Land Use Regulations. The "criteria" are underlined, while the evaluation responses are provided in standard text.

A. All business, commercial and industrial activities and storage allowed in an LI (Light Industrial) Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in farm residential, or commercial zones, unless the entire activity is conducted more than 500 feet from said surrounding property or road;

Not applicable for the placement of an accessory care-taker dwelling.

B. All off-street loading areas shall be screened from view if adjoining properties are in a residential zone;

Not applicable for the placement of an accessory care-taker dwelling.

19. CONDITIONAL USE STANDARDS OF THE UMATILLA COUNTY

DEVELOPMENT ORDINANCE: The following specific standards, as contained in Section 152.615 through 152.616, apply to this type of conditional use (standards are listed in underlined and **bold** text and responses are in standard text):

A. SPECIFIC CRITERIA FOR GRANTING A DWELLING (AS AN ACCESSORY USE/CARE-TAKERS DWELLING) FOR THE OWNER AND/OR OPERATOR OF EACH EXISTING PERMITTED USE: The following specific standards, as contained in Section 152.616(X),

1. **If a mobile home is to be used, the mobile home shall be skirted and set up to have the appearance of a residential dwelling;**
The applicant indicates a manufactured home will be used for the accessory dwelling. Therefore this standard shall be required as a condition of approval.
2. **A yard area, including landscaping, shall be maintained around the dwelling;**
Yes. The applicant is proposing to install and maintain a fenced yard area around the residence. This standard shall be a subsequent condition of approval.
3. **Any mobile home used as an accessory dwelling shall be removed within 30 days after the principal use on the property ceases;**
The applicant understands at the time the property's principal use has ended, the dwelling will need to be removed within 30 days. This standard shall be a subsequent condition of approval.
4. **Complies with any other conditions that the Hearings Officer or Planning Department deem necessary to maintain the integrity of the zoning district;**
Please see items in "B" below for additional standards.

B. GENERAL TYPES OF CONDITIONS THAT CAN BE APPLIED (Section 152.615): In addition to the requirements and criteria set forth in the zone and/or in Section 152. 616(X), the following conditions listed in Section 152.615 of the Development Code may be imposed upon a finding that circumstances warrant such additional restrictions.

1. **Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, glare or odor;**
This condition would not appear to apply to this request where the proposed use will be a care-takers residence. Standard policy requires yearly review of a care-taker mobile homes to determine if there is still a need for the care-taker residence.
2. **Establishing a special yard, other open space, or lot area or dimension;**
The applicant states that there will be a cyclone fenced yard placed around the

house, and an additional fence will follow the subject property line (please see attached map). The proposed accessory home will also be required to meet setback regulations.

3. **Limiting the height, size or location of a building or other structure;**
This would not appear to apply since the care-taker dwelling will be a manufactured home with normal height and size dimensions, and will be located behind the shop and garage.
4. **Designating the size, number, location and nature of vehicle access points;**
The proposed care-taker residence would utilize an existing access driveway off of Joy Lane that will also service the shop/storage/garage and equipment storage yard. The applicant has mentioned that it will be graveled. No new vehicle access points are necessary or proposed.
5. **Increasing the required street dedication, roadway width or improvements within the street right-of-way;**
Not applicable. The impact to area roads will not change significantly by allowing one accessory dwelling.
6. **Designating the size, location, screening, drainage, surfacing or other improvements of a parking or loading area;**
This does not appear to be applicable in this type of situation.
7. **Limiting or otherwise designating the number, size, location, height and lighting of the signs;**
Not applicable. No signs are proposed for the accessory dwelling.
8. **Limiting the location and intensity of outdoor lighting and requiring its shielding;**
Not applicable. This proposal is for residential use, and no major outdoor lighting is proposed. There may be lighting associated with the business.
9. **Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance;**
Not applicable. This would not appear to apply to this request because the proposed use will be a care-takers dwelling. Standard policy requires yearly review of care-taker mobile homes to assure that it is not causing problems with neighboring property owners and to determine if there is still a need for the care-taker residence
10. **Designating the size, height, location and materials for a fence;**
Not applicable. However, the applicant has proposed a cyclone fence along the property line and around the designated yard for the residence. Please see

#19(B)(2) for further details.

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

Not applicable in this situation. The care-taker home would be located in an area already associated with industrial development where these resources do not exist.

12. **Parking requirements as listed in Section 152.560 - 152.562;**

The applicant appears to meet the parking requirements by showing more than adequate spacing for parking up to six (6) vehicles along the shop/garage.

20. **ZONING STANDARDS:** Section 152.310 requires that mobile home placement be made by application for a zoning permit and must comply with the following:

A. **SETBACK REQUIREMENTS:** The minimum setback requirements shall be as follows:

1. Front Yard: 20 feet
2. Side Yard: 20 feet
3. Rear Yard: 20 feet

21. **PROPERTY OWNERS NOTIFIED:** June 30, 2000

22. **CLOSING DATE:** July 20, 2000

23. **AGENCIES NOTIFIED:** Dept. of Environmental Quality, County Assessor, County Road Umatilla Electric Co-op, US West Communications, Hermiston Rural Fire District.

24. **COMMENTS RECEIVED:** Clint Fordice, July 12, 2000, (phone conversation) stated he has nothing against a "care-taker" dwelling on the property. DEQ, July 19, 2000, (letter) stating they will require a site evaluation for onsite sewage disposal be completed and an appropriate construction permit for a septic system will be required prior to application of a building permit or site placement permit.

THIS CONDITIONAL USE REQUEST APPEARS TO COMPLY WITH THE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT ORDINANCE, AND THE REQUIREMENTS OF OREGON REVISED STATUTES WITH REGARD TO LIGHT INDUSTRIAL ZONES, AND COULD BE APPROVED IF SUBJECT TO THE FOLLOWING CONDITIONS:

The following "**Conditions**" must be fulfilled following final approval of the Conditional Use Permit by the County.

A. Secure a Zoning Permit from the County Planning Department. Compliance of the permit includes meeting the required property line and building setbacks.

B. The applicant is required to skirt the manufactured home and install and maintain landscaping around the proposed dwelling after the dwelling is set up.

C. The location of the manufactured home on the subject property shall not be considered a separate dwelling site or lot area, and shall not be used as justification for a future zone change.

D. The approval of this request will be for a one year period. The approval may be renewed beyond the one year period. A \$25.00 annual renewal fee applies. The applicant shall submit a letter requesting the continued use of the caretaker dwelling. This conditional use may be renewed as long as the present business remains in operation and complies with the conditions and County Development Code Standards. When this accessory dwelling ceases to be needed, or should the circumstances under which the caretaker dwelling was approved change (i.e. business is sold or closes), the dwelling shall be removed from the property within 30 days.


Dennis A. Olson, Planning Director

7 | 21 | 00
Date

ATTACHMENTS: Site plan Map

Date

CUP RENEWAL SITE VISIT

Comments **EXHIBIT 1**

Reported by

05/03/18

Site visit - RU OCC noted. See pics Code File L2018-022

Jan

05/08/18

Renewal letter mailed re violation WARN.

Jan

08/13/19

Site visit - ok to renew. Reminded applicant no RU OCC allowed

Jan

July



UMATILLA COUNTY
CONDITIONAL USE PERMIT
RENEWAL REQUEST FORM

RECEIVED Please complete the entire form, and return it within 30 days to:

JUN 21 2021

Umatilla County Planning Department
216 SE 4th
Pendleton, OR 97801

UMATILLA COUNTY
PLANNING DEPARTMENT

Please include a check or money order for \$50.00 for the annual renewal fee.

OWNER / PROPERTY INFORMATION:

Allen Pemberton
Name

30896 JOY LN Hermiston OR
Mailing Address

541-626-1190 _____
Phone Email

CONDITIONAL USE PERMIT INFORMATION:

C-958-00 Equipment Storage and Trailers
Permit # Purpose of permit

Storage
Address of permitted use (if different than the mailing address listed above)

If a hardship or caretaker dwelling, please list residents;

Annual Renewal Fee check for _____ included

PLEASE COMPLETE THE OTHER SIDE

RENEWAL REQUEST:

SCANNED

Please write a brief statement detailing your continued need for a Conditional Use Permit:

for equipment and trailer storage and
caretaker's home and shop.

(use additional pages if necessary)

Detail any changes to the property and permit in the last year:

Please renew my permit for one year. I understand that if any changes occur in the status of this Conditional Use Permit that I am required to notify the Planning Department immediately.

I/We no longer require a Conditional Use Permit for this property because;

Allen Pemberton

Print name



Signature

6-17-21

Date

Umatilla County

Department of Land Use Planning



216 S.E. 4th Street • Pendleton, OR 97801
Ph: 541-278-6252 • Fax: 541-278-5480

Receipt

Fee Receipt Number: 20485 Permit Number: C-958-00
Transaction Date: 6/21/2021
Transaction Time: 12:45:24 PM
Payor: ALLEN PEMBERTON
Paid in Cash: \$0.00
Paid via Check: \$50.00 Check# 4559 Bank#
Paid via EFT: \$0.00
Comments:

Fee Description	Quantity	Fee	Total
Review Fee	1	\$50.00	\$50.00

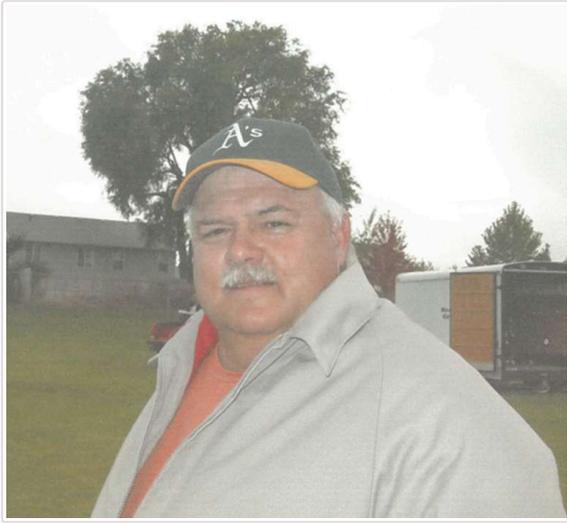
Total:	\$50.00
Amount Received:	\$50.00
Amount Paid:	\$50.00
Change:	\$0.00
Amount Left Owing:	\$0.00

EXHIBIT 2

Provided by Burns Mortuary of Hermiston

Allen Lloyd Pemberton

November 7, 1956 ~ March 10, 2025 (age 68)



Allen Lloyd Pemberton of Hermiston, Oregon, was born on November 7, 1956 in Watsonville, California. He died on March 10, 2025 in Hermiston, Oregon at the age of 68 years.

At his request there will be no service.

Please share memories of Allen with his family at burnsmortuaryhermiston.com

Burns Mortuary of Hermiston, Oregon is in care of arrangements.



EXHIBIT 3



COMMUNITY DEVELOPMENT

Code Enforcement

216 SE 4TH ST, PENDLETON, OR 97801

CEO@UMATILLACOUNTY.GOV

PHONE: (541) 278-6300 FAX (541) 278-5480

COMMUNITY &
BUSINESS
DEVELOPMENT

May 21, 2025

LAND USE
PLANNING,
ZONING AND
PERMITTING

Denise L. Squires
608 E. Hurlburt Avenue
Hermiston, OR 97838

CODE
ENFORCEMENT

Re: 30896 Joy Lane Hermiston, OR 97838
5N2834D;902 #137750
#C-958-00 Conditional Use Permit

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

Dear Ms. Squires,

GIS AND MAPPING

RURAL ADDRESSING

Thank you for notifying our office of the passing of your brother, Allen Pemberton. We would like to offer our condolences to you and your family. We are writing to you regarding this change of status for Conditional Use Permit, #C-958-00, that was issued to Mr. Pemberton.

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

PUBLIC TRANSIT

On July 21, 2000, a Conditional Use Permit, #C-958-00, was approved to allow placement of a manufactured home as a temporary caretaker's residence in conjunction with an equipment storage yard in a LI (Light Industrial) zone, in accordance with the Umatilla County Development Code (UCDC). According to the Subsequent Condition (D) of this permit, it states that, "should the circumstances under which the caretaker dwelling was approved change (i.e., business is sold or closes), the dwelling shall be removed from the property within 30 days."

We would respectfully ask you to contact our office at your earliest convenience to discuss the status of the property, the equipment storage yard business and the removal of the manufactured home according to the Conditional Use Permit for a caretaker's residence. Our office can be reached at (541)278-6300. I have enclosed a copy of the permit for your reference.

Best regards,

Officer Gina Miller

Enc: #C-958-00 Final Findings



#C-958-00 Conditional Use Permit

Shawna Van Sickle <shawna.vansickle@umatillacounty.gov>
To: "dlsquires58@gmail.com" <dlsquires58@gmail.com>, Planning <planning@umatillacounty.gov>

Fri, Jun 13, 2025 at 5:08 PM

Hello Denise,

Thank you for speaking with me today. I apologize for the lateness of my email, it has been a busy day!

I have included the following materials to help aid in your process with your brothers', Allen Pemberton, estate.

Conditions of Approval - Conditional Use Permit - #C-985-00 - Caretaker Dwelling tied to existing business on-site (attached)

[Design Review Application](#) - Establishing a new business on-site (+ Zoning Permit)

[Supplemental Conditional Use Application](#) for Caretaker Dwelling tied to existing business use (which required primary application of a Land Use Request Application)

I will speak with my supervisors regarding an extension of time to get things moving along with the property and either removal of the existing manufactured home, and the storage of a recreational vehicle (5th wheel). Please let us know where you are at within this process so we ensure progress is still being made so we can officially close out your brothers conditional use permit previously permitted. Have a lovely weekend!

Thank you,

Shawna Van Sickle
Administrative Assistant

Umatilla County, Community Development

Tel: 541-278-6249 | Fax: 541-278-5480

216 SE 4th Street | Pendleton, OR 97801

<https://umatillacounty.gov/departments/community-development>



Executor of estate
sister of Allen Pemberton
Denise Squires
541-567-3550
extension until 9/1/25
for finishing probate

Please Be Aware - Documents such as emails, letters, maps, reports, etc. sent from or received by the Umatilla County Department of Land Use Planning are subject to Oregon Public Records law and are NOT CONFIDENTIAL. All such documents are available to the public upon request; costs for copies may be collected. This includes materials that may contain sensitive data or other information, and Umatilla County will not be held liable for its distribution.

C-958-00.pdf
385K

EXHIBIT 4

Date	Comments	Reported by
09/04/25	- Per #C-958-00 this temporary caretaker dwelling must be removed.	
10/17/25	- Ct - D presnt of atty Paul S-L - MH - presnt to plzmg - buyer - V16/26 Rew	
1-16-26	A \$ Atty presnt, A working on it, April 17, 2026 A council wants ~ 6 mo period for buyer to clean it up told him I would ask Davy	

**Code Violation
L2025-092**

Code Enforcement Report

Property Information

Owner: Squires, Denise
Street Address: 30896 JOY LN
City: HERMISTON **State:** OR **Zip:** 97838
Mailing Address: 608 E HURLBURT AVE
HERMISTON OR 97838

Account Number: 137750
Map and Tax Lot: 5N2834D000902

Officer:

Status: Closed

Jurisdiction:

- City
- County
- Joint Management



Zoning Information

Zoning Jurisdiction: County
Zoning: Light Industrial (LI)
Zoning Overlay:

Violation Information

Violation Type:

1. Other

Other Violation Type:

FAILURE TO REMOVE TEMPORARY ACCESSORY DWELLING PER CUP #C-958-00

Complaint Origin:

County Department

Violation Location:

Complaint Information

Complaint Description:

Violation Description:

MH IS STILL PRESENT ON THE PROPERTY - SHOULD HAVE BEEN REMOVED WITHIN 30 DAYS OF THE END OF THE CUP PERMIT

Date of Violation: September 04, 2025

Office Correspondence

Field Notes



Field Photos

Date of Photos:

Time of Photos:

OREGON UNIFORM CITATION AND COMPLAINT

COMPLAINT #

Use for All Violations or Crimes Where Separate Complaint Will Not Be Filed/ ORS 153.045 or 133.069

CE25108

<input type="checkbox"/> CRIME(S) (See A on Back)	OR (Not Both)	<input checked="" type="checkbox"/> VIOLATION(S) (See B on Back)	<input type="checkbox"/> Traffic <input checked="" type="checkbox"/> Other <input type="checkbox"/> Wildlife <input type="checkbox"/> Boating <input type="checkbox"/> Commercial Fishing
--	-------------------------	---	--

STATE OF OREGON CITY/OTHER PUBLIC BODY UMATILLA COUNTY COUNTY OF UMATILLA	Docket No _____ Court: <input type="checkbox"/> Municipal <input type="checkbox"/> Justice <input type="checkbox"/> Juvenile <input checked="" type="checkbox"/> Circuit
---	--

DEFENDANT	THE UNDERSIGNED CERTIFIES AND SAYS THAT THE FOLLOWING PERSON:						
	ID Type: <input type="checkbox"/> CDL <input type="checkbox"/> Non-CDL	ID No:	State:	License Class:			
	Name: Last	SQUIRES		First	DENISE		MI L
	Address:	608 E HURLBURT AVE				Tel No:	
	City:	HERMISTON	State:	OR	Zip Code:	97838	
Sex:	Race:	DOB:	Height:	Weight:	Hair:	Eyes:	
Def. is: <input type="checkbox"/> Passenger <input type="checkbox"/> Employed to drive <input type="checkbox"/>							

TIME/PLACE	AT THE FOLLOWING TIME AND PLACE IN THE ABOVE-MENTIONED STATE AND COUNTY:						
	Offense Date on or about:	Month	Day	Year	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Highway <input type="checkbox"/> Premises open to public
	05/21/25		AND CONTINUING				
At or near Location: 5N2834D;902 30896 JOY LANE HERMISTON, OR 97838							

REL. INFO	INVOLVING THE FOLLOWING:						
	Type	Regis/VIN/ID No	State	<input type="checkbox"/> Accident <input type="checkbox"/> Injury <input type="checkbox"/> Property damage <input type="checkbox"/> Endanger others			
	Vehicle: year, make, model, style, color. OR Other, describe						
Other: <input type="checkbox"/> Driver not Reg. Owner <input type="checkbox"/> Haz Material <input type="checkbox"/> Commercial Veh							

OFFENSE(S)	DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):						
	1 Violated (cite ORS/ORD/rule)	Describe		Alleged Spd	Designated Spd	<input type="checkbox"/> Posted Limit <input type="checkbox"/> VBR	<input type="checkbox"/> Radar <input type="checkbox"/> Pace <input type="checkbox"/> Laser
	<input type="checkbox"/> Intentional <input type="checkbox"/> Knowing <input type="checkbox"/> Reckless <input type="checkbox"/> Criminal negligence <input type="checkbox"/> No culpable mental state			<input type="checkbox"/> Safety Corridor <input type="checkbox"/> Pstd Sch Zn <input type="checkbox"/> Hwy Wk Zn	1 Presumptive fine:		
	2 Violated (cite ORS/ORD/rule)	152.616 (X)		FAILURE TO REMOVE TEMPORARY ACCESSORY USE DWELLING			
	<input type="checkbox"/> Intentional <input type="checkbox"/> Knowing <input type="checkbox"/> Reckless <input type="checkbox"/> Criminal negligence <input type="checkbox"/> No culpable mental state		2 Presumptive fine: \$1000.00				
3 Violated (cite ORS/ORD/rule)	Describe		3 Presumptive fine:				
<input type="checkbox"/> Intentional <input type="checkbox"/> Knowing <input type="checkbox"/> Reckless <input type="checkbox"/> Criminal negligence <input type="checkbox"/> No culpable mental state							

OTH	CASE #L2025-092 #137750						Expl
------------	-------------------------	--	--	--	--	--	------

I certify under ORS 153.045 and 153.990 and under other applicable law and under penalties for false swearing, do swear/affirm that I have sufficient grounds to and do believe that the above-mentioned defendant/person committed the above offense(s) and I have served the defendant/person with this complaint.		Officer(s) Agency ID: 32-63
Date Issued: 09/04/25	<i>[Signature]</i> 1 st Officer Signature	1 st Officer ID No:
Print 1 st Officer Name: ESTES		2 nd Officer ID No:

2 nd Officer or arresting person (if not officer):	Signature:	Print name:
---	------------	-------------

YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE:		
Mo/Day/Year 10/17/25	Time: 10:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Location: UMATILLA COUNTY COURTHOUSE 216 SE 4TH ST PENDLETON, OR 97801

Reserved for DA use:

Reserved for Court use:

site;

(5) Measures are taken to minimize dust and vibration caused by the activity;

(6) Haul roads are constructed on an oil mat surface, at a minimum, and are maintained by the applicant in good repair, as determined by the County Public Works Director;

(7) Complies with other conditions as deemed necessary provided in [§ 152.615](#).

(V) *Day care or nursery.*

(1) The activity is compatible with the existing surrounding land uses;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) At least 100 square feet of outdoor play area per child is provided;

(4) A sight obscuring fence at least four feet high shall separate the play area from abutting lots;

(5) Landscaping may be a requirement around the site, to buffer it from adjacent uses;

(6) Complies with other conditions as deemed necessary provided in [§ 152.615](#).

(W) *Drug paraphernalia shop, adult bookstore or adult movie theater (criteria needed here).*

(1) The lot on which a drug paraphernalia shop, adult bookstore or adult movie theater, as defined within this chapter, is proposed to be located is not within 500 feet of a church, school, park, playground,

nursery, day care center or residential zone.

(2) The lot on which the use is located shall not be closer than 1,500 feet from any lot upon which there is located another such similar use.

(3) The distances prescribed in this division shall be measured along the most direct route on established public ways, including streets, sidewalks and other public passageways, from outer property line to outer property line of the concerned lots.

(4) Such other conditions relating to the exhibition of advertisements, displays, or other promotional or advertising materials visible to the public from the outside of the structure may be necessary to prevent the use from creating an attractive nuisance or blight on the surrounding neighborhood.

(X) *Dwellings (as an accessory use) for the owner or operator of each existing permitted use.*

(1) If a mobile home or park model home is to be used, the mobile home or park model home shall be skirted and set up to have the appearance of a residential dwelling;

(2) A yard area, including landscaping, shall be maintained around the dwelling;

(3) Any mobile home or park model home used as an accessory dwelling shall be removed within 30 days after the principal use on the property ceases;

(4) Complies with other conditions necessary as provided in [§ 152.615](#).

(5) Park model homes used as a caretaker dwelling must have been

**UMATILLA COUNTY ASSESSOR'S
NAME LEDGER**

Account ID 137750 **Township** 5N **Range** 28 **Section** 34 **1/4** D **1/16** 0 **Taxlot** 00902 **Special Interest**

Effective Date 15-May-2025 03:04 PM **Transaction ID** 3782066 **Entry Date** 15-May-2025 **Recorded Date** 15-May-2025 **Sale Date**

Seq Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
1	2025	TAX OFFICE	TAX	2025	1286	1			MAILING NAME	

Name Changes Status	Name	Name Type	Ownership Type	Ownership %
D	PEMBERTON ALLEN L	AMON		
A	PEMBERTON ALLEN L	AMON		

Size Totals	Code	Acres	Sqft	Alternate Size
	0803		123,710.00	

Effective Date 02-Feb-2026 09:09 AM **Transaction ID** 3833051 **Entry Date** 02-Feb-2026 **Recorded Date** 30-Jan-2026 **Sale Date**

Seq Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
1	2026	CLERK	DE	2026	802	1			NAME CHANGE	
ESTATE OF ALLEN L PEMBERTON-UMATILLA COUNTY PROBATE 25PB03037										

Name Changes Status	Name	Name Type	Ownership Type	Ownership %
----------------------------	-------------	------------------	-----------------------	--------------------

D	PEMBERTON, ALLEN L	OWNER	OWNER	100
A	1036 PIONEER EXCHANGE ACCOMMODATION TITLEHOLDER LLC	OWNER	OWNER	100
	OWNER(100%)			
	1036 PIONEER EXCHANGE ACCOMMODATION TITLEHOLDER LLC			

Size Totals	Code	Acres	Sqft	Alternate Size
	0803		123,710.00	

HERMISTON IRRIGATION DISTRICT



Office@HermistonID.org

February 12, 2026

Megan Davchevski
Planning Department
216 SE 4th St
Pendleton, OR 97801

366 E. Hurlburt Ave.
Hermiston, OR 97838
Phone: (541) 567-3024
Fax: (541) 564-1069
E-mail:

RECEIVED

FEB 12 2026

UMATILLA COUNTY
COMMUNITY DEVELOPMENT

**RE: Department Request to Void #R-003-26
Conditional Use Permit #C-958-00 - Pemberton**

Mrs. Davchevski,

Hermiston Irrigation District has reviewed your request. This property is located within the HID boundary, however, there are no water rights, HID facilities, Federal easements or rights-of-way.

HID has no objections to this request. Thank you for the opportunity to comment on this request.

Sincerely,

Karra

Karra Van Fossen
Water Rights Specialist

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PLANNING DIVISION

216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252

Email: planning@umatillacounty.gov

COMMUNITY &
BUSINESS
DEVELOPMENT

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Planning Commission
FROM: Megan Davchevski, Planning Division Manager
DATE: February 16, 2026

CODE
ENFORCEMENT

RE: February 26, 2026 PC Hearing
#R-004-26 Department Request to Void Conditional Use Permit #C-1243-15
Yvonne J and Ole C Olesen, Property Owners
Gabriel and Heather Alarcon, CUP Holders/Applicants

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND MAPPING

Background Information

RURAL ADDRESSING

The Community Development Department is requesting the Planning Commission void Conditional Use Permit #C-1243-15. The CUP was issued in 2015 to Gabriel and Heather Alarcon for “commercial activity in conjunction with farm use”. The approved commercial activity is an existing trucking operation, GA Transport, in conjunction with the blueberry farming operation that also occurred on the subject property. The CUP approval limited the trucking operation to “two trucks and supporting trailer units for hauling of agricultural products and supplies, and one truck that is used for repair parts.

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

Conditional Use Permit #C-1243-15 was imposed with Condition #5 which states the following: “A review of the commercial use in conjunction with the farming trucking business will be completed one year from the approval date to ensure that the conditions listed above and the criteria for establishing a trucking business continue to be met”. Additionally, Condition #6 states: “**A change or alteration to the trucking business, or an addition of truck and trailers that would increase the number of operating truck and trailers to four or more, may trigger a review of this conditional use to verify whether or not the change to the permitted trucking business remains in compliance with the approval**”.

PUBLIC TRANSIT

On March 19, 2025, County Code Enforcement mailed a letter to the permit holders, Gabriel and Heather Alarcon, regarding the status of the property and CUP #C-1243-15. The letter was sent following a site visit to the property by Code Enforcement Officer Estes. Officer Estes took photos of the subject property showing 4 trucks and trailers and a school bus, along with assorted elements of solid waste. The letter concluded that the onsite operations were no longer compliant with the conditions of the Conditional Use Permit and that Mr. Alarcon was needing to schedule an appointment with staff to remedy the violations within 30 days.

On April 14, 2025, Mr. Alarcon met with Planning Staff to discuss the CUP and violations. He expressed to staff that the permit was no longer needed, he stopped the trucking operations approximately 2.5 years ago due to health issues and was working on selling the truck and trailers. Department staff followed up with Mr. Alarcon via email, requesting that he respond in writing that he was requesting the CUP to be closed. Mr. Alarcon instead

Staff Memo

Planning Commission – February 26, 2026

Request to Void #R-004-26 Alarcon #C-1243-15

responded that he did not want to close the permit and instead wanted to keep the CUP open for the rest of 2025.

On September 9, 2025, County Code Enforcement conducted a site visit. From Code Enforcement field photos, it appears there are 10 vehicles, 5 semi-trailers, 1 school bus, 1 trailer and 1 belly dump onsite. Code Enforcement mailed a Warning Letter on September 10, 2025 for various solid waste and operation of a business outside of the CUP. The Warning Letter gave the property owner 30 days to correct the violations.

On November 17, 2025, County Code Enforcement issued Citations to the property owners for accumulation of various solid waste and operation of a business outside of the CUP. The first court date was scheduled for December 19, 2025. On December 19, 2025, Gabriel and Heather Alarcon plead not guilty before Judge Ballard and a pre-trial hearing was set for February 20, 2026.

Table of Contents

The included Table of Contents includes the Final Findings and Conclusions for #C-1243-15 and Final Decision Letter, Annual Review file notes, 2020, 2021 and 2024 Annual Renewals, Code Enforcement Warning Letter and Citation and various communications. Note the County did not complete annual renewals in 2022 or 2023. Annual Renewals prior to 2020 were not included in the packet as the property was in compliance during those years. These renewals remain in the CUP file.

Notice

Notice of the applicant's request was mailed on February 6, 2026 to nearby property owners and necessary agencies. Notice of the February 26, 2026 Planning Commission hearing was published in the East Oregonian on February 11, 2026.

Criteria of Approval

The conditions of approval are found in the approval for #C-791-96. Umatilla County Development Code (UCDC) §152.613(F) provides the procedures for the County to void a conditional use permit.

Conclusion

The Community Development Department is requesting the Conditional Use Permit to be closed in accordance with Subsequent Condition #6 of Conditional Use Permit #C-1243-15. The Community Development Department's request to void Conditional Use Permit #C-1243-15 is based on the following facts:

1. The CUP approval was for a farm trucking business. The business specifically hauled blueberries grown on the subject property and other produce grown in the Milton-Freewater and Walla Walla area. The CUP approval findings and conditions of approval clearly limit the farm trucking operations to two commercial trucks, two trailers and one back-up commercial truck; not to exceed "the number of operating truck and trailers to four or more", per Condition #6.
2. Per the permit holder, Gabriel Alarcon, he has not operated the farm product trucking business since at least January 2023. This would constitute a change in the business, and if the farm trucking business is no longer operating, the CUP must be closed.

Staff Memo

Planning Commission – February 26, 2026

Request to Void #R-004-26 Alarcon #C-1243-15

3. The property has repeatedly had more than the allowed commercial vehicles (semi-trucks) and trailers on the property during Code Enforcement site visits per the notes in the CUP file and photographs collected during site visits. The applicant has failed to comply with conditions of the CUP approval.

Any farm equipment associated with the farming activity occurring on the subject property is not required to obtain a CUP.

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

**UMATILLA COUNTY
PLANNING COMMISSION HEARING – FEBRUARY 26, 2026
DEPARTMENT REQUEST TO VOID #R-004-26
CONDITIONAL USE PERMIT #C-1243-15
YVONNE J AND OLE C OLESEN, OWNERS
GABRIEL AND HEATHER ALARCON, APPLICANTS/CUP PERMIT HOLDERS
PACKET CONTENT LIST**

1.	Staff Memo to Planning Commission	Pages 1-3
2.	Public Notice	Pages 5-6
3.	Preliminary Findings	Pages 7-16
4.	#C-1243-15 Final Findings and Decision Letter	Pages 17-34
5.	Exhibit 1 –CUP Annual Renewal File Notes	Pages 35-44
	a. File Notes	Page 35
	b. Annual Renewals: 2020, 2021 and 2024	Pages 36-44
6.	Exhibit 2 – Communications with Department	Pages 45-49
	a. Warning Letter dated March 19, 2025	Pages 45-46
	b. Email to department staff Dated March 19, 2025	Page 47
	c. Emails to Gabriel Alarcon Dated April 14, 2025	Pages 48-49
7.	Exhibit 3 – Code Enforcement File	Pages 50-59
	a. Code Enforcement file notes	Page 50
	b. Code Violation Case Report	Pages 51-56
	c. Warning Letter	Page 57
	d. Citations	Pages 58-59
8.	Exhibit 4 – Comment from Gary Pescialio Received February 9, 2026	Page 51
9.	Exhibit 5 – Comment from Kent Waliser Received February 17, 2026	Page 52



PLANNING DIVISION

216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252

Email: planning@umatillacounty.gov

COMMUNITY &
BUSINESS
DEVELOPMENT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

PUBLIC TRANSIT

NOTICE OF PUBLIC HEARING UMATILLA COUNTY PLANNING COMMISSION

YOU ARE HEREBY NOTIFIED of a public hearing to be held before the Umatilla County Planning Commission on **Thursday, February 26, 2026 at 6:30 PM** in the Justice Center Media Room, 4700 NW Pioneer Place, Pendleton, OR. **Virtual hearing options** are available by contacting the Umatilla County Planning Division at Room 104 of the Umatilla County Courthouse, 216 SE Fourth Street, Pendleton, OR, 97801 or by calling 541-278-6252, **the day before the scheduled Planning Commission hearing date.**

DEPARTMENT REQUEST TO VOID #R-004-26, CONDITIONAL USE PERMIT #C-1243-15: OLE C. & YVONNE J. OLESEN, PROPERTY OWNERS

The Community Development Department requests the Planning Commission void Conditional Use Permit (CUP) #C-1243-15, issued to Gabriel and Heather Alarcon. The CUP was issued for a commercial trucking business in conjunction with the onsite blueberry farm. A condition of approval was imposed that any changes in the trucking operation, including a change in the number of trucks and trailers onsite required a review of the Conditional Use Permit. Umatilla County Development Code (UCDC) §152.613(F) provides the procedures for the County to void a conditional use permit.

For further information concerning the above request, please contact Megan Davchevski, Planning Division Manager, at the Umatilla County Community Development Department, 216 SE 4th Street, Courthouse, Pendleton, Oregon 97801; telephone (541)278-6252; email Megan.Davchevski@umatillacounty.gov.

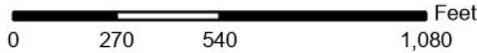
Opportunity to voice support or opposition to the above proposal, or to ask questions, will be provided. Failure to raise an issue in a hearing, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to that issue, precludes appeal to the Land Use Board of Appeals based on that issue. Copies of applications, documents and evidence pertaining to the hearing listed above, and all relevant criteria are available for inspection at no cost and will be duplicated at printing cost. A copy of the staff report will be available for inspection or duplicated at least seven days before the hearing. Hearings shall be governed by Section 152.772 of the Umatilla County Development Code.

DATED THIS 6th DAY of FEBRUARY, 2026
UMATILLA COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

CONDITIONAL USE PERMIT REVOCATION #R-004-26 FOR #C-1243-15

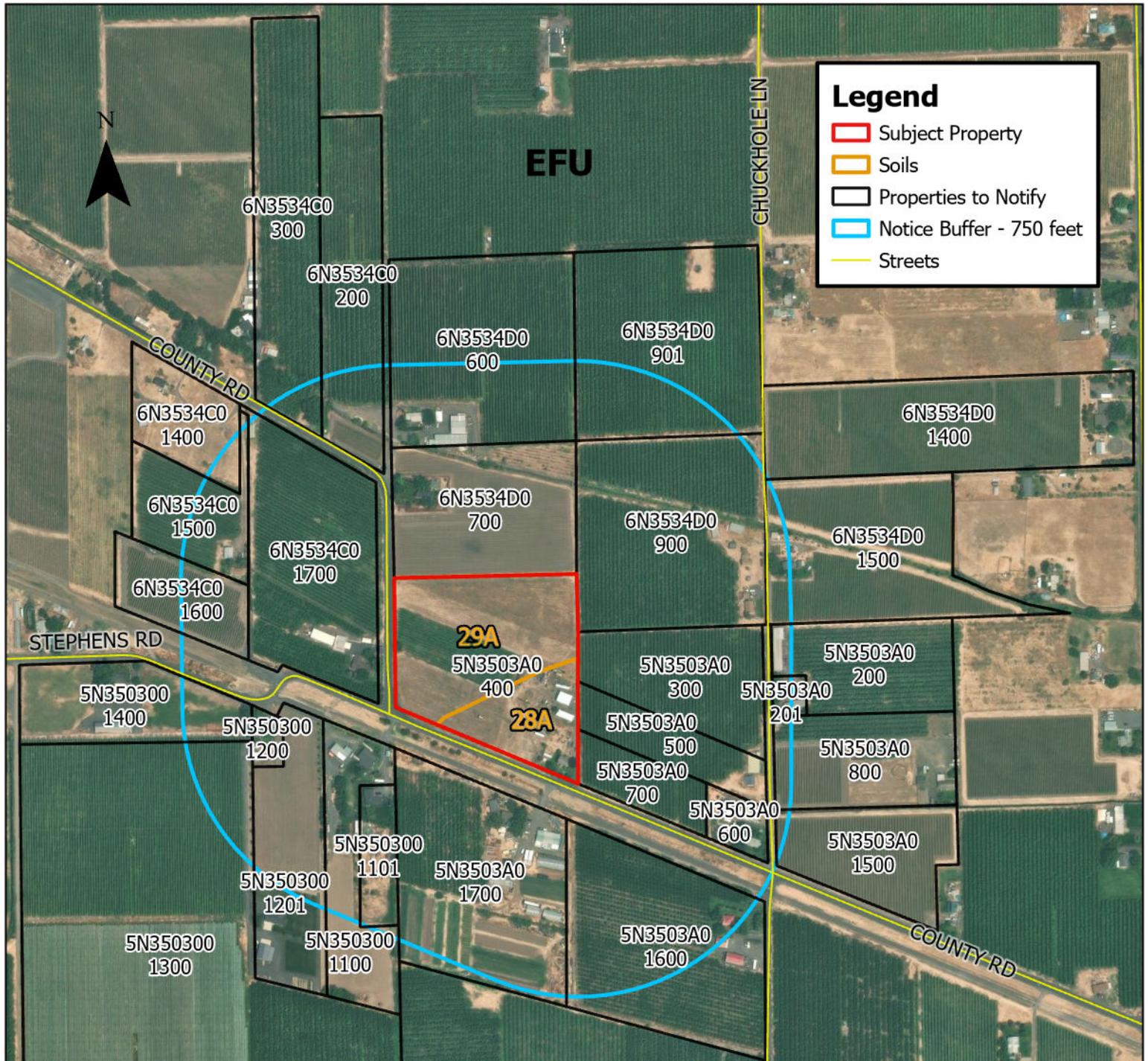
MAP: 5N 35 03A TAX LOT: 400

OLE & YVONNE OLESEN, OWNER



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 B. Fairchild, Umatilla County Planning Department Date: 2/3/2026

Notified property owners within 750 feet of subject property.



Legend

- Subject Property
- Soils
- Properties to Notify
- Notice Buffer - 750 feet
- Streets

SOILS		
MAP SYMBOL	IRRIGATED	NON-IRRIGATED
28A	3s	4s
29A	4s	6s

Map & Taxlot	Name
5N35030001101	SCHROCK MICHAEL D & SCHROCK CASSAUNDR A L
5N35030001200	TIMMONS DARCY J
5N35030001201	MILLAR MALCOM J & JANET E
5N35030001300	CA MOUNTAIN LLC
5N35030001400	SASSER JEFFERY E & FOX LORI L
5N3503A000200	SAMS BEVERLY P & DANIEL H
5N3503A000201	SAMS DH & JL (LE) SAMS MH ETAL
5N3503A000300	SAMS BEVERLY P & DANIEL H
5N3503A000400	OLESEN OLE C & YVONNE J
5N3503A000500	SAMS BEVERLY P & DANIEL H
5N3503A000600	TUCKER BENJAMIN & DORIS
5N3503A000700	SAMS BEVERLY P & DANIEL H
5N3503A000800	SAMS PATRICK M & WANDA K & RYAN
5N3503A001500	CAYUSE VINEYARDS LLC

Map & Taxlot	Name
5N3503A001600	WALISER TIMOTHY & MELINDA
5N3503A001700	WALISER DAVID & JULIE
6N3534C000200	WALISER H KENT
6N3534C000300	PESCIALLO GARY
6N3534C001400	CHRISTIAN NANCY R
6N3534C001500	MASON DENNIS C
6N3534C001600	WALLA WALLA LAND COMPANY I LLC
6N3534C001700	SAMS BEVERLY P & DANIEL H
6N3534D000600	WALISER H KENT
6N3534D000700	BUCK ELIJAH RICHARD ET AL
6N3534D000900	GIBBONS JAMES S & KIMBERLEE R
6N3534D000901	GIBBONS JAMES S & KIMBERLEE R
6N3534D001400	HOPWOOD DENNIS T & SHARON L
6N3534D001500	BENCHSTONE ESTATES LLC
5N35030001100	CLERGET DANIEL P

**UMATILLA COUNTY PLANNING COMMISSION
STAFF REPORT AND PRELIMINARY FINDINGS OF FACT
COMMUNITY DEVELOPMENT DEPARTMENT REQUEST TO VOID, #R-004-26
TO VOID CONDITIONAL USE PERMIT #C-1243-15
MAP #5N 35 03A, TAX LOT #400, ACCOUNT #135051**

1. **APPLICANT:** Umatilla County Community Development Department

2. **PROPERTY OWNERS:** Yvonne J and Ole C Olesen, 225 Cherry Ave, Milton-Freewater OR 97862

CUP APPLICANT: Gabriel and Heather Alarcon, 52937 County Road, Milton-Freewater OR 97862

3. **LOCATION:** The subject property is located north of County Road and west of Chuckhole Lane, approximately 0.45 miles west of Milton-Freewater city limits.

4. **PARCEL ACREAGE:** The subject property is assessed as 9.0 acres.

5. **REQUEST:** Conditional Use Permit (CUP) #C-1243-15 was issued to Gabriel and Heather Alarcon for a “commercial activity in conjunction with farm use”. The approved commercial activity is an existing trucking operation, GA Transport, in conjunction with the blueberry farming operation that also occurred on the subject property. The CUP approval limited the trucking operation to “two trucks and supporting trailer units for hauling of agricultural products and supplies, and one truck that is used for repair parts. The use would include dispatching from the site, on-site truck washing, and maintenance activities”¹. Specifically, the CUP approval found that GA Transport would transport local agricultural products, thereby enhancing farm activities of the local agricultural community, the business and farm activities occur together in the local community, and trucking farm products to market is essential to the practice of agriculture².

Conditional Use Permit #C-1243-15 was imposed with Condition #5 which states the following: “A review of the commercial use in conjunction with the farming trucking business will be completed one year from the approval date to ensure that the conditions listed above and the criteria for establishing a trucking business continue to be met”. Additionally, Condition #6 states: “**A change or alteration to the trucking business, or an addition of truck and trailers that would increase the number of operating truck and trailers to four or more, may trigger a review of this conditional use to verify whether or not the change to the permitted trucking business remains in compliance with the approval**”.

On March 19, 2025, County Code Enforcement mailed a letter to the permit holders, Gabriel and Heather Alarcon, regarding the status of the property and CUP #C-1243-15. The letter was sent following a site visit to the property by Code Enforcement Officer Estes. Officer Estes took photos of the subject property showing 4 trucks and trailers and a school bus, along with assorted

¹ CUP #C-1243-15 Final Findings, page 1, Request.

² CUP #C-1243-15 Final Findings, page 4, response to UCDC §152.617(B).

elements of solid waste. Per the letter, during the site visit, Mr. Alarcon advised Officer Estes that he was not doing much long-haul trucking and that the trucking business no longer involves the blueberry crop grown on the subject property. Mr. Alarcon stated that his son was planning to use the 18-wheel trucks and trailers for a business in the future, and Mr. Alarcon planned to convert the school bus to a mobile coffee service in the future. The letter concluded that the onsite operations were no longer compliant with the conditions of the Conditional Use Permit and that Mr. Alarcon was needing to schedule an appointment with staff to remedy the violations within 30 days.

On April 14, 2025, Mr. Alarcon met with Planning Staff to discuss the CUP and violations. He expressed to staff that the permit was no longer needed, he stopped the trucking operations approximately 2.5 years ago due to health issues and was working on selling the truck and trailers. Department staff followed up with Mr. Alarcon via email, requesting that he respond in writing that he was requesting the CUP to be closed. Mr. Alarcon instead responded that he did not want to close the permit and instead wanted to keep the CUP open for the rest of 2025.

On September 9, 2025, County Code Enforcement conducted a site visit. From Code Enforcement field photos, it appears there are 10 vehicles, 5 semi-trailers, 1 school bus, 1 trailer and 1 belly dump onsite. Code Enforcement mailed a Warning Letter on September 10, 2025 for various solid waste and operation of a business outside of the CUP. The Warning Letter gave the property owner 30 days to correct the violations.

On November 17, 2025, County Code Enforcement issued Citations to the property owners for accumulation of various solid waste and operation of a business outside of the CUP. The first court date was scheduled for December 19, 2025. On December 19, 2025, Gabriel and Heather Alarcon plead not guilty before Judge Ballard and a pre-trial hearing was set for February 20, 2026.

The Community Development Department is requesting the Conditional Use Permit to be closed in accordance with Subsequent Condition #6 of Conditional Use Permit #C-1243-15. Condition #6 states: **“A change or alteration to the trucking business, or an addition of truck and trailers that would increase the number of operating truck and trailers to four or more, may trigger a review of this conditional use to verify whether or not the change to the permitted trucking business remains in compliance with the approval”**. The Community Development Department’s request to void Conditional Use Permit #C-1243-15 is based on the following facts:

1. The CUP approval was for a farm trucking business. The business specifically hauled blueberries grown on the subject property and other produce grown in the Milton-Freewater and Walla Walla area. The CUP approval included findings such as “the transport of agricultural products enhances farm activities of the local agricultural community”, “the business and farm activities occur together”, and “trucking farm products to market is essential to the practice of agriculture”. Other significant findings in the decision include: “The GA Transport trucking business consists of two operating truck and trailers. One truck and a 55 foot refrigerated trailer is operated as the primary

transport vehicle by the property owner and second truck and 48 foot refrigerated trailer that is used as a backup. There is also a truck that is used as spare parts for the primary truck”³, and “GA Transport generally operates with one truck and has a second backup truck during harvest time”⁴. The CUP approval findings and conditions of approval clearly limit the farm trucking operations to two commercial trucks, two trailers and one back-up commercial truck; not to exceed “the number of operating truck and trailers to four or more”, per Condition #6.

2. Per the permit holder, Gabriel Alarcon, he has not operated the farm product trucking business since at least January 2023. This would constitute a change in the business, and if the farm trucking business is no longer operating, the CUP must be closed.
3. The property has repeatedly had more than the allowed commercial vehicles (semi-trucks) and trailers on the property during Code Enforcement site visits per the notes in the CUP file and photographs collected during site visits. The applicant has failed to comply with conditions of the CUP approval.

Any farm equipment associated with the farming activity occurring on the subject property is not required to obtain a CUP.

6. COMPREHENSIVE PLAN MAP DESIGNATION: Orchards District

7. ZONING: Exclusive Farm Use (EFU)

8. ACCESS: Access to the subject property is from County Road.

9. ROAD TYPE: County Road is a 40-foot-wide paved County Road, County Road #650.

10. EASEMENTS: There are no known easements on the property.

11. BUILDINGS: According to County Assessment records, the subject property has a 1,200 square foot machine shed, a 1,728 square foot general purpose building and a 1,680 square foot single-family dwelling (built in approximately 1921).

12. UTILITIES: Electricity is provided by Pacific Power.

13. WATER AND SANITATION: As this request is coming from the Community Development Department, information on water and septic were not provided by the property owner. The 2015 CUP Final Findings note the existing dwelling is served by an onsite septic system and domestic well.

14. IRRIGATION: The subject property is located within the Walla Walla River Irrigation

³ CUP #C-1243-15 Final Findings, page 6, response to Findings for UCDC §152.617(5).

⁴ CUP #C-1243-15 Final Findings, page 9, response to Findings for UCDC §152.615(A).

District and appears to have irrigation water rights. The 2015 CUP Final Findings note that the property has water rights from the Walla Walla River Irrigation District for surface water irrigation up to 8.6 acres through Certificate No. 86909 and surface irrigation water rights for frost protection up to 8.4 acres through Certificate No. S-39710. The subject property was also noted to have 8.5 acres of supplemental groundwater irrigation rights under Permit No. G-6215.

15. **SOIL TYPES:** The subject property and adjacent properties consist of high value soils. High value soils are defined in UCDC §152.003 irrigated and non-irrigated soils classified as prime, unique, Class I or Class II. The soils found on the subject property are the Freewater Cobbly and Freewater gravelly which are both classified as unique soils and are therefore high value.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
29A: Wanser loamy fine sand, 0 to 3 percent slopes	6w	--
29B: Winchester sand, 0 to 5 percent slopes	6w	--
<i>Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as "e" – erosion prone, "c" – climate limitations, "s" soil limitations and "w" – water (Survey, page. 172).</i>		

15. **PROPERTY OWNERS & AGENCIES NOTIFIED:** February 6, 2026

16. **PUBLIC HEARING DATE:** February 26, 2026

17. **AGENCIES NOTIFIED:** Umatilla County Public Works, County Code Enforcement, County Counsel, County Environmental Health, Milton-Freewater Rural Fire District, County Assessor, Oregon State Water Resources, Oregon State Building Codes, Milton-Freewater Light & Power

18. **COMMENTS RECEIVED:** Prior to the Planning Commission hearing, the Planning Division received a verbal comment from a notified property owner, Gary Pescialio. Mr. Pescialio provided a statement over the phone as he would be out of town for the land use hearing. Mr. Pescialio’s statement was, “I have absolutely no problem with the person and the trucks the activity that he has going on. I have no objection”. The Planning Division also received an email from Kent Waliser, a notified property owner, who is opposed to the County voiding the Conditional Use Permit.

19. **CRITERIA FOR APPROVAL:** Umatilla County Development Code text is provided below in underlined text.

§ 152.613 TIME LIMIT ON A CONDITIONAL USE PERMIT AND LAND USE DECISION.

(F) The County may void a conditional use permit or land use decision under the following circumstances:

- (1) The property owner/applicant no longer complies with the conditions of approval imposed as part of the original decision, the County provided the property owner/applicant at least 30-days written notice and opportunity to correct or cure the compliance issue and the property

owner/applicant failed to correct or cure the compliance issue within said notice period; or

County Planning Response: The County mailed a letter on March 19, 2025 to Gabriel and Heather Alarcon, the original CUP applicant and persons who had requested to receive the annual renewal letters in lieu of the property owners. The letter advised that the Conditional Use Permit did not qualify for an annual renewal due to the number of trucks and trailers exceeding the number allowed in the CUP approval and the presence of solid waste on the property. The letter also included details about the conversation between the Code Enforcement Officer and Mr. Alarcon, where Mr. Alarcon advised that he was no longer doing long-haul trucking, and that the trucking operations no longer included blueberries grown on the subject property. The letter concluded that Gabriel and Heather Alarcon needed to schedule an appointment with Planning Staff to rectify the issue and the appointment needed to be completed within 30 days of the letter. Failure to do so would result in further enforcement action.

On April 14, 2025, Mr. Alarcon met with Planning Staff to discuss the CUP compliance issues. Staff followed up with Mr. Alarcon following the meeting to summarize the discussion, which concluded with Staff requesting that Mr. Alarcon request in writing that the CUP be closed as he was no longer operating the trucking business. Mr. Alarcon also shared with Staff that he would be selling the trucks and trailers to comply. To date, the Planning Division has not received a written request to close the CUP, which is why the Department is requesting the Planning Commission void the permit.

On September 9, 2025 Code Enforcement visited the subject property and took photos documenting the subject property remains out of compliance with the Condition #6 of Conditional Use Permit approval #C-1243-15. A Code Enforcement Warning Letter was mailed on September 10, 2025 to the property owners and a Citation was mailed on November 17, 2025. The County Community Development Department provided a 30-day notice on March 19, 2025 and September 10, 2025 for the property owner/applicant to correct the compliance issues. Both the property owner and CUP permit holder/applicant had more than 30 days to correct the compliance issues and failed to do so within the notice period.

Planning Commission Findings: The Planning Commission finds the County provided the property owner written notice on March 19, 2025 and September 10, 2025 that the farm trucking operations were no longer compliant with the Conditional Use Permit approval conditions, and the subject property exceeded the allowed semi-trucks and trailers as limited in Condition #6 of the CUP approval. The property owner was given more than 30-days written notice and opportunity to correct the compliance issue and failed to do so within the notice periods.

The Planning Commission finds the County Community Development Department has the opportunity to request the Conditional Use Permit be voided, and that the Planning Commission has the authority to grant that request.

(2) The use approved pursuant to the conditional use permit or land use decision has been continuously discontinued for a period of one (1) year or more, unless a longer period is provided in state law.

County Planning Response: The Planning Division is requesting that the conditional use permit be

voided under (1) above. The farm trucking business approved as a commercial activity in conjunction with farm use has been discontinued for a period beyond one year per the conversation the CUP permit holder had with Planning Staff in April 2025. Additionally, the property has exceeded the number of commercial semi-trucks and trailers that were allowed under the Conditional Use Permit.

Planning Commission Findings: The Planning Commission finds the approved use has been continuously discontinued for a period beyond one year.

(3) If the County intends to void a conditional use permit or land use decision under subsection (1) or (2) above, it shall do so pursuant to a public process set forth in § 152.769 and § 152.771. The County bears the burden of proving the elements set forth in subsections (1) and (2) above.

County Planning Response: The Planning Division is requesting the Planning Commission to void the CUP under (1) above. The County followed the public process outlined in UCDC §152.769 and §152.771, evaluated below. The County bears the burden of proving the elements listed in subsection (1).

Planning Commission Findings: The Planning Commission finds the County bears the burden of proving the elements listed in subsection (1). The Planning Commission finds UCDC §152.769 and §152.771 are evaluated below.

§ 152.769 ADMINISTRATIVE REVIEW.

(A) The administrative review procedure is designed to provide a less time-consuming alternative to the public hearing process for land use requests which require discretion in the decision-making process (i.e., quasi-judicial decisions).

(B) The administrative review procedure is as follows:

(1) Within 20 business days of filing a completed application, the Planning Department shall determine whether the application and accompanying material conforms with the applicable requirements of this chapter and render a tentative decision. When the application is within an Interchange Management Area Plan (IAMP) Management Area or within a ¼ mile of an ODOT facility, the Planning Department shall provide written notification to ODOT when the application is deemed complete.

(2) All documents or evidence relied upon by the applicant shall be submitted to the Planning Department and shall be made available to the public prior to issuance of the tentative decision.

(3) A tentative decision by the Planning Department to approve, modify or deny a land use request shall include written modifications and conditions, if any, and findings and conclusions which shall specifically address the relationship between the proposal and the applicable criteria for approval listed elsewhere in this chapter.

(4) If the Planning Department determines that there are minor inconsistencies between the application and the criteria, the applicant shall be so advised in writing and afforded an opportunity to make corrections within 10 business days of written notification;

(5) If the applicant makes the necessary corrections as specified by the Planning Director, the Director shall then grant tentative approval of the partition, as provided in this section.

(6) Within two business days from a tentative decision by the Planning Director, a notice of the

tentative decision shall be mailed to the applicant and all registered owners of property and affected agencies pursuant to § 152.770. The notice shall inform the applicant and the surrounding property owners that the Planning Director will issue a final decision, with or without modifications and/or conditions, or denial of the land use request 21 calendar days from the date of the notice; unless a public hearing is requested.

(7) The purpose of the notice is to provide affected property owners and agencies the opportunity to review the request and the tentative findings and conclusions of the Department, and to either offer comments or requested conditions, or request a public hearing be held to deliberate on issues they deem are significant. If a public hearing is requested, then the Planning Department shall schedule a public hearing before the County Hearings Officer within 45 days from the receipt of the request for a public hearing pursuant to § 152.771.

(8) The failure of the property owner to receive notice as provided in this section shall not invalidate such proceedings if the mailing affidavit demonstrates that the notice was mailed to the address listed in the County Assessor's tax records.

(9) If no request for a public hearing is received within the 21 days, then the Planning Department's tentative decision shall become the final decision, although conditions of approval may be added, modified, or deleted based on information received subsequent to notification.

(10) Notice of the final decision shall be sent to the applicant, to any property owner, person, or agency which commented on the request, and to any other persons who requested such notice.

(11) If the proposed final decision is significantly different from that proposed in the tentative findings and conclusions sent out per subdivision (B)(5) of this section, then the process outlined in subdivision (B)(5) of this section will be repeated.

(12) The final decision of the Planning Department on a land use request may be appealed within 15 days to the Hearings Officer pursuant to § 152.766;

(13) Conditions of approval shall be imposed pursuant to §§ 152.753 and 152.776.

County Planning Response: The Planning Division is requesting the Planning Commission to void the CUP. The Administrative Review process provides the guideline for the Planning Division to accept, review and process administrative applications. Since the Planning Commission is the deciding body on the request to void conditional use permits, §152.771 is followed and evaluated below.

Planning Commission Findings: The Planning Commission finds the Community Development Department's request to void the Conditional Use Permit follows the process outlined in UCDC §152.771, evaluated below.

152.771 PUBLIC HEARING REQUIREMENTS.

(A) Public hearings are required for the following types of land use requests:

(1) Legislative amendments to the map or text of this chapter.

(2) Quasi-judicial amendments to the map or text of this chapter.

(3) Type I and III Land Divisions.

(4) Upon the request of an affected property owner, state, local, or federal agency, or at the discretion of the Planning Director, for Type II and IV Land Divisions, conditional uses, variances, farm dwellings, or any other request processed through the administrative review procedures set forth in § 152.769.

(5) Appeals of a land use decision, per § 152.766.

County Planning Response: The Planning Division is requesting the Planning Commission to void the CUP which is a request that requires a public hearing under (A)(4). A public hearing is scheduled to be held before the Planning Commission on February 26, 2026.

Planning Commission Findings: The Planning Commission finds a public hearing is required and was held on February 26, 2026. The criterion is satisfied.

(B) A legal notice of hearing authorized by this chapter for amendments to the map or text of this chapter shall be published in a newspaper of general circulation in the county at least 10 days prior to the date of the hearing.

County Planning Response: Legal notice of the February 26, 2026 Planning Commission hearing was published on February 11, 2026 in the East Oregonian newspaper which was more than 10 days prior to the hearing date.

Planning Commission Findings: The Planning Commission finds legal notice of the February 26, 2026 Planning Commission hearing was published on February 11, 2026 in the East Oregonian newspaper. The publication was at least 10 days prior to the date of the public hearing. The criterion is satisfied.

(C) At least 20 days in advance, a notice of public hearing on a Type I, II, III or IV Land Division, a conditional use, a land use decision, or a variance application. If two evidentiary hearings are required, notice of the hearing shall be sent 10 days before the first evidentiary hearing for applications such as a quasi-judicial amendment to the zoning map or Comprehensive Plan Map, or appeals thereof, shall be mailed to all owners of property, affected state, local, or federal agencies, and affected municipalities pursuant to § 152.770.

County Planning Response: Public notice of the February 26, 2026, Planning Commission hearing was mailed to the property owners, permit holders, nearby property owners and state, local and federal agencies on February 6, 2026. The public notice was mailed at least 20 days in advance of the public hearing.

Planning Commission Findings: The Planning Commission finds public notice of the February 26, 2026, Planning Commission hearing was mailed to the property owners, permit holders, nearby property owners and state, local and federal agencies on February 6, 2026. The public notice was mailed at least 20 days in advance of the public hearing. The criterion is satisfied.

(D) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing provided that the county's mailing affidavit indicates that notice was indeed sent in accordance with this chapter.

County Planning Response: The County Planning Division has on file a list of property owners and agencies that were notified of the public hearing. An affidavit of mailing was signed in front of a notary on February 6, 2026. Failure of a person on the notified list to receive notice does not impair the validity of the public hearing.

Planning Commission Findings: The Planning Commission finds failure of a person to receive notice does not impair the validity of the public hearing if that person is on the notified list.

(E) All documents or evidence relied upon by the applicant shall be submitted to the Planning Department and be made available to the public by the date the notice required in division (C) of this section is mailed. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The Hearings Officer, Planning Commission and County Board of Commissioners may grant such request in accordance with ORS 197.763.

County Planning Response: The County Planning Division is the applicant in this request to void Conditional Use Permit #C-1243-15. All documents and evidence relied on by the Planning Division are available to the public upon request. The property owner or other hearing participants may request an opportunity to present additional evidence, arguments or testimony during the public hearing.

Planning Commission Findings: The Planning Commission finds all documents and evidence relied on by the Planning Division are available to the public upon request. The public hearing provided opportunities for hearing participants to present additional evidence, arguments and testimony.

(F) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television.

County Planning Response: The County Planning Division provided notice of the hearing via newspaper publication and notice to nearby property owners and agencies via USPS mail.

Planning Commission Findings: The Planning Commission finds the Planning Division provided notice of the hearing via newspaper publication and notice to nearby property owners and agencies via USPS mail.

(G) A staff report shall be prepared for each request requiring a public hearing. This staff report shall be available at least seven calendar days prior to the hearing.

County Planning Response: The County Planning Division staff have prepared a staff report which was made available on the County's website, or upon request, seven calendar days prior to the hearing.

Planning Commission Findings: The Planning Commission finds the County Planning Division staff have prepared a staff report which was made available on the County's website, or upon request, seven calendar days prior to the hearing.

(H) The Hearings Officer, Planning Commission and County Board of Commissioners may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

(I) Unless a continuance of the hearing is requested per division (E) of this section, any participant at the first evidentiary hearing may request prior to the conclusion of the hearing that the record remain open pursuant to ORS 197.763 for at least seven days after the hearing for the submittal of additional testimony.

(J) When the record for a hearing is reopened, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

(K) The Hearings Officer, Planning Commission and Board of County Commissioners shall conduct their public hearings pursuant to the requirements of § 152.772.

County Planning Response: The provisions of H through K govern the procedures of the public hearing.

Planning Commission Findings: The Planning Commission finds the provisions of H through K govern the procedures of the public hearing and do not pertain to whether or not the Community Development Department’s request to void the conditional use permit could be approved.

DECISION TO VOID THE CONDITIONAL USE PERMIT: PENDING

THE PLANNING COMMISSION MAY DECIDE TO VOID THE CONDITIONAL USE PERMIT #C-1243-15 OR DENY THE COMMUNITY DEVELOPMENT DEPARTMENT’S REQUEST TO VOID THE PERMIT.

IN ORDER TO AMEND THE CONDITIONS OF APPROVAL IMPOSED ON #C-1243-15, THE APPLICANT WOULD NEED TO SUBMIT AN APPLICATION TO THE COUNTY PLANNING DIVISION, REQUESTING AN AMENDMENT TO #C-1243-15 OR APPLY FOR A NEW CUP. THE CUP AMENDMENT WOULD BE SUBJECT TO ALL CODE CRITERIA IN PLACE AT THE TIME OF APPLICATION.

UMATILLA COUNTY PLANNING COMMISSION

Dated the _____ day of _____, 2026

Samuel Tucker, Chair
Umatilla County Planning Commission

Mailed the _____ day of _____, 2026

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA MABBOTT

March 16, 2015

LAND USE
PLANNING,
ZONING AND
PERMITTING

Gabriel Alarcon
52937 County Road
Milton-Freewater, OR 97862

CODE
ENFORCEMENT

Ole C. and Yvonne J. Olesen
306 Big Meadow Rd.
Troy, ID 83871

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

Re: "Tentative" Final Approval
CONDITIONAL USE PERMIT REQUEST, #C-1243-15
MAP #5N 35 03A, TAX LOT 400, Account #135051

GIS AND
MAPPING

RURAL
ADDRESSING

Dear Mr. Alarcon;

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

The 21-day notice period for your Conditional Use Permit to establish a Commercial Operation in Conjunction with Farm Use lapsed without a request for a public hearing or objections that would result in a public hearing. The Planning Department received phone and email communications from Mrs. Olesen and Mrs. Alarcon concerning time limits on completing the conditions of approval and commented about the possibility of changing the location of the truck parking area from the south side of the shop to the north side of the shop, and if that would require re-notice. The Planning Department determined that changing the location of the dedicated truck parking area would provide additional screening that would be beneficial to neighboring properties. Therefore, the Final Findings and Conclusions document was modified where the truck parking area was discussed to reflect the change. No other comments were received.

The Final Findings and Conclusions document was signed by the Planning Director, on Monday, March 16, 2015 signifying formal APPROVAL for the conditional use permit with CONDITIONS TO BE MET (see below).

Technically, a statutory 15-day appeal period commenced the date the Findings were signed; this appeal period will end on March 28, 2015. You as the applicant/property owner or others may appeal this decision as well as those who commented during the 21-day comment period. An appeal must be filed in writing on a form available at the Planning Department Office. There is a \$250 fee to process an appeal.

Please note that the precedent conditions below must be completed before a zoning permit to authorize the trucking business can be issued. **Precedent Condition #1 must be completed within 30 days of the date that the tentative approval was signed by the Planning Director.** If Precedent Condition #1 is not satisfactorily completed, enforcement action will be pursued by County Code Enforcement. Once County Code Enforcement has verified that the solid waste violation has been cleared, and precedent condition #2 is also met, a zoning permit can be issued. You must continue to comply with the conditions imposed for the Commercial Activity in Conjunction with Farm Use.

The CONDITIONS placed on this approval are as follows:

Precedent Conditions: The following precedent condition must be fulfilled to finalize approval of this request.

1. Mitigate the solid waste violation. When the solid waste violation is mitigated, contact County Code Enforcement for verification that the solid waste has been cleaned up.
2. Improve the designated parking area with gravel and plant and maintain trees for screening around the designated truck parking area. Verification that improvements have been completed shall be submitted to the Planning Department in the form of receipts and/or photographs
3. Obtain a Zoning Permit from the County Planning Department. Provide an updated site plan that identifies the location of the designated truck parking area and screening to the north of the shop and the parking area for the dwelling and driver of the second truck. Also show structures located on the property, location of easements, septic and drain field, well, etc.

Subsequent Condition: The following subsequent condition would continue to be applicable to the applicant's conditional use permit.

4. Outdoor lighting added for the trucking business must be shielded away from nearby roads and properties.
5. A review of the commercial use in conjunction with farming trucking business will be completed one year from the approval date to ensure that the conditions listed above and the criteria for establishing a trucking business continue to be met. Subsequent yearly reviews will be required to ensure compliance with conditions and compatibility. Annual review fees will be assessed.
6. A change or alteration to the trucking business, or an addition of truck and trailers that would increase the number of operating truck and trailers to four or more, may trigger a review of this conditional use to verify whether or not the change to the permitted trucking business remains in compliance with this approval.

Permit Expiration The approval for the Conditional Use Permit Division will EXPIRE on the following date, two (2) years from issuance of this approval.

March 16, 2017 unless a zoning permit is obtained.

NOTE: If the deadline is not met then you will have to reapply through our office, and be subject to all review procedures and standards in effect at that time.

If you have any questions, please do not hesitate to call me, at (541) 278-6251. Thank you for your cooperation.

Cordially,



Shane Finck, *Planner*
Umatilla County Department of Land Use Planning

cc: County Assessor
County Code Enforcement

Enclosures: Copy of Final Findings and Conclusions

**UMATILLA COUNTY PLANNING DEPARTMENT
FINAL FINDINGS AND CONCLUSIONS
CONDITIONAL USE PERMIT REQUEST, #C-1243-15
MAP #5N 35 03A, TAX LOT #400, ACCOUNT # 135051**

1. **APPLICANT:** Gabriel Alarcon, 52937 County Road, Milton-Freewater, OR 97862
2. **OWNERS:** Ole C. and Yvonne J. Olesen, 306 Big Meadow Rd., Troy, ID 83871
3. **REQUEST:** The applicant, Gabriel Alarcon, seeks a conditional use permit for an existing trucking operation, GA Transport, in conjunction with farming. The trucking operation currently consists of two trucks and supporting trailer units for the hauling of agricultural products and supplies, and one truck that is used for repair parts. The use would include dispatching from the site, on-site truck washing, and maintenance activities. When not in use, the trucks would be parked on the property in a proposed graveled area to the south of the shop building.
4. **LOCATION:** The property is located on the north side of County Road, approximately 1 $\frac{3}{4}$ miles northwest of the City of Milton-Freewater.
5. **ACREAGE:** Tax Lot 400 is 9 acres.
6. **TAX CODE:** The Tax Code is assigned by the County Tax Office. Each Code Area has various taxing rates depending upon the services provided. The Tax Code for this parcel is 07-08, which has the following taxing definitions: General County, Umatilla Co Bond, School District #7 Milton-Freewater, Intermountain, Education Service District (ESD), BMCC, Port Of Umatilla, County Radio District, Cemetery District 3 Milton-Freewater, East Umatilla Chemical C.D., Umatilla Special Library District, M/F Ambulance District, M-F Unified Local Option #1.
7. **COMP PLAN:** Orchards District
8. **ZONING:** Exclusive Farm Use Zone (EFU, 160 acre minimum)
9. **ACCESS & ROAD TYPE:** Umatilla County Department of Public Works has issued a County Permit for Road Access Approach onto County Road, County Road No. 650. County Road is a paved, two lane, county road and designated as a minor collector road. The road is a public road and intended to serve residential, commercial, industrial, and mixed land uses ¹ and will be suitable for truck traffic.

¹ Umatilla County Transportation System Plan. April 2002, Description of Rural Major and Minor Collector Roads, Page 7-5.

10. EASEMENTS: The application indicates that an irrigation easement exists for the Walla Walla River Irrigation District. No other easements were identified.
11. LAND USE: Current uses on the property include blueberry crops and home based produce transport business. The Alarcons have attempted to grow various crops on the property including tomatoes, peppers, and corn. The current plan involves trying to establish a viable blueberry farm. Mr. Alarcon has been operating a trucking business from the property since about 2004. The current trucking operation consists of a primary Freightliner tractor and refrigerated trailer, a second “backup” Peterbilt tractor and refrigerated trailer, and a Freightliner tractor used for spare parts. The property is an EFU zoned 9 acre parcel northwesterly of Milton-Freewater. Approximately 6.9 acres are committed for growing blueberries. The dwelling and yard area covers approximately .4 acres and approximately 1.7 acres are used for the shop, farm equipment, and truck parking. The 1.7 acre area is the location that Mr. Alarcon is proposing to continue to operate his trucking business.
12. ADJACENT USES: Properties surrounding the subject property to the north, east, and west are planted in apple and peach orchards. The property to the south operates as a nursery and produce sales. Another nearby property is operating a plumbing business.
13. LAND FORM: Walla Walla Valley
14. IRRIGATION: The property has water rights from the Walla Walla River Irrigation District. Surface irrigation water rights for 8.6 acres are permitted through certificate number 86909 and surface irrigation water rights for frost protection of 8.4 acres are provided through Certificate No. S-39710. Additionally, 8.5 acres of supplemental groundwater irrigation rights are permitted under Permit No. G-6215.
15. SOIL TYPES: The subject property and adjacent properties consist of high value soil types. High value soils are defined in UCDC 152.003 irrigated and non-irrigated soils classified prime, unique, Class I, or Class II. The soils found on the property are classified as unique soils and are considered high value.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
29A-Freewater very cobbly loam, 0 to 3 percent slopes.	6s	4s
28A-Freewater gravelly silt loam, 0 to 3 percent slopes.	4s	3s

Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as “e” – erosion prone, “c” – climate limitations, “s” soil limitations and “w” – water (Survey, page. 172).

16. BUILDINGS: Structures on the property include a dwelling, partially enclosed shop, and a trailer that is being used for storage.

17. UTILITIES: Pacific Power and Humbert Refuse serve the area.
18. WATER/SEWER: The dwelling is served by an onsite septic system and water is provided by a domestic well located on the property.
19. FIRE SERVICE: The property owner subscribes to the rural Milton-Freewater Fire Department for fire protection.
20. FLOODPLAIN: The property is NOT in a floodplain.
21. PROPERTY OWNERS & AGENCIES NOTIFIED: February 19, 2015
22. COMMENT CLOSING DATE: March 12, 2015
23. NOTIFIED AGENCIES: Department of Environmental Quality, Oregon Department of Water Resources, Umatilla County Assessor, Umatilla County Public Works Director, Walla Walla River Irrigation District, Milton-Freewater Rural Fire Department, City of Milton-Freewater.
24. COMMENTS RECEIVED: The Planning Department received comments from the applicant and property owner about the possibility of changing the location of the designated parking area to the north side of the shop building which would better provide screening for properties and County Road from the south. They also inquired about when the conditions had to be met. No other comments were received.

25. THE UMATILLA COUNTY DEVELOPMENT CODE SECTION 152.060 (A) ALLOWS ESTABLISHMENT OF A COMMERCIAL ACTIVITY IN CONJUNCTION WITH FARM USE as a Conditional Use in an Exclusive Farm Use Zone. The applicable Standards of the Umatilla County Development Code (UCDC) are found in Section 152.061, Sections 152.610 through 152.615 and Section 152.617 (I) (B) and Sections 152.545 through 152.562. The standards (criteria) of approval are underlined and listed below, the responses and findings follow in standard text.

§ 152.025 ZONING PERMIT

(B) Zoning permits shall be issued by the Director according to the provisions of this chapter. The Planning Director shall not issue a zoning permit for the improvement or use of land that has been previously divided in violation of this chapter or contains a land use or solid waste violation, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development.

The Planning Department finds that there is a solid waste violation on the subject property for unlicensed or inoperable vehicles, scrap materials, tires, etc. Prior to final approval and issuance of a zoning permit for the trucking business, the applicant must mitigate the solid waste violation and have County Code Enforcement verify that the violation has been cleared. A condition of approval is imposed requiring the mitigation of the solid waste violation prior to issuing a zoning permit for the trucking business.

§ 152.060 CONDITIONAL USES PERMITTED.

In an EFU zone the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of this section, the applicable criteria in § 152.061, §§ 152.610 through 152.615, 152.617 and §§ 152.545 through 152.562. A zoning permit is required following the approval of a conditional use pursuant to § 152.025. Existing uses classified as conditional uses and listed in this section may be expanded subject to administrative review and subject to the requirements listed in OAR 660, Division 033.

(A) Commercial activities in conjunction with farm uses including the processing of farm crops into biofuel not permitted under ORS 215.283 (1)[r] and provided in § 152.617 (I)(B). The UCDC addresses the criteria for commercial activities in conjunction with farm use in UCDC 152.617(I)(B). In previous determinations, the County has held that to be in conjunction with farm use, the commercial activity must enhance the farming enterprises of the local agricultural community to which the EFU land hosting that commercial activity relates. The agricultural and commercial activities must occur together in the local community to satisfy the statute.

§ 152.617 STANDARDS FOR REVIEW: CONDITIONAL USES AND LAND USE DECISIONS ON EFU ZONED LANDS.

(I) EFU CONDITIONAL USES

(B) Commercial Activities in Conjunction with Farm Use. Commercial activities that are in conjunction with farm use, including but not limited to, processing of farm crops into biofuel, public grain elevators, commercial use feedlots, livestock sale yards, commercial agricultural chemical storage tanks and agricultural products for sale commercially, provided that: The application indicates that Mr. Alarcon has operated GA Transport for 15 years. The applicant provided the following information about the trucking business.

“During harvest, GA Transport has worked with the truck in the apple harvest hauling fruit from the field to the warehouse at Broetje Orchards near Prescott. More recently, he worked with Medelez Trucking hauling corn from the fields to Smith Frozen Foods in Weston, Oregon; hauling watermelons from Hermiston to various delivery points in Washington and Oregon’ and hauling Onions from the warehouses [in] Walla Walla, WA and Boardman, OR to Raillex in Wallula, WA. Outside of the harvest season he mostly hauls loads of apples and Pears which are loaded from various points across the Northwest stretching from Milton-Freewater, OR to Hood River, OR and North to Yakima and Wenatchee, but also on occasion onions and potatoes are picked up from various cold storage facilities in the Northwest. Most of these loads are delivered to the United States Border in Nogales, Arizona and return loads are almost always produce from the border area such as lettuce, peppers, mangoes, and other seasonal fruits and vegetables that are delivered to various points in the northwest such as Portland, OR and Spokane, WA.”

The Planning Department finds that GA Transport meets all the required criteria to be considered a commercial use in conjunction with farm use: The transport of agricultural products 1) enhances farm activities of the local agricultural community; 2) the business and farm activities occur together in the local community; and, 3) trucking farm products to market is essential to the practice of agriculture. Therefore, the Planning Department concludes that GA Transport is a commercial use in conjunction with farm use. This criterion is met.

(1) The activity is compatible with adjacent farm, forest, rural residential or multiple use uses;

GA Transport's loads primarily consist of agricultural produce from area farms. This type of business is necessary for local growers to get products to the market.

The Planning Department finds GA Transport is trucking agricultural products, mostly consisting of locally grown produce, and this activity is compatible with farm use. The applicant's property and trucking business are not located adjacent to designated forest, rural residential or multiple use areas. The criterion is met.

(2) The activity is situated upon generally unsuitable land for production of farm crops considering, but not limited to, vegetation, location, terrain, adverse soil or land conditions, drainage and flooding, and size of the tract;

The applicant's property where the truck parking and other trucking activities are located takes up approximately 1/2 acre, a relatively small percentage of the property. The soil classification in this area is Freewater Gravelly silt, a Class 3 soil, and not considered a prime soil. The location provided for truck parking and storage areas is in an uncultivated part of the property that is developed with the shop building and storage trailer, and has been used for vehicle parking and farm equipment storage for many years. The applicants have tried to raise produce on other areas of the property such as tomatoes, peppers, and corn on the property but found that the gravelly soil type was unsuitable for growing these types of crops.

The Planning Department finds the location of the GA Transport trucking business activity is situated upon a portion of the property that has been developed with structures and used for storing farm equipment and various items. Thus the area would be generally unsuitable land for production of farm crops considering, but not limited to, vegetation, location, terrain, adverse soil or land conditions, drainage and flooding.

(3) Does not materially alter the stability of the overall land use pattern of the area;

GA Transport trucking business supports agriculture and farm uses. Farm machinery: whether trucks, combines, tractors, or other farm implements, are a part of agricultural life. GA Transport has operated from this property since 2004 without materially altering the stability of the overall established land use pattern of orchards.

The Planning Department finds and that the applicant's trucking business has not materially altered the stability of the overall land use pattern.

(4) The activity has access to a major state, county or public road which is improved to an acceptable county standard or has access to a rail line;

The applicant's property adjoins County Road, a county maintained road, and the applicant has an approved County Road Approach Permit for access onto County Road. County Road is a paved, two lane county road, designated as a minor collector improved to the County Option 1 standard which is 32 to 40 foot wide paved width allowing for 12 foot wide travel lanes.

The Planning Department concludes that GA Trucking has access to County Road, a county road, improved to an acceptable county standard. The criterion is met.

(5) Be located and of a size and design to help reduce noise, odor, or other detrimental effects when located adjacent to farm dwellings or rural or multiple use zones. A buffer or setback area from adjacent properties may be required to reduce possible detrimental effects. The establishment of a buffer shall consider such factors as prevailing winds, drainage, expansion potential of affected agricultural uses, open space and any other factors that may affect the livability of such proposed use of the agriculture of the area;

The GA Transport trucking business consists of two operating truck and trailers. One truck and a 55 foot refrigerated trailer is operated as the primary transport vehicle by the property owner and second truck and 48 foot refrigerated trailer that is used as a backup. There is also a truck that is used as spare parts for the primary truck. The GA Transport truck comes and goes from the property only occasionally as it sometimes travels long distances to deliver farm products, but no more than once per day. In addition, the applicant performs minor repairs and maintenance on the trucks in the area where the trucks are parked or in or around the north side of the shop building. The county Road, adjoining the front [south side] of the applicant's property, is paved; and therefore, no dust issues should result from the applicant's trucks or other vehicles using County Road. The applicant has provided that the gravel driveway will be expanded to the south of the shop building for a truck parking area and arborvitae trees would be planted around the parking area as screening (the applicant has provided comment that they would like to change the location of the truck parking to the north side of the shop building, which would provide additional screening of the commercial operation truck parking. A new site plan will have to be submitted indicating the new truck parking area and changes in the location of screening materials). The applicant also provided that there is no drainage, odor, pesticide drift, persistent noise, or other negative aspects related to the trucking business that would have detrimental impacts on neighboring properties.

The closest dwelling is 300 feet to the south on the property and is the location of the nursery and produce sales. Other dwellings in the vicinity of this property are farther than 500 feet away from the location of the trucking business location. Several of the surrounding properties contain fruit tree orchards. Existing trees and performing truck maintenance inside or in the area north of the shop, along with distance between the location of the trucking business and neighboring homes, should provide a buffered work area for the applicant's current truck repairs regular truck maintenance. Additionally, noise that may be associated with truck maintenance activities would be further buffered.

The Planning Department finds the GA Transport trucking business truck and trailer parking area is not located adjacent to farm dwellings, other than the applicant's dwelling. Rural [residential] or multiple use zones or the area used for the GA Transport truck and trailer parking is buffered from neighboring properties and located a minimum distance of 300 feet from the nearest dwelling. The business is small, with only two operational trucks, and of a size that should not create objectionable noise, odor, or other detrimental effects. Minor truck repairs and maintenance activities performed in the applicant's shop building will reduce noise, odor, or detrimental effects.

(6) Ingress and egress are provided and designed not to create traffic hazards:

The GA Transport truck enters and exits the property no more than once per day due to long distance deliveries of farm products. The access driveway used for the trucking business onto County Road allows ample width for ingress and egress without causing adverse traffic hazards. County Road is straight in both directions and there are no visual obstructions of oncoming traffic at the driveway for vehicles (trucks) as they leave the property. County Road does make a turn northward at the west side of the Alarcon's property, approximately 400 feet from the trucking business access, but there is no development or foliage that would create visual obstructions.

The Planning Department finds the applicant's ingress and egress onto County Road has ample width to turn in and out of the applicant's property and County Road is a straight road in both directions with no visual obstructions of traffic.

(7) Takes the least possible amount of agricultural land out of production:

The current trucking operation consists primarily of a Freightliner tractor and refrigerated trailer, a second "backup" Peterbilt tractor and refrigerated trailer, and a Freightliner tractor used for spare parts. The property is a 9 acre parcel. Approximately 6.9 acres are committed to growing blueberries. The dwelling and yard area covers approximately .4 acres, leaving approximately 1.7 acres used for the shop, maintenance and storage of farm equipment and truck and trailer parking. The area for the truck and trailer parking takes up less than .5 acre of the 1.7 acres.

The Planning Department finds that portion of the property used for the trucks and trailers, has also been used for the storage of farm equipment, along with old vehicles, and other items. The shop and a storage trailer are located in this area of the property. The property is developed with structures and used for storage, therefore, most of this area is not suitable for farm use and would not be placed into farm production. The GA Transport business is situated upon a portion of the land that is not used for the production of farm crops and is used for the storage and maintenance of farming equipment, the trucking business does not remove a significant amount of agricultural land out of production. This criterion is met.

(8) The operation complies with all applicable air, noise and water quality and other applicable regulations of all county, state or federal jurisdictions and all applicable permits are obtained:

There are no known violations of state or federal regulations governing air, noise and water quality. However, this report will be sent to Oregon Department of Environmental Quality (DEQ) for their review and possible comment. In addition, a condition of approval requiring the applicant to obtain a County Zoning Permit, pursuant to § 152.025 and other applicable state or federal permits is a requirement.

The Planning Department finds the condition requiring the applicant to obtain a County Zoning Permit, and all applicable State and Federal permits satisfies the criterion.

(9) Explain how the proposed commercial activity complies with the following standards:

(a) The activity must enhance the farming activities of the local agricultural

community.

(b) The agricultural and commercial activity must occur together in the local community, and

(c) The product or service must be essential to the practice of agriculture.

Additional activity that is incidental to and supportive of the primary purpose does not disqualify the commercial activity.

The applicant included the following explanation: "During harvest, GA Transport has worked with the truck in the apple harvest hauling fruit from the field to the warehouse at Broetje Orchards near Prescott. More recently, he worked with Medelez Trucking hauling corn from the fields to Smith Frozen Foods in Weston, Oregon; hauling watermelons from Hermiston to various delivery points in Washington and Oregon' and hauling Onions from the warehouses [in] Walla Walla, WA and Boardman, OR to Railex in Wallula, WA. Outside of the harvest season he mostly hauls loads of apples and Pears which are loaded from various points across the Northwest stretching from Milton-Freewater, OR to Hood River, OR and North to Yakima and Wenatchee, but also on occasion onions and potatoes are picked up from various cold storage facilities in the Northwest. Most of these loads are delivered to the United States Border in Nogales, Arizona and return loads are almost always produce from the border area such as lettuce, peppers, mangoes, and other seasonal fruits and vegetables that are delivered to various points in the northwest such as Portland, OR and Spokane, WA."

The Planning Department finds that GA Transport meets all the required criteria to be considered a commercial use in conjunction with farm use: The transport of agricultural products 1) enhances farm activities of the local agricultural community; 2) the business and farm activities occur together in the local community; and, 3) trucking farm products to market is essential to the practice of agriculture. Therefore, the Planning Department concludes that GA Transport is a commercial use in conjunction with farm use. This criterion is met.

§ 152.061 STANDARDS FOR ALL CONDITIONAL USES.

The following limitations shall apply to all conditional uses in an EFU zone. Uses may be approved only where such uses:

(A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use. The farming operations in the area are predominately fruit orchards, other crops, and a nursery and produce stand. Farming practices and activities for orchards include the use of tractors, mowers, trucks, irrigation equipment, sprayers and applicators, other orchard maintenance and harvesting equipment, and truck traffic for delivery of commodities, and for harvest purposes. The farming practices for orchards occur at various times of the year and not necessarily on a daily basis year around.

The applicant's trucking business has operated for approximately 10 years at its present location and has coexisted with the neighboring farming practices over that period. Transportation of harvested fruit is performed by truck and trailer and is an integral part of moving farm products to the market. The applicant has provided that GA Transport is used in the transportation of produce grown regionally and therefore would be considered to be compatible with surrounding farm practices. Therefore, the applicants trucking business would not force significant change of farming practices that occur in the area but enhances

the practices.

Noise associated with farming, farm equipment and maintenance of farm equipment, as well as similar equipment, such as the applicant's trucks, are annoyances. The applicant's trucks, traffic and minor maintenance noise however, would not be much different than practices that regularly occur on neighboring farms and would not interfere, change or increase the cost associated with farming operations in the area and in fact would be considered similar to other farming operations that occur in the area.

The Planning Department finds that lands managed for forest use occur at higher elevations and miles from the subject property. Due to the distance from forest designated lands, it is reasonable to believe that changes in forest practices or an increase in the cost of forest practices would not occur due to the applicant's trucking business located in the Milton-Freewater area of the county.

Where trucking agricultural produce to market is a similar use to the accepted farming practices occurring on surrounding and nearby lands, the Planning Department finds that the GA Transport conditional use request does not force a significant change in accepted farm practices on surrounding lands devoted to farm use, nor increase the cost of accepted farm practices on lands devoted to farm use.

§ 152.615 ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS.

In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

(A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, water pollution, glare or odor: GA Transport generally operates with one truck and has a second backup truck used during harvest time.

There is also a truck that is used as for spare parts truck for the primary truck. Commercial trucking operators are regulated by the Federal Motor Carriers Safety Administration (FMCSA) and in Oregon by the Oregon Department of Transportation (ODOT), Motor Carrier Transportation Division. Hours of operation for commercial truck drivers are restricted under the Federal Motor Carrier Safety Regulations except where the driver is transporting agricultural or farm commodities within 150 air-miles of the farm, the distribution point, or the source of the product.

During harvest times, the applicant would be operating within the 150 mile area. The hours of operation would be similar to the hours of operation of the farming operation or distribution source of the produce. Outside of harvest time, the applicant has indicated that produce can be transported outside of the 150 mile area, to Portland and as far as the US Border in Arizona. During these times, the FMCSA hours of operation would apply.

The application is for the existing trucking business and there is no plan to add additional trucks to the business that might result in an increase of pollutants to the air or water at

levels that would warrant imposing additional restrictions.

The applicant did not indicate a need for additional outside lighting beyond what is currently employed for the farm/residence or has been historically used in conjunction with the trucking business or home site.

The odor typically associated with the trucking business is exhaust during engine warm up in the morning and at the time trucks return in the evening. Farm equipment and farming operations in the area also contribute to the same type of equipment odors in the community.

The Planning Department finds that hours of operation for the trucking business during harvest time will be similar to the hours of operation that are observed by farming operations; outside of harvest time, hours of operation are restricted by federal regulation and are offsite or on the road. The Planning Department concludes that circumstances do not warrant imposing additional restrictions to limit the manner in which the applicant's trucking business is conducted, such as restricting hours of operation or imposing restraints to minimize effects as noise, vibration, air pollution, glare or odor.

(B) Establishing a special yard, other open space or lot area or dimension: The applicant's plan shows the applicant's business trucks and trailers parking area adjacent to the shop building and it could be said that this area is an established special yard.

The Planning Department finds there is sufficient area established for the parking of the applicant's business trucks and trailers.

The Planning Department finds circumstances do not warrant imposing an additional condition to establish another special yard, open space or lot area or dimension area for the applicant's trucking operation.

(C) Limiting the height, size or location of a building or other structure: The applicant is not proposing to construct a new structure for the GA Transport trucking business. If the applicant did chose to construct an additional building for the trucking business, the applicant would be required to obtain a Zoning Permit from the Planning Department and meet development standards in place at the time prior to erecting the structure. This criterion is not applicable.

(D) Designating the size, number, location and nature of vehicle access points: The applicant's parcel has two approved access points from the County Road Department. The County Road Department reviews the size, number, location and nature of vehicle access points. A copy of the access permits has been provided to the Planning Department. The applicant received an access permit for the points of access onto County Road, which has been verified by the Planning Department.

The Planning Department finds the applicant's parcel has approved access points approved by the County Road Department and there are no other known circumstances that warrant imposing additional vehicle access points. This criterion is met.

(E) Increasing the required street dedication, roadway width or improvements within the street right of way: County Road is a paved, two lane, county maintained road that is identified in the County's Transportation System Plan as a minor collector road. County Road is improved to the County's Option 1 standard which is 32 to 40 foot wide paved width that allows for two 12 foot wide travel lanes. A minor collector road is a public road that is intended to serve residential, commercial, industrial, and mixed land uses and is suitable for truck traffic.

The Planning Department finds that County Road meets the road development standards and is intended to serve agricultural and commercial needs. There are no known circumstances that warrant imposing additional street dedication, roadway width or improvements within the street right of way due to the applicant's trucking business.

(F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area: The applicant's site plan shows a designated truck parking area located south of the shop building that is of a size to accommodate the applicants two operating trucks and trailers. The truck parking area is to the south of the shop building on the applicant's property and not near dwellings, other than the applicant's dwelling (the applicant has provided comment that they would like to change the location of the truck parking to the north side of the shop building, which would provide additional screening of the commercial operation). The closest dwelling, located on the parcel to the south of the designated parking area, is located approximately 300 feet away. To provide for a better surface for truck parking and improve drainage, the applicant has indicated that the graveled driveway will be extended to the parking area south of the shop building (the applicant has provided comment that they would like to change the location of the truck parking to the north side of the shop building, which will have to be graveled for the truck parking in lieu of the south side of the shop). The applicant further indicated that screening of the truck parking area will be provided by planting arborvitae trees along the south and western sides of the parking area as shown on the applicant's a site plan. The applicant will be required to submit a new site plan showing the truck parking area to the north of the shop and indicate changes in proposed screening.

The Planning Department finds that the applicant's proposal to improve the truck parking area with gravel and planting arborvitae trees to provide screening would meet this standard. There are no other known circumstances that would warrant imposing additional requirements such as designating a different size or additional improvements to the parking area for the applicant's trucking business. A condition of approval will be imposed requiring the applicant to improve the designated parking area with gravel and plant and maintain trees for screening around the designated truck parking area. Verification that improvements have been completed shall be submitted to the Planning Department.

(G) Limiting or otherwise designating the number, size, location, height and lighting of signs: The Planning Department finds the applicant has not proposed a sign nor is a sign required. This criterion is not applicable.

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding: At this time, the applicant did not indicate a need for additional outside lighting beyond what is

currently employed for the farm/residence or has been historically used in conjunction with the trucking business.

The Planning Department finds if outdoor lighting is added for the trucking business, this new lighting must be shielded away from nearby roads and properties. A condition of approval imposed that requires any new outdoor lighting added for the trucking business be shielded away from nearby roads properties satisfies the criterion.

(I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance. The applicant's truck parking area is located on the south side of the shop located on the property to the north of the dwelling (the applicant has provided comment that they would like to change the location of the truck parking to the north side of the shop building, which would provide some additional screening of the commercial operation). The applicant proposes to plant arborvitae trees around the truck parking area to provide screening from adjacent property owners.

The Planning Department finds that the property already has existing landscaping. A chain link fence already exists around designated truck parking area and the applicant has indicated that arborvitae trees will be planted around the truck parking area to provide screening. A condition of approval requiring the applicant to plant and maintain trees for screening around the designated truck parking area is imposed.

(J) Designating the size, height, location and materials for a fence; The applicant's site plan shows some fencing around the yard area and chain link fencing around the dog run and the designated truck parking area. If any other area on the property would benefit from fencing it would be the area that is north of the shop building where the applicant is storing farm equipment along with other items. However, this area is not the area used for the business (truck/trailer parking) and therefore, requiring additional fencing around the area south of the shop and truck parking would not obscure the area to the north where the farm equipment and other materials are located. The applicant has provided comment that they would like to change the location of the truck parking to the north side of the shop building, which is not a fenced in area.

The applicant has proposed planting arborvitae trees around the designated truck and trailer parking in addition to the existing chain link fencing (the applicant has provided comment that they would like to change the location of the truck parking to the north side of the shop building, which does not have chain link fencing). In addition the business has operated from the applicant's property for years without this additional fencing.

The Planning Department believes the applicant's trucks and trailers would not be concealed by fencing and circumstances do not warrant or require a condition for additional fencing.

(K) Protecting and preserving existing trees, vegetation, water resources, air resources, wildlife habitat, or other natural resources; The area of the applicant's property where the trucks and trailers are parked has no trees, vegetation, water resources, wildlife habitat or other significant natural resources that warrant protection and preserving. There are trees

around the dwelling that will not be disturbed by the trucking business. The truck parking area presently is unimproved and has been used for a dog run (the applicant has provided comment that they would like to change the location of the truck parking to the north side of the shop building, which has been used for storage of farm equipment and other materials), but will be covered by gravel. South of this area is the applicant's home and yard area, to the north and west are the applicant's current blueberry field and future berry planting areas. These areas are not used or impacted by the applicant's truck and trailer parking area.

The Planning Department finds and concludes there are no existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources in the area where the applicant's trucks and trailers are to be parked that warrant protecting and preserving.

(L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter. In addition to the truck and trailer parking area there may be other parking needs on the applicant's property. The applicant's property is farm zoned property developed with one dwelling, and (under this permit consideration) the applicant's trucking business. The dwelling requires one parking space and businesses must provide a space for each employee plus one space per every 200 square feet of building public space. Since there are no buildings containing public space, the applicant must provide, in addition to the parking space for his home, parking spaces for truck drivers.

The Planning Department finds that the applicant's business has no building public space that would require additional parking spaces. The applicant is the primary employee of GA Transport, but the application indicates that the second truck and trailer may be locally operated by applicant's sons during future harvests. An additional parking space will be required for the operator of the second truck and trailer.

The Planning Department finds that in addition to the designated truck parking area, the applicant must provide one parking space for the applicant's dwelling and one parking space for a driver of the second truck and trailer. A condition of approval is imposed requiring the applicant provide an updated site plan that includes the location of a parking spot for the dwelling and a parking spot for a driver of the second truck and trailer.

§ 152.612 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE OR LAND USE DECISION APPLICATION. The procedure for taking action on a conditional use or land use decision application shall be as follows:

(E) A conditional use may have annual reviews conducted by County Planning to ensure compliance with the conditions of approval. Annual review fees may be assessed.

The Planning department finds that a review of the commercial use in conjunction with farming trucking business will be completed one year from the approval date to ensure that the conditions listed above and the criteria for establishing a trucking business continue to be met. Subsequent yearly reviews will be required to ensure compliance with conditions and compatibility. Annual review fees will be assessed.

§ 152.611 NEW OR ALTERED CONDITIONAL USES AND LAND USE DECISIONS; CONFORMANCE WITH REQUIREMENTS; PERFORMANCE BONDS.

(A) Conditional uses and land use decisions listed in this chapter may be permitted, enlarged or altered contingent upon appropriate authorization, in accordance with the standards and procedures set forth in this subchapter.

(B) In permitting a new or the alteration of an existing conditional use or land use decision, the designated planning authority may impose conditions, which are considered necessary to protect the best interests of the surrounding area or the county as a whole. This conditional use request is for a commercial activity in conjunction with farm use, which requires GA Transport to enhance and be compatible with farm activities. If the Department receives comments concerning the trucking business or if during annual review, it is found that there has been a change in the trucking business, a review of the change may be conducted to identify if the change will require a modification to the existing conditional use permit or a new conditional use permit. A condition of approval will be imposed to require a review of the conditional use permit if there are changes to the permitted trucking business.

FINAL DECISION: BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UMATILLA COUNTY PLANNING DEPARTMENT WOULD APPROVE CONDITONAL USE PERMIT REQUEST #C-1243-15 FOR A COMMERCIAL ACTIVITY IN CONJUNCTION WITH FARM USE, UPON COMPLETION OF THE CONDITIONS LISTED BELOW.

Precedent Condition: The following precedent condition must be fulfilled to finalize approval of this request.

1. Mitigate the solid waste violation. When the solid waste violation is mitigated, contact County Code Enforcement for verification that the solid waste has been cleaned up.
2. Improve the designated parking area with gravel and plant and maintain trees for screening around the designated truck parking area. Verification that improvements have been completed shall be submitted to the Planning Department in the form of receipts and/or photographs
3. Obtain a Zoning Permit from the County Planning Department. Provide an updated site plan that identifies the location of the designated truck parking area and screening to the north of the shop and the parking area for the dwelling and driver of the second truck. Also show structures located on the property, location of easements, septic and drain field, well, etc.

Subsequent Condition: The following subsequent condition would continue to be applicable to the applicant's conditional use permit.

4. Outdoor lighting added for the trucking business must be shielded away from nearby roads and properties.
5. A review of the commercial use in conjunction with farming trucking business will be completed one year from the approval date to ensure that the conditions listed above and the criteria for establishing a trucking business continue to be met. Subsequent yearly

reviews will be required to ensure compliance with conditions and compatibility. Annual review fees will be assessed.

6. A change or alteration to the trucking business, or an addition of truck and trailers that would increase the number of operating truck and trailers to four or more, may trigger a review of this conditional use to verify whether or not the change to the permitted trucking business remains in compliance with this approval.

UMATILLA COUNTY PLANNING DEPARTMENT

Dated 16th day of March, 2015



Tamra J. Mabbott, *Planning Director*

EXHIBIT 1

Date	CUP RENEWAL SITE VISIT	Comments	Reported by
09/23/20	Site visit - SW present, multiple inop/unk vehicles large trucks renew but recheck 90 days		Jm
	<p style="text-align: right;">4/14/25</p> <p>Gabriel Alarcon 541-240-9283 ga.bluewind@a gmail.com wants thru end of year due to selling trucks / blueberry season</p>	<p>2.5 yrs stopped trucking due to health issues sold reefer truck has belly dump for mulching blueberries 4 trucks, 1 is being sold might sell 1 more School bus driver now</p>	
	<p>Asked Rich to drive by & check on current truck usage / quantity. 09/08/25</p>	<p>Still growing blueberries 12 loads mulch / 1 yr Still has MC # wants more time bus is transit bus for coffee steep selling blueberries out of</p>	
4/14	close CUP. NO longer running trucking business needs time to sell trucks. keeping 1 truck + belly dump for blueberries. might keep 1 truck for son to drive locally MD		

man



**UMATILLA COUNTY
CONDITIONAL USE PERMIT
RENEWAL REQUEST FORM**

RECEIVED

Please complete the entire form, and return it within 30 days to:

MAY 28 2020

UMATILLA COUNTY
PLANNING DEPARTMENT

**Umatilla County Planning Department
216 SE 4th
Pendleton, OR 97801**

Please include a check or money order for \$50.00 for the annual renewal fee.

OWNER / PROPERTY INFORMATION:

Gabriel & Heather Alarcon
Name

52937 County Rd.
Mailing Address

Milton - Freewater OR 97862
Phone (541) 240-9283 Email heather.a.alarcon@gmail.com
(541) 861-0909

CONDITIONAL USE PERMIT INFORMATION:

#C-1243-15 Commercial Activity in Conjunction with Farm Use
Permit # Purpose of permit

Address of permitted use (if different than the mailing address listed above)

If a hardship or caretaker dwelling, please list residents;

Annual Renewal Fee check for \$50.00 included

PLEASE COMPLETE THE OTHER SIDE

RENEWAL REQUEST:

Please write a brief statement detailing your continued need for a Conditional Use Permit:

We still rely on our trucking business to meet our financial needs as our blueberry farm grows.

(use additional pages if necessary)

Detail any changes to the property and permit in the last year:

Please renew my permit for one year. I understand that if any changes occur in the status of this Conditional Use Permit that I am required to notify the Planning Department immediately.

I/We no longer require a Conditional Use Permit for this property because;

Gabriel Alarcón

Heather Alarcón

Print name



Signature

5/20/2020
Date

Umatilla County

Department of Land Use Planning



DIRECTOR
Robert Waldher

2020 NOTICE OF APPROVAL ANNUAL REVIEW

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

September 29, 2020

SOLID WASTE
COMMITTEE

Gabriel and Heather Alarcon
52937 County Road

SMOKE
MANAGEMENT

Milton-Freewater, OR 97862

GIS AND
MAPPING

Re: Conditional Use Permit #C-1243-15

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

This notice is to verify that the Planning Department has completed your annual review for the Conditional Use Permit referenced above and have received your request for renewal and the \$50.00 renewal fee. You are currently in good standing with the conditions placed on your permit and it will be extended for an additional year.

During a recent site visit to review your Conditional Use Permit, the Code Enforcement Officer noted the presence of several vehicles that appeared to be inoperable and/or unlicensed, and an accumulation of solid waste (see attached definition). According to the conditions of your permit, the presence of such items constitutes a violation of the conditions of your permit. We will re-check your property in 90 days to determine if this violation is still present. **If the violation remains, we may rescind the approval of your renewal for 2020 and cancel your permit.**

We would like to thank you for your cooperation and compliance with the Conditional Use Permit renewal process. If you have any further questions regarding your permit, please contact our office at (541) 278-6300. **Please notify our office immediately if there is any change in the status of your permit.**

Regards,

Gina Miller

Code Enforcement Coordinator

COPY

Mar

SCANNED



UMATILLA COUNTY CONDITIONAL USE PERMIT RENEWAL REQUEST FORM

Please complete the entire form, and return it within 30 days to:

Umatilla County Planning Department
216 SE 4th
Pendleton, OR 97801

RECEIVED

APR 01 2021

UMATILLA COUNTY
PLANNING DEPARTMENT

Please include a check or money order for \$50.00 for the annual renewal fee.

OWNER / PROPERTY INFORMATION:

Gabriel & Heather Alarcon / Ole & Vannire Olesen
Name

52937 County Rd. Milton-Freewater, OR 97862
Mailing Address

(541) 861-0909 heather.a.alarcon@gmail.com
Phone Email

CONDITIONAL USE PERMIT INFORMATION:

#C-1243-15 Commercial Activity in conjunction with Farm Use
Permit # Purpose of permit

Address of permitted use (if different than the mailing address listed above)

If a hardship or caretaker dwelling, please list residents;

Annual Renewal Fee check for 50.⁰⁰ included

PLEASE COMPLETE THE OTHER SIDE

RENEWAL REQUEST:

SEARCHED

Please write a brief statement detailing your continued need for a Conditional Use Permit:

We do still rely on our trucking company even though our blueberries have been reaching more customers. It's not possible for us to currently survive on the farm alone.

(use additional pages if necessary)

Detail any changes to the property and permit in the last year:

We began improvements to our fencing and parking area. they are still ongoing.

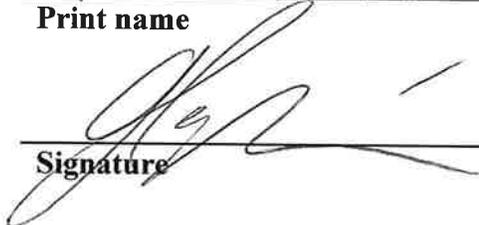
Please renew my permit for one year. I understand that if any changes occur in the status of this Conditional Use Permit that I am required to notify the Planning Department immediately.

I/We no longer require a Conditional Use Permit for this property because;

Heather Alarcon

Print name

Gabriel Alarcon



Signature



March 7, 21
Date

Mar



**UMATILLA COUNTY
CONDITIONAL USE PERMIT
RENEWAL REQUEST FORM**

Please complete the entire form, and return it within 30 days to:

**Umatilla County Planning Department
216 SE 4th
Pendleton, OR 97801**

Please include a check or money order for **\$60.00** for the annual renewal fee.

OWNER / PROPERTY INFORMATION:

Heather & Gabriel Alarcon / Yvonne & Ole Olesen
Name

52937 Canty Rd - Milton - Freewater, OR 97862
Mailing Address

(541) 861-0909 Phone heather.a.alarcon@gmail.com Email

IF YOU WOULD LIKE TO RECEIVE ANNUAL NOTICES BY EMAIL CHECK HERE *

CONDITIONAL USE PERMIT INFORMATION:

#C-1243-15 Permit # Commercial Activity in Conj. w/ farm Use Purpose of permit

(same)
Address of permitted use (if different than the mailing address listed above)

If a hardship or caretaker dwelling, please list residents;

Annual Renewal Fee check for **\$60.00** included

*** IF YOU CHOOSE TO RENEW YOUR REQUEST BY EMAIL, WE WILL SEND YOU A LINK TO PAY ONLINE BY CC/DEBIT CARD**

PLEASE COMPLETE & SIGN THE OTHER SIDE

RENEWAL REQUEST:

Please write a brief statement detailing your continued need for a Conditional Use Permit:

We still cannot support ourselves with the blueberries alone.

(Use additional pages if necessary)

Detail any changes to the property and permit in the last year:

We had* an agricultural shop built behind the smaller existing shop.

* Still being completed.

Please renew my permit for one year. I understand that if any changes occur in the status of this Conditional Use Permit that I am required to notify the Planning Department immediately.

I/We no longer require a Conditional Use Permit for this property because;

Heather Alarcon
Print name

Gabriel Alarcon

Signature

3/25/24
Date

Umatilla County

Department of Land Use Planning



216 S.E. 4th Street • Pendleton, OR 97801
Ph: 541-278-6252 • Fax: 541-278-5480

Receipt

Fee Receipt Number: 22813 Permit Number: C-1243-15
Transaction Date: 6/25/2024
Transaction Time: 11:16:14 AM
Payor: HEATHER ALARCON
Paid in Cash: \$0.00
Paid via Check: \$60.00 Check# 90Bank#
Paid via EFT: \$0.00
Comments:

Fee Description	Quantity	Fee	Total
Review Fee	1	\$60.00	\$60.00

Total: \$60.00
Amount Received: \$60.00
Amount Paid: \$60.00
Change: \$0.00
Amount Left Owing: \$0.00

*Receipt emailed
06/25/24
need to check property*



EXHIBIT 2

COMMUNITY DEVELOPMENT

216 SE 4TH ST, PENDLETON, OR 97801
PLANNING@UMATILLACOUNTY.GOV
PHONE: (541) 278-6252 FAX (541) 278-5480

March 19, 2025

Gabriel & Heather Alarcon
52937 County Road
Milton-Freewater, OR 97862

Re: #C-1243-15

Dear Mr. and Mrs. Alarcon,

On March 16, 2015, your Conditional Use Permit #C-1243-15 was approved to allow a "Commercial Activity in Conjunction with Farm Use" (trucking business) permit in a property zoned EFU (Exclusive Farm Use), in accordance with the Umatilla County Development Ordinance. The Conditional Use Permit was granted for a one-year term, renewable each year thereafter, contingent upon a yearly review and a \$60.00 renewal fee.

Officer Estes conducted a site visit to the subject property recently and had the opportunity to speak with Mr. Alarcon. While at the property, Officer Estes observed 4 trucks and trailers, and a school bus. There was also assorted elements of solid waste present. Mr. Alarcon advised Officer Estes that he is not doing much long-haul trucking currently, and trucking no longer involves the blueberry crop being grown on the property. He went on to say that his son has plans to use the 18-wheel trucks and trailers for a business in the future. There were plans to convert the school bus into a mobile coffee service but they currently cannot afford to carry out this plan.

Upon review of the Findings for #C-1243-15, Officer Estes determined that you are operating outside the parameters named in this Conditional Use Permit. After discussing his observations with Planning staff, it was determined that you should contact the Planning Department to schedule a counter appointment to discuss this permit and the state of current operations.

Please contact the Planning Department at (541)278-6252 or planning@umatillacounty.gov to make an appointment to discuss this permit with staff. This should be completed within 30 days from the date of this notice. Failure to schedule an appointment may result in further enforcement action. If you have any questions regarding this notice, please contact (541)278-6300. I have enclosed a copy of the Precedent and Subsequent Conditions from #C-1243-15 for your reference.

Best regards,

Officer Gina Miller, Code Enforcement Coordinator

Enc: Findings for #C-1243-15



Shawna Van Sickle <shawna.vansickle@umatillacounty.gov>

#C-1243-15 Gabriel & Heather Alarcon

Gina Miller <gina.miller@umatillacounty.gov>
To: Planning Department <planning@umatillacounty.gov>

Wed, Mar 19, 2025 at 12:04 PM

Hello everyone,

We are mailing a notice to these folks today to request that they contact our department and schedule an appointment to come in and discuss their permit. They were permitted for 2 18-wheel trucks/trailers for a CUP of Commercial Activity in conjunction with Farm Use. However, based on a recent site visit by Rich, they have stated that they are operating outside the parameters of their permit. They have been asked to either email or call to schedule a counter appointment to discuss their permit conditions. I have attached a copy of the notice that was sent to them, so you can see what is going on. Please let me know if you have any questions!! Their Findings for #C-1243-15 are scanned into the Property Files, so if you go to their permit, you can pull up the document.

Thanks!
Gina and Rich

--
Gina Miller, CEP

**Code Enforcement Officer / Program
Coordinator**
Umatilla County Department of Land Use
Planning
216 SE 4th Street
Pendleton, OR 97801

Ph: 541-278-6300 | Fax: 541-278-5480
Email: gina.miller@umatillacounty.gov
<http://www.umatillacounty.gov/planning>
Visit the County's website for application forms,
planning documents, and other helpful
information.



2025 VIOLATION NOTICE.docx
776K



Closing #C-1243-15

Gabriel Alarcon <ga.bluewind@gmail.com>

Mon, Apr 14, 2025 at 1:33 PM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Cc: Gina Miller <gina.miller@umatillacounty.gov>, Shawna Van Sickle <shawna.vansickle@umatillacounty.gov>, Richard Estes <richard.estes@umatillacounty.gov>

Hi Megan!!..I explained to you, that for medical reasons, I have to quit long haul, and yes, that was 2.5 years ago and I wasn't able to work. I keep my company open because I have hope to go back to do what I was doing for the last 25 years. Last year at the end of the year, I decided to quit long haul. I still have my MC# (motor carrier number) for my company . My new job is bus driver, it's part time, you can't make a living with that. We have a 2 acre blueberries farm, that I would like to expand in the near future, and also I want to use my trucks,(2) working in the local farm harvest . We need to make a living. I told you, I need to keep the permit, so I have time to sell the truck that I'm not going to be using, and find out what permit and licenses I'm going to need. You suggested closing the permit, and give time to sell trucks. Also, I'm not storing trucks, I'm in a time of transition, for that reason I already sold my trailers last year and I'm reducing the equipment . And maybe the permit I need to do local harvest is the same one, " trucking of local agricultural products ". Like I said, I need time to find out permits and sell the truck I'm not going to use. But right now I have to focus on my blueberries. Have a good evening!!!..

On Mon, Apr 14, 2025, 12:34 PM Megan Davchevski <megan.davchevski@umatillacounty.gov> wrote:

Hi Gabriel,

During our visit you shared that you have not operated the trucking business for 2.5 years and now have another job. You requested time to sell two, possibly three of the semis, keeping the fourth and one belly dump trailer for your blueberries.

We had discussed that the business was no longer operating the CUP was not needed and therefore should be closed. You requested time to sell the trucks, and I shared that I would discuss the timeframe to do so with Code Enforcement.

The permit was not to store trucks on the property, it was for trucking of local agriculture products.

Best,

On Mon, Apr 14, 2025 at 12:27 PM Gabriel Alarcon <ga.bluewind@gmail.com> wrote:

No, I did not request to close my permit, I requested to keep the permit current through the end of the year, because I'm in a period transition. After many years of having the permit, this year we submit the yearly request for the permit, for the same reason, we are in a period of transition

On Mon, Apr 14, 2025, 10:56 AM Gina Miller <gina.miller@umatillacounty.gov> wrote:

Good morning,

Our Planning Manager, Megan Davsheski, met with Mr. Alarcon this morning in the Planning Department office.

Following this meeting, she advised that you requested to close this Conditional Use Permit as the commercial activity in conjunction with farm use is no longer in operation.

In order to officially close this permit, we request that you submit a simple, written statement that you wish to close the permit with your name and date included. Once we receive this information, we will remove the permit from annual review and close it. Please feel free to simply reply to this email with your written request.

Best regards,
Gina

--

Gina Miller, CEP

**Code Enforcement Officer / Program
Coordinator**



Umatilla County Department of Land Use
Planning
216 SE 4th Street
Pendleton, OR 97801

Ph: 541-278-6300 | Fax: 541-278-5480

Email: gina.miller@umatillacounty.gov

<http://www.umatillacounty.gov/planning>

Visit the County's website for application forms,
planning documents, and other helpful
information.



Megan Davchevski, CFM

Planning Division Manager

Community Development Department

Tel: 541-278-6246 | Fax: 541-278-5480

[216 SE 4th Street | Pendleton, OR 97801](#)

<http://www.umatillacounty.gov/planning>

Please Be Aware - Documents such as emails, letters, maps, reports, etc. sent from or received by the Umatilla County Department of Land Use Planning are subject to Oregon Public Records law and are NOT CONFIDENTIAL. All such documents are available to the public upon request; costs for copies may be collected. This includes materials that may contain sensitive data or other information, and Umatilla County will not be held liable for its distribution.

**Code Violation
L2025-102**

Code Enforcement Report

Property Information

Owner: OLESEN OLE C
Street Address: 52937 COUNTY RD
City: MILTON FREEWATER **State:** OR **Zip:** 97862
Mailing Address: 225 CHERRY AVE MILTON FREEWATER OR 97862-1416

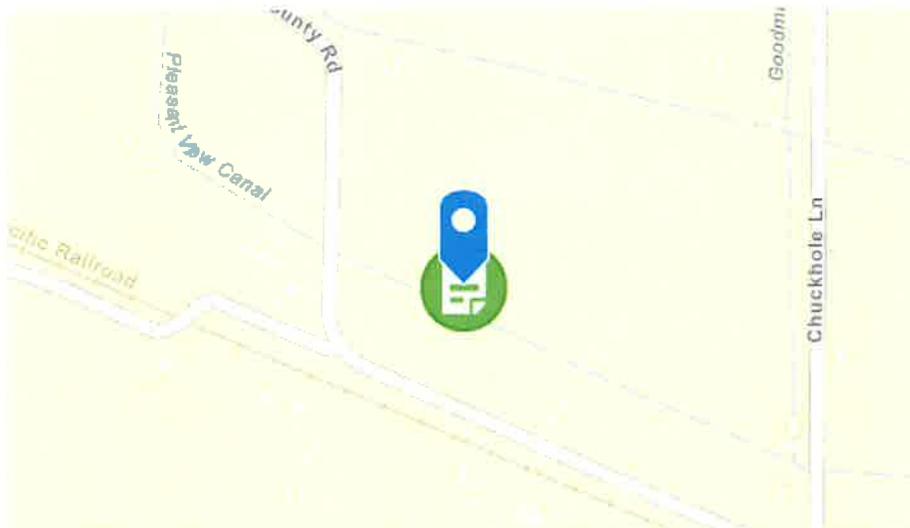
Account Number: 135051
Map and Tax Lot: 5N3503A000400

Officer: Rich Estes

Status: Open

Jurisdiction:

- City
- County
- Joint Management



Esri Community Maps Contributors, WSU Facilities Services GI... Powered by Esri

Zoning Information

Zoning Jurisdiction: County
Zoning: Exclusive Farm Use (EFU)
Zoning Overlay: Unknown

Violation Information

Violation Type:

1. Accumulation of Solid Waste
2. Operation of Business

Other Violation Type:

Complaint Origin:

CEO

Violation Location:

Complaint Information

Complaint Description:

Violation Description:

Several CMVs and various other inoperable vehicles. Various other rubbish.

Date of Violation: September 09, 2025

Office Correspondence

Field Notes

Field Photos

Date of Photos: 2025/09/09
Time of Photos: 11:28:24









**UMATILLA COUNTY ORDINANCE VIOLATION
WARNING
CASE NO. 25-102**

Property Owner: OLESEN OLE C & YVONNE J

Mailing Address: 225 CHERRY AVE MILTON FREEWATER OR 97862-1416

You are hereby warned that your property is in violation of the Umatilla County Code of Ordinances. Immediate action must be taken by you to correct the violations as described below. If immediate action is not taken to correct the violation, a citation will be issued and the court may assess substantial penalties if you are found in violation. You may contact the Umatilla County Code Enforcement Officer at the phone number or address listed below if you have questions regarding this warning.

**Umatilla County Code Enforcement
216 SE 4th Street Pendleton, OR 97801
(541) 278-6300**

CORRECTION MUST BE MADE WITHIN 30 DAYS OF RECEIVING THIS NOTICE

You have been determined to be a responsible party for violations occurring on the following described property:

Situs Address: 52937 COUNTY RD, MILTON FREEWATER OR 97862

Map/Tax Lot: 5N3503A000400 Tax Account #: 135051 Zone: Exclusive Farm Use (EFU)

ORDINANCE VIOLATION AND DESCRIPTION

Accumulation of Solid Waste

ACCUMULATION OF WASTE (CHAPTER 50.005)

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> garbage | <input type="checkbox"/> tires | <input type="checkbox"/> discarded home/industrial appliances |
| <input checked="" type="checkbox"/> scrap metal/wood | <input checked="" type="checkbox"/> engine(s)/vehicle parts | <input checked="" type="checkbox"/> inoperable/unlicensed vehicles |
| <input type="checkbox"/> animal waste/manure | <input type="checkbox"/> dead animals | <input type="checkbox"/> inoperable machinery/parts of machinery |
| <input type="checkbox"/> industrial waste materials | <input type="checkbox"/> dilapidated structures | <input type="checkbox"/> construction/demolition scrap materials |
| <input type="checkbox"/> infectious waste materials | <input checked="" type="checkbox"/> fire hazard | <input type="checkbox"/> hazardous waste/fluids |
| <input type="checkbox"/> fencing or structures built using materials considered to be Solid Waste | | <input checked="" type="checkbox"/> unsightly conditions |

- Abandoned Vehicle
 Animal Density Standard
 Burn Permit or Smoke Management Permit
 Development (setbacks, etc)
 Failure to obtain Zoning Permit
 Hogs in Rural Residential Zone
 Occupation of Recreational Vehicle
 Operation of Business
 Outdoor Storage
 Pest Control Violation
 Unpermitted Dwelling
 Water on Roadway
 Other

Steps that must be taken to correct the violation(s):

- Remove item(s) indicated above to correct the violation(s)
- Dispose of item(s) in a correct and legal manner; provide documentation of disposal method
- If a development violation, contact the Umatilla County Planning Department to obtain proper permit(s)
- If violation is unlicensed/inoperable vehicle(s), obtain required licensing or store vehicle(s) in permitted structure (cannot be covered with a tarp or canopied structure)

POTENTIAL PENALTIES PER VIOLATION : \$1000.00

Officer : ESTES Date: 09/10/25

I hereby certify that I properly served an exact copy of this warning notice on the above named responsible party in accordance with the requirements of the Umatilla County Code of Ordinances Chapter 38.

mailed via United State Postal Service 1st class postage GM

OREGON UNIFORM CITATION AND COMPLAINT

COMPLAINT #

Use for All Violations or Crimes Where Separate Complaint Will Not Be Filed/ ORS 153.045 or 133.069

CE25137

<input type="checkbox"/> CRIME(S) (See A on Back)	OR (Not Both)	<input checked="" type="checkbox"/> VIOLATION(S) (See B on Back)	<input type="checkbox"/> Traffic <input checked="" type="checkbox"/> Other <input type="checkbox"/> Wildlife <input type="checkbox"/> Boating <input type="checkbox"/> Commercial Fishing
--	-------------------------	---	--

STATE OF OREGON	Docket No. _____
CITY/OTHER PUBLIC BODY UMATILLA COUNTY	Court: <input type="checkbox"/> Municipal <input type="checkbox"/> Justice
COUNTY OF UMATILLA	<input type="checkbox"/> Juvenile <input checked="" type="checkbox"/> Circuit

DEFENDANT	THE UNDERSIGNED CERTIFIES AND SAYS THAT THE FOLLOWING PERSON:						
	ID Type: <input type="checkbox"/> CDL <input type="checkbox"/> Non-CDL	ID No. _____	State: _____	License Class: _____			
	Name: Last OLESEN	First OLE	MI MI				
	Address: 225 CHERRY AVE			Tel No: _____			
	City: MILTON-FREEWATER	State: OR	Zip Code: 97862	Def. is: <input type="checkbox"/> Passenger <input type="checkbox"/> Employed to drive <input type="checkbox"/>			
Sex: _____	Race: _____	DOB: _____	Height: _____	Weight: _____	Hair: _____	Eyes: _____	

TIME/PLACE	AT THE FOLLOWING TIME AND PLACE IN THE ABOVE-MENTIONED STATE AND COUNTY:						
	Offense Date on or about	Month 09	Day 10	Year 25	Time _____	<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Highway <input type="checkbox"/> Premises open to public
	AND CONTINUING						
At or near Location: 5N3503A;400 52937 COUNTY ROAD MILTON-FREEWATER OR							

REL. INFO	INVOLVING THE FOLLOWING:						
	Type: _____	Regis/VIN/ID No _____	State: _____	<input type="checkbox"/> Accident	<input type="checkbox"/> Injury		
	Vehicle year, make, model, sty, lc, color. OR Other, describe _____			<input type="checkbox"/> Property damage	<input type="checkbox"/> Endanger others		
Other: _____			<input type="checkbox"/> Driver not Reg. Owner	<input type="checkbox"/> Haz Material			
			<input type="checkbox"/> Commercial Veh				

OFFENSE(S)	DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):						
	1. Violated (cite ORS/ORD/rule) _____	Describe	Alleged Spd _____	Designated Spd _____	<input type="checkbox"/> Posted Limit	<input type="checkbox"/> Radar	<input type="checkbox"/> Pace
	<input type="checkbox"/> Intentional <input type="checkbox"/> Knowing <input type="checkbox"/> Reckless <input type="checkbox"/> Criminal negligence <input type="checkbox"/> No culpable mental state		<input type="checkbox"/> Safety Corridor	<input type="checkbox"/> Psid Sch Zn	<input type="checkbox"/> Hwy Wk Zn	1. Presumptive fine _____	
	2. Violated (cite ORS/ORD/rule) 50.005	Describe	ACCUMULATION OF WASTE				
	<input type="checkbox"/> Intentional <input type="checkbox"/> Knowing <input type="checkbox"/> Reckless <input type="checkbox"/> Criminal negligence <input type="checkbox"/> No culpable mental state		2. Presumptive fine: \$1000.00				
3. Violated (cite ORS/ORD/rule) 152.055-152.063	Describe	OPERATION OF AN UNPERMITTED BUSINESS					
<input type="checkbox"/> Intentional <input type="checkbox"/> Knowing <input type="checkbox"/> Reckless <input type="checkbox"/> Criminal negligence <input type="checkbox"/> No culpable mental state		3. Presumptive fine: \$1000.00					

OTH	CASE #25-102 #135051	Expl. _____
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I certify under ORS 153.045 and 153.990 and under other applicable law and under penalties for false swearing, do swear/affirm that I have sufficient grounds to and do believe that the above-mentioned defendant person committed the above offense(s) and I have served the defendant/person with this complaint.		Officer(s) Agency ID: 32-63
Date Issued: 11/17/25	Officer Signature: <i>[Signature]</i>	1 st Officer ID No _____
Print 1 st Officer Name: ESTES		2 nd Officer ID No _____
2 nd Officer or arresting person (if not officer): Signature _____		Print name: _____

YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE:		
Mo/Day/Year 12/19/25	Time: 10:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Location: UMATILLA COUNTY COURTHOUSE 216 SE 4TH ST PENDLETON, OR 97801

Reserved for DA use: Court use:

OREGON UNIFORM CITATION AND COMPLAINT

COMPLAINT #

Use for All Violations or Crimes Where Separate Complaint Will Not Be Filed/ ORS 153.045 or 133.069

CE25138

<input type="checkbox"/> CRIME(S) (Sec A on Back)	OR (Not Both)	<input checked="" type="checkbox"/> VIOLATION(S) (Sec B on Back)	<input type="checkbox"/> Traffic <input checked="" type="checkbox"/> Other <input type="checkbox"/> Wildlife <input type="checkbox"/> Boating <input type="checkbox"/> Commercial Fishing
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STATE OF OREGON
 CITY/OTHER PUBLIC BODY UMATILLA COUNTY
 COUNTY OF UMATILLA

Docket No: _____
 Court: Municipal Justice
 Juvenile Circuit

DEFENDANT	THE UNDERSIGNED CERTIFIES AND SAYS THAT THE FOLLOWING PERSON:						
	ID Type: <input type="checkbox"/> CDL <input type="checkbox"/> Non-CDL	ID No:	State:	License Class:			
	Name: Last OLESON		First YVONNE	MI			
	Address: 225 CHERRY AVE			Tel No:			
	City: MILTON-FREEWATER	State: OR	Zip Code: 97862	Def. is: <input type="checkbox"/> Passenger <input type="checkbox"/> Employed to drive <input type="checkbox"/>			
Sex:	Race:	DOB:	Height:	Weight:	Hair:	Eyes:	

TIME/PLACE	AT THE FOLLOWING TIME AND PLACE IN THE ABOVE-MENTIONED STATE AND COUNTY:						
	Offense Date on or about:	Month	Day	Year	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Highway <input type="checkbox"/> <input type="checkbox"/> Premises open to public
	AND CONTINUING						
At or near Location: 5N3503A;400 52937 COUNTY ROAD MILTON-FREEWATER OR							

REL. INFO	INVOLVING THE FOLLOWING:						
	Type	Regis/VIN/ID No	State:	<input type="checkbox"/> Accident	<input type="checkbox"/> Injury		
	Vehicle year, make, model, style, color, OR Other, describe:			<input type="checkbox"/> Property damage	<input type="checkbox"/> Endanger others		
Other			<input type="checkbox"/> Driver not Reg. Owner	<input type="checkbox"/> Haz Material	<input type="checkbox"/> Commercial Veh.		

OFFENSE(S)	DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):						
	1 Violated (cite ORS/ORD/rule)	Describe	Alleged Spd	Designated Spd	<input type="checkbox"/> Posted Limit	<input type="checkbox"/> Radar	<input type="checkbox"/> Pace
	<input type="checkbox"/> Intentional <input type="checkbox"/> Knowing <input type="checkbox"/> Reckless <input type="checkbox"/> Criminal negligence	<input type="checkbox"/> Safety Corridor	<input type="checkbox"/> Pstd Sch Zn	<input type="checkbox"/> Hwy Wk Zn	<input type="checkbox"/> VBR	<input type="checkbox"/> Laser	
	<input type="checkbox"/> No culpable mental state	1 Presumptive fine					
	2 Violated (cite ORS/ORD/rule)	Describe					
	50.005	ACCUMULATION OF WASTE					
<input type="checkbox"/> Intentional <input type="checkbox"/> Knowing <input type="checkbox"/> Reckless <input type="checkbox"/> Criminal negligence <input type="checkbox"/> No culpable mental state	2 Presumptive fine: \$1000.00						
3 Violated (cite ORS/ORD/rule)	Describe						
152.055-152.063	OPERATION OF AN UNPERMITTED BUSINESS						
<input type="checkbox"/> Intentional <input type="checkbox"/> Knowing <input type="checkbox"/> Reckless <input type="checkbox"/> Criminal negligence <input type="checkbox"/> No culpable mental state	3 Presumptive fine: \$1000.00						

OTHER	CASE #25-102 #135051	Expl
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I certify under ORS 153.045 and 153.990 and under other applicable law and under penalties for false swearing, do swear/affirm that I have sufficient grounds to and do believe that the above-mentioned defendant/person committed the above offense(s) and I have served the defendant/person with this complaint: 11/17/25 Date Issued Print 1 st Officer Name: ESTES	Officer(s) Agency ID: 32-63 1 st Officer ID No: 2 nd Officer ID No:
	Signature: <i>[Signature]</i> 1 st Officer Signature
	2 nd Officer or arresting person (if not officer): Signature: _____ Print name: _____

YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE:		
Mo/Day/Year 12/19/25	Time: 10:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Location: UMATILLA COUNTY COURTHOUSE 216 SE 4TH ST PENDLETON, OR 97801

Reserved for DA use.

Reserved for Court use.



EXHIBIT 4

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Call & Statement from Gary Pescialio

2 messages

Charlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>
To: Megan Davchevski <megan.davchevski@umatillacounty.gov>
Cc: Planning <planning@umatillacounty.gov>

Mon, Feb 9, 2026 at 1:34 PM

Hi Megan,

I received a phone call from Gary Pescialio, who said he lives at Map 6N3534C; 300. He said he received a notice of a public hearing in the mail to revoke #C-1243-15. He said he is a neighbor and wanted to provide a statement over the phone as he won't be in town for the public hearing. His statement was "I have absolutely no problem with the person and the trucks and the activity that he has going on. I have no objection."

I wasn't sure what I should do with this comment. Do you want it in the CUP Annual Renewal Tracker?? Just let me know.

Thank you,

Charlet Hotchkiss (Charly)

(She/Her)

Planner I

Umatilla County Land Use Department

216 SE 4th Street, Pendleton, OR 97801

Phone: 541-278-6283

Email: charlet.hotchkiss@umatillacounty.gov



Megan Davchevski <megan.davchevski@umatillacounty.gov>
To: Charlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>
Cc: Planning <planning@umatillacounty.gov>

Mon, Feb 9, 2026 at 2:20 PM

Your email is good for me to capture his verbal comments. Thanks, Charly!

[Quoted text hidden]



Megan Davchevski, CFM

Planning Division Manager

Community Development Department

Tel: 541-278-6246 | Fax: 541-278-5480

EXHIBIT 5



RECEIVED

Megan Davchevski <megan.davchevski@umatillacounty.gov>

FEB 17 2026

FW: CUP#R-004-26

UMATILLA COUNTY
COMMUNITY DEVELOPMENT

Kent Waliser <kent.waliser@allanbrosfruit.com>

Tue, Feb 17, 2026 at 11:08 AM

To: "megan.davchevski@umatillacounty.gov" <megan.davchevski@umatillacounty.gov>

Hi Megan

I received a letter from your dept concerning the CUP noted, #C-1243-15.

I am opposed to the county removing the permit.

I am not opposed to the owner's current use of the property, belonging to the Olesens.

If you want to discuss please call me at 509-521-3461,

I am out of town on the 26th and can't attend the hearing.

Thanks.

Kent

Kent Waliser

(509) 521-3461

Kentwaliser2017@gmail.com