Umatilla County

Department of Land Use Planning

DIRECTOR TAMRA MABBOTT

LAND USE PLANNING, ZONING AND PERMITTING

CODE

ENFORCEMENT

SOLID WASTE COMMITTEE

SMOKE MANAGEMENT

GIS AND MAPPING

RURAL ADDRESSING

LIAISON, NATURAL RESOURCES & ENVIRONMENT



TO: Umatilla County Planning Commissioners

FROM: Bob Waldher, Senior Planner

DATE: March 14, 2017

RE: March 23, 2017 Planning Commission Hearing

Ostrom's Mushroom Farm Composting Facility

Conditional Use Permit #C-1283-17, Land Division #LD-4N-1003-17

Request

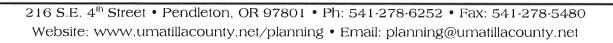
Ostrom's Mushroom Farms (applicant) requests to construct and operate a composting facility to be located on Exclusive Farm Use (EFU) zoned land. The compost is unique to mushroom growing and will support an existing farm located in Washington and a new mushroom farm yet to be located. The applicant is also proposing a land division on the subject property to separate the composting facility (approximately 20 acres) from a cattle feeding and hay storage operation occurring on the same parcel. The subject property is owned by Sheldon and Traci King (C/o Brandon King) and is located on the southeast corner of the intersection of Sand Hollow Road and State Highway 334 (Holdman-Helix Highway), approximately 5 miles north of the City of Adams. The property is mapped as Township 4 North, Range 34; Tax Lot #7001. A vicinity map of the subject property and a regional map are provided as attachments.

Background Information

Prior to the applicant submitting their land use request application, pursuant to Senate Bill (SB) 462 adopted in 2013, the County hosted a pre-application conference with agencies, and co-sponsored a community meeting in Athena. The pre-application conference was held at 3:30 pm February 22, 2017 at the Athena City Hall Community Meeting Room. Following the agency meeting, a community meeting was the held the same day, and commenced at 6:00 pm at the Athena Primary School Cafeteria. A summary of the pre-application meetings and attendance sheets are included in the attached Preliminary Findings and Conclusions.

Following the pre-application meetings, the applicant submitted their Land Use Request Application on February 24, 2017. Public notice of the March 23rd Planning Commission hearing was provided to adjacent landowners and agencies on March 3, 2017. Preliminary Findings were completed and available to the public one week prior to the scheduled Planning Commission hearing.

Pending approval of the applicant's land use permit request, a separate composting permit application will be submitted to the Oregon Department of Environmental



Memo

Planning Commission Public Hearing – March 23, 2017 Ostrom's Mushroom Farm Composting Facility

Quality (DEQ). If approved, the applicant must comply with any additional standards placed on the facility by DEQ to protect air, land and water quality.

Applicable Criteria

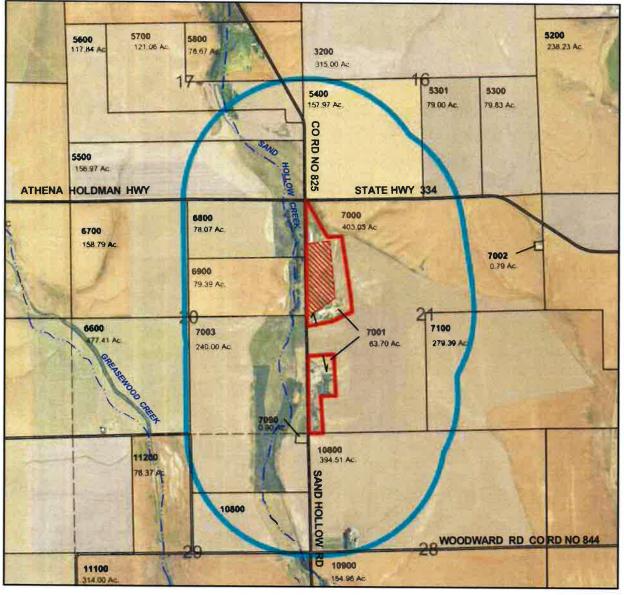
The applicable criteria of approval for composting facilities in the EFU zone are found in Umatilla County Development Code (UCDC) Sections 152.061, 152.615, and 152.617 (E). Criteria of approval for Type IV, Review IV Land Divisions are found in UCDC Section 152.710 (E).

Conclusion

The Planning Commission is asked to refer to the Preliminary Findings and Conclusions and supporting information provided by the applicant to determine if the request meets or does not meet the applicable criteria. The Planning Commission will approve or deny the pending Land Use Request. Approval or Denial must be based on substantive, factual evidence in the record, not conclusory statements.

Attachments

- Vicinity Map of Proposed Composting Facility
- Regional Map
- Preliminary Findings and Conclusions with Attachments



VICINITY MAP OF OSTROM'S PROPOSED COMPOST FACILITY MAP 4N34, TAX LOT 7001

2014 AERIAL PHOTO



Subject Property

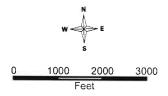


1/2 mile Notice Area

Proposed Facility Area

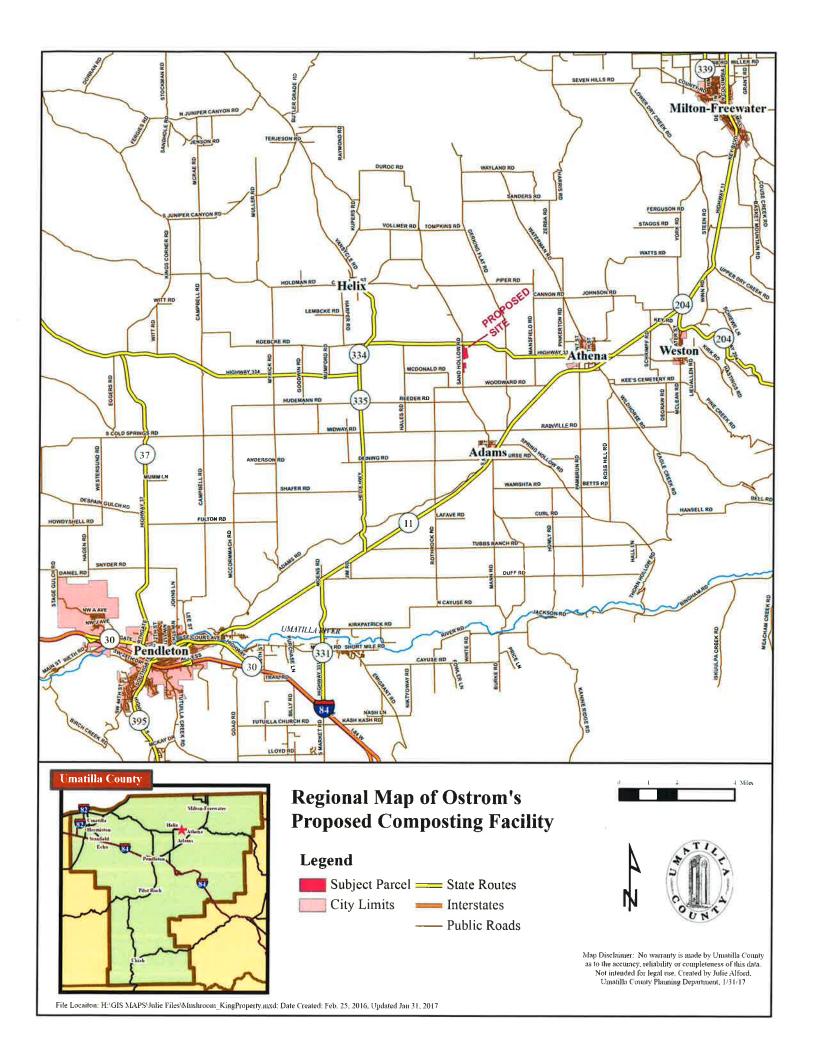
PROPERTY OWNERS WITHIN NOTICE AREA OF SUBJECT PARCEL

MAP & TAXLOT	OWNER
4N34000003200	WHITACRE FARMS LLC
4N34000005301	PERKINS C B (LE) PERKINS MARK H & JAN
4N34000005400	JOHNS ROBERT M & SHAWVER NANCY J
4N34000005500	CANNON DAVE D & RENEE Y
4N34000005600	WILLIAMS WANDA LEE (ETAL)
4N34000005700U1	MEYERSICK R&R (ETAL)
4N34000005700U2	WILLIAMS J H & W L (TRS)(50%) ETAL (50%)
4N34000005800	S & C FARMS INC
4N34000006600	JOHNS RANCH INC
4N34000006700U1	WINN LEGACY LLC & ETAL
4N34000006700U2	ROTHROCK JOHN D 1/2 ETAL 1/2
4N34000006800U1	WINN LEGACY LLC & ETAL
4N34000006800U2	ROTHROCK JOHN D 1/2 ETAL 1/2
4N34000006900	JOHNS RANCH INC
4N34000007000	GAME OVER LLC
4N34000007001	KING SHELDON W & TRACI L
4N34000007003	ADAMS JOHN W
4N34000007090	SCHOOL DIST #29-R
4N34000007100U1	DAVIS LAURA W (TRUSTEE) 50% ETAL 50%
4N34000007100U2	GAME OVER LLC & ETAL
4N34000010800U1	DAVIS LAURA W (TRUSTEE) 1/2 ETAL 1/2
4N34000010800U2	GAME OVER LLC & ETAL
4N34000010900U1	DAVIS LAURA W (TRUSTEE) 1/2 ETAL 1/2
4N34000010900U2	GAME OVER LLC & ETAL
4N34000011100	STONE RANCH LLC
4N34000011200	SAND HOLLOW RANCH INC



DATE: 1/30/17

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Not intended for legal use, Created by Julie Alford Umatilla County Planning Department, 1/30/17



UMATILLA COUNTY PLANNING DEPARTMENT PRELIMINARY FINDINGS AND CONCLUSIONS OSTROM'S MUSHROOM FARM COMPOSTING FACILITY, CONDITIONAL USE PERMIT #C-1283-17 TYPE IV, REVIEW II LAND DIVISION, #LD-4N-1003-17

ASSESSORS MAP #4N 34; TAX LOT #7001

1. APPLICANT:

Ostrom's Mushroom Farms (C/o David Knudsen)

8322 Steilacoom Road Olympia, WA 98513

2. AGENT:

J.R. Cook, 3750 SW Marshall Place, Pendleton, Oregon 97801

3. OWNERSHIP:

Sheldon & Traci King (C/o Brandon King)

P.O. Box 323 Athena, OR 97813

4. REQUEST:

The applicant requests to construct and operate a composting facility to be located on Exclusive Farm Use zoned land. The compost is unique to mushroom growing and will support an existing farm located in Washington and a new mushroom farm yet to be located. The applicant is also proposing a land division on the subject property to separate the composting facility (approximately 20 acres) from a cattle feeding and hay storage operation occurring on the same parcel. A copy of the applicant's proposed site plan is attached.

Pending approval of the applicant's land use permit request, a separate composting permit application will be submitted to the Oregon Department of Environmental Quality (DEQ).

5. LOCATION:

The subject property is located on the southeast corner of the intersection of Sand Hollow Road and State Highway 334 (Holdman-Helix Highway), approximately 5 miles north of the City of Adams.

6. SITUS:

The site address assigned to this property is 78661 Sand Hollow Road, Athena, OR 97813.

7. ACREAGE:

Subject Property (Tax Lot #7001) – 63.7 acres Proposed Parcel (composting facility) - 20 acres Remaining Acreage – 43.7 acres

8. COMP. PLAN:

North/South Agriculture

9. ZONING:

Exclusive Farm Use (EFU).

10. ACCESS:

The subject property has access to/from Sand Hollow Road via an existing driveway. The Applicant intends to utilize existing public road access points,

Umatilla County Planning Department Preliminary Findings and Conclusions

and develop internal road networks on the private property as necessary and per design to accommodate the compost operation. As a precedent condition of approval, the applicant is required to obtain an access permit from the Umatilla County Public Works Department, permitting use of the existing access.

11. ROAD TYPE: Sand Hollow Road is a two-lane, paved, County-maintained road.

12. EASEMENTS: There are no known access or utility easements shown for the subject property.

13. LAND USE: The subject property is zoned for farm use and is currently utilized for hay

storage, forage production, and winter grazing. Historically the subject property was used as a feed lot. Surrounding land uses are similar and also include

irrigated and dryland wheat crop production.

14. SOIL TYPES: As shown in the attached soils map, the area of the subject property proposed

for the composting facility primarily consists of Pedigo Silt Loam, 0 to 3 percent slopes, which is a non-high value soil type. High Value Farmland Soils are defined in Umatilla County Development Code (UCDC) Section 152.003 as Land Capability Class I and II. The parcels proposed for the composting

facility primarily consist of Pedigo Silt Loam, 0 to 3 percent slopes.

Soil Name, Unit Number, Description	Land Capability Class		
	Dry	Irrigated	
66A: Pedigo Silt Loam, 0 to 3 percent slopes	IIIw	IIw	
8B: Athena Silt Loam, 1 to 7 percent slopes	IIe	IIe	
114B: Walla Walla Silt Loam, 1 to 7 percent slopes	IIe	IIe	
114C: Walla Walla Silt Loam, 7 to 12 percent slopes	IIIe	IIIe	
117D: Walla Walla Silt Loam, 12 to 25 percent south slopes, eroded	IVe	VIe	
Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capa	bility Class de	esignations are	

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).

15. BUILDINGS: There are numerous buildings located on the subject property, including an

existing dwelling and multiple agricultural related buildings.

16. UTILITIES: Pacific Power provides electrical service to this property. Phone service is

provided by Century Link are readily available. Garbage service is provided

through Humbert Refuse and Recycling.

17. RURAL FIRE: The subject property is within the East Umatilla County Fire District.

18. WETLANDS: National Wetland Inventory (NWI) mapping does not show wetlands occurring

on the subject property.

19. FLOODPLAIN: The subject property is not located in a mapped floodplain.

20. WATER/SEWER: The subject property currently includes one exempt well utilized for stock watering. To meet the water needs of the composting facility, the applicant intends to drill a new well. Since the well will be located within five (5) miles of the City of Adams, state law requires the City to authorize¹. Ostrom's is currently in the process of negotiating with the City of Adams. In terms of onsite water service, the applicant proposes to drill a new well onsite. They anticipate a shallow, basalt well, which will meet the general agriculture water demands of the composting operation, estimated to require an average peak rate of 70 gallons per minute (gpm).

> On-site waste water treatment is proposed for sanitary sewer related to the facility. The composting facility itself will consist of a zero-process wastewater system.

21. PREAPPLICATION BACKGROUND: Prior to the applicant submitting their land use request application, pursuant to Senate Bill (SB) 462 adopted in 2013, the County hosted a pre-application conference with agencies, and co-sponsored a community meeting in Athena. The pre-application conference was held at 3:30 pm February 22, 2017 at the Athena City Hall Community Meeting Room. Following the agency meeting, a community meeting was the held the same day, and commenced at 6:00 pm at the Athena Primary School Cafeteria. A sign-in sheet for each meeting is included as an attachment.

> During both meetings, per the requirements of SB 462, the applicant and their representatives provided an overview of the proposed composting facility and responded to questions about the project site and operations. Umatilla County staff and a representative from Oregon DEQ explained each agency's respective permitting processes.

Questions and comments received at the meetings were primarily related to the following topics/concerns: 1) questions about estimated volume of water use expected at the proposed facility, 2) questions on how the applicant proposes to obtain water rights at the subject property, 3) concerns about nuisance odor related to the composting operation and, 4) inquiries about truck-related traffic and hauling routes. Information on how the applicant has addressed topics/concerns heard at the pre-application conference and community meetings are presented below.

¹OAR 690-507-0040 (3)(a)(B) Groundwater from the basalt reservoir in a five-mile radius around any municipal well of the cities of Adams, Athena, Helix, Pendleton, and Weston is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is documented that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest unless the affected city affirms that it is in favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full-time conservation program in effect. Conditional Use #C-1283-17

1) questions about estimated volume of water use expected at the proposed facility

It is estimated that the proposed facility will require an average peak rate of 70 gpm. The applicant has utilized water-use data from an existing Ostrom's facility located in Washington to quantify the volume of water that will be necessary for operation of the proposed facility. Given the fact that Ostrom's Washington facility utilizes older technology, the applicant estimates that the volume of water used at the proposed facility will be less than 60,000 gallons per day (gpd). For comparison, this would be equivalent to four dwellings with their own exempt domestic well (15,000 gpd and under ½ acre non-commercial lawn and garden). That volume is roughly the equivalent to irrigating 12 acres (10 percent of one standard 125-acre irrigated circle) at a standard rate of 1/80th cubic foot per second (cfs)/acre.

2) questions on how the applicant proposes to obtain water rights at the subject property

As noted in Item #21 above, utilizing the water right from the City of Adams, the applicant proposes to drill onsite, a new shallow basalt well, which will meet the general agriculture water demands of the composting operation. The process of obtaining a water right is outside the purview of Umatilla County, but is subject to rules and regulation of the Oregon Water Resources Department.

3) concerns about nuisance odor related to the composting operation In addition to this Conditional Use Permit, the applicant must also secure a Composting Facility Permit through DEQ and comply with any additional standards placed on the facility by DEQ to protect air quality and minimize nuisance odors. As part of the DEQ permit, Ostrom's will be required to implement Best Management Practices (BMPs) such as adequate aeration to prevent odor complaints. During the community meeting, the applicant noted that producing compost for mushroom growing is a very aerobic process, as opposed to large-scale organic waste composting, where materials such as yard debris, grass clippings and food scraps often become anaerobic in the composting process. Odor from an aerobic process is much less offensive compared to odor from anaerobic conditions. There are several dwellings and associated outbuildings located within several miles of the proposed facility (see attached map showing dwelling locations). The nearest dwelling is more than ½ mile away from the facility. Therefore, odors are expected to have a minimal impact to nearby residents.

4) inquiries about truck-related traffic and hauling routes
As noted in Item #10 above, the subject property has access to/from Sand

Umatilla County Planning Department Preliminary Findings and Conclusions

Hollow Road via an existing driveway. The Applicant intends to utilize existing public road access points, and is required to obtain an access permit from the Umatilla County Public Works Department, permitting use of the existing access. At full production, the applicant anticipates a total of 6 semi-trucks per week (all trips occurring one day per week) which will haul compost from the proposed facility to Ostrom's growing operation located at a different location. During the community meeting, the applicant addressed concerns regarding heavy truck traffic to/from the proposed facility utilizing public roads through the community of Adams. The applicant is amenable to requiring truck traffic to/from the proposed facility to only utilize a pre-determined route, primarily using the public highway system, rather than local roads.

- 22. NOTICES SENT: Hearing notices to adjacent property owners and agencies were sent on Friday, March 3, 2017. A checklist list of notified agencies and organizations and a list of notified property owners are included as an attachment.
- 23. AGENCIES: The following agencies and organizations were notified of the Planning Commission hearing for the proposed land use request: Umatilla County Assessor, Umatilla County Public Works, Umatilla County Board of Commissioners, Umatilla County Environmental Health, Umatilla County Public Health, Umatilla County Solid Waste Advisory Committee, East Umatilla County Fire District, City of Adams, City of Athena, City of Helix, City of Milton-Freewater, City of Weston, Oregon Department of Environmental Quality, Oregon Department of Transportation, Oregon Department of Land Conservation and Development, Oregon Water Resources Department, Oregon Department of Agriculture, Business Oregon, Oregon Regional Solutions, Confederated Tribes of the Umatilla Indian Reservation Planning and Natural Resources, Greater Eastern Oregon Development Corporation, Pacific Power Co., CenturyLink, Humbert Refuse and Recycling.
- 24. HEARING: A public hearing will be held before the Umatilla County Planning Commission on Thursday, March 23, 2017 at 6:30 PM at the Justice Center Media Room, 4700 NW Pioneer Place, Pendleton, OR.
- **25. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR CONDITIONAL USES:** The applicable criteria for applications for composting facilities in the EFU zone are found in UCDC Sections 152.061, 152.615, and 152.617(E). The criteria and standards of approval are listed below and <u>underlined</u>. Findings are provided in standard text.

<u>UCDC §152.061: STANDARDS FOR ALL CONDITIONAL USES.</u> 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 The Umatilla County Planning Commission finds that the applicant's proposed composting facility will not force a significant change in

Umatilla County Planning Department Preliminary Findings and Conclusions

accepted farm or forest practices on surrounding lands devoted to farm or forest use. In fact, the proposed composting facility will likely add value to existing farm practices. Ostrom's primary feedstock for the mushroom-specific growing medium is wheat straw which is purchased from nearby farms. This criterion is met.

(B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use. The Umatilla County Planning Commission finds that the applicant's proposed composting facility will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use. The proposed facility will be located on lands that are currently utilized for grazing livestock, a livestock feedlot and other farm related activities, all of which are compatible with adjacent farming operations. As noted above, Ostrom's provides a value-added component to neighboring dry land farm operations (allowing farmers to reduce excess residue to meet current farming practices) and should actually improve the bottom line of dryland farming in the area, not negatively impact its operations. This criterion is met.

UCDC § 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; The Umatilla County Planning Commission finds that, the proposed use is compatible with adjacent farm uses. In addition to this Conditional Use Permit, the applicant must also secure a Composting Facility Permit through DEQ and comply with any additional standards placed on the facility by DEQ to protect air, land and water quality. Therefore, no additional limitations on how the use is conducted are necessary. This criterion is met.
- (B) Establishing a special yard, other open space or lot area or dimension; The Umatilla County Planning Commission finds that the applicant has designed the facility so it is separated from both the State highway and Sand Hollow road by a considerable distance (see attached site plan). This is beneficial both for ingress/egress as well as to provide adequate room for the proposed zero-process discharge storage ponds.
- (C) Limiting the height, size or location of a building or other structure; This standard does not appear to be applicable.
- (D) Designating the size, number, location and nature of vehicle access points; The Umatilla County Planning Commission finds that the subject property has access to/from Sand Hollow Road via an existing driveway. The Applicant intends to utilize existing public road access points. As a precedent condition of approval, the applicant is required to obtain an access

Umatilla County Planning Department Preliminary Findings and Conclusions

permit from the Umatilla County Public Works Department, permitting use of the existing access. This criterion is pending.

- (E) Increasing the required street dedication, roadway width or improvements within the street right of way; The Umatilla County Planning Department finds that the applicant's proposed activities do not require increasing the required street dedication, roadway width or improvements within the right of way. This criterion is not applicable.
- (F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area. The Umatilla County Planning Department finds that the proposed parking area and all non-porous surfaces will be designed to drain onsite wastewater lagoon. All stormwater will be contained onsite and re-used in the mushroom composting operation. No other restrictions designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area are proposed or necessary. This criterion is met.
- (G) Limiting or otherwise designating the number, size, location, height and lighting of signs; The Umatilla County Planning Department finds that the applicant is required to meet the sign regulations found in UCDC Section 152.545 for any proposed signage. As a precedent condition of approval, the applicant shall provide a site plan designating the number, size, location, height and lighting of any proposed signs. This criterion is pending.
- (H) Limiting the location and intensity of outdoor lighting and requiring its shielding: The Umatilla County Planning Department finds that the proposed facility is not located near a residential area. Therefore limitations on outdoor lighting are not proposed or necessary. This criterion is not applicable.
- (I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance. The Umatilla County Planning Commission finds that diking and screening is not proposed or necessary. However, the applicant has voluntarily proposed installing trees around the perimeter of the facility to provide additional screening, windbreak, etc. In addition to the trees, the applicant is required seed disturbed areas with an erosion control grass seed mixture to prevent erosion and dust. As a precedent condition of approval, the applicant shall provide a site plan showing location of proposed trees and areas to be seeded with the erosion control seed mixture. This criterion is pending.
- (J) Designating the size, height, location and materials for a fence; This criterion is not applicable.
- (K) Protecting and preserving existing trees, vegetation, water resources, air resources, wildlife habitat, or other natural resources; The Umatilla County Planning Commission finds that the subject property is currently used for a winter cattle feeding operation and the native vegetation and wildlife habitat areas have been disturbed.
- DEQ, as part of the Compost Facility Permit, will require that the applicant prevent contamination of adjacent surface water bodies and any unconfined groundwater aquifers. The

Umatilla County Planning Department Preliminary Findings and Conclusions

applicant intends to do this by designing a completely enclosed system where all process and stormwater is captured and conveyed to a lined storage lagoon, sized appropriately to meet precipitation patterns of the area, aerated, then re-used in the operation. The applicant does not intend to discharge any storm or waste water to waterbodies or waters of the state. This criterion is met.

(L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter. The parcel appears to have adequate on-site parking. This criterion is met.

<u>UCDC § 152.617(E) STANDARDS FOR REVIEW; CONDITIONAL USES AND LAND USE</u> <u>DECISIONS ON EFU ZONED LANDS – COMPOSTING FACILITIES.</u>

Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-96-020, and which are not facilities that are a "farm use" as defined under OAR 660-033-0020(7), or proposed to be located on farmland meeting the definition of high-value farmland shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024 (1), (2), or (3). The Umatilla County Planning Commission finds that the proposed composting facility is not a farm use as defined under OAR 660-033-0020(7) and is not located on high-value farmland. Therefore, the application is subject to the criteria listed below:

- (1) Buildings and facilities used for the composting operation shall only be those required for the operation of the subject facility. The Umatilla County Planning Commission finds that all buildings to be constructed on-site are part of the mushroom composting operation. This criterion is met.
- (2) On site sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle. The Umatilla County Planning Commission finds that compost produced at the facility is specific to the mushroom growing operation and the applicant does not intend to market anything other than bulk loads from the facility. As a subsequent condition of approval, any on-site sales shall be limited to bulk loads of at least one unit in size that are transported in one vehicle.
- (3) Complies with other conditions deemed necessary. The Umatilla County Planning Commission finds that the applicant has completed the necessary pre-application agency and community meetings. The proposed development also requires a Compost Facility Permit from Oregon DEQ. As a precedent condition of approval, the applicant shall obtain and comply with all required DEQ permits. This criterion is pending.

² UCDC § 152.003 defines high-value farmland as:

[&]quot;Land in a tract composed predominantly of soils that are:

^{1.} Irrigated and classified prime, unique, Class I, or Class II; or

^{2.} Not irrigated and classified as prime, unique, Class I, or Class II.

^{3.} Includes parcels or tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service...

26. LAND DIVISION: In addition to the Conditional Use Permit request, the applicant proposes to partition a 20 acre parcel from the parent parcel of 63.7 acres.

STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR TYPE IV, REVIEW IV LAND DIVISIONS: The applicable criteria for Type IV Land Divisions in the EFU zone are found in UCDC Section 152.710(E)(3). The criteria and standards of approval are listed below and underlined. Findings are provided in standard text.

- (3) Criteria for approval of Type IV, Review IV, Land Division application:
- (a) A proposed division of land may be approved in an exclusive farm use zone for non-farm uses as set out in ORS 215.213 (2) or 215.283 (2), except dwellings, if it finds that the parcel for the non-farm use is not larger than the minimum size necessary for the use. The Umatilla County Planning Commission finds that the proposed 20 acre parcel the applicant's proposed site plan is not larger than the minimum size necessary for the use. This criterion is met.
 - (i) Be an adequate size area necessary for the protection of public health; The Umatilla County Planning Commission finds that the parcel size was selected to accommodate full build out of the mushroom substrate operation, as well as accommodate the freshwater and re-use storage lagoons necessary to meet the zero-process discharge requirements of the applicant, ingress/egress, internal roads, and storage and parking requirements of the development. As a zero-process discharge facility, no storm water or wastewater will be discharged to ground or the environment thereby protecting public health and water quality. This criterion is met.
 - (ii) Will be the minimum size needed to accommodate the principal use and its accessory uses, structures, and facilities; The Umatilla County Planning Commission finds that the proposed parcel size is the minimum size necessary to accommodate full build out of the mushroom substrate operation, as well as accommodate the freshwater and re-use storage lagoons necessary to meet the zero-process discharge requirements of the facility, ingress/egress, internal roads, storage and parking requirements of the development. This criterion is met.
 - (iii) Consider compatibility with adjoining land uses and be a size necessary to mitigate adverse impacts; The Umatilla County Planning Commission finds that surrounding land uses are predominantly dry-land agriculture production and some sub-irrigated or irrigated agriculture production. The non-farm use is compatible to these uses as two key ingredients (wheat straw and canola meal) are produced on adjacent or nearby agricultural acreage. This criterion is met.
 - (iv) Consider possible effects on the overall land use pattern of the area and immediate vicinity; The Umatilla County Planning Commission finds that the mushroom substrate operation is a value-added development for local agriculture in the vicinity and will not affect the overall land use pattern. This criterion is met.
 - (v) Will comply with the development standards in § 152.063, and applicable standards in §§ 152.010 through 152.017, §§ 152.545 through 152.562, and §§ 152.615 and 152.616. The Umatilla County Planning Commission finds that per the findings in #25 above, the applicant complies with the development standards listed. This criterion is met.

(b) The governing body may establish other criteria as it considers necessary. The Umatilla County Planning Commission finds that no additional criteria are necessary. This criterion is not applicable.

<u>DECISION:</u> BASED UPON THE ABOVE STATED FINDINGS AND CONCLUSIONS, THE UMATILLA COUNTY PLANNING COMMISSION FINDS THE APPLICATION COMPLIES WITH APPLICABLE STANDARDS OF APPROVAL OF CONDITIONAL USE REQUEST #C-1283-17, AND IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

<u>Precedent Conditions</u>: The following precedent conditions must be completed prior to the issuance of final approval, signified by issuance of a Umatilla County Zoning Permit:

- 1. Provide verification to the County Planning Department that the applicant has secured the necessary water right for the proposed composting facility. This may be in the form of a lease/purchase from the City of Adams or other water right. The applicant is responsible to secure necessary water permits and/or authorization from OWRD for the needs of the facility.
- 2. Secure a Composting Facility Permit through DEQ and comply with any additional standards placed on the facility by DEQ to protect air, land and water quality.
- 3. Obtain access permit from Umatilla County Public works for ingress and egress using Sand Hollow Road.
- 4. Obtain all necessary state and local permits, including Oregon State Building Codes and Umatilla County Environmental Health.
- 5. Provide to the County Planning Department a site plan designating the number, size, location, height and lighting of any proposed signs.
- 6. Provide to the County Planning Department a site plan showing location of proposed trees and areas to be seeded with the erosion control seed mixture.

Subsequent Conditions: The following subsequent conditions apply following final approval:

- 1. On-site sales shall be limited to bulk loads of 7.5 cubic yards or more transported in one vehicle.
- 2. Maintain Compliance with DEQ Composting Facility Permit.

<u>DECISION:</u> BASED UPON THE ABOVE STATED FINDINGS AND CONCLUSIONS, THE UMATILLA COUNTY PLANNING COMMISSION FINDS THE APPLICATION COMPLIES WITH APPLICABLE STANDARDS OF APPROVAL OF LAND DIVISION REQUEST #LD-4N-1003-17, AND IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

<u>Precedent Condition</u>: The following precedent condition must be completed prior to the issuance of final approval, signified by recording of the Final Partition Plat:

1. Submit a Preliminary Partition Plat complying with State and County regulations to the

PRELIMINARY FINDINGS AND CONCLUSIONS

Ostrom's Mushroom Farm Composting Facility, Conditional Use Permit #C-1283-17 and Land Division #LD-4N-1003-17 Page 11 of 11

County Planning Department, GIS/Mapping Department and Surveyor.

<u>Subsequent Condition</u>: The following subsequent condition must be fulfilled to obtain final partition approval.

1. Record the Final Partition Plat within two years, and prior to conveyance and signing of deeds.

UMATILLA COUNTY PLANNING COMMISSION

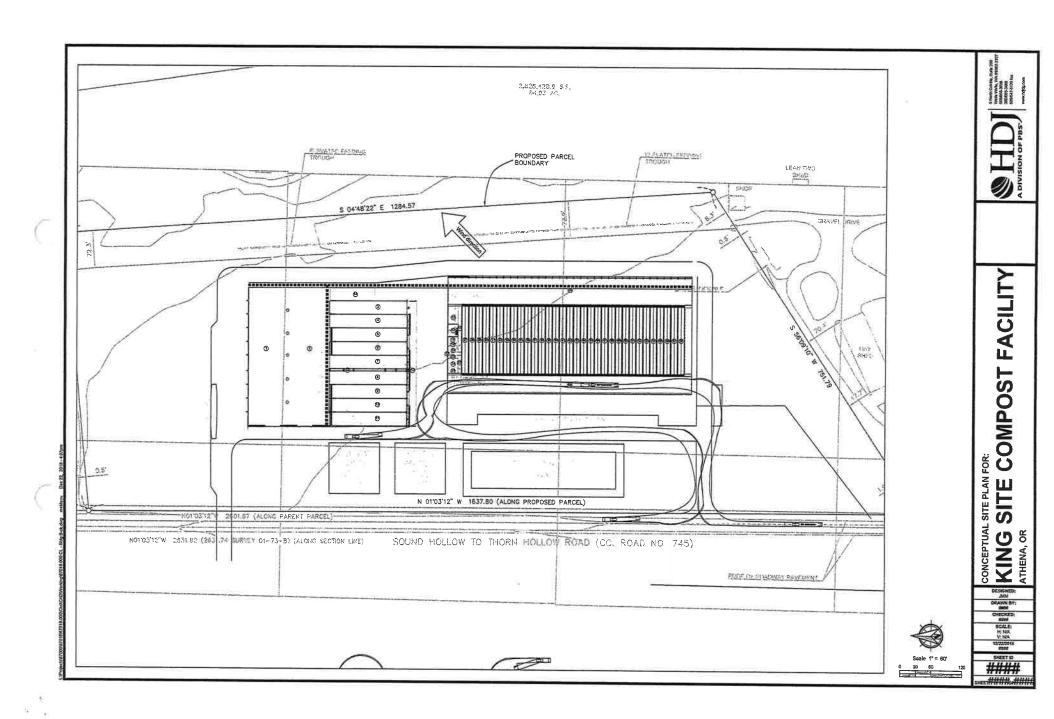
Chair, Umati	lla County Planning (Commission	_
Dated	day of	, 2017	
Mailed	day of	, 2017	

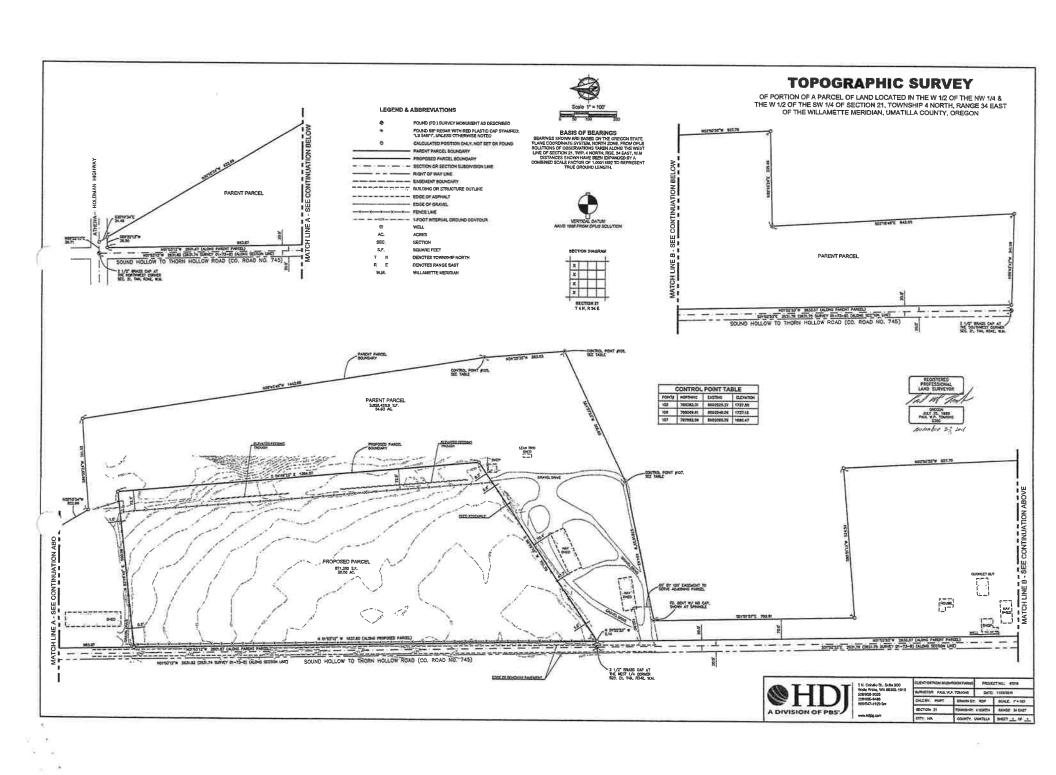
THIS DECISION BECOMES FINAL FIFTEEN DAYS AFTER MAILING THE FINAL DECISION UNLESS TIMELY APPEALED.

Attachments:

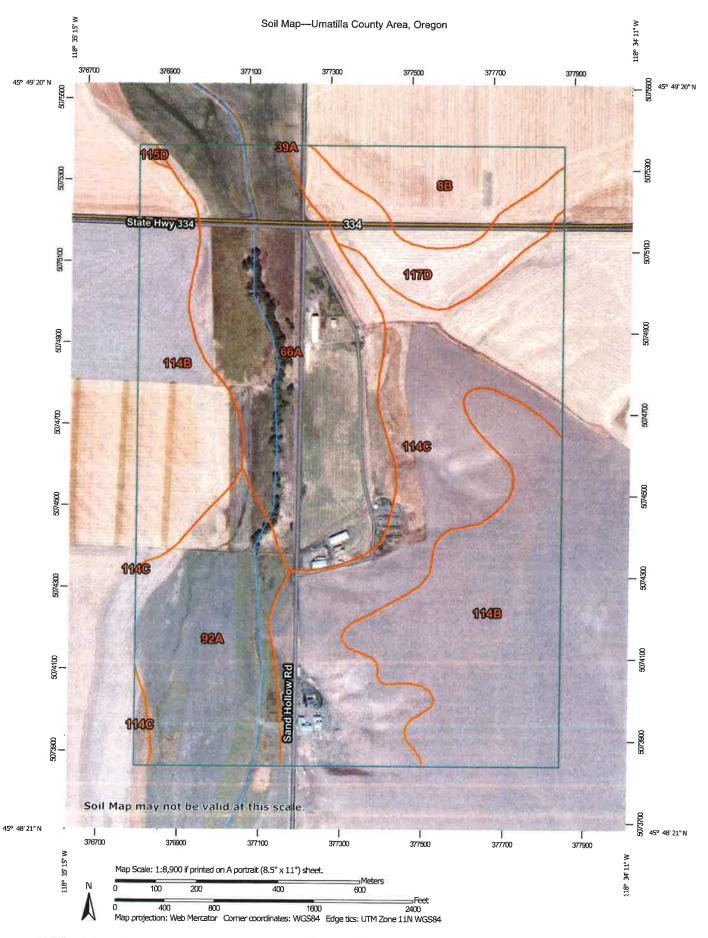
- A. Proposed Site Plan
- B. Soils Map of Subject Property
- C. Attendance List from Pre-Application and Community Meetings
- D. Map of Dwellings with 2-mile Radius
- E. Agency Checklist and Notified Property Owners

ATTACHMENT A: PROPOSED SITE PLAN





ATTACHMENT B: SOILS MAP OF SUBJECT PROPERTY



MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Unit Polygons



Soil Map Unit Lines

Soil Map Unit Points Special Point Features

Blowout (0)

Borrow Pit

Clay Spot

Closed Depression

Gravel Pit

Gravelly Spot

Landfill 0

Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water

Perennial Water Rock Outcrop

Saline Spot

Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

Sodic Spot

Spoil Area

Stony Spot

Very Stony Spot

87 Wet Spot

Other 0

Special Line Features

Water Features

Streams and Canals

Transportation

Rails

Interstate Highways



US Routes



Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Umatilla County Area, Oregon Survey Area Data: Version 12, Jul 29, 2016

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger,

Date(s) aerial images were photographed: Aug 7, 2010—Oct 21, 2010

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

	Umatilla County Area,	Oregon (OR667)	
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
8B	Athena silt loam, 1 to 7 percent slopes	24.2	6.1%
39A	Hermiston silt loam, 0 to 3 percent slopes	0.0	0.0%
66A	Pedigo silt loam, 0 to 3 percent slopes	91.1	23.1%
92A	Stanfield silt loam, reclaimed, 0 to 3 percent slopes	50.1	12.7%
114B	Walla Walla silt loam, 1 to 7 percent slopes	109.9	27.8%
114C	Walla Walla silt loam, 7 to 12 percent slopes	95.5	24.2%
115D	Walla Walla silt loam, 12 to 25 percent north slopes	0.5	0.1%
117D	Walla Walla silt loam, 12 to 25 percent south slopes, eroded	23.5	5.9%
Totals for Area of Interest		394.8	100.0%

ATTACHMENT C: ATTENDANCE LIST FROM PRE-APPLICATION AND COMMUNITY MEETINGS

OSTROM'S PROPOSED COMPOST FACILITY SITE PROPERTY OWNERS WITHIN 1/2 MILE OF SUBJECT PARCEL

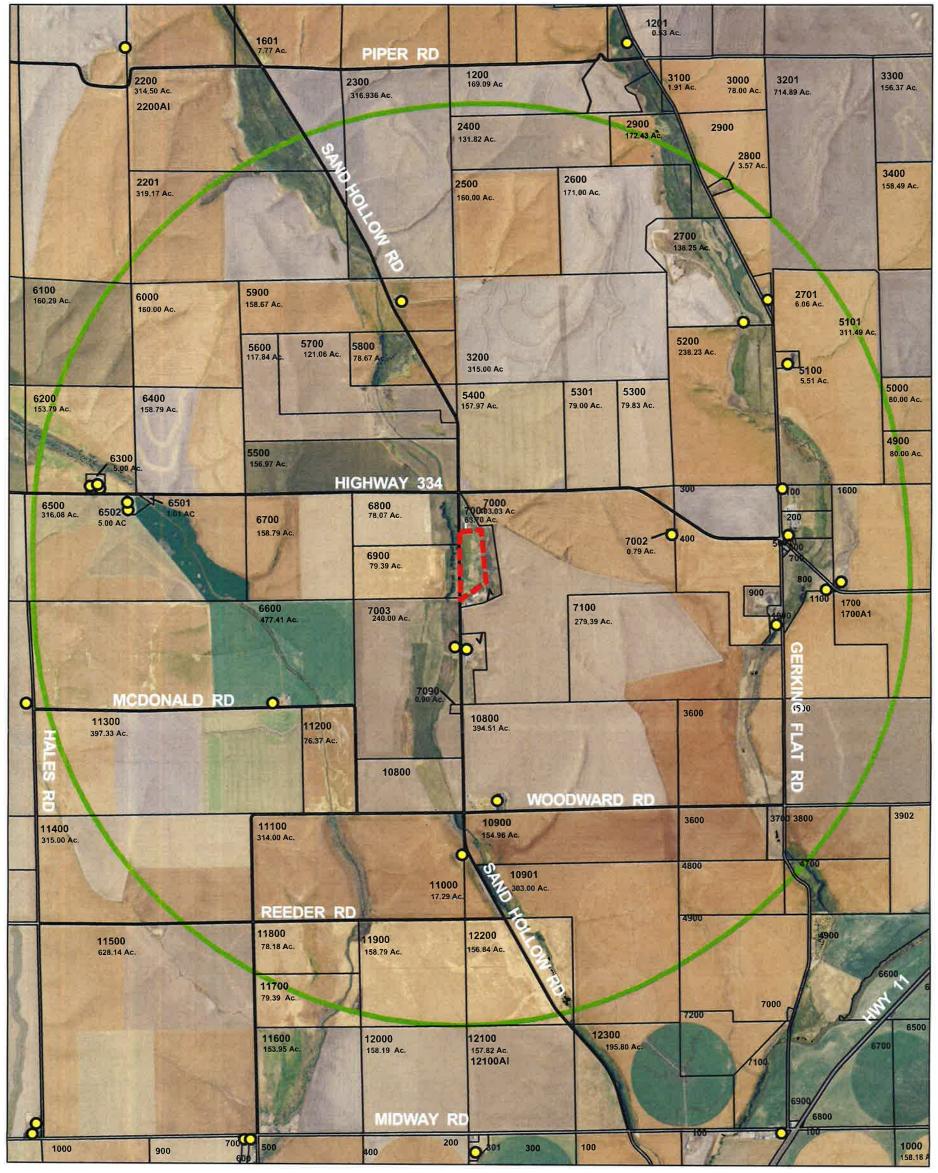
	ACCT ID	MAP & TAXLOT	OWNER	IN CARE OF				
	_	4N34000003200	WHITACRE FARMS LLC	IN CARE OF	M ADDRESS	M CITY	M ST	ZIP
		4N34000005301		C/O SCHMIDTGALL TERRY	PO BOX 533	ATHENA	OR	97813-0533
	105557	4N34000005400	PERKINS C B (LE) PERKINS MARK H & JAN		78889 GERKING FLAT RD	ATHENA	OR	97813
		4N34000005500	JOHNS ROBERT M & SHAWVER NANCY J		PO BOX 618	ATHENA	OR	97813-0618
		4N34000005500	CANNON DAVE D & RENEE Y		PO BOX 359	ATHENA	OR	97813
			WILLIAMS WANDA LEE (ETAL) MEYERSICK R&R (ETAL)		28631 N 128TH DR	PEORIA	ΑZ	85383-2080
					28631 N 128TH DR	PEORIA	AZ	85383-2080
		4N3400000570002	WILLIAMS J H & W L (TRS)(50%) ETAL (50%)		28631 N 128TH DR	PEORIA	ΑZ	85383-2080
			S & C FARMS INC		51451 HIGHWAY 11	ATHENA	OR	97813-6012
		4N34000006600	JOHNS RANCH INC		PO BOX 637	ATHENA	OR	97813
			WINN LEGACY LLC & ETAL	C/O TAMARA GORDON	1725 CLAY CT	WALLA WALLA	WA	99362-4266
			ROTHROCK JOHN D 1/2 ETAL 1/2		417 SUGARWOOD DR	KNOXVILLE	TN	37934
			WINN LEGACY LLC & ETAL	C/O TAMARA GORDON	1725 CLAY CT	WALLA WALLA	WA	99362-4266
			ROTHROCK JOHN D 1/2 ETAL 1/2		417 SUGARWOOD DR	KNOXVILLE	TN	37934
		4N34000006900	JOHNS RANCH INC		PO BOX 637	ATHENA	OR	97813
		4N34000007000	GAME OVER LLC	C/O DAVID TOMPKINS	1605 STURM AVE	WALLA WALLA	WA	99362-9056
		4N34000007001	KING SHELDON W & TRACI L		PO BOX 323	ATHENA	OR	97813
		4N34000007003	ADAMS JOHN W		PO BOX 56	ADAMS	OR	97810
			SCHOOL DIST #29-R	C/O RUFFCORN PAULA	375 S 5TH ST	ATHENA	OR	97813
	11/035	4N34000007100U1	DAVIS LAURA W (TRUSTEE) 50% ETAL 50%	C/O PATTON & ASSOCIATES LLC	PO BOX 947	WALLA WALLA	WA	99362-0275
			GAME OVER LLC & ETAL	C/O PATTON & ASSOCIATES	PO BOX 947	WALLA WALLA	WA	99362-0275
	117097	4N34000010800U1	DAVIS LAURA W (TRUSTEE) 1/2 ETAL 1/2	C/O PATTON & ASSOCIATES LLC	PO BOX 947	WALLA WALLA	WA	99362-0275
			GAME OVER LLC & ETAL	C/O PATTON & ASSOCIATES	PO BOX 947	WALLA WALLA	WA	99362-0275
	117098	4N34000010900U1	DAVIS LAURA W (TRUSTEE) 1/2 ETAL 1/2	C/O PATTON & ASSOCIATES LLC	PO BOX 947	WALLA WALLA	WA	99362-0275
			GAME OVER LLC & ETAL	C/O PATTON & ASSOCIATES	PO BOX 947	WALLA WALLA	WA	99362-0275
			STONE RANCH LLC		16790 SW MIDWAY RD	HILLSBORO	OR	97123-9432
	11/103	4N34000011200	SAND HOLLOW RANCH INC	C/O BROGOTTI ALLEN	62575 STARR LN	LA GRANDE	OR	97850
Ė	TTENDER	ES EBOM DUBLICAT	FTING ON A fee fee					
	TIENDE	ES FROM PUBLIC ME						
			CLIFF & JULIE ALFORD		78708 THIRD ST	ATHENA	OR	97813
			TABOR TOMPKINS		49137 WOODWARD RD	ADAMS	OR	97810
			ERIC SEDERBURG		PO BOX 72	ADAMS	OR	97810
			RANDY MEYERSICK		323 N MAIN ST	PENDLETON	OR	97801
			TIM SPRENGER		PO BOX 88	ADAMS		97810
			CASEY PERKINS		PO BOX 416	ATHENA		97813
			GREG THUL		81876 GERKING FLAT RD	ATHENA		97813
			JUDY PACE		PO BOX 53	ADAMS		97810
			JEANA DREW		PO BOX 68			97810
			TIM PILCH		73654 TAUTS LN	PENDLETON		97801
			KYLE BEERS		PO BOX 146	ADAMS		97810

OSTROM'S PROPOSED COMPOST FACILITY SITE PROPERTY OWNERS WITHIN 1/2 MILE OF SUBJECT PARCEL

AGENCIES FROM MEETING ON 2/22/17

DENNIS OLSON	UMATILLA COUNTY SWAC	757 NUTHATCH DR	COLLEGE PLAC	F WA	99324-1797
TOM LAPP	ODOT	1327 SE 3RD ST	PENDLETON	OR	97801
FEATHER HUESTIES	ODOT	1327 SE 3RD ST	PENDLETON	OR	97801
JAMIE JONES	DEQ	400 E SCENIC DR, STE #307	THE DALLES	OR	97058
RICKY STEPHENS	WESTON CITY COUNCIL	PO BOX 579	WESTON	OR	97886
SUSAN CHRISTENSEN	GEODC	PO BOX 1041	PENDLETON	OR	97801
GEORGE PLAVEN	EAST OREGONIAN	211 SE BYERS AVE	PENDLETON	OR	97801

ATTACHMENT D: MAP OF DWELLINGS WITHIN A 2-MILE RADIUS



OSTROM'S PROPOSED COMPOST FACILITY SITE MAP 4N34 TAX LOT 7001

0 1000 2000 3000 Feet

Legend

Proposed Compost Facility Area



2 Mile Study Area



Property Boundaries



Existing Dwelling/Structure



2016 AERIAL PHOTO

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Not intended for legal use. Created by Julia Alford Umatilla County Planning Department, 3/10/17

y:workspace/planning/vicinity maps/M-P/Ostrom_Compost_2mileArea.gws

ATTACHMENT E: AGENCY CHECKLIST AND NOTIFIED PROPERTY OWNERS



AGENCY NOTIFICATION, CHECK-OFF LIST

Providing notice of land use requests and other actions to specific agencies

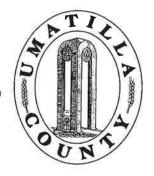
	and a second	specyte ageneres
DA	ATE MAILED: Murch 3, 2017	C-1283-17
APPLICATION	NAME: Astrom's Mushroom Farms	# LO-4N-1003-17
FEDERAL AGENCIES	COUNTY OFFICES	IRRIGATION
BIA		DISTRICTS
BLM	Board of Commissioners ¶	Hermiston
☐ CTUIR	Code Enforcement	Hudson Bay
Corps of Engineers – Portland	County Surveyor	Stanfield
Corps of Engineers - Walla W.	County Counsel	☐ Walla Walla
FEMA – Seattle	Emergency Management	☐ West Extension
☐ NAS – Whidbey Island	☑Public Works/Roads P	Westland
USDA – SCS – Pendleton	☑ Environmental Health U	
US Fish & Wildlife-Umatilla	Public Health	
US Fish & Wildlife-LaGrande	Ø SWAC 13	
US Forest Service - Umatilla		
STATE AGENCIES	FIRE DISTRICTS	CITIES
Building Codes	✓ East Umatilla County	JAdams 15
DEQ 1	Echo	Athena 16
DLCD-Bend Ton Jinnings	Helix	Echo
DLCD – La Grande	Meacham	√ Helix 17
DLCD – Salem 3	Milton-Freewater Rural (private)	Hermiston
	Pendleton	/ Milton-Freewater 19
ODFW	Pilot Rock FD	Pendleton
ODF	Umatilla County Fire Dist. #1	Pilot Rock
ODOT – La Grande 4	(Formerly Hermiston Rural &	Stanfield
ODOT - Pendleton 5	Stanfield Rural)	Ukiah
OWRD - Watermaster Pendleton 6	Umatilla Rural	Umatilla
SHPO (Historic Pres.)	☐ Tribal	√⊠ Weston 19
State Fire Marshall		<u> </u>
Dept Ag Tom Dem. 7	YES NO Special Request Email Notice	36 land
REGIONAL GOVERNMENTS	(circle one) EFU/GF ZONE	
Morrow County Planning	y.	= (37 Agenc)
☐ Wallowa County Planning	Other Agencies/Offices to Notice:	ha
Baker County Planning	VGEOOC-Susan Christiansen	20 (5)
Union County Planning	/	22
Grant County Planning	V Biz OR - Melisa Drugge, J	ill Miles 22
☐ Walla Walla County Planning	RST-Scott Fairley.	/
	/	25 / 26 Jaconsts, Krite, Elv
	Humbert Refuse 27	The state of the s
	a recommendation of the second	

OSTROM'S PROPOSED COMPOST FACILITY SITE PROPERTY OWNERS WITHIN 1/2 MILE OF SUBJECT PARCEL

ACCT_ID	MAP & TAXLOT	OWNER	IN_CARE_OF	M ADDRESS	NA CITA		
105553	4N34000003200	WHITACRE FARMS LLC	C/O SCHMIDTGALL TERRY	M_ADDRESS	M_CITY	M_ST	
117025	4N34000005301	PERKINS C B (LE) PERKINS MARK H & JAN	C/O SCHWID I GALL TERRY	PO BOX 533	ATHENA	OR	97813-0533
105557	4N34000005400	JOHNS ROBERT M & SHAWVER NANCY J				OR	97813
105562	4N34000005500	CANNON DAVE D & RENEF Y		PO BOX 618	ATHENA	OR	97813-0618
105566	4N34000005600	WILLIAMS WANDA LEE (ETAL)		PO BOX 359	ATHENA	OR	97813
105570		MEYERSICK R&R (ETAL)		28631 N 128TH DR	PEORIA	ΑZ	85383-2080
		WILLIAMS J H & W L (TRS)(50%) ETAL (50%)		28631 N 128TH DR	PEORIA	ΑZ	85383-2080
105574		S & C FARMS INC		28631 N 128TH DR	PEORIA	ΑZ	85383-2080
				51451 HIGHWAY 11	ATHENA	OR	97813-6012
117027		JOHNS RANCH INC		PO BOX 637	ATHENA	OR	97813
156862		WINN LEGACY LLC & ETAL	C/O TAMARA GORDON	1725 CLAY CT	WALLA WALLA	WA	99362-4266
117028		ROTHROCK JOHN D 1/2 ETAL 1/2		417 SUGARWOOD DR	KNOXVILLE	TN	37934
		WINN LEGACY LLC & ETAL	C/O TAMARA GORDON	1725 CLAY CT	WALLA WALLA	WA	99362-4266
156863		ROTHROCK JOHN D 1/2 ETAL 1/2		417 SUGARWOOD DR	KNOXVILLE	TN	37934
		JOHNS RANCH INC		PO BOX 637	ATHENA	OR	97813
117030		GAME OVER LLC	C/O DAVID TOMPKINS	1605 STURM AVE	WALLA WALLA	WA	99362-9056
		KING SHELDON W & TRACI L		PO BOX 323	ATHENA	OR	97813
		ADAMS JOHN W		PO BOX 56	ADAMS	OR	97810
		SCHOOL DIST #29-R	C/O RUFFCORN PAULA	375 S 5TH ST	ATHENA	OR	97813
		DAVIS LAURA W (TRUSTEE) 50% ETAL 50%	C/O PATTON & ASSOCIATES LLC	PO BOX 947	WALLA WALLA		99362-0275
		GAME OVER LLC & ETAL	C/O PATTON & ASSOCIATES	PO BOX 947	WALLA WALLA		99362-0275
117097	4N34000010800U1	DAVIS LAURA W (TRUSTEE) 1/2 ETAL 1/2	C/O PATTON & ASSOCIATES LLC	PO BOX 947	WALLA WALLA		99362-0275
149766	4N34000010800U2	GAME OVER LLC & ETAL	C/O PATTON & ASSOCIATES	PO BOX 947	WALLA WALLA		99362-0275
117098	4N34000010900U1	DAVIS LAURA W (TRUSTEE) 1/2 ETAL 1/2	C/O PATTON & ASSOCIATES LLC	PO BOX 947	WALLA WALLA		99362-0275
117099	4N34000010900U2	GAME OVER LLC & ETAL	C/O PATTON & ASSOCIATES		WALLA WALLA		
117102	4N34000011100	STONE RANCH LLC			HILLSBORO		99362-0275
117103	4N34000011200	SAND HOLLOW RANCH INC	C/O BROGOTTI ALLEN	62575 STARR LN	LA GRANDE		97123-9432
			-,	OF212 STAILL FIA	LA GRANDE	OR	97850

Umatilla County

Department of Land Use Planning



DIRECTOR TAMRA MABBOTT

LAND USE PLANNING, ZONING AND PERMITTING

CODE ENFORCEMENT

SOLID WASTE COMMITTEE

SMOKE MANAGEMENT

GIS AND MAPPING

RURAL ADDRESSING

LIAISON, NATURAL RESOURCES & ENVIRONMENT

AFFIDAVIT OF MAILING

MARCH 3, 2017

UMATILLA COUNTY DEPARTMENT OF LAND USE PLANNING

CONDITIONAL USE #C-1283-17 LAND DIVISION #LD-4N-1003-17 ASSESSORS MAP 4N 34, TAX LOT #7001 OSTROM'S MUSHROOM FARMS (C/O DAVID KNUDSEN), APPLICANT SHELDON & TRACI KING (C/O BRANDON KING), OWNERS

PUBLIC NOTICE

I hereby certify that the accompanying list of property owners, local, state and federal officials, utility company representatives, news media, and interested parties, were mailed notice for the land use decision noted above, via first class mail on MARCH 3, 2017.

Dated this day of, 2017
Juney Juther
Designated Mailing Officer
STATE OF OREGON)
) ss.
COUNTY OF UMATILLA)
· · · · · · · · · · · · · · · · · · ·

Signed and personally appeared before me this 3 day of March, 2017, by

Tierney Dutcher

OFFICIAL STAMP
DAVID ALAN STUVLAND
NOTARY PUBLIC-OREGON
COMMISSION NO. 931159
MY COMMISSION EXPIRES AUGUST 14, 2018

Notary Public for Oregon

My Commission Expires: 8-14-18