

**Morrow County Board of Commissioners Land Use Hearing
Appeal of Conditional Use Permit CUP-N-386-25: Jose A. Arrendondo Campos, Applicant and
Owner. Aaron Palmquist, City Manager, City of Irrigon, Appeal to CUP
July 16, 2025
Don Adams Conference Room, Irrigon Government Center
Irrigon, Oregon**

Present In Person Chair David Sykes, Commissioner Jeff Wenholz, Commissioner Gus Peterson, Valerie Ballard, Matthew Jensen, Tamra Mabbott, Kaitlyn Kennedy, Michaela Ramirez; non-staff: Aaron Palmquist, Jose Arrendondo, Dalia Villegas

Present Via Zoom Stephen Wrecsics; non-staff: Dan Kearns, Mary Killion, Nancy Cano

Call to Order

1:30 p.m.

Chair Sykes read the opening statement:

Persons who wish to provide testimony may do so orally or in writing. Testimony and evidence must be directed toward the applicable criteria. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

Please sign the sheet at the back of the room or make a note in chat (if you are participating via Zoom) if you would like to present testimony. Please speak only when identified by the Chair and begin by giving your name, spelling of your name, and address. If you have exhibits for our consideration, please provide a copy to the Staff.

If you would like to request the Board hold open the record or continue the hearing, you must make that request before the public portion of the hearing is closed.

Chair Sykes then called for abstentions or conflicts of interest, to which there were none.

Staff Report

Tamra Mabbott, Planning Director; Kaitlin Kennedy, Compliance Planner

Kaitlin Kennedy, Compliance Planner, presented a memo to add to the record from attorney, Paige Sullivan, representing the City of Irrigon.

Commissioner Wenholz motioned to add the letter from Ms. Sullivan to the record.

Commissioner Peterson seconded. Vote: Unanimous approval.

The home occupation permit allowing for a temporary commercial trucking business at 320 NW Oregon Ave, in Irrigon. The property is over 1 acre and zoned residential. Due to proximity to Irrigon city limits, the Planning Commission acknowledges potential impacts to neighbors in regard to noise, hours of operation, damage to roadways, and parking. The Planning Commission approved the Conditional Use Permit (CUP) under ten specific conditions listed in the Findings of Fact.

This is one of seventeen similar CUPs as part of a process that began three years prior as a neighborhood approach to cleaning up zoning violations. Many of the businesses were owner-operated farm trucking operations, where shutting down immediately would cause serious hardship. When residents purchased their property, not all were aware that operating these businesses was outside of zoning allowances as it had been done historically and many trucks were in the neighborhood. Operating within the County in industrial zones can be costly and with limited space so the Planning Department has been working to find alternative solutions such as farms leasing non-farmed land to owner operators.

Dan Kearns, outside legal counsel to Morrow County, added that this is a highly constrained home occupation type use with case by case evaluation. This operation is tied to the agriculture economy and limited to operating in the summer. It is not a full-time commercial trucking operation. This is the only one Mr. Kearns has seen that is short term with no option for renewal.

Residential zones allow for parking of one truck per residence and Mr. Kearns sees issues with condition 10, requiring the owner to obtain a road permit from the City of Irrigon and it goes outside County regulation. If it is a city requirement, he recommends not making it a requirement within the permit.

Referencing the memo from Paige Sully, attorney for City of Irrigon, arguing that this does not qualify as home occupation, Mr. Kearns' interpretation is that it does meet requirements for home occupation. The trucks are parked outside with business operations occurring inside the residential structure.

Proponent Testimony

Jose Arredondos Campos, Applicant; Dalia Villegas, Translator

Dalia Villegas, providing translation services for Mr. Campos, explained that he needs time to find a location to park his truck. He owns one truck, running it back and forth for two months out of the year and temporarily has a second truck that belonged to his now deceased brother. After he was granted the one-year CUP, he was unable to get a road permit from the City and would like to find a solution. Ms. Villegas added that while Mr. Campos has two trucks on his property, his family is looking for options for his brother's truck, possibly selling it or finding a new location to place it.

Mary Killion, Boardman

Ms. Killion does not personally know Mr. Campos having met him previously at a Planning Commission meeting and felt compelled to testify on his behalf. Mr. Campos is providing a vital service to the community, along with seventeen others cited for non-compliance. There is only one way to get crops to processors, and it is by truck. She believes that these properties were purchased when the surrounding area was quite rural, but cities have expanded and now property owners have citations. Ms. Killion feels the Planning Commission recommendation is fair on all sides and implores the Board of Commissioners to help these small business and small trucking operations.

Opposition Testimony

Aaron Palmquist, City of Irrigon Manager; Paige Sully, Attorney for City of Irrigon

Paige Sully, attorney for City of Irrigon, argued against Mr. Kearns opinion of home occupation, saying that if the business was something like bookkeeping operated within the house, the Planning Commission wouldn't be hearing about noise, dust, vibration, and damage to the roadway, and that is why this does not qualify as conditional use. A home occupation business must be conducted within the residence or within a building normally used within the zone where the primary occupation of this business is movement of trucks. Section 3.051 of the Ordinance leaves little room for ambiguity and only has an exception for individuals using a truck to drive to and from their place of business.

Regarding the road permit and possible removal of that condition, Ms. Sully agrees with Mr. Kearns that it could be difficult to tie the condition to the City, but Mr. Campos should be able to verify he is legally allowed to use the road. Her suggestion is to overturn the Planning Commission ruling and carry the day on the City's appeal.

Ms. Sully went on to say that she understands that this puts Mr. Campos in an unfortunate position and understands the desire to address what some may call inequities in the situation, but nothing yet has been said of the impacts to property owners. At the Planning Commission hearing, a neighbor testified about her mother falling on the sidewalk and no one heard calls for help due to truck noise. There are inequities on both sides of the issue and the decision should benefit one property owner at the expense of the public at large.

Nancy Cano, Irrigon

Nancy Cano, Irrigon resident and next-door neighbor to Mr. Campos, stated she lives in a residential area and has been there thirty years. She has concerns over noise, water quality, and chemicals like oil and gasoline.

Commissioner Peterson inquired about truck noise, to which Ms. Cano stated noise has been an issue in the past with trucks parked and left on, but after the last hearing, noise has been not as bad.

Ms. Kennedy asked Ms. Cano if there are current development projects on the street. Ms. Cano said yes, but those projects are nearing completion. When asked if there was concern across the board with commercial vehicles, Ms. Cano replied she couldn't speak to that.

Neutral Testimony

Carla McLane, City of Boardman Planning Official

Carla McLane, planning official with City of Boardman, said the City of Boardman previously submitted comment letters to some of the other seventeen CUPs that have been issued with similar concerns to the issues raised by City of Irrigon's attorney. It is a misapplication of the County's zoning ordinance, and it is very clear that one truck is allowed. Using a CUP to negate the ordinance is not a proper use of conditional use permits.

This is a code enforcement issue. If the code process needs to be amended, she encourages the County to do so, rather than using the land use and planning system to attempt to mitigate or negate code enforcement.

Opposition

Rhonda Riley, Irrigon

Rhonda Riley of Irrigon and neighbor to Mr. Campos, stated that it was her mother who fell and nearly died, referencing earlier testimony from Ms. Sully. Ms. Riley has been trying to work with Mr. Campos for 5-7 years while he has been driving trucks. Ms. Riley lives across the street and his trucks go on her property all the time. She has repeatedly asked Mr. Campos and his brother not to drive on her property and her driveway has been destroyed. Ms. Riley stated Mr. Campos has not been easy to work with, not respectful, and he hasn't attempted to make it right.

Rebuttal

Translating for Mr. Campos, Ms. Villegas said that the testimony from Ms. Cano and Ms. Riley are lies. Ms. Riley has cameras to prove if he goes on her driveway or leaves his truck on all day. He has three goats that are fenced off and leaving trucks on all day wouldn't make sense. He turns them on once a week for twenty minutes to keep them running. If they can prove any of their claims, he is willing to cooperate.

Rebuttal to Applicant

Paige Sully, Attorney, City of Irrigon

Ms. Sully stated she would like to continue the hearing and keep the record open to reevaluate new evidence.

Commissioner Wenholz motioned to close the testimony and allow the record to remain open for written testimony seven days. Commissioner Peterson seconds. Vote: Unanimous approval.

Commissioner Wenholz motioned to continue the hearing to August 20, 2025, at 1:30 p.m. Commissioner Peterson seconded. Vote: Unanimous approval.