

MORROW COUNTY BOARD OF COMMISSIONERS MEETING AGENDA

Wednesday, December 11, 2019 at 9:00 a.m.

Irrigon Branch of the Oregon Trail Library District, Community Room

490 N.E. Main Ave., Irrigon, Oregon

1. **Call to Order and Pledge of Allegiance - 9:00 a.m.**
 2. **City/Citizen Comments:** Individuals may address the Board on topics not on the agenda
 3. **Open Agenda:** The Board may introduce subjects not on the agenda
 4. **Consent Calendar**
 - a. Accounts Payable dated Dec. 12th; Retirement Taxes, Dec. 5th, \$21,492.80; Manual Check Run, Dec. 5th, \$6,437.92
 - b. Oregon Health Authority (OHA) Intergovernmental Agreement (IGA) #159175, Amendment 4, Financing of Mental Health, Addiction Treatment, Recovery & Prevention, and Problem Gambling Services
 - c. Oregon Health & Science University Subaward #1015198 Amendment 1, CaCoon Home Visiting Services
 - d. OHA IGA #159824, Amendment 5, Public Health Emergency Preparedness & Response Funding
 5. **Public Hearing**
 - a. Applicant: Port of Morrow; Landowner: Kaizen Holdings, LLC - Rezone 89.6 acres on Paterson Ferry Road from Exclusive Farm Use (EFU) to Port Industrial
Applicant: Port of Morrow; Landowner: Windy River - Rezone 89.6 acres on Bombing Range Road from General Industrial to EFU
 6. **Business Items**
 - a. Comment Letter: Shepherds Flat Project Request for Amendment 2 (Stephen Wrecsics, GIS Planning Tech)
 - b. Agreement with Morrow County School District to support the CARE Coordinator position in the Public Health Department (Sheree Smith, Public Health Department Director)
 - c. Compensation Board Appointment Request & Update (Karmen Carlson, Human Resources Director)
 - d. Contract Discussion
 - e. Irrigon Building Update
 - f. County Administrator's Evaluation
 7. **11:45 a.m. – 1:15 p.m. Lunch Break**
 8. **Department Reports**
 - a. Planning Department Monthly Report (Stephanie Case, Interim Planning Director)
 - b. Parole & Probation Update (Dan Robbins, Corrections Lieutenant)
 9. **Correspondence**
 10. **Commissioner Reports**
 11. **Executive Session:** Pursuant to ORS 192.660(2)(d) – To conduct deliberations with persons designated by the governing body to carry on labor negotiations
-

- 12. Executive Session:** Pursuant to ORS 192.660(2)(h) – To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed
- 13. Executive Session:** Pursuant to ORS 192.660(2)(i) - To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing
- 14. Signing of documents**
- 15. Adjournment**

Agendas are available every Friday on our website (www.co.morrow.or.us/boc under “Upcoming Events”). Meeting Packets can also be found the following Monday.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Roberta Lutcher at (541) 676-5613.

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Board may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend. Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media. The Board may recess for lunch depending on the anticipated length of the meeting and the topics on the agenda. If you have anything that needs to be on the agenda, please notify the Board office before noon of the preceding Friday. If something urgent comes up after this publication deadline, please notify the office as soon as possible. If you have any questions about items listed on the agenda, please contact Darrell J. Green, County Administrator at (541) 676-2529.

AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

Amendment #4 to to the Intergovernmental Agreement for the financing of Mental Health, Addiction Treatment, Recovery and Problem Gambling Services Agreement #159175, is adding additional funding to the Community Readiness Assessment Model.

These funds are from OHA and passed through Morrow County to Community Counseling Services.

2. FISCAL IMPACT:

Net zero impact- revenue line 101-199-3-30-3625 : \$2175, expenditure line 101-199-5-50-5500 : \$2175

3. SUGGESTED ACTION(S)/MOTION(S):

Motion to approve and have the Chair sign Amendment, 159175-4

Attach additional background documentation as needed.



In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio recordings, Web-based communications and other electronic formats. To request an alternate format, please send an e-mail to dhs-oha.publicationrequest@state.or.us or call 503-378-3486 (voice) or 503-378-3523 (TTY) to arrange for the alternative format.

**FOURTH AMENDMENT TO
OREGON HEALTH AUTHORITY
2019-2021 INTERGOVERNMENTAL AGREEMENT FOR THE FINANCING OF
MENTAL HEALTH, ADDICTION TREATMENT, RECOVERY, & PREVENTION,
AND PROBLEM GAMBLING SERVICES AGREEMENT #159175**

This Fourth Amendment to Oregon Health Authority 2019-2021 Intergovernmental Agreement for the Financing of Community Mental Health, Addiction Treatment, Recovery, & Prevention, and Problem Gambling Services effective as of July 1, 2019 (as amended, the "Agreement"), is entered into, as of the date of the last signature hereto, by and between the State of Oregon acting by and through its Oregon Health Authority ("OHA") and **Morrow County** ("County").

RECITALS

WHEREAS, OHA and County wish to modify the Financial Assistance Award set forth in Exhibit C of the Agreement.

NOW, THEREFORE, in consideration of the premises, covenants and agreements contained herein and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

AGREEMENT

1. The financial and service information in the Financial Assistance Award are hereby amended as described in Attachment 1 attached hereto and incorporated herein by this reference. Attachment 1 must be read in conjunction with the portion of Exhibit C of the Agreement that describes the effect of an amendment of the financial and service information.
2. Capitalized words and phrases used but not defined herein shall have the meanings ascribed thereto in the Agreement.
3. County represents and warrants to OHA that the representations and warranties of County set forth in section 4 of Exhibit F of the Agreement are true and correct on the date hereof with the same effect as if made on the date hereof.
4. Except as amended hereby, all terms and conditions of the Agreement remain in full force and effect.
5. This Amendment may be executed in any number of counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

IN WITNESS WHEREOF, the parties hereto have executed this amendment as of the dates set forth below their respective signatures.

6. Signatures.

Morrow County

By:

Authorized Signature Printed Name Title Date

State of Oregon acting by and through its Oregon Health Authority

By:

Authorized Signature Printed Name Title Date

Approved by: Director, OHA Health Systems Division

By:

Authorized Signature Printed Name Title Date

Approved for Legal Sufficiency:

Approved by Steven Marlowe, Senior Assistant Attorney General, Department of Justice, Tax and Finance Section, on April 30, 2019; e-mail in contract file.

OHA Program:

Approved by Theresa Naegeli on November 14, 2019; e-mail in contract file.

OREGON HEALTH AUTHORITY
Financial Assistance Award Amendment (FAAA)

CONTRACTOR: MORROW COUNTY
DATE: 11/05/2019

Contract#: 159175
REF#: 005

REASON FOR FAAA (for information only):

To assist providers in having adequate resources to successfully complete the Community Readiness Assessment Model in their communities.

The following special condition(s) apply to funds as indicated by the special condition number in column 9. Each special condition set forth below may be qualified by a full description in the Financial Assistance Award.

A0033 1The financial assistance subject to this special condition will be disbursed to County in one lump sum within 30 calendar days after the date this Amendment becomes executed.

Darrell Green

From: Justin Nelson
Sent: Monday, November 25, 2019 3:14 PM
To: Darrell Green; Kimberly Lindsay (kimberly.lindsay@ccsemail.org); Roberta Lutcher
Subject: RE: Document for Signature: Document #159175-4 Morrow County
Attachments: 159175-4 lob final.pdf

I have reviewed and do not have any concerns with #4. #2 and 3 will be on this week's agenda I believe, and #4 will be set sometime?

-Justin

*Justin W. Nelson
Morrow County District Attorney
Morrow County Counsel
100 S. Court St.
P.O. Box 664
Heppner, OR 97836
Office: (541) 676-5626
Fax: (541) 676-5660
Email: jnelson@co.morrow.or.us*

From: Darrell Green
Sent: Friday, November 22, 2019 4:23 PM
To: Kimberly Lindsay (kimberly.lindsay@ccsemail.org) <kimberly.lindsay@ccsemail.org>; Justin Nelson <jnelson@co.morrow.or.us>
Subject: FW: Document for Signature: Document #159175-4 Morrow County
Importance: High

Hello Kimberly and Justin,

Attached is Amendment 4 of IGA 159175. Please review and let me know if you have any questions or concerns.

Happy Friday!
Darrell

From: Briggs Larry O <LARRY.O.BRIGGS@dhsoha.state.or.us>
Sent: Monday, November 18, 2019 2:11 PM
To: Darrell Green <dgreen@co.morrow.or.us>; Deanne Irving <dirving@co.morrow.or.us>; Kate Knop <kknop@co.morrow.or.us>
Cc: Naegeli Theresa A <THERESA.A.NAEGELI@dhsoha.state.or.us>; AMHcontract Administrator <AMHcontract.Administrator@dhsoha.state.or.us>
Subject: Document for Signature: Document #159175-4 Morrow County

STOP and VERIFY - This message came from **outside** of Morrow County Government.

Darrell Green

From: Kimberly Lindsay <kimberly@ccsemail.org>
Sent: Friday, November 22, 2019 10:34 PM
To: Darrell Green; Justin Nelson
Subject: [BULK] RE: Document for Signature: Document #159175-4 Morrow County

STOP and VERIFY - This message came from **outside** of Morrow County Government.

Hi Darrell,

Thanks for allowing me to review. I do not have any questions.



Kimberly

From: Darrell Green <dgreen@co.morrow.or.us>
Sent: Friday, November 22, 2019 4:23 PM
To: Kimberly Lindsay <kimberly@ccsemail.org>; Justin Nelson <jnelson@co.morrow.or.us>
Subject: FW: Document for Signature: Document #159175-4 Morrow County
Importance: High

CAUTION: This email originated from outside of the organization. Please be caution with links or attachments unless you recognize the sender and know the content is safe.

Hello Kimberly and Justin,

Attached is Amendment 4 of IGA 159175. Please review and let me know if you have any questions or concerns.

Happy Friday!
Darrell

From: Briggs Larry O <LARRY.O.BRIGGS@dhsaha.state.or.us>
Sent: Monday, November 18, 2019 2:11 PM
To: Darrell Green <dgreen@co.morrow.or.us>; Deanne Irving <dirving@co.morrow.or.us>; Kate Knop <kknop@co.morrow.or.us>
Cc: Naegeli Theresa A <THERESA.A.NAEGELI@dhsaha.state.or.us>; AMHcontract Administrator

AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

This document is the OHSU Subaward for CaCoon home visiting services for children with special healthcare needs representing. The current Budget period is 10/01/2019 - 09/30/2020 and the funding award for this year is \$9,560 per attachment 5.1, Statement of Work. This is the first amendment to the previous agreement signed a few weeks ago.

Attachment #5.1 Statement of work includes: Part I Introduction, Part II CaCoon - Scope of work and Part III Share Plan of Care (SPOC) - Scope of work with at least 70% of contracted funds directed toward the implementation of Shared Plans of Care (SPOC).

2. FISCAL IMPACT:

The funding level has remained relatively unchanged from previous years and there will not be any changes in the current staffing FTE.

3. SUGGESTED ACTION(S)/MOTION(S):

Following review per county counsel, I would request that the BOC review, approve and sign the agreement document.

Attach additional background documentation as needed.

Roberta Lutcher

From: Sheree Smith
Sent: Tuesday, November 26, 2019 10:46 PM
To: Roberta Lutcher; Darrell Green; Kate Knop
Subject: FW: Amendment 1 to Subaward 1015198_MORROW
Attachments: 1015198_MORROW_AMND1.docx; 1015198_MORROW_AMND1_ATTCH5.1.pdf; Cover Sheet BOC Doc 1015198 Amnd-1.pdf

Roberta, Darrell and Kate,

Forgive me as I intended to "cc" you all to the email when I sent it to Justin.

Thank You,
Sheree Smith RN

Public Health Director
Morrow County Health Dept.

From: Sheree Smith
Sent: Tuesday, November 26, 2019 10:31 PM
To: Justin Nelson (jnelson@co.morrow.or.us) <jnelson@co.morrow.or.us>
Subject: FW: Amendment 1 to Subaward 1015198_MORROW

Justin,

We literally just got the OHSU (CaCoon) Agreement signed for FY 2019 – 2024 and we have already received the Amendment for FY 2020 in need of review and signature!

This document is the OHSU Subaward Amendment #1 for CaCoon home visiting services for children with special healthcare needs. The current Budget period is 10/01/2019 - 09/30/2020 and the funding award for this year is \$9,560 per attachment 5.1, Statement of Work and is the first amendment to the previous agreement signed a few weeks ago.

Attachment #5.1 Statement of work includes: Part I Introduction, Part II CaCoon - Scope of work and Part III Share Plan of Care (SPOC) - Scope of work with at least 70% of contracted funds directed toward the implementation of Shared Plans of Care (SPOC).

I am requesting the document be reviewed and approved by next Friday 12/06/19 for inclusion on the BOC Agenda the following Wednesday on 12/11/19.

Please let me know if you have any questions.

Thank You,
Sheree Smith RN

Public Health Director
Morrow County Health Dept.

From: Jen Michaud [<mailto:michauj@ohsu.edu>]
Sent: Monday, November 25, 2019 12:22 PM
To: Sheree Smith <ssmith@co.morrow.or.us>; Kate Knop <kknop@co.morrow.or.us>

Cc: SAT Pre Award <SATPreAward@ohsu.edu>; Brittany Tagliaferro-Lucas <tagliafe@ohsu.edu>; Ben Hoffman <hoffmanb@ohsu.edu>

Subject: Amendment 1 to Subaward 1015198_MORROW

STOP and VERIFY - This message came from outside of Morrow County Government.

Sheree/Kate,

Please review the attached Amendment 1 to Subaward 1015198_MORROW, have signed by an authorized official, and return a PDF to me for execution.

Let me know if you have questions.

Best,
Jen

Jen Michaud, Subout Grants & Contracts Administrator
Office of Proposal & Award Management
Oregon Health & Science University
3181 SW Sam Jackson Park Road, L106OPAM
Portland, OR 97239-3098
503.494.2379
michauj@ohsu.edu

Research Subaward Agreement Amendment Number 1			
Pass-through Entity (PTE)		Subrecipient	
Institution/Organization ("PTE") Entity Name: Oregon Health & Science University Email Address: spasub@ohsu.edu Principal Investigator: Benjamin Hoffman		Institution/Organization ("Subrecipient") Entity Name: Morrow County Health Department Email Address: ssmith@co.morrow.or.us Principal Investigator: Sheree Smith	
Project Title: Title V: Maternal & Child Services			
PTE Federal Award No. B04MC31511		Federal Awarding Agency: HRSA	
Subaward Period of Performance: Start Date: 10/01/2018 End Date: 09/30/2020		Amount Funded This Action: \$9,560	Subaward No: 1015198_MORROW
Effective Date of Amendment: 10/01/2019	Total Amount of Federal Funds Obligated to Date: \$18,752	Subject to FFATA: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Automatic Carryover: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Amendment(s) to Original Terms and Conditions

This Amendment revised the above-referenced Research Subaward Agreement as follows:

The Period of Performance is hereby extended through 09/30/2020.

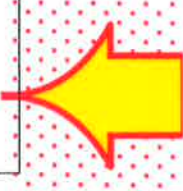
The Current Budget Period is from 10/01/2019 through 09/30/2020.

Funds for the Current Budget Period are hereby awarded in the amount of \$9,560 per Attachment 5.1, Payment Schedule (1 page).

The Statement of Work for the Current Budget Period is hereby included as Attachment 5.1, Statement of Work (18 pages).

All other terms and conditions of this Subaward Agreement remain in full force and effect.

By an Authorized Official of PTE _____ Date: _____ Jen Michaud Subout Grants & Contracts Administrator	By an Authorized Official of Subrecipient _____ Date: _____ Name: Title:
---	---



**Oregon Center for Children and Youth with Special Health Needs
Title V CYSHCN
Attachment A – Scope of Work**

Part I - Introduction

Mission:

The Oregon Center for Children and Youth with Special Health Needs (OCCYSHN) improves the health, development, and well-being of all of Oregon's children and youth with special health care needs.

Vision:

All of Oregon's children and youth with special health care needs are supported by a system of care that is family-centered, community-based, coordinated, accessible, comprehensive, continuous, and culturally competent.

2015-2020 Oregon Title V CYSHCN - National and State Priorities:

- Medical Home
- Health Care Transition (Transition to Adult Health Care)
- Culturally and Linguistically Appropriate Services (CLAS)

Population of Focus – children and youth with special health care needs (CYSHCN):

“Children with special health needs are those who have or are at risk for a chronic physical, developmental, behavioral or emotional condition and who also require health and related services of a type or amount beyond that required by children generally. (McPherson, et al., 1998, p. 138).”

Contract Goals:

- Increase capacity of the workforce to support OCCYSHN's mission and vision.
- Contribute to Oregon meeting the Title V CYSHCN national and state priority measures.

Sub-contractor Responsibilities General:

- Sub-contractor will ensure that all deliverables outlined within the subsequent scope of work documents are completed by the end of the contract period and that ALL participation requirements have been met.
- In order to receive payment sub-contractor will submit invoices to OHSU as outlined in Attachment D.
- Final Invoices must include “Certificate of Completion” language.
 - Final Invoice template will be provided by OCCYSHN*.
- Sub-contractor will submit an expenditure report at the end of the contracting period.
 - Financial reporting template will be provided by OCCYSHN*.
- Sub-contractor will submit a Final Invention Statement at the end of the contracting period.
 - Invention Statement form will be provided by OCCYSHN*.

**A year end packet with templates/forms will go out separately from the contract documents.*

Part II - CaCoon – Scope of Work

Up to 30 percent of county's contracted funds must be directed toward the CaCoon program.

Please see Attachment D for breakdown of activities and payments for your local health department (LHD).

Contract Goals:

- Increase families' knowledge, skills, and confidence in caring for children and youth with special health care needs (CYSHCN) through CaCoon home visiting.
- CaCoon focuses on community-based care coordination. Services are provided by LHD-employed registered nurses, and delivered primarily through home visiting.

CaCoon Program Eligibility

- **Age Eligibility:** CaCoon serves children and youth ages birth to 21st birthday.
- **Diagnostic eligibility:** The "B Codes" of the Oregon Child Health Information Data System (ORCHIDS) outline diagnostic eligibility or Targeted Case Management (TCM) diagnostic/condition eligibility as outlined in OAR 410-138-004.
- **Financial Eligibility:** CaCoon is open to all children regardless of insurance status or family income.

Subcontractor Responsibilities (CaCoon Standards):

1. The Subcontractor establishes and maintains a triage system for home visiting that prioritizes the most vulnerable children and youth with special health care needs for CaCoon services.
2. When the subcontractor is unable to provide home visiting services for a child who has been referred, the Subcontractor will, at a minimum...
 - i. Notify the referring entity that Subcontractor is unable to provide services and provide rationale AND
 - ii. Refer the child/family to...
 - primary care (specifically a Patient-Centered Primary Care Home, when available).
 - appropriate educational services
 - a family-support program (such as the Oregon Family to Family Health Information Center).
3. The Subcontractor assures timely contact with CaCoon home-visiting referrals. At a minimum, initial outreach is implemented within ten (10) business days of receiving referral. Initial outreach may be by telephone or other means.
4. All nurses serving CaCoon clients collaborate with the child's health care team to assure that the following assessments are completed for each child/family on the CaCoon caseload:
 - Assessment of child/family's strengths, needs, and goals.

- Assessment of child/family's health-related learning needs.
 - Assessment of child's functional status and limitations, including ability to attend school and school activities.
 - Early and continuous screening for special health care needs including physical, developmental, mental health, and oral health assessments as recommended by the American Academy of Pediatrics.¹
 - Assessment of access to child's health care team members as well as social supports.²
 - Assessment of access to supportive medical and/or adaptive equipment and supplies, *e.g.*, suction machine, wheelchair, medications, formula, feeding tube.
 - Assessment of family financial burden related to care of child with special health care needs.
 - Assessment of housing and environmental safety.
 - Assessment of emergency preparedness.
 - Assessment of preparedness for youth transition to adult health care, work, and independence, if appropriate to age.
 - Assessment of child/family satisfaction regarding services they receive.
5. In partnership with the child/family and the broader health care team, nurses serving CaCoon clients develop the nursing care plan which:
- Is based in, and responsive to accurate and appropriate assessments (see number 4 above).
 - Includes goals, progress notes, and a plan for discharge from CaCoon services.
 - Demonstrates evidence of nursing support to increase child/family engagement with primary care; specifically, a Patient-Centered Primary Care Home when available.
 - Demonstrates evidence of effective coordination with the primary care physician and specialty providers as well as the broader health care team. Coordination includes:
 - Timely and appropriate referral to needed services.
 - Identification and problem-solving around barriers to referral follow-up.
 - Identification and elimination of redundancy of services.
 - Promotion of a shared and actionable plan of care that speaks to the continuum of child/family experience with health care and related systems.
 - Timely, informative, and concise updates that are shared with appropriate members of the health care team, including the primary care provider and the family.
 - Demonstrates evidence of child/family-centeredness, including:

- Strategies to increase the child/family’s capacity to obtain, process, and understand health information to make informed decisions about health care
 - Evidence of child/family partnership in developing the plan of care
 - Evidence of interventions that increase the child/family’s capacity to implement the plan of care, *e.g.* caregiver support, teaching, and provision of anticipatory guidance.
 - Cultural and linguistic appropriateness.
- Provides for nurse visits that are sufficient in frequency and length to achieve the goals outlined in the care plan.
 - Anticipates and supports youth transition to adult health care, work, and independence.
 - Is re-evaluated as required with changing circumstances, but no less frequently than every six (6) months.
6. Encounter data for every CaCoon visit is entered into the Oregon Health Authority’s information management system (either the ORCHIDS database or “Tracking Home-visiting Effectiveness in Oregon” - THEO when it is brought online).
 7. Each CaCoon nurse and supervisor actively participates in educational opportunities that support continuous improvement of his/her CaCoon practice. At a minimum, when beginning his/her CaCoon practice, each CaCoon nurse completes the “Introduction to CaCoon” posted on the OCCYSHN website.
 8. The subcontractor’s Principal Investigator (PI) is responsible for compliance with the subcontract. PI may designate a different person to serve as CaCoon Lead as key point of contact with the OCCYSHN staff. The CaCoon Lead will submit the Annual CaCoon Accountability Report which is due to OCCYSHN by September 1, 2018.

¹American Academy of Pediatrics “Bright Futures” - Recommendations for Preventive Pediatric Health Care - Periodicity Schedule. <https://www.aap.org/en-us/professional-resources/practice-support/Pages/PeriodicitySchedule.aspx>

² In addition to the primary care provider and the family, the broader health care team for CYSHCN might include:

- ✓ Child care and/or respite care
- ✓ Children’s Intensive In-home Services
- ✓ Community-based family support organizations
- ✓ Community Developmental Disabilities (DD) Programs (CDDP)
- ✓ Dentist/Orthodontist
- ✓ Department of Human Services – Child welfare
- ✓ Durable medical equipment agency
- ✓ Early Intervention/ Early Childhood Special Education (EI/ECSE)
- ✓ Emergency medical services
- ✓ Exceptional Needs Care Coordinator (ENCC) at the Coordinated Care Organization (CCO)
- ✓ Oregon Family to Family Health Information Center (OR F2F HIC)
- ✓ Housing supports
- ✓ Medical specialists
- ✓ Mental health services
- ✓ Occupational therapy

- ✓ Pharmacy
- ✓ Physical therapy
- ✓ School systems, including special education
- ✓ Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- ✓ Speech therapy
- ✓ Supplemental Security Income (SSI)
- ✓ Transportation supports

Part III - Shared Plans of Care (SPOC) – Scope of Work

At least 70 percent of county's contracted funds must be directed toward the development and implementation of Shared Plans of Care (SPOC). Please see Attachment D for breakdown of activities and payments for your LHD.

Contract Goals:

- Increase effective and efficient use of the health care system, with focus on the National and State Priority Measures, through development and implementation of Shared Plans of Care (SPOC) for selected CYSHCN.
- Enhance communication and accountability between families of referred children and youth with special health care needs (CYSHCN) and their key providers and service system representatives.

Subcontractor Responsibilities:

1. The Subcontractor's Principal Investigator (PI) is responsible for compliance with the subcontract. PI may designate a different person to serve as SPOC Lead as key point of contact with the OCCYSHN staff.
2. Convene SPOC meetings and communicate with SPOC team members as needed to ensure effective meetings and ongoing care coordination.
3. Engage partner agencies, at the system level, as needed to support the work.
4. The content described in the OCCYSHN-provided SPOC Template, as supported by the SPOC Handbook, is required. (Note that fidelity to formatting of the SPOC Template is not a requirement). (<http://www.ohsu.edu/xd/outreach/occyshn/programs-projects/SPoC.cfm>)
5. The SPOC Team will jointly develop SPOCs in real time. Virtual attendance at meetings may be allowable if all legal and access conditions are met.
6. Include, at a minimum, representatives from the following sectors:
 - i. family member or youth,
 - ii. Medical Home primary care provider or designee,
 - iii. appropriate education system representative,
 - iv. mental/behavioral health provider (if applicable),
 - v. public health professional, and
 - vi. payor.

7. Ensure fidelity to the SPOC process as described in the SPOC Handbook (<http://www.ohsu.edu/xd/outreach/occyshn/programs-projects/SPoC.cfm>)
8. Conduct the total number of required SPOC (numbers vary per LHD). Please see Attachment D for a breakdown of your LHD's activities and payments.
 - 60% of required SPOC are 6-month re-evaluations. Re-evaluations should follow the SPOC process.
 - 40% of required SPOC must be for newly-identified CYSHCN (i.e. initiation of a SPOC for a client who does not have one).
 - Approximately 20% of total SPOC must address **transition** to adult health care for a child 12 years up to their 21st birthday. Please see Attachment D for breakdown of activities.
 - At least 40% of total SPOC must address the needs of a child with a **complex** condition. Please see Attachment D for breakdown of activities and Attachment E for Memorandum with Definition of Complex for SPOC.
 - The transition-focused and complex requirements are not mutually exclusive. That is, a SPOC may serve a CYSHCN who is both transition-focused AND complex. In this case, the SPOC would count toward both the transition requirements AND the complex requirements.
9. Ensure:
 - all appropriate releases of information are signed;
 - participation in monthly OCCYSHN-facilitated technical assistance webinars; and
 - participation in annual SPOC Regional Meetings facilitated by OCCYSHN.
10. Participate in evaluation activities required by OCCYSHN:
 - submit SPOC Information Forms for each SPOC initiated or re-evaluated;
 - offer Study Interest Form to every family and return all completed forms to OCCYSHN;
 - complete a Year-end Report via REDCap or email.

Attachment B

Use of Allotment Funds [Section 504]

The SUBAWARDEE may use funds paid to it for the provision of health services and related activities (including planning, administration, education, and evaluation) consistent with its application. It may also purchase technical assistance if the assistance is required in implementing programs funded by Title V.

Funds may be used to purchase technical assistance from public or private entities if required to develop, implement, or administer the MCH Block Grant.

Funds may be used for salaries and other related expenses of National Health Services Corps personnel assigned to the State.

Funds may not be used for cash payments to intended recipients of health services or for purchase of land, buildings, or major medical equipment.
Other restrictions apply.

Funds may not be used to make cash payments to intended recipients of services.

Funds may not be provided for research or training to any entity other than a public or non-profit private entity.

Funds may not be used for inpatient services, other than for children with special health care needs or high-risk pregnant women and infants or other inpatient services approved by the Associate Administrator for Maternal and Child Health. Infants are defined as persons less than one year of age.

Funds may not be used to make payments for any item or service) other than an emergency item or service) furnished by an individual or entity excluded under Titles V, XVIII (Medicare), XIX (Medicaid), or XX (Social Services Block Grant) of the Social Security Act.

MCH Block Grant funds may not be transferred to other block grant programs.

Babies First and CaCoon Risk Factors (A Codes and B Codes)

Babies First! (Birth through 4 years of age)	CaCoon (Birth through 20 years of age)
Medical Risk Factors	Diagnoses
A1. Drug exposed infant (See A29)	B1. Heart disease
A2. Infant HIV positive	B2. Chronic orthopedic disorders
A3. Maternal PKU or HIV positive	B3. Neuromotor disorders including cerebral palsy & brachial nerve palsy
A4. Intracranial hemorrhage (excludes Very High Risk Factor B16)	B4. Cleft lip and palate & other congenital defects of the head and face
A5. Seizures (excludes VHR Factor B18) or maternal history of seizures	B5. Genetic disorders (i.e., cystic fibrosis)
A6. Perinatal asphyxia	B6. Multiple minor physical anomalies
A7. Small for gestational age	B7. Metabolic disorders
A8. Very low birth weight (1500 grams or less)	B8. Spina bifida
A9. Mechanical ventilation for 72 hours or more prior to discharge	B9. Hydrocephalus or persistent ventriculomegaly
A10. Neonatal hyperbilirubinemia	B10. Microcephaly & other congenital or acquired defects of the CNS including craniosynostosis
A11. Congenital infection (TORCH)	B12. Organic speech disorders (dysarthria/dyspraxia)
A12. Central nervous system infection (e.g., meningitis)	B13. Hearing loss
A13. Head trauma or near drowning: monitoring change	B23. Traumatic brain injury
A14. Failure to grow	B24. Fetal Alcohol Spectrum Disorder
A16. Suspect vision impairment: monitoring change	B25. Autism, Autism Spectrum Disorder
A18. Family history of childhood onset hearing loss	B26. Behavioral or mental health disorder with developmental delay
A24. Prematurity	B28. Chromosome disorders (e.g., Down syndrome)
A25. Lead exposure	B29. Positive newborn blood screen
A26. Suspect hearing impairment: newborn hearing screen REFER	B30. HIV, seropositive conversion
A29. Alcohol exposed infant	B31. Visual impairment
Social Risk Factors	Very High Risk Medical Factors
A19. Maternal age 16 years or less	B16. Intraventricular hemorrhage (grade III, IV) or cystic periventricular leukomalacia (PVL) or chronic subdurals
A21. Parental alcohol or substance abuse	B17. Perinatal asphyxia <u>accompanied by</u> seizures
A22. At-risk caregiver	B18. Seizure disorder
A23. Concern of parent/provider	B19. Oral-motor dysfunction requiring specialized feeding program (gastrostomies and/or failure to grow, both organic and non-organic)
A28. Parent with history of mental illness	B20. Chronic lung disease (e.g., on oxygen, infants with tracheostomies)
A30. Parent with developmental disability	B21. Suspect neuromuscular disorder including abnormal neuromotor exam at NICU discharge
A31. Parent with Child Welfare history	
A32. Parent with domestic violence history	Developmental Risk Factors
A33. Parent with limited financial resources	B22. Developmental delay
A34. Parent with sensory impairment or physical disability	
A35. Parent with inadequate knowledge and supports	Other
A36. Other evidence-based social risk factor	B90. Other chronic conditions not listed
Other	
X99. Child is not being enrolled in High Risk Infant Tracking protocol	
X00. Change in X99 status to enrollment in High Risk Infant Screening Protocol	

Babies First Risk Factor Definitions

Babies First!		
Medical Risk Factors		
A1.	Drug exposed infant (See A29)	Documented history of maternal drug use or infant with positive drug screen at birth
A2.	Infant HIV Positive	Infant tested positive at birth or after 1 year of age
A3.	Maternal PKU or HIV Positive	Maternal history of PKU or mother tested positive HIV virus
A4.	Intracranial hemorrhage (excludes Very High Risk Factor B16)	Subdural, subarachnoid, intracerebral, or intraventricular hemorrhage, Grade I or II. Excludes Grade III or IV hemorrhage, or other factors listed in B16.
A5.	Seizures (excludes Very High Risk Factor B18) or maternal history of seizures	History of seizure disorder in mother. Seizures not requiring medical intervention (i.e., febrile seizures). Excludes factors in B18.
A6.	Perinatal asphyxia	Perinatal asphyxia (includes one or more of the following: 5 minute Apgar score of 4 or less, no spontaneous respiration until 10 minutes of age, hypotonia persisting to 2 hours of age, or renal failure & other medical complications of asphyxia).
A7.	Small for gestational age	Birth weight below 10 th percentile for gestational age
A8.	Very low birth weight	Birth weight 1500 grams or less
A9.	Mechanical ventilation	For 72 hours prior to hospital discharge
A10.	Neonatal hyperbilirubinemia	Requiring treatment with exchange transfusion
A11.	Congenital infection (TORCH)	Toxoplasmosis/ <i>Toxoplasma gondii</i> , other infections (hepatitis B, syphilis, varicella-zoster virus, HIV, and parvovirus), rubella, cytomegalovirus, herpes simplex virus
A12.	Central nervous system (CNS) infection	Includes bacterial meningitis, herpes, or viral encephalitis/meningitis with no sequel.
A13.	Head trauma or near drowning: monitoring for change	Head trauma with loss of consciousness, needs monitoring
A14.	Failure to grow	Failure to grow. Unknown etiology needs persistent referral for medical work-up and ongoing monitoring for change.
A16.	Suspect vision impairment: monitoring for change	Inability to visually fix or track per vision screen

Babies First!		
Medical Risk Factors		
A18.	Family history of childhood hearing loss	Family member is a blood relative and loss is not associated with injury, accident or other non-genetic problem.
A24.	Prematurity	Infant born before completion of 37 weeks gestation, regardless of birth weight. For Babies First program, also includes low birth weight infants, birth weight less than 2500 grams.
A25.	Lead exposure	Blood lead levels >10µg/dL
A26.	Suspect hearing impairment: newborn hearing screen REFER	Newborn hearing screening status REFER, needs further assessment and monitoring.
A29.	Alcohol exposed infant	Heavy and/or Binge Drinking <u>at any time during pregnancy</u> . Heavy Drinking is more than one alcoholic drink per day on average. Binge Drinking is 4 alcoholic drinks or more in one sitting. Often Heavy Drinking also includes Binge Drinking. However, both do not have to have occurred during the pregnancy to use this risk code.

Babies First!		
Social Risk Factors		
A19.	Maternal age 16 years or less	Mother was 16 years or less at time of delivery.
A21.	Parental alcohol or substance abuse	Known or suspected abuse of substances
A22.	At-risk caregiver	Suspect caregiver/child interaction, incarcerated parent, no prenatal care
A23.	Concern of parent or provider	Any other concern related to infant growth, physical or emotional health, or development.
A28.	Parent with history of mental illness	Parent reports or has current symptoms of mental health problems.
A30.	Parent with developmental disability (DD)	Parent has a disability that is likely to continue, and significantly impact adaptive behavior. DD includes mental retardation, autism, cerebral palsy, epilepsy, or other neurological disabling conditions that require training or support similar to that required by individuals with intellectual disabilities.
A31.	Parent with Child Welfare history	Parent has a history of being abused and/or neglected as a child, or a history of abusing or neglecting a child.

Babies First!		
Social Risk Factors		
A32.	Parent with domestic violence history	Parent is impacted by current or past history of domestic violence: a pattern of assaultive and/or coercive behaviors including physical, sexual, and psychological attacks, as well as economic coercion, that adults or adolescents use against their domestic or intimate partners.
A33.	Parent with limited financial resources	Inadequate financial resources. Struggles to provide basic needs: food, clothing, shelter, utilities.
A34.	Parent with sensory impairment or physical disability	Sensory impairment or incapacitating physical disability.
A35.	Parent with inadequate knowledge and supports	Parent has inadequate knowledge and abilities related to basic infant care, and has inadequate social support and limited coping abilities.
A36.	Other evidence-based social risk factor	Other social risk factor, established through research, is associated with poor child health outcomes.

Babies First!		
Other Risk Factors		
X99.	Child is not being enrolled in High Risk Infant Tracking protocol	<p>The client is not being enrolled in the HRI (High Risk Infant) tracking protocol. The nurse does not intend to follow or monitor the client for growth and development, according to the protocol listed in the Babies First! Manual. This could be a client who is seen once or twice for breastfeeding support, or for an initial assessment that indicated the client did not need HRI follow-up.</p> <p>Client must be enrolled in Babies First, NFP, or CaCoon if TCM billing occurs.</p>
X00.	Change in X99 status to enrollment in High Risk Infant Screening Protocol	If a child was originally determined to fit into the X99 category and then the nurse later determines she will enroll the child in the HRI protocol, then the code X00 is added to the eligibility criteria.

CaCoon Risk Factor Definitions

CaCoon Diagnoses		
B1.	Heart disease	Congenital or acquired heart disease or arrhythmias
B2.	Chronic orthopedic disorders	Congenital or acquired, chronic or recurrent orthopedic problems, e.g., club feet, congenital hip dislocation, juvenile rheumatoid arthritis and growth disorders
B3.	Neuromotor disorders including cerebral palsy & brachial nerve palsy	Static neuromotor disorder, including cerebral palsy and brachial nerve palsy (congenital or acquired); primary muscle disease; and movement disorders
B4.	Cleft lip and palate & other congenital defects of the head & face	Cleft lip and/or palate, submucousal cleft palate or congenital/acquired velopharyngeal incompetence. Anomalies of the face or cranium that are sufficient to interfere with function or to significantly alter appearance. Examples of syndromes which typically fit these criteria: Crouzon; Apert's; Goldenhaar's, Microtia/atresia.
B5.	Genetic disorders (i.e., cystic fibrosis)	Any condition that can be inherited including single gene disorders and chromosome abnormalities
B6.	Multiple minor physical anomalies	Multiple minor anomalies, one or more major anomalies, or a combination of minor and major anomalies.
B7.	Metabolic disorders	Inborn errors of metabolism including amino acid disorders (e.g. PKU), fatty acid oxidation disorders, organic acid disorders, storage disorders, galactosemia, vitamin D deficient rickets.
B8.	Spina bifida	Neural tube defects including myelomeningocele, spinal cord and peripheral nerve injury
B9.	Hydrocephalus or persistent ventriculomegaly	Congenital or acquired dilatation of the cerebral ventricles
B10.	Microcephaly & other congenital or acquired defects of the CNS including craniosynostosis	Congenital small head size; brain injury acquired by postnatal neurological insult (i.e., vascular accident, shaken baby syndrome, CNS tumor or toxin, or head trauma)
B12.	Organic speech and language disorders (dysarthria/dyspraxia, only oral motor dysfunction, dysphasia)	Disorders resulting from congenital or acquired deficits involving neuromotor, structural, oral systems

CaCoon Diagnoses		
B13.	Hearing loss	As confirmed by diagnostic evaluation
B23.	Traumatic brain injury	An injury to the brain by an external physical force or event, resulting in the impairment of one or more of the following areas: speech, memory, attention, reasoning, judgment, problem solving, motor abilities, and psychosocial behavior
B24.	Fetal Alcohol Spectrum Disorder	A pattern of physical features and developmental delay that occurs in children whose mother consumed alcohol during pregnancy
B25.	Autism, Autism Spectrum Disorder	Confirmed diagnosis of developmental disorder affecting communication, understanding language, play, and interaction with others, often with stereotypical behaviors. E.g., Autism with Mental Retardation, High Functioning Autism, Pervasive Developmental Disability, Asperger's Syndrome.
B26.	Behavioral or mental health disorder with developmental delay	Confirmed diagnosis of extreme or unacceptable chronic behavior problems or maladaptive behavior; or medical diagnosis of mental health disorder. Either condition must also have developmental delay. Not for children with ONLY mental health disorders. Examples of individuals who qualify: a three year old who can no longer attend day care because of aggressive behavior and whose language is delayed but without signs of autism; a child diagnosed with OCD and cognitive impairment; a child whose parents are considering out of home placement who also qualifies for special education.
B28.	Chromosome disorders, e.g., Down syndrome	Any chromosome disorder, including trisomies, monosomies, deletions, duplications or rearrangements.
B29.	Positive newborn blood screen	Positive newborn screening blood test or confirmed condition detected by newborn screening.
B30.	HIV, seropositive conversion	Infant/child without maternal antibodies, producing own HIV antibodies.
B31.	Visual impairment	Inability to visually track or fix, medical diagnosis of visual impairment requiring educational accommodation.

CaCoon		
Very High Risk Medical Factors		
B16.	Intraventricular hemorrhage (Grade III, IV) or cystic periventricular leukomalacia (PVL) or chronic subdurals	Intracranial hemorrhage usually occurring due to anoxia, birth trauma, or disturbances in neonatal circulation
B17.	Perinatal asphyxia <u>accompanied by</u> seizures	Perinatal asphyxia accompanied by seizures resulting from the anoxic event (asphyxia includes one or more of the following: 5 minute Apgar score of 4 or less, no spontaneous respiration until 10 minutes of age, hypotonia persisting to 2 hours of age, or renal failure & other medical complications of asphyxia)
B18.	Seizure disorder	Seizures requiring medical intervention and where family needs assistance accessing medical and/or other services
B19.	Oral-motor dysfunction requiring specialized feeding program (gastrostomies) and/or failure to grow, both organic and non-organic	Difficulty coordinating suck/swallow/breathing; reflux; inadequate suck, lip closure (around bottle, cup, or spoon), poor tongue motion, no tongue laterization, no munching or chewing in older children, organic and non-organic Failure To Thrive
B20.	Chronic lung disease (e.g., on oxygen, infants with tracheostomies)	Respiratory distress syndrome, transient tachypnea of the newborn, meconium aspiration syndrome, bronchiopulmonary dysplasia, trachent malacia, hypoplastic lung disease, cystic hygroma, near drowning
B21.	Suspect neuromuscular disorder	Abnormal motor screen or abnormal exam at NICU discharge, or test results that are suggestive of cerebral palsy or other neuromotor disorders

CaCoon		
Developmental Risk Factors		
B22.	Developmental Delay	Below average performance, including delays in cognitive, motor, communication and/or social skills; abnormal developmental screening results on a standardized developmental test, including children with behavioral concerns related to their delays.

CaCoon Other		
B90.	Other chronic conditions not listed	Other chronic health conditions, especially where family needs significant assistance accessing medical or other needed services.

**Morrow County Health Department
FY20 Activity Breakdown and Payment Schedule**

Morrow County Health Department shall complete the following:

CaCoon Activities At most 30%	SPOC Activities At most 70%	Total Subcontract 100%
\$2,516.00	\$7,044.00	\$9,560.00

With your SPOC activities, you agree to complete the following number of SPOC in the following categories (see Attachment A Part III (SPOC scope of work) and Attachment E for definitions of complex and further details)

2	Re-evaluation
1	New
3	Total SPOC

Each SPoC developed will serve a unique child or youth and their family.

Of the total SPOC to be completed:
 a minimum of 1 must be Complex SPOCs; and
 a minimum of 1 must be Transition-Focused SPOCs

Note: The transition-focused and complex requirements are not mutually exclusive. That is, a SPOC may serve a CYSHCN who is both transition-focused AND complex. In this case, the SPOC would count toward both your transition-focused requirements AND your complex requirements.

This subcontract will be paid in two installments on the following schedule:

	Direct Costs	Indirect Costs	Total Costs
LHD to invoice OHSU an initial 60% as soon as subcontract is fully executed	\$5,215	\$521	\$5,736
LHD to invoice OHSU the FINAL 40% after LHD has submitted all required deliverables	\$3,476	\$348	\$3,824
Total Funding	\$8,691	\$869	\$9,560



January 19, 2017

ATTACHMENT E

MEMORANDUM

TO: OCCYSHN Local Public Health Partners

FROM: OCCYSHN SPOC Implementation Team

RE: Definition of Complex for SPOC

Institute on Development & Disability

Oregon Center for Children & Youth with Special Health Needs (OCCYSHN)

Mail code CDRC
707 SW Gaines Street
Portland, OR 97239
tel 503-494-8303
toll free 1-877-307-7070
fax 503-494-2755
occyshn@ohsu.edu
www.occyshn.org

Children and youth with special health care needs (CYSHCN) are "those who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition, and who also require health and related services of a type or amount beyond that required by children generally" (McPherson et al., 1998).

For the purposes of county SPOC implementation, CYSHCN may be identified as complex if they have (a) medically complex conditions or (b) have both a health condition(s) and social complexity(ies).

• CYSHCN with medical complexity "have multiple significant chronic health problems that affect multiple organ systems and result in functional limitations, high health care need or utilization, and often the need for or use of medical technology" (Kuo & Houtrow, 2016, p. e1).

i. Examples

• A child with a genetic syndrome with an associated congenital heart defect, difficulty with swallowing, cerebral palsy, and a urologic condition. The child requires the care of a primary care physician, pediatric subspecialists, home nurses, rehabilitative and habilitative therapists, community-based services, pharmaceutical therapies, special nutritional attention, and durable medical equipment.

• A child with a chronic neurodevelopmental disability in need of assistance with medical equipment, such as a tracheostomy and gastrostomy tubes.

ii. Functional limitations are restrictions in the child's ability to do the things typically developing children of the same age can do in their daily lives. The limitations may be permanent or temporary. Examples include inability to perform tasks like dressing or walking or unable to participate in life events like attending school. More information is available on functional limitations in the World Health Organization's International Classification of Functioning, Disability, and Health (ICF).

• CYSHCN with social complexity have a physical, developmental, behavioral, or emotional condition and they, or their families, have experienced or currently are experiencing one or more of the following:

- 1. Adolescent exposure to intimate partner violence
2. Child abuse/neglect - child welfare system involvement
3. Child criminal justice involvement
4. Child mental illness
5. Child substance abuse
6. Discontinuous insurance coverage
7. Foreign born parent
8. Foster care
9. Homelessness
10. Low English proficiency
11. Low parent educational attainment
12. Parent criminal justice involvement
13. Parent death
14. Parent domestic violence
15. Parent mental illness
16. Parent physical disability
17. Parent substance abuse
18. Severe poverty (TANF eligible)

Source: Center of Excellence on Quality of Care Measures for Children with Complex Needs, University of Washington & Seattle Children's Research Institute, 2016



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
 (Page 1 of 2)

(For BOC Use)
 Item #
 4d

Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)

Staff Contact: Sheree Smith
 Department: Health
 Short Title of Agenda Item: **OHA Document # 159824-5**

Phone Number (Ext): 5212
 Requested Agenda Date: 12/11/2019

This Item Involves: (Check all that apply for this meeting.)

<input type="checkbox"/> Order or Resolution	<input type="checkbox"/> Appointments
<input type="checkbox"/> Ordinance/Public Hearing:	<input type="checkbox"/> Update on Project/Committee
<input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading	<input type="checkbox"/> Consent Agenda Eligible
<input type="checkbox"/> Public Comment Anticipated:	<input type="checkbox"/> Discussion & Action
Estimated Time:	Estimated Time:
<input type="checkbox"/> Document Recording Required	<input type="checkbox"/> Purchase Pre-Authorization
<input checked="" type="checkbox"/> Contract/Agreement	<input type="checkbox"/> Other

N/A Purchase Pre-Authorizations, Contracts & Agreements

Contractor/Entity: **Oregon Health Authority**
 Contractor/Entity Address: **800 NE Oregon Street, Suite 465B, Portland, Or 97232**
 Effective Dates – From: **07/01/19** Through: **06/30/20**
 Total Contract Amount: **\$268,007 (Add \$2,008)** Budget Line: **101-114-3-30-3450**
 Does the contract amount exceed \$5,000? Yes No

Reviewed By:

Sheree Smith	11/26/19	Department Head	Required for all BOC meetings
	DATE		
<i>[Signature]</i>	12/9/19	Admin. Officer/BOC Office	Required for all BOC meetings
	DATE		
Justin Nelson	Email 12-4-19	County Counsel	*Required for all legal documents
	DATE		
Kate Knop	Email 12-5-19	Finance Office	*Required for all contracts; other items as appropriate.
	DATE		
		Human Resources	*If appropriate
	DATE		

*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Counsel, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

OHA Agreement #159824, Amendment #5 represents an increase in funding of \$2,008 for Program Element #12, Public Health Emergency Preparedness (PHEP) and Response.

The increased award is scholarship funds to support attendance of the PHEP Coordinator at the Oregon Preparedness Conference and/or the Oregon Epidemiology Conf. next spring.

2. FISCAL IMPACT:

The changes in funding will not have any impact on current FTE.

3. SUGGESTED ACTION(S)/MOTION(S):

Following review per county counsel, the BOC needs to review, approve and sign the agreement document.

Attach additional background documentation as needed.

Roberta Lutcher

From: Justin Nelson
Sent: Wednesday, December 04, 2019 1:55 PM
To: Sheree Smith; Kate Knop
Cc: Roberta Lutcher; Darrell Green; Richard Tovey
Subject: RE: 159824-5 LPHA FAA FY20 Document for Signature
Attachments: Cover Sheet BOC 159824-5.pdf; Document Return Statement 159824-5.pdf; 159824-5 FY20 tlh.pdf

I have reviewed and do not have any issues.
-Justin

Justin W. Nelson
Morrow County District Attorney
Morrow County Counsel
100 S. Court St.
P.O. Box 664
Heppner, OR 97836
Office: (541) 676-5626
Fax: (541) 676-5660
Email: jnelson@co.morrow.or.us

From: Sheree Smith
Sent: Tuesday, November 26, 2019 10:47 PM
To: Justin Nelson (jnelson@co.morrow.or.us) <jnelson@co.morrow.or.us>
Cc: Roberta Lutcher <rlutcher@co.morrow.or.us>; Darrell Green (dgreen@co.morrow.or.us) <dgreen@co.morrow.or.us>; Kate Knop (kknop@co.morrow.or.us) <kknop@co.morrow.or.us>
Subject: FW: 159824-5 LPHA FAA FY20 Document for Signature
Importance: High

Justin,

I am forwarding OHA Agreement 159824-5 for your review. This amendment represents an increase in funding of \$2,008 for Program Element #12, Public Health Emergency Preparedness (PHEP) and Response.

The increased award is scholarship funds to support attendance of the PHEP Coordinator at the Oregon Preparedness Conference and/or the Oregon Epidemiology Conf. next spring.

I am requesting the document be reviewed and approved by next Friday 12/06/19 for inclusion on the BOC Agenda the following Wednesday on 12/11/19.

Please let me know if you have any questions.

Thank You,

Sheree Smith RN

Public Health Director
Morrow County Health Dept.

From: HURST Tammy [mailto:Tammy.HURST@dhsosha.state.or.us]
Sent: Tuesday, November 26, 2019 12:06 PM
To: Clark Derrick D <DERRICK.D.CLARK@dhsosha.state.or.us>; Pham Viet-Linh V <VIET-LINH.V.PHAM@dhsosha.state.or.us>; Sheree Smith <ssmith@co.morrow.or.us>; Vickie Turrell <vturrell@co.morrow.or.us>
Subject: 159824-5 LPHA FAA FY20 Document for Signature
Importance: High

STOP and VERIFY - This message came from outside of Morrow County Government.

Greetings,

To ensure timely processing of your document, please reply and confirm receipt of this communication.

Complete and return the following:

1. Signature page (sign and date): **Page # 2**
2. Document Return Statement (attached)

To return, you may scan and email to the contact information below. Please contact me with any questions. After obtaining the appropriate signatures, an executed document will be forwarded for your records.

Thank you, Tammy

Tammy L. Hurst, OCAC, OPBC
Contracts Specialist
Office of Contracts & Procurement (OCP)
tammy.hurst@state.or.us
Phone Tue, Thurs & Fri 10am-4pm: 503-947-5298
Tue, Thurs & Fri 5am-8am: 503-409-4669
Monday and Wednesday 5am-1:30pm: 503-409-4669

OCP is a Shared Service between:



and



CONFIDENTIALITY NOTICE

This email may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this email in error, please advise me immediately by reply email, keep the contents confidential, and immediately delete the message and any attachments from your system.

DOCUMENT RETURN STATEMENT

Please complete the following statement and return with the completed signature page and the Contractor Data and Certification page and/or Contractor Tax Identification Information (CTII) form, if applicable.

If you have any questions or find errors in the above referenced Document, please contact the contract specialist.

Document number: 159824-5 , hereinafter referred to as "Document."

I, _____
Name Title

received a copy of the above referenced Document, between the State of Oregon, acting by and through the Department of Human Services, the Oregon Health Authority, and

Morrow County by email.

Contractor's name

On _____ ,
Date

I signed the electronically transmitted Document without change. I am returning the completed signature page, Contractor Data and Certification page and/or Contractor Tax Identification Information (CTII) form, if applicable, with this Document Return Statement.

Authorizing signature

Date



Please attach this completed form with your signed document(s) and return to the contract specialist via email.

Agreement #159824



**FIFTH AMENDMENT TO OREGON HEALTH AUTHORITY
2019-2021 INTERGOVERNMENTAL AGREEMENT FOR THE
FINANCING OF PUBLIC HEALTH SERVICES**

In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio recordings, Web-based communications and other electronic formats. To request an alternate format, please send an e-mail to dhs-oha.publicationrequest@state.or.us or call 503-378-3486 (voice) or 503-378-3523 (TTY) to arrange for the alternative format.

This Fifth Amendment to Oregon Health Authority 2019-2021 Intergovernmental Agreement for the Financing of Public Health Services, effective July 1, 2019, (as amended the “Agreement”), is between the State of Oregon acting by and through its Oregon Health Authority (“OHA”) and Morrow County (“LPHA”), the entity designated, pursuant to ORS 431.003, as the Local Public Health Authority for Morrow County.

RECITALS

WHEREAS, OHA and LPHA wish to modify the Fiscal Year 2020 (FY20) Financial Assistance Award set forth in Exhibit C of the Agreement.

WHEREAS, OHA and LPHA wish to modify the Exhibit J information required by 2 CFR Subtitle B with guidance at 2 CFR Part 200;

NOW, THEREFORE, in consideration of the premises, covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows

AGREEMENT

- Exhibit A “Definitions”, Section 16 “Program Element” is amended to add Program Element titles and funding source identifiers as follows:

PE NUMBER AND TITLE • SUB-ELEMENT(S)	FUND TYPE	FEDERAL AGENCY/ GRANT TITLE	CFDA#	HIPAA RELATED (Y/N)	SUB- RECIPIENT (Y/N)
PE 12 Public Health Emergency Preparedness Program (PHEP)	FF	CDC/Public Health Emergency Preparedness ASPR/Healthcare Preparedness Program Ebola Preparedness & Response Activities	93.069 93.817	N	Y

- Section 1 of Exhibit C entitled “Financial Assistance Award” of the Agreement for FY20 is hereby superseded and replaced in its entirety by Attachment A attached hereto and incorporated herein by this reference. Attachment A must be read in conjunction with Section 3 of Exhibit C.
- Exhibit J “Information required by 2 CFR Subtitle B with guidance at 2 CFR Part 200” is amended to add to the federal award information datasheet as set forth in Attachment B, attached hereto and incorporated herein by this reference.
- LPHA represents and warrants to OHA that the representations and warranties of LPHA set forth in Section 2 of Exhibit E of the Agreement are true and correct on the date hereof with the same effect as if made on the date hereof.

OHA - 2019-2021 INTERGOVERNMENTAL AGREEMENT - FOR THE FINANCING OF PUBLIC HEALTH SERVICES

- 5. Capitalized words and phrases used but not defined herein shall have the meanings ascribed thereto in the Agreement.
- 6. Except as amended hereby, all terms and conditions of the Agreement remain in full force and effect.
- 7. The parties expressly ratify the Agreement as herein amended.
- 8. This Amendment may be executed in any number of counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.
- 9. This Amendment becomes effective on the date of the last signature below.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates set forth below their respective signatures.

10. Signatures.

By: _____
Name: /for/ Lillian Shirley, BSN, MPH, MPA
Title: Public Health Director
Date: _____

MORROW COUNTY LOCAL PUBLIC HEALTH AUTHORITY

By: _____
Name: _____
Title: _____
Date: _____



DEPARTMENT OF JUSTICE – APPROVED FOR LEGAL SUFFICIENCY

Approved by Steven Marlowe, Senior Assistant Attorney General on July 26, 2019. Copy of emailed approval on file at OHA, OC&P.

REVIEWED BY OHA PUBLIC HEALTH ADMINISTRATION

By: _____
Name: Derrick Clark (or designee)
Title: Program Support Manager
Date: _____

**Attachment A
Financial Assistance Award (FY19)**

State of Oregon Oregon Health Authority Public Health Division			Page 1 of 2	
1) Grantee Name: Morrow County		2) Issue Date November 06, 2019	This Action AMENDMENT FY 2020	
Street: 110 N Court Street City: Heppner State: OR Zip Code: 97836		3) Award Period From July 1, 2019 Through June 30, 2020		
4) OHA Public Health Funds Approved				
Program		Award Balance	Increase/ (Decrease)	New Award Bal
PE01-01	State Support for Public Health	14,354	0	14,354
PE12	Public Health Emergency Preparedness and Response (PHEP)	67,392	2,008	69,400
PE13-01	Tobacco Prevention and Education Prgram (TPEP)	7,500	0	7,500
PE42-03	MCAH Perinatal General Funds & Title XIX	1,908	0	1,908
PE42-04	MCAH Babies First! General Funds	6,103	0	6,103
PE42-06	MCAH General Funds & Title XIX	3,582	0	3,582
PE42-07	MCAH Title V (July-Sept)	4,637	0	4,637
PE42-08	MCAH Title V (Oct-June)	13,910	0	13,910
PE42-09	MCAH Oregon Mothers Care Title V (July-Sept)	773	0	773
PE42-10	MCAH Oregon Mothers Care Title V (Oct-June)	2,318	0	2,318
PE43	Public Health Practice (PHP) - Immunization Services (Vendors)	8,619	0	8,619
PE44-01	SBHC Base	60,000	0	60,000
PE44-02	SBHC - Mental Health Expansion	40,000	0	40,000
PE46-02	RH Community Participation & Assurance of Access (July - Mar)	0	0	0
PE46-03	RH Community Participation & Access (State Funds)	12,001	0	12,001
PE46-04	RH Community Participation & Access Federal Funds (July-Mar)	469	0	469
PE51-01	LPHA Leadership, Governance and Program Implementation	22,433	0	22,433
5) Foot Notes:		265,999	2,008	268,007
PE01-01	1 Initial SFY20: Award is estimated for July 1-September 30, 2019 and will be paid out at 1/3rd. Awards will be amended pending approval of the State budget.			

State of Oregon Oregon Health Authority Public Health Division		Page 2 of 2
1) Grantee Name: Morrow County Street: 110 N Court Street City: Heppner State: OR Zip Code: 97836		2) Issue Date November 06, 2019 3) Award Period From July 1, 2019 Through June 30, 2020
4) OHA Public Health Funds Approved		
Program	Award Balance	Increase/ (Decrease)
New Award Bal		
PE01-01 2	8/2019: SFY20 Award amended for increase for July 1, 2019-June 30, 2020. Previous footnotes are void and replaced by this one.	
PE13-01 1	Initial SFY20: Award is 3 months (July-September 2019) of bridge TPEP funding and will be paid out at 1/3rd	
PE13-01 2	8/2019: Award is 5 months (July-November 2019) of bridge TPEP funding and will be paid out at 1/5th, all previous footnotes are void and replaced by this one.	
PE42-07 1	Initial SFY20: LPHA shall not use more than 10% of the Title V funds awarded for a particular MCAH Service on indirect costs. See PE42 language under 4. a. (3) Funding Limitations for details.	
PE42-08 1	Initial SFY20: LPHA shall not use more than 10% of the Title V funds awarded for a particular MCAH Service on indirect costs. See PE42 language under 4. a. (3) Funding Limitations for details.	
PE42-09 1	Initial SFY20: LPHA shall not use more than 10% of the Title V funds awarded for a particular MCAH Service on indirect costs. See PE42 language under 4. a. (3) Funding Limitations for details.	
PE42-10 1	Initial SFY20: LPHA shall not use more than 10% of the Title V funds awarded for a particular MCAH Service on indirect costs. See PE42 language under 4. a. (3) Funding Limitations for details.	
PE46-03 1	7/2019: Funding is for July 15, 2019 - June 30, 2020	
PE46-04 1	7/2019: Funding for July 1-14, 2019	
PE51-01 1	9/2019: Funding is for period of October 1, 2019-June 30, 2020	
6) Comments: PE12 11/2019: \$2,008 award increase for scholarship funding for Oregon Prepared or OR-Epi PE13-01 8/2019: Amending to add 2 months of funding (total award is now for July-November 2019) PE13-01 10/2019: Amending award to ICAA Tier \$7,500 for SFY20, all previous footnotes and comments are void and replaced by this one PE44-02 7/2019: MH Expansion funding increase PE46-02 7/2019: Reducing award to \$0 and re-allocating award to PE46-03 and PE46-04 PE46-03 7/2019: State Funding for July 15, 2019 – June 30, 2020 PE46-04 7/2019: Federal Funding for July 1 – July 14, 2019 only PE51-01 10/2019: Moving \$2,000 of funds from PE51-01 to NCPHD PE51-02 to support collaborative work		
7) Capital outlay Requested in this Action: Prior approval is required for Capital Outlay. Capital Outlay is defined as an expenditure for equipment with a purchase price in excess of \$5,000 and a life expectancy greater than one year.		
PROGRAM	ITEM DESCRIPTION	COST
PROG APPROV		

Attachment B
Information required by CFR Subtitle B with guidance at 2 CFR Part 200

PE12: Public Health Emergency Preparedness Program
Funding Information Table

Federal Award Identification Number (FAIN):	6NU90TP921916	1 U3REP150534-01-00
Federal Award Date:	5/21/2019	5/22/2015
Performance Period:	07/01/2018-06/30/2020	05/18/2015-05/17/2020
Federal Awarding Agency:	CDC	DHHS/ASPR
CFDA Number:	93.069	93.817
CFDA Name:	Public Health Emergency Preparedness	HPP Ebola Preparedness and Response Activities
Total Federal Award:	\$8,008,993	\$1,283,680
Project Description:	Public Health Emergency Preparedness	HPP Ebola Preparedness and Response
Awarding Official:	Shicann Phillips	Brenda Cox
Indirect Cost Rate:	17.86%	17.45%
Research and Development (Y/N):	No	No

PCA: 53437 53507

INDEX: 50407 50407

Agency/Contractor	DUNS	Amount	Amount	Total FY 2020
Morrow	10741189	\$67,392	\$2,008	\$69,400



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 1 of 2)

(For BOC Use)
Item #
5a

Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)

Staff Contact: Stephanie Case
Department: Planning

Phone Number (Ext): 541-922-4624
Requested Agenda Date: 12-11-2019

Short Title of Agenda Item: Port of Morrow Paterson Ferry Zone Change and Swap
(No acronyms please) Public Hearing

This Item Involves: (Check all that apply for this meeting.)

- Order or Resolution
Ordinance/Public Hearing:
1st Reading 2nd Reading
Public Comment Anticipated:
Estimated Time: < 1 hour
Document Recording Required
Contract/Agreement
Appointments
Update on Project/Committee
Consent Agenda Eligible
Discussion & Action
Estimated Time:
Purchase Pre-Authorization
Other

N/A
Purchase Pre-Authorizations, Contracts & Agreements
Contractor/Entity:
Contractor/Entity Address:
Effective Dates - From: Through:
Total Contract Amount: Budget Line:
Does the contract amount exceed \$5,000? Yes No

Reviewed By:

Stephanie Case 12062019 Department Head Required for all BOC meetings
Darrell Green via email 12-06-2019 Admin. Officer/BOC Office Required for all BOC meetings
Justin Nelson via email 12-06-2019 County Counsel *Required for all legal documents
Finance Office *Required for all contracts; other items as appropriate.
Human Resources *If appropriate

* Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Counsel, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

This Public Hearing is to consider the Port of Morrow request to rezone approximately 89.6 acres of land from General Industrial to Exclusive Farm Use (near Bombing Range Road) and rezone a separate 89.6 acres of land from Exclusive Farm Use to Port Industrial. This action would result in no net change to the industrial land inventory though the conversion of land from Exclusive Farm Use to Port Industrial requires an exception to Statewide Planning Goals 3, 11, and 14. Please see other provided materials for a full discussion of the proposal and the process to date.

Please note for the record:

There was an error in the Planning Commission Findings of Fact. The owner listed on the Findings for the property going from General Industrial to Exclusive Farm Use is listed as Farmland Reserve, Incorporated. It should be listed as follows:

Windy River
1000 Hwy 395 S #423
Hermiston, OR 97838

2. FISCAL IMPACT:

There is no direct fiscal impact to the County.

3. SUGGESTED ACTION(S)/MOTION(S):

At the conclusion of the Public Hearing you have three options: 1) adopt as presented, 2) modify and adopt, or 3) deny. If you adopt as presented you can rely on the Planning Commission findings. If you modify or deny you will need to incorporate findings into your motion in support of that action. The action does come to you with a 'do adopt' recommendation from the Planning Commission.

Attach additional background documentation as needed.



PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

MEMORANDUM

To: Morrow County Board of Commissioner's and Interested Parties
From: Stephanie Case, Interim Planning Director
Date: November 29, 2019
RE: Comprehensive Plan, Comprehensive Map, and Zoning Map Amendments
AC-130-19, ACM-131-19, AZM-132-19
POM Paterson Ferry Zone Change and Swap

This memorandum provides notice and a summary of the Public Hearing scheduled for Wednesday, December 11, 2019, to start shortly after 9:00 a.m. at the Irrigon Branch of the Oregon Trail Library District Community Room in Irrigon, Oregon.

The request by the applicant is to rezone approximately 89.6 acres of land from General Industrial to Exclusive Farm Use and rezone another 89.6 acres of land from Exclusive Farm Use to Port Industrial, resulting in no net change to the industrial land inventory. The conversion of land from Exclusive Farm Use to Port Industrial requires an exception to Statewide Planning Goals 3, 11, and 14 thereby converting the land from resource uses to industrial uses and allowing development at an urban scale.

Attached are the Planning Commission Final Findings of Fact that outlines the request as well as two comment letters received after the Planning Commission hearing. The testimony in favor at the Planning Commission public hearing came on behalf of the applicant from JR Cook, Ryan Neal, and Ron McKinnis. This amendment does come to the Board of Commissioners with a do adopt recommendation from Planning Commission.

The action for the Board of Commissioners is, after the conclusion of the public hearing, to adopt as presented, modify the decision, or deny adoption.

Please contact me if you have any questions at 541-922-4624 or by email at scase@co.morrow.or.us.

**Planning Commission Final Findings of Fact
Comprehensive Plan, Comprehensive Map, and Zoning Map Amendments
AC-130-19, ACM-131-19, AZM-132-19**

REQUEST: Rezone approximately 89.6 acres of land from General Industrial to Exclusive Farm Use and rezone another 89.6 acres of land from Exclusive Farm Use to Port Industrial, resulting in no net change to the industrial land inventory. The conversion of land from Exclusive Farm Use to Port Industrial requires an exception to Statewide Planning Goals 3, 11, and 14 thereby converting the land from resource uses to industrial uses and allowing development at an urban scale.

APPLICANT: Ryan Neal, Executive Director
Port of Morrow
PO Box 200
Boardman, Oregon 97818

LANDOWNER: From General Industrial to Exclusive Farm Use:
Farmland Reserve, Incorporated
79 South Main Street, Suite 1000
Post Office Box 511196
Salt Lake City, Utah 84151

From Exclusive Farm Use to Port Industrial:
Kaizen Holdings, LLC
80702 Paterson Ferry Road
Irrigon, Oregon 97844

PROPERTY DESCRIPTION: From General Industrial to Exclusive Farm Use: A portion of Tax Lot 1700 of Assessors Map 4N 25E (24)

From Exclusive Farm Use to Port Industrial: A portion of Tax lot 100 of Assessor's Map 4N 26E 9

PROPERTY LOCATION: From General Industrial to Exclusive Farm Use: South of the Bombing Rang Road interchange and the West Extension Irrigation District canal, north of the Bombing Range, on the west side of Bombing Range Road

From Exclusive Farm Use to Port Industrial: On the west side of Paterson Ferry Road, north of the Paterson Ferry Interchange and just south of the West Extension Irrigation District canal.

I SUMMARY OF APPLICATION AND PROCESS:

Similar to a process completed in 2010 the Port of Morrow has made application to swap zoning on two different portions of land, removing General Industrial (MG) zoning on 89.6 acres and applying Port Industrial (PI) zoning to a different 89.6 acres. There is no net change to the inventory of industrial land. In reverse the currently zoned MG land

will revert to Exclusive Farm Use (EFU) and the proposed PI land would come out of EFU zoning. Attached and made a part of these Findings is the submitted application and Transportation Impact Analysis.

II SUMMARY OF APPLICABLE CRITERIA

MORROW COUNTY COMPREHENSIVE PLAN: CRITERIA. The following criteria must be considered before approval of an amendment to the Comprehensive Plan is given:

1. **Address the Criteria found in the Morrow County Zoning Ordinance Article 8 Amendments; and**

The Morrow County Zoning Ordinance criteria follow with the necessary analysis.

2. **Show how the request complies with the relevant statewide land use planning Goals. Include evidence of coordination and compliance with State agencies regarding the statewide planning Goals.**

In the application an analysis of the Statewide Planning Goals, Oregon Administrative Rules and Morrow County policies are evaluated starting on page 4 and concluding on page 18. In addition Morrow County submitted the required 35-day notice to the Department of Land Conservation and Development, effectively providing notice to interested parties that follow this type of activity across the state. From this notice inquiry was received concerning this request from 1000 Friends of Oregon.

On Wednesday, October 9, 2019, a meeting was held with the applicant, Windwave, Umatilla Electric Cooperative, Morrow County Public Works and the Oregon Department of Transportation to discuss the delivery of public services and utilities to the parcel proposed to be converted to the Port Industrial use zone. Also discussed were traffic impacts and the submitted Transportation Impact Analysis. Various conditions of approval and development requirements were discussed and will be incorporated later within these findings.

The preliminary Findings of Fact will be distributed to a number of state agencies and interested parties, furthering the required work under Goal 1 and the suggested cooperation.

The Morrow County Comprehensive Plan Criteria asks that an applicant "show how the request complies with the relevant statewide land use planning Goals" and to "include evidence of coordination and compliance with State agencies regarding the statewide planning Goals." Planning staff would find that the applicant has accomplished this within the application and by attendance at a variety of pre-application and review meetings. The application covers statewide land use planning Goals 1 Citizen Involvement, 2 Land Use Planning, 3 Agricultural Lands, 6 Air, Water, and Land Resources Quality, 9 Economic Development, 11 Public Facilities and Services, 12 Transportation, 13 Energy Conservation, and 14 Urbanization. The application also reviews compliance with a variety of Morrow County Comprehensive Plan Policies, the Morrow County Transportation System Plan, and the Morrow County Zoning Ordinance.

Within the application, starting on page 7, the applicant discusses how compliance with the Goal Exception Criteria is achieved. The "reasons" exception is the path used by the

applicant, as the area is currently used for agricultural purposes. The discussion addresses compliance with Oregon Administrative Rule Chapter 660 Divisions 4 and 14, addressing the necessary exceptions to Goals 3, 11 and 14 necessary to convert land currently zoned Exclusive Farm Use to Port Industrial Use, which allows for urban scale development. Planning staff find that the applicants position and statements are consistent with previous actions taken by Morrow County to rezone land for Port Industrial purposes.

As the Morrow County Planning Department processes this application, compliance with many of those statewide land use planning Goals are discussed and compliance is addressed. Property owner notice, publication and the holding of public hearings meets the requirements of Goal 1; the standards applied to this application fulfill the requirements of Goal 2; the taking of the necessary exceptions applies Goals 3, 11 and 14; the review of the economic impacts of this action addresses Goal 9; and a review of the traffic impacts falls under Goal 12. This review complies with the statewide land use planning goals. Planning staff would recommend that the Planning Commission find that to be the case.

If approved the submitted application and Transportation Impact Analysis will be utilized during the adoption process at the conclusion of the necessary hearings in front of the Planning Commission and the Board of Commissioners to support the Planning Commission findings and the adopting Ordinance. The supporting materials will be incorporated into the recently created Exceptions Element of the Comprehensive Plan in support of this action and to be available when the Comprehensive Plan Urbanization Element is further refined, updated and codified.

MORROW COUNTY ZONING ORDINANCE: SECTION 8.040. The proponent of the application or permit has the burden of proving justification for its approval. The more drastic the request or the greater the impact of the application or permit on the neighborhood, area, or county, the greater is the burden on the applicant. The following criteria shall be considered by the Planning Commission in preparing a recommendation and by the County Court in reaching their decision.

A. The local conditions have changed and would warrant a change in the zoning of the subject property(ies).

Local conditions, particularly the growth of the Port of Morrow (POM), continue to drive the need to identify the best locations for industrial expansion. In the early 2000s the POM initiated expansion and development of the East Beach Industrial Park, continuing the growth of POM activities to the east. Then around 2010 the Umatilla Army Depot embarked on the redevelopment of its lands. This proposed location is strategically located south and east of the East Beach and west of the Umatilla Army Depot, creating future linkages for infrastructure and transportation.

B. The public services and facilities are sufficient to support a change in designation including, but not limited to, water availability relevant to both quantity and quality, waste and storm water management, other public services, and streets and roads.

As part of the application process Planning staff engaged a meeting with some of the entities that would have responsibility for providing utilities - power, fiber, water, waste water and process water. All of those present confirmed that they had the ability to

deliver the service they represent to the site. There was discussion about how to manage the various development and installation processes to the site to eliminate, or at least limit, impacts through the development process with a focus on impacts to Paterson Ferry Road. Please see the analysis below for more detail.

1. **Amendments to the zoning ordinance or zone changes which significantly affect a transportation facility shall assure that land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**
 - a. **Limiting allowed land uses to be consistent with the planned function of the transportation facility or roadway;**
 - b. **Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,**
 - c. **Altering land use designations, densities, or design requirements to reduce demand for automobile travel to meet needs through other modes.**

There is an Interchange Area Management Plan (IAMP) for the Paterson Ferry Road Interchange that was adopted in 2014 as part of the Comprehensive Plan and zoning work completed to facilitate the redevelopment of the Umatilla Army Depot. The POM Engineer, Jacob Cain, did complete a Transportation Impact Analysis (TIA) for this zone change as outlined in the Morrow County Transportation System Plan and relative to the Paterson Ferry Road IAMP. That TIA did account for the traffic volume changes along Paterson Ferry Road and at the interchange, concluding that the proposed change in zone and resulting industrial uses would not have an impact that would reduce the Level of Service (LOS) to a level for concern. No or limited changes would be needed to the interchange or the Highway 730 intersection with Paterson Ferry Road. The one change that could be considered that would directly impact the state system would be to require the addition of a left turn lane northbound at the Paterson Ferry Road and Highway 730 intersection. See the Conditions of Approval outlined below.

2. **A plan or land use regulation amendment significantly affects a transportation facility if it:**
 - a. **Changes the functional classification of an existing or planned transportation facility;**
 - b. **Changes standards implementing a functional classification;**
 - c. **Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or**
 - d. **Would reduce the level of service of the facility below the minimal acceptable level identified in the Transportation System Plan.**

There is no evidence that the proposed change in zoning will negatively impact the functioning of Paterson Ferry Road. To protect the function and ensure the safety of the traveling public on Paterson Ferry Road, it was agreed that at the primary point of access for the land subject to the change in zone both a left turn lane northbound and a right turn refuge lane southbound be created. See the Conditions of Approval outlined below.

- C. **That the proposed amendment is consistent with unamended portions of the Comprehensive Plan and supports goals and policies of the Comprehensive Plan, that there is a public need for the proposal, and that the need will be best served by allowing the request. If other areas in the county are designated for a use as requested in the application, then a showing of the necessity for introducing that use into an area not now so zoned and why the owners there should bear the burden, if any, of introducing that zone into their area.**

The POM continues to grow, seeing new development related to both the agricultural economy of Morrow County and a growing tech industry. It is not known at this point what type of industry may occupy the subject property, but it is known that this particular property would be limited in its ability to serve food processing opportunities. That leaves other types of development to consider. If this application is approved, with its incorporated exceptions to Goals 3, 11 and 14 and the associated change in zone, the request would be compliant with both the Comprehensive Plan and Zoning Ordinance. With the submitted Transportation Impact Analysis there is also consistency with the Transportation System Plan and the Paterson Ferry IAMP. This location has value because of its proximity to needed public services - power and utilities as examples - and the transportation system can accommodate the activity with limited improvement.

- D. **The request addresses issues concerned with public health and welfare, if any.**

Throughout the application and these Findings there is discussion of the applicable public facilities and services necessary and their availability to address any public health or welfare concerns.

- III **DLCD 35 DAY NOTICE:** September 23, 2019
- IV **PROPERTY OWNER NOTICE:** October 9, 2019
- V **LEGAL NOTICE:** Heppner Gazette Times and East-Oregonian
October 9, 2019
- VI **AGENCIES NOTIFIED:** Jon Jinnings, Department of Land Conservation and Development; Linda Hayes-Gorman, Oregon Department of Environmental Quality; Jim Johnson, Oregon Department of Agriculture; Teresa Penninger, Don Fine and Jeff Wise, Oregon Department of Transportation; Greg Silbernagel, Oregon Department of Water Resources; Kim Peacher, United States Navy; Stan Hutchison, Oregon Military Department; Matt Scrivner, Morrow County Public Works; Mike Gorman, Morrow County Assessor; Marc Rogelstad and Marty Broadbent, Boardman Rural Fire Protection District; Larry Burns, Irrigon Rural Fire Protection District.
- VII **HEARING DATES:**
Planning Commission
October 29, 2019
Port of Morrow Riverfront Center
Boardman, Oregon

Board of Commissioners (tentatively)
November 13, 2019
Irrigon Branch of the Oregon Trail Library District Community Room
Irrigon, Oregon

IX FINDINGS: The Planning Department recommends that the Planning Commission adopt the following findings as part of their final decision:

- The application process, which included the required 35-day notice to the Department of Land Conservation and Development, complies with the statewide land use planning program and the applicable land use planning goals.
- State Policy embodied in Goal 11 limits urban scale development to areas within Urban Growth Boundaries and the applicant has identified reasons why that state policy should not apply to this application, hence the exception.
- The proposed location is suited for industrial zoning. Public services are available or can be delivered. The traffic system can support the increase in traffic without creating a decrease in the level of service.
- Goal 1 Citizen Involvement has been met through a variety of mechanisms including, but not limited to, notice to the Department of Land Conservation and Development, affected property owners within 500 feet of the parent parcel, and notice in both the Heppner Gazette and East Oregonian. Interested parties will have two opportunities to comment and participate in this process - at the Planning Commission and at the Board of Commissioners.
- Goal 2 Land Use Planning requires that there be a process and policy framework for decisions and to ensure a factual basis for those decisions. The application contains facts, showing compliance with the County's requirements, to make this decision. Additionally Goal 2 requires coordination which is accomplished both through the required 35-day notice to the Department of Land Conservation and Development and land owner notice.
- Goal 9 Economic Development is satisfied by furthering industrial activities, an important economic sector in Morrow County.
- Goal 12 Transportation is addressed by the applicant through the submittal of the Transportation Impact Analysis and the proposed Conditions of Approval required prior to development or occupancy of the subject property.
- The Planning Commission finds that the applicant has satisfied its burden of proof to demonstrate that the applicable approval criteria for the zoning map amendment and the Goals 3, 11, and 14 "reasons" exceptions have been satisfied.
- The application and Transportation Impact Analysis, both incorporated as part of these Findings, support the request and outline compliance with the requirements of the Morrow County Comprehensive Plan, Zoning Ordinance, Transportation System Plan, Paterson Ferry Road Interchange Area Management Plan, and Oregon Administrative Rules Chapter 660 Division 4 and 14.
- The next inventory of industrial land in Morrow County is not changing as the proposal removes 89.6 acres of General Industrial land and adds 89.6 acres of Port Industrial land.

X RECOMMENDATION: The Planning Department recommends that the Planning Commission forward with a do adopt recommendation to the Morrow County Board of Commissioners. Additionally the following Conditions of Approval are recommended to be completed prior to development or occupancy:

1. The applicant or the purchaser shall construct a left hand turn lane northbound on Paterson Ferry Road at the primary point of access into the property subject to the zone change.
2. The applicant or the purchaser shall construct a right hand refuge lane southbound on Paterson Ferry Road at the primary point of access into the property subject to the zone change.
3. The applicant or the purchaser shall work with the parties that will deliver fiber and power to the site, coordinating the permitting and installation of services to the property subject to the zone change, limiting travel impacts to Paterson Ferry Road and coordinating construction activities that could impact Paterson Ferry Road.
4. Based on input from the Oregon Department of Transportation construct a left hand turn lane at the northbound intersection of Paterson Ferry Road and Highway 730, to be completed prior to occupancy of any building constructed on the property subject to the zone change.

XI ACTION: The Planning Commission recommends that:

- The Goals 3, 11 and 14 exceptions be approved.
- The Comprehensive Plan designation change on the Bombing Range Road property from Industrial to Agricultural and that the Zoning designation change from General Industrial to Exclusive Farm Use.
- The Comprehensive Plan designation change on the Paterson Ferry Road property from Agricultural to Industrial and that the Zoning designation change from Exclusive Farm Use to Port Industrial.
- Conditions of Approval 1 and 2 be completed prior to development.
- Conditions of Approval 3 and 4 be completed prior to occupancy.



Mifflin Devin, Vice Chair

11-1-19

Date

Attachments:

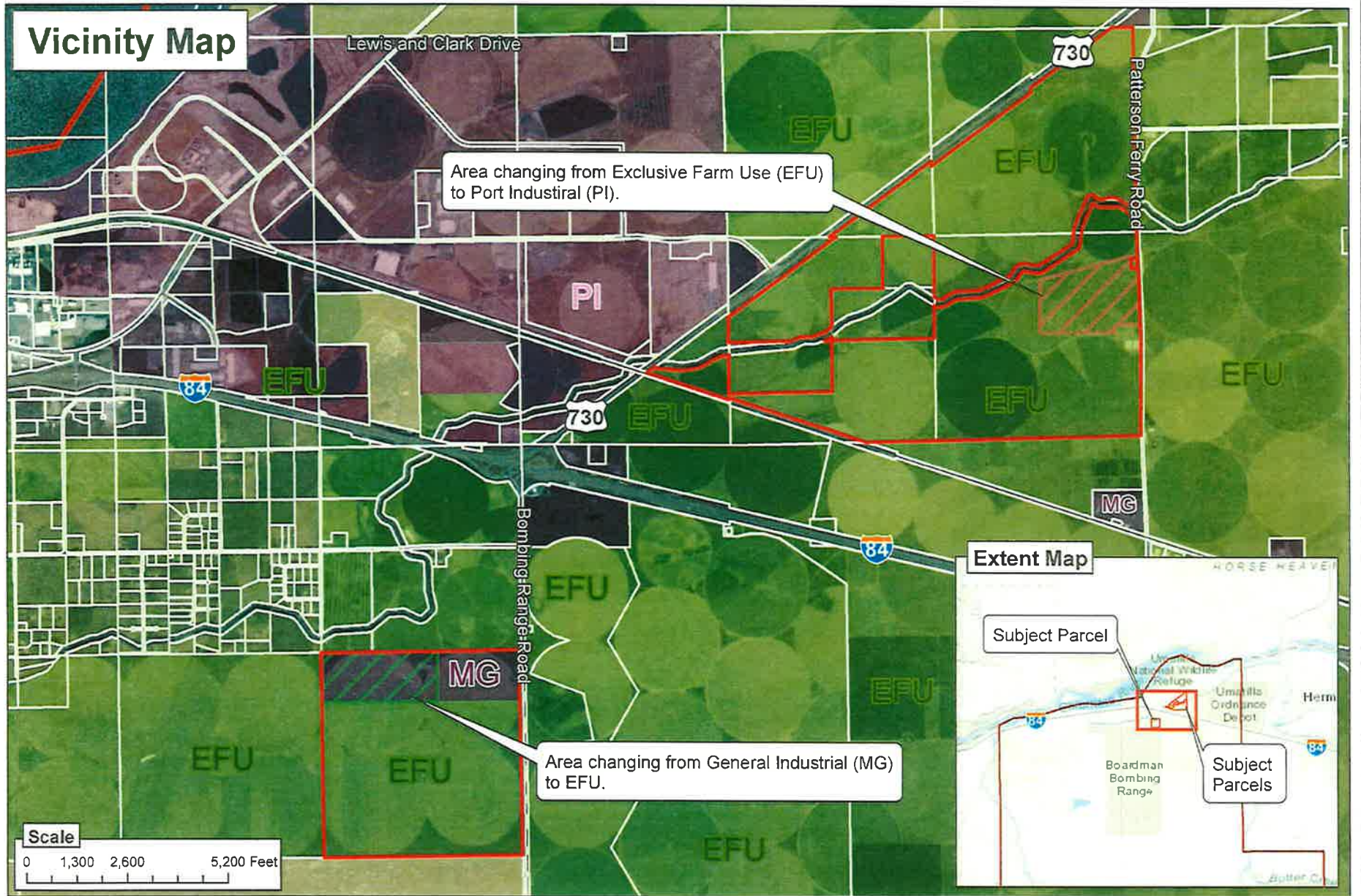
Vicinity Map

Comprehensive Plan Designation and Zoning Change Map

Application

Transportation Impact Analysis

Vicinity Map



AC-130-19
 ACM-131-19
 AZM-132-19
 The Port of Morrow
 4N25E TL1700 and
 4N26E09 Multiple Tax Lots

Legend

103 Taxlots

 Subject Parcels

Cartography By: Stephen Wreccics
 Morrow County Planning Department
 Date Saved: 10/3/2019 10:02:06 AM
 Coordinate System: NAD 1983 HARN StatePlane Oregon North FIPS 3601
 Projection: Lambert Conformal Conic
 Datum: North American 1983 HARN

Sk
 Ut
 Et
 Ut
 Ut

Comprehensive Plan Designation

Zoning Change Map

Comprehensive Plan Designation of Agricultural Changing to Industrial
Zoning Map Designation of Exclusive Farm Use (EFU) Changing to Port Industrial (PI).

Lewis and Clark Drive

730

Paterson Ferry Road

84

730

84

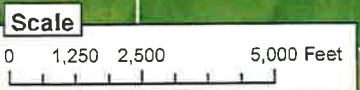
Bombing Range Road

Extent Map

Subject Parcel

Subject Parcels

Comprehensive Plan Designation of Industrial Changing to Agricultural
Zoning Map Designation of General Industrial (MG) Changing to Exclusive Farm Use (EFU).



AC-130-19
ACM-131-19
AZM-132-19
The Port of Morrow
4N25E TL1700 and
4N26E09 Multiple Tax Lots

Legend

103 Taxlots

Subject Parcels

Cartography By: Stephen Wrecsics
Morrow County Planning Department
Date Saved: 10/18/2019 1:58:55 PM

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

85:55:55

Application to Amend the Morrow County Comprehensive Plan Text and Map and Zoning Map and Adopt Exceptions to Goals 3, 11 and 14, with Supporting Findings of Fact and Statement of Reasons

Port of Morrow, Applicant

I. Introduction.

Applicant Port of Morrow (the Port) requests Morrow County approval of this application to amend the Morrow County Comprehensive Plan and Zoning Map to convert approximately 89.6 acres of agricultural land zoned Exclusive Farm Use (EFU) to industrial land zoned Port Industrial (PI), and to convert 89.6 acres of industrial land zoned MG to agricultural land zoned EFU. More specifically, the Port requests the following:

- Redesignating approximately 89.6 acres from Agriculture to Industrial and rezoning those acres from EFU to PI. These acres are located all within a portion of one parcel (Map # 4N 26 09, Tax Lot #100).
- Redesignating 89.6 acres from Industrial to Agriculture and rezoning those acres from MG to EFU. These acres are all within one parcel (Map #4N 25 24, Tax Lot #1700).

The 89.6 acres identified for conversion to industrial use are part of a larger parcel of resource zoned property bounded on the east by Patterson Ferry Road. The Patterson Ferry Road land base is in an area between the East Beach Industrial Park and the Ordnance Chemical Depot industrial property. These lands between East Beach and Ordnance are lands that are part of the Port of Morrow's long term industrial visioning and better suited to industrial zoning due to proximity to industrial infrastructure including roadways, rail, water and industrial process effluent disposal than the lands that the Port is seeking to change from industrial to agricultural use. **See Figure 1 & 2.**

The 89.6 acres identified for conversion to agricultural use are part of a larger, located about one mile south of I-84, bordering Bombing Range Road to the west. **See Figure 3.** This property is owned by Westland Enterprises, LLC, which purchased the land from the Port. In the sales agreement, the Port retained the right to convert the zoning from industrial to agricultural.



Figure 1 & 2: Acreage to be Zoned PI, Utilities and Proximity to Morrow County Industrial Acreage



Figure 3: Property to be Redesignated Agricultural

The plan and zoning amendments to convert agricultural land to industrial land to allow port-related industrial uses require exceptions to Statewide Planning Goals 3 (Agricultural Lands), 11 (Public Facilities and Services) and 14 (Urbanization). These exceptions extend to those Morrow County Comprehensive Plan policies and land use regulations adopted pursuant to those goals which would otherwise prohibit authorizing port-related industrial uses on the subject property or otherwise function to frustrate the purpose of this exception. As defined in ORS 197.732, an "exception" is a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that: (1) is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability; (2) does not comply with some or all goal requirements applicable to the subject properties or situations; and (3) complies with the standards for goal exceptions.

Under Oregon Administrative Rules (OAR) 660-004-0015(1), a local government approving an exception must adopt, as part of its comprehensive plan, findings of fact and a statement of reasons that demonstrate that the standards for an exception have been met. *This document has been prepared to serve as findings of fact and a statement of reasons to support the exceptions requested herein. Should Morrow County approve this application, the Port asks that the County incorporate this document into its comprehensive plan as its findings of fact and statement of reasons in support of the application.*

Because this is a "reasons" exception, the applicable standards are those in ORS 197.732(2)(c). Those standards are repeated in LCDC Goal 2 (Land Use Planning), Part II, and are implemented through the relevant provisions in OAR 660, Division 4 and OAR 660, Division 14, addressed below. Further, plan amendments must demonstrate compliance with the statewide planning goals and with applicable unamended Morrow County comprehensive plan policies. The relevant goals and policies also are addressed below.

II. Background and Site Description.

In 1988, the Port sought and obtained from Morrow County approval of reasons exceptions to Statewide Planning Goals 3, 11 and 14 to allow 1889 acres then located approximately one mile east of the City of Boardman's urban growth boundary (UGB) to be planned for port-related industrial development.¹ The site was separated from the UGB by other portions of the Port of Morrow Industrial Park that the Land Conservation and Development Commission (LCDC) previously acknowledged as "physically developed or committed" to industrial

¹ Boardman's UGB has since moved east to I-84 Exit 165 and north towards the railroad tracks.

uses.² LCDC subsequently acknowledged that reasons exception and the lands were approved for Port industrial uses.

Over time, lands in the Port Of Morrow Industrial Park have developed with a broad range of port-related industrial uses.³ In 2005, the East Beach Industrial Park development began with the construction of a unit train rail loop located west of Columbia Avenue between the Union Pacific Railroad tracks and Lewis & Clark Drive. The rail loop has successfully attracted a number of industries to the industrial park, including Pacific Ethanol, RDO-Calbee Foods, a Port of Morrow Trans-Load Warehouse facility to be leased to Cascade Specialties, Altra BioFuels, Inc., Oregon Ethanol, Inc., ZeaChem, Inc., and HBS BioEnergy, Inc. These businesses rely on the movement of raw materials and processed goods by freight to obtain supplies or to reach markets.

With the success of development at the East Beach Industrial Park, new development has pushed farther to the east, to Oregon 730, a state highway connecting Boardman with the City of Umatilla. Like the development at the East Beach Industrial Park. Additionally, with the interest in re-use of the Ordnance Chemical Depot and the proposed industrial zoning of the southwest portion of the Depot to industrial zoning, a need for connectivity of zoning exists to ensure economically feasible development and operation of water, industrial effluent, rail and road infrastructure to meet development demands (See Figure 2 for proximity to industrial acreage).

The principal reason for this application is to facilitate expansion of development into the easterly portion of the Port of Morrow Industrial Park, consistent with the Ports utility and road network investments, and to begin to provide connectivity within the industrial lands from East Beach to the Ordnance Depot. The Port is proposing an *exchange* whereby, in return for redesignating and rezoning 89.6 acres for port-related industrial uses, 89.6 acres of existing land designated and zoned for industrial development located south of the industrial park would be redesignated and rezoned for exclusive farm use. This exchange would be beneficial to agriculture not only because no net agricultural acres are lost, but because the proposed 89.6 acres are fully irrigated, isolated from other Port Industrial related services (connector roads, utilities and industrial effluent disposal) and surrounded by agricultural lands.

² In 1986, LCDC issued an acknowledgment order acknowledging goal exceptions for all of the Port's land outside Boardman's UGB, but on appeal, the Oregon Court of Appeals upheld the acknowledgment only for those areas identified as physically developed or committed to industrial uses.

³ Industrial uses on the Port property include a wide range of food products and processing industries, ethanol and bio-fuel producers, warehousing, and other industrial uses.

The 89.6 acres for which the Port is taking this reasons exception are currently in farm use. This acreage is currently being used to grow crops consistent with the regions crop rotation history (alfalfa and other feed crops as well as food crops such as potatoes). Historically, these acres also have been used to grow wheat and other row crops such as sorghum, peas, corn, onions, and mint.

The 89.6 acres which the Port proposed to be redesignated and rezoned for agricultural use is currently being used to grow the same types of crops as the acreage the Port is taking the exception too. This property is fully irrigated.

For both affected properties, current farm practices include irrigation (where permitted) and aerial spraying. Both properties have the same agricultural soils. Both lands contain soil classification 40C (Quincy Loamy Fine Sand, 2-12% slope). This land is considered not to be prime under Oregon law but is satisfactory and preferred soil for irrigated agriculture due to its sandy, well-draining soil properties. Soil maps for both parcels addressed in these findings can be found as Exhibit #1.

The existing Port industrial park to the northwest of the proposed parcel to be converted to industrial zoning is served with a full range of facilities and services that are of sufficient size and capacity to accommodate both existing and future industrial development. Many of these facilities and services predated the 1988 goal exceptions and helped provide a basis for the Goal 11 and Goal 14 exceptions authorizing urban scale public facilities and services and urban scale industrial uses on the Port property. If this plan amendment application is approved, these facilities also would serve new development locating on the subject 89.6 acres as the Port is in the process of developing a plan to serve the acreage proposed for industrial development on the Depot. The facilities and services include:

- a water supply system providing over 10 million gallons per day of potable water to Port industrial tenants. This system includes eight wells, eight pumps, two storage tanks and over five miles of pipeline, including pipes up to 30 inches in diameter for fresh water and up to 24 inches in diameter to remove effluent.
- A local road system, including internal circulation off of Patterson Ferry Road (a County Road) with a direct interchange connection to Interstate 84 at the Patterson Ferry Interchange (The Patterson Ferry Interchange is the same interchange that would serve industrial uses on the proposed industrial acreage of the Depot).
- Potential for rail facilities, including the Union Pacific Railroad east-west transcontinental mainline
- High pressure gas lines
- Dual electrical transmission power lines and distribution lines owned by the Bonneville Power Administration, Umatilla Electric Cooperative Association, the Port of Morrow and various tenants.

- A 30" industrial waste-water line that proposed re-use water to neighboring farms needing additional water due to Critical Groundwater Area limitations

III. Compliance with Goal Exception Criteria.

Where an urban use and urban scale public facilities and services are proposed to be located on rural agricultural lands, an applicant must demonstrate compliance with the applicable standards for goal exceptions in both OAR 660, Division 4 and OAR 660, Division 14. *VinCEP v. Yamhill County*, 215 Or App 414 (2007). For reasons exceptions, those standards are (1) OAR 660-004-0018 through 660-004-0022, which address reasons exceptions on rural agricultural lands; and (2) OAR 660-014-0040, which addresses the establishment of new urban development on undeveloped rural lands.⁴ Compliance with both rules is addressed below, beginning with OAR 660, Division 4.

A. Compliance with OAR 660, Division 4.

660-004-0018(4): *(a) When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception.*

This application seeks exceptions to Goals 3, 11 and 14 to allow urban-scale port-related industrial uses and public facilities and services on agriculturally designated and zoned lands. As used in this application, "urban-scale" uses are industrial uses in buildings of sizes that are greater than would otherwise be permitted on rural lands without goal exceptions under OAR 660-022-0030(11).⁵ "Urban-scale" public facilities and services are public facilities and services sized to serve urban-scale uses on rural lands. "Port-related industrial uses" are those uses permitted outright or conditionally under Section 3.073, Port Industrial (PI) Zone of the Morrow County Zoning Ordinance.⁶ Uses authorized in the PI zone include, but are not limited to, water dependent industrial uses; port-related

⁴ In *VinCEP*, the Oregon Court of Appeals overturned long-standing Land Use Board of Appeals (LUBA) precedent that for urban scale uses on rural *agricultural* land, OAR 660-014-0040 was the applicable exception standard and OAR 660, Division 4 did not apply. The court determined that an exception to Goal 3, which is governed under OAR 660, Division 4, is fundamentally different than a Goal 14 exception, stating that reasons that might justify an urban use on rural non-resource land do not necessarily justify an urban use on rural resource land. See also *VinCEP v. Yamhill County*, 55 Or LUBA 433 (2007) (LUBA's decision on remand from the Court of Appeals).

⁵ OAR 660-022-0030(11) allows new or expanding industrial uses in unincorporated communities without goal exceptions if they are small scale, low impact uses, defined as uses in a building or buildings not exceeding 40,000 square feet of floor space in rural unincorporated communities. Outside of unincorporated communities, industrial uses in buildings 35,000 square feet or smaller have been considered to be rural in scale.

⁶ The PI zone reflects the port-related uses that were authorized in the acknowledged 1988 reasons exception for the Port of Morrow Industrial Park.

chemical and metal industrial uses; manufacturing, refining, processing or assembly of any agricultural, mining or industrial product; power generating and utility facilities; ship building and repair; rail loop and spur dependent uses; and effluent disposal of industrial wastes and agricultural activities in conjunction therewith. Authorized uses also include manufacturing, warehousing, packaging, processing, compounding, constructing, treatment, assembly, storage, testing, finishing, refinishing, repair, and wholesale sale and distribution of products, and any other industrial use authorized by ORS 777.250.⁷

The PI zone is an industrial sanctuary zone wherein commercial uses are limited to those appropriate and necessary to serve the needs of the workers employed in the zone. The zone provides appropriate limits as to the uses that can be located in the exception area. By taking Goal 11 and Goal 14 exceptions, the size of industrial buildings and the scale of industrial uses and public facilities and services will not be limited only to such sizes and scales that are appropriate for rural uses. Instead, urban-scale uses and public facilities and services would be allowed.

The public facilities and services serving the proposed exception area would be extensions of the same urban-scale facilities and services that were approved in the 1988 exception to serve the Port's Industrial Park, and subsequent goal exceptions to serve lands between the Port Industrial Park and the East Beach Industrial Park. The Goal 11 exception contained in this application is to allow for their extension onto the newly designated industrial lands. The Goal 11 exception is needed because OAR 660-011-0060(2)(c) prohibits extensions of sewer systems currently serving lands outside UGBs in order to serve uses outside such boundaries that were not served by the system on July 28, 1998. It is also taken as a precaution in the event a Goal 11 exception is needed to extend urban scale water to rural lands.⁸

660-004-0020(1): *"If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception."*

This application requests that the justification for the exceptions taken to Goals 3, 11 and 14 be set forth in the Morrow County Comprehensive Plan as an exception. The reasons consistent with OAR 660-004-0022 are stated below in the discussion of OAR 660-004-0020(2)(a).

660-004-0020(2)(a): *"The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are:*

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply": The exception shall set forth the facts and assumptions used as the

⁷ ORS 777.250 defines the uses that ports may allow on port properties.

basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land;

Under OAR 660-004-0020(2)(a), for reasons exceptions, an applicant must justify why the state policy in the applicable goals should not apply. For this exception, as with the original 1988 reasons exception allowing port-related industrial uses on the original 1889 acres (discussed below), the goals for which goal exceptions are being taken are Statewide Planning Goals 3 (Agricultural Lands), 11 (Public Facilities and Services) and 14 (Urbanization). The affected Goal 3 policy that would not apply is the policy to preserve agricultural lands for farm use. The affected Goal 11 policy is the policy to provide public facilities (including transportation) appropriate for but limited to the needs of the urban or rural area being served. Goal 11 also prohibits the extension of urban scale sewer (and possibly water) to serve industrial uses on rural lands. The affected Goal 14 policy directs that urban uses be located inside urban growth boundaries or within urban communities. This application requires exceptions because it would allow urban scale industrial uses on rural agricultural land that Goal 3 protects for exclusive farm use, and it would allow the Port to extend public facilities and services sized to accommodate urban-scale uses, including sewer service extended from the Port's existing 30" industrial waste-water re-use line, and water associated with the Port's existing water supply system.

OAR 660-004-0022 identifies non-exclusive types of reasons that may be used to justify certain types of uses not allowed on resource lands. For rural industrial development, OAR 660-004-0022(3) provides in relevant part:

"(3) Rural Industrial Development. For the siting of industrial development on resource land outside an urban growth boundary, appropriate reasons and facts include, but are not limited to, the following:

"* * *"

"(c) The use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such a decision should include a discussion of the lost resource productivity and values in relation to the county's gain from the industrial use, and the specific transportation and resource advantages which support the decision."

Port-related industrial use would have a significant comparative advantage at the proposed exception location because of its immediate proximity to both the East

Beach industrial park and to the proposed industrial zoning and associated infrastructure investment proposed on the Ordnance Chemical Depot, the availability of a full range of public facilities and services that could be extended to serve the exception area, and the availability of rail and freeway access that would facilitate easy shipping and reduce energy costs. Electrical power and natural gas are available to the site. While 89.6 acres of agricultural land would be converted to industrial use, there would be no loss of resource productivity because 89.6 acres of industrial land of comparable agricultural productivity value would be converted back to agricultural land.

The primary purpose for adding the subject properties east of the East Beach Industrial Park is infrastructure and infrastructure continuity related. To serve new development moving into the Depot, infrastructure must be extended to the proposed industrial lands of the depot on the Morrow County side of the Depot. Therefore industrial scale utilities such as rail, collector road investment, electricity, gas and industrial effluent disposal have been extended or are in very stages of planning/development to be extended to the Depot lands. These same facilities and services are not planned for the acreage that the Port proposed to zone to agricultural uses.

The exchange neither increases the amount of land available for industrial use in the area nor decreases the region's agricultural land supply, but for both types of uses, it makes sense. The 89.6 acres of industrially-zoned lands located south of I-84 are less well suited for industrial uses than the 89.6 acres for which the plan amendment and zone change to industrial/PI is proposed, because they lack the immediate proximity to rail, collector road planning to reach the highway network and to other industrial uses and industrial scale utilities. The 89.6 acres of land proposed to be converted to industrial use lie directly between the Ports east boundaries and the proposed industrial lands of the Depot. The Port intends to continue to secure ways to minimize the island affect of the Depot that minimizes financial feasibility of extending services to the Depot by linking acreage to form, essentially, an industrial corridor north of Interstate 84. Because the acres south of I-84 are surrounded by other agricultural lands and are fully irrigated, they can provide greater value to the agricultural economy than those lands that are surrounded by state highways and industrial land and where competition for water rights exists. Additionally, by converting these lands to agricultural, the Port begins to minimize, and the future possibly rectify, an island zoning issue at this location.

In summary, from a transportation and economic standpoint, there is a significant comparative advantage to locating new industrial development adjacent both to other port-related industrial development at the East Beach Industrial Park and proposed industrial zoning on the Depot, rather than locating new industrial development in an undeveloped area surrounded by farm land with no immediate access to rail, or other Port owned and developed industrial infrastructure. Similarly, from an agricultural standpoint, there is a significant advantage to

retaining farm use on lands that have full irrigation rights, are surrounded by other agricultural uses, and are located away from industrial development.⁹

660-004-0020(2)(b): *"The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are: * * **

(b) Areas which do not require a new exception cannot reasonably accommodate the use;

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The areas for which the exception is taken shall be identified.

(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

The area proposed for industrial development is shown in Figure 1. The 89.6 acres located south of Interstate 84 that would return to an agricultural designation and zoning are shown in Figure 2. These 89.6 acres could potentially accommodate some forms of port-related industrial development, but they cannot reasonably accommodate a rail, loading/unloading facilities, or high-volume/capacity utility demands because of the location away from the Union Pacific railroad mainline and the other side of Interstate 84 from the remainder of the large Port of Morrow industrial parks.¹⁰

To marry up lands to accommodate extension of service to the Depot and to ensure economically feasible delivery of service to the Depot will require exceptions. There are no nonresource lands, lands irrevocably committed to nonresource uses, or rural areas between the existing industrial park and the Depot. The subject property is located between approximately 5 miles distance at

⁹ At some future time, it may be appropriate for the Port to exchange the remaining acres of industrially zoned land south of I-84 for other lands better located for industrial development.

¹⁰ Including industrial lands inside Boardman's UGB, the industrial park is nearly 3500 acres in size.

the farthest point, making expansion of the nearest municipal UGB impractical as well.

The Port's primary need in this instance is to begin to marry up a consistent, coordinated land base with investments in transportation and utility infrastructure. The secondary need is to begin to marry up current zoning to minimize and/or prevent future industrial islands. This zone "swap" accommodates both needs.

660-004-0020(2)(c): *"The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are: * * **

(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limit to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by the irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts."

Because the primary need for the additional acreage is to marry zoning up with the build out of existing infrastructure while also not impacting the agricultural land base of the County, the environmental, economic, social and energy consequences resulting from the use at the proposed site still would not be significantly affected in any event.

Environmentally, there is no significant environmental impact because the proposed location does not include any inventoried significant Goal 5 resources.

Economically, the immediate proximity of the subject area to the industrial park and to the rail and transportation infrastructure that either exists or is proposed for the Depot provides a very positive impact. In terms of development costs and accessibility to industrial users, other lands in the area simply do not compare as

well to this land economically nor fit within the development pattern of the region to begin to marry proposed industrial zoning of the Depot up with buildout of the Ports eastern industrial park.

Socially, there are no dwellings near the subject site, and the surrounding area, while zoned EFU, is primarily utilized for ag support related services including storage, miner processing and transporation/logistics. Development on the site will not create adverse visual impacts to these properties because the area north of Interstate 84 and east of Oregon 730 already has a distinctive ag/industrial character. Industrial development on the site also will not displace any dwellings or impact neighborhood cohesion. It is possible that there could be impacts associated with truck traffic entering the property from Patterson Ferry Road, but many trucks already travel on Patterson Ferry and Interstate 84 such that additional noise impacts should be negligible, especially with trucks traveling at slow speeds near the interchange.

In terms of energy, the availability of rail, freight access and existing industrial scale utilities will be a net positive if comparing between the two lands under consideration for this request. For trucks travelling from or to locations to the north or east, the ability to use the Patterson Ferry Interchange will save energy and minimize congestion. Additionally, any future investments made to serve industrial uses on the Depot can also serve the subject property further decreasing energy and construction demands associated with zoning conversions.

In terms of resource productivity, the types of soils and the types of agricultural products grown on the lands to be converted to industrial use and on the lands to be returned to an agricultural designation are the same. For both sites, the predominant soil is Quincy loamy fine sand, a Class IV soil when irrigated and class VII without irrigation. Because the 89.6 acres being returned to an agricultural designation are surrounded by farm uses, the net ability to sustain resource uses in the area should be improved. Lastly, the effluent disposal from industrial wastes is employed as part of the agricultural practices in the region. The site proposed for industrial zoning has access to the Port's industrial waste water line enabling re-use of water for agricultural sustainability while the existing site zoned industrial does not.

660-004-0020(2)(d): *"The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are: * * **

(d) 'The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.' The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. 'Compatible' is not intended as an

absolute term meaning no interference or adverse impacts of any type with adjacent uses.”

The uses adjacent to the subject site are I-84 and agricultural lands to the south, and a mix of ag service lands and agricultural lands to the west, east and north. While the proposed amendment would increase truck activity at the I-84/Patterson Ferry interchange, that interchange experiences very low traffic volumes. The Oregon Department of Transportation (ODOT), the Port and County developed an Interchange Area Management Plan (IAMP) for this Interchange to protect the functions of that interchange for the future due to the impending re-use of the Depot. Because the allowed uses would be of the same nature as those located on the Depot post re-use and rezoning, there would be no incompatibilities with those uses. As to the farming, for decades commercial scale farming has existed in immediate proximity to the industrial zoned lands of Morrow County. The industrial parks benefit many of these farming enterprises by providing effluent for irrigation at the same time they are providing needed processing and logistics uses of the agricultural industry. There is no reason to believe that these two uses cannot continue to co-exist together in a compatible manner. The proposal will not substantially change the nature of uses in the vicinity of the proposed re-zone to industrial and should aid in consolidating any utility or infrastructure development that will be needed to serve the Depot. By consolidating infrastructure development along an industrial corridor from west to east the resource zoned land should be less impacted than if developed separately just to serve the Depot.

For all of these reasons, the application complies with the relevant exception standards in OAR 660-004-0018 through 660-004-0022.

B. Compliance with OAR 660-014-0040.

As noted above, for proposed urban uses on rural lands, the exception standards in OAR 660, Division 14 apply. For reasons exceptions, the applicable standards are those in OAR 660-014-0040.

660-014-0040(1): *“As used in this rule, ‘undeveloped rural land’ includes all land outside of acknowledged urban growth boundaries except for rural areas committed to urban development. This definition includes all resource and nonresource lands outside of urban growth boundaries. It also includes those lands subject to built and committed exceptions to Goals 3 or 4 but not developed at urban density or committed to urban levels of development.”*

The property for which the Port is requesting goal exceptions is rural agricultural land.

OAR 660-014-0040(2): *“A county can justify an exception to Goal 14 to allow establishment of new urban development on undeveloped rural land. Reasons*

that can justify why the policies in Goals 3, 4, 11 and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource.”

The reasons justifying future development of urban scale port-related industrial uses and public facilities sized to serve these uses are set out in the discussion of compliance with OAR 660-004-0020(2)(a), incorporated herein by this reference. The Goal 14 exception is taken because the size of industrial buildings could exceed the size authorized on rural lands without goal exceptions under established LCDC practice.

As stated in the 1988 exception, the Port property offers significant comparative advantages for industrial development. These come from the convergence of water, intercontinental rail and interstate highway access by the site. The rail access is the mainline of the Union Pacific Railroad. Water access is to the Columbia River, which reaches east to Lewiston and Clarkston and west to Portland, Vancouver and the Pacific Ocean. The interstate highway is I-84. Additional advantage comes from the availability of electric power, natural gas, and water for high-consumption users, as well as direct access to a large industrial waste water line that serves agricultural lands south of the proposed site.

OAR 660-014-0040(3)(a): *“To approve an exception under section (2) of this rule, a county must also show:*

(a) That Goal 2, Part II(c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities.

The inability of the existing Boardman UGB to reasonably accommodate the proposed urban development is addressed above in the discussion of compliance with OAR 660-004-0020(2)(b), incorporated herein by this reference. There are no existing rural communities elsewhere in close vicinity to the subject property.

OAR 660-014-0040(3)(b): *“To approve an exception under section (2) of this rule, a county must also show: * * *.*

“(b) That Goal 2, Part II(c)(3) is met by showing that the long-term environmental, economic, social, and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other undeveloped rural lands, considering:

“(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate; and

“(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.

The long-term environmental, economic, social and energy consequences resulting from proposed urban industrial development at the site were addressed in the discussion of compliance with OAR 660-004-0020(2)(c), incorporated herein by this reference. Because the amount of land being included in the boundary of the proposed urban development is equivalent to the amount of industrial land being removed from industrial designation and zoning, the amount of land is appropriate. See, e.g., *Reed v. Jackson County*, LUBA No. 2009-136 (June 2, 2010) (LUBA sees no reason why a net reduction in potential residential development density on rural land could not be a sufficient reason under OAR 660-014-0040 to allow a lesser amount of open space land to be rezoned for residential development).

As to limitations, industrial development between the Port of Morrow industrial park and the Depot would not be limited by or adversely affect air, water, land or energy resources at or near the site. The airshed at the Port of Morrow Industrial Park area is not identified as in violation of any air quality regulations, and the ability of potential rail to service the site could further help reduce reliance on truck traffic. A full range of public facilities and services is readily available, including water, industrial process wastewater disposal, electricity and gas. Likewise, a full range of transportation facilities and services are available, including state and interstate highways, intercontinental rail and barge. By their support for existing development, the soils have shown themselves as being capable of accommodating future industrial development.

Urban development at the site also should not adversely affect the air, water, energy or land resources of the surrounding area. The site is downwind of and well buffered from urban development inside Boardman. The exchange of lands proposed by this application will accommodate more efficient industrial development between the industrial park and the Depot while adding protection to farmlands south of Interstate 84. Treated effluent benefits surrounding agricultural lands for its use as irrigation water.

OAR 660-014-0040(3)(c): *“To approve an exception under section (2) of this rule, a county must also show: * * *.*

(c) That Goal 2, Part II(c)(4) is met by showing that the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:

“(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and

"(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured;"

The compatibility of the proposed urban industrial uses with adjacent uses is addressed above in the discussion of compliance with OAR 660-004-0020(2)(d), incorporated herein by this reference. The proposed urban uses will be port-related industrial uses of the same kind permitted at the East Beach Industrial Park. Such uses have co-existed successfully for decades alongside agricultural uses in the area, thus demonstrating that the uses are compatible and that resource management of surrounding lands zoned EFU can continue. The proposed urban development will not detract from the ability of existing cities and service districts to provide services because all services will be provided from already existing facilities within the industrial park.

OAR 660-014-0040(3)(d): *"To approve an exception under section (2) of this rule, a county must also show: * * *.*

(d) That an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner;"

Public facilities are addressed in detail in this application. The same facilities serving the existing industrial park would serve the additional acres added north of I-84 between the Park and the proposed Depot industrial area. These include natural gas and electricity, a water system serving the industrial park, telephone, and transportation facilities including roadways for internal circulation, access onto I-84, and proximity to rail and barge access via Hwy 730 and existing Port roadway networks. The existence of these facilities and services to the industrial park, and their adequate capacity to serve additional industrial development, assures their provision in a timely and efficient manner. Further, approval of this application will allow for the orderly development and extension of these services to the Depot industrial area where these services will be needed in the future following formal conveyance to the Columbia Development Authority.

OAR 660-014-0040(3)(e): *"To approve an exception under section (2) of this rule, a county must also show: * * *.*

*"(e) That * * * establishment of new urban development on undeveloped rural land is coordinated with the comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development."*

The Port discussed this proposal with the Morrow County Planning Director before filing the application. She did not foresee any problems in terms of consistency with the Morrow County Comprehensive Plan. Such consistency is demonstrated in Section V of this application. Encouraging economic development on Port-owned lands designated and zoned for industrial development is consistent with the statutory role of port districts.

For all of these reasons, the application complies with the relevant exception standards in OAR 660-014-0040.

IV. Compliance with Statewide Planning Goals.

A goal exception is a comprehensive plan amendment.¹¹ In addition to the relevant exception standards, the statewide planning goals apply to plan amendments. The goals identified below are the only goals applicable to the plan amendments requested in this application. Goals not identified do not apply.

A. Goal 1 (Citizen Involvement).

Goal 1 requires opportunity for citizens to be involved in all phases of the planning process. For plan amendments, Goal 1 is satisfied when a local government follows the public involvement procedures for plan amendments set out in its acknowledged comprehensive plan and land use regulations.

Morrow County's regulations for comprehensive plan amendments include notice to the public and to the Department of Land Conservation and Development (DLCD)¹²; public hearings before the Morrow County Planning Commission (which makes a recommendation to the County Court); and public hearings before the Morrow County Court. Compliance with these regulations results in compliance with Goal 1.

B. Goal 2 (Land Use Planning), Part I.

Goal 2, Part I requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties. The proposed amendments' consistency with applicable provisions in Morrow County's Comprehensive Plan is demonstrated in Section V. below.

Goal 2, Part I also requires coordination with affected governments and agencies, evaluation of alternatives, and an adequate factual base. In preparing the application, the Port met with Morrow County's planning director and contacted representatives of both DLCD and the Oregon Department of Transportation (ODOT).

The goal exceptions, together with the supporting documents and evidence submitted in support of the exceptions, provide an adequate factual base to

¹¹ ORS 197.732(8).

¹² ORS 197.610 requires local governments to provide DLCD with advance notice of proposed comprehensive plan or land use regulation amendments. ORS 197.732(5) requires that each notice of a public hearing on a proposed exception shall specifically note that goal exceptions are being proposed and summarize the issues in an understandable way.

support the proposed plan and land use regulation amendments required to adopt these exceptions. For these reasons, Goal 2, Part I is met.

C. Goal 2 (Land Use Planning), Part II.

Goal 2, Part II sets out the standards for goal exceptions. For urban uses and urban scale public facilities and services on rural lands, Goal 2 Part II is implemented through OAR 660, Division 4 and OAR 660-014-0040. Goal 2, Part II is satisfied for the reasons set out in the goal exceptions analysis included in this application.

D. Goal 3 (Agricultural Lands).

Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with ORS 215.203 et. seq.

Goal 3 does not allow nonfarm uses like industrial development on lands zoned for exclusive farm use unless a local government adopts findings justifying an exception to Goal 3. That justification is set out in the goal exceptions analysis included in this application. The redesignation and rezoning of land from industrial (PI) to agricultural (EFU) is consistent with the purpose and intent of Goal 3.

E. Goal 6 (Air, Water and Land Resources Quality).

Goal 6 addresses the quality of air, water and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

Industrial uses at the new location will increase impervious surface, although by no more than could have occurred at the site south of I-84 that is being removed from industrial development. Where areas are paved, water cannot penetrate the soils so it rushes over the surface. This can increase erosion, increase the movement of fine sediments, and increase pollutant loads in watercourses. However, these impacts can adequately be mitigated through the use of effective land-based stormwater treatment systems. The use of construction techniques that include temporary and permanent Best Management Practices for erosion and sediment control and spill control and prevention also can achieve compliance with clean water standards.

Noise is defined as unwanted sound. The uses authorized by the requested plan amendments should not create noise that differs from the types of industrially-related noise already in the area. The location of these uses in very close

proximity to I-84 which will reduce overall noise impacts because highway generated noise muffles and obscures other noises located nearby. The proximity to the freeway, means any new noise impacts would be negligible.

Water quality should be a net gain between the two sites as the proposed site has access to a state of the art, DEQ permitted industrial process wastewater disposal and re-use system operated by the Port whereas the existing industrial zoned site does not. Therefore, the County can ensure that wastewater generated by industrial activities will be treated and disposed of in an environmentally compliant manner that also provides much needed water and nutrients to farmland to the south of the proposed site.

F. Goal 9 (Economic Development).

Goal 9 requires local governments to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens adopt comprehensive plans and policies. Morrow County's comprehensive plan has been acknowledged to comply with Goal 9. The plan recognizes and encourages port-related industrial development on the Port's property near Boardman. The exchange of lands proposed in this application will consolidate industrial development east of Boardman to the area north of I-84, and it will improve the economic movement of freight and development of industrial infrastructure in an economically feasible manner. This is consistent with Goal 9.

G. Goal 11 (Public Facilities and Services).

Goal 11 requires local governments to plan and develop a timely, orderly and efficient arrangement of public facilities and services. The goal provides that urban and rural development "be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served." The Public Facilities Planning Rule, OAR 660, Division 11, implements Goal 11.

Outside Boardman's UGB, the level of service provided by the Port of Morrow may exceed the level considered to be appropriate for and needed to serve the rural area. Accordingly, the plan amendments to allow industrial development on rural lands included in this application require and have taken Goal 11 exceptions.

H. Goal 12 (Transportation).

Goal 12 requires local governments to "provide and encourage a safe, convenient and economic transportation system." Goal 12 is implemented through the Transportation Planning Rule, OAR 660, Division 12. That rule encourages a multi-modal transportation system. The proposed amendments support such a system by facilitating unit trains to serve industrial development on the properties that are the subject of this application and on adjoining Port property in the industrial park.

OAR 660-012-0060 provides that where a plan amendment would significantly affect an existing or planned transportation facility, measures must be taken to assure that the allowed land uses are consistent with the identified function, capacity and performance standards of the facility. Because the I-84/Patterson Ferry interchange currently operates well below its capacity and performance standards no significant effect is anticipated. Indeed, by improving opportunities for more industrial development to locate on lands bordering Patterson Ferry Road, and by facilitating new connections from industrial lands to Patterson Ferry Road the amendment should help relieve overall traffic volumes at interchange locations west of the Patterson Ferry.

The Port, ODOT and County completed an IAMP for the I-84/Patterson ferry interchange. The IAMP provides guidance on traffic impacts and mitigation measures associated with that interchange. The Port's engineer has reviewed the IAMP and has offered his assessment of impacts and concludes that mitigation measures are not anticipated as necessary at this time as no triggers have been reached as a result of this proposed zone change request (see exhibit 2).

I. Goal 13 (Energy Conservation).

Goal 13 directs cities and counties to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. The proposed amendments will help conserve energy by consolidating industrial lands in the area north of I-84 by facilitating the use of access to rail that can help reduce less energy efficient truck traffic along I-84.

J. Goal 14 (Urbanization).

As relevant to this application, Goal 14 prohibits urban uses on rural lands. To locate urban uses on rural lands, local governments either must expand their UGBs to include the subject property or take a Goal 14 exception setting forth reasons why urban development should be allowed on rural land and explaining why the urban use cannot reasonably be located inside the UGB. This application includes an exception to Goal 14 to allow urban scale industrial development on rural lands. The justification for that exception is set out in Section III of this application.

V. Compliance with Morrow County Comprehensive Plan and Land Use Regulations.

A. Compliance with Morrow County Comprehensive Plan.

The Morrow County Comprehensive Plan policies identified below are the policies that are relevant and applicable to the plan amendments identified in this application. No other policies apply. Some of the applicable policies contain mandatory ("shall") language. The application must demonstrate compliance with these policies to gain approval. The remaining policies are either more aspirational or directory to the County or more general in nature, directing or encouraging or supporting an action or result rather than requiring that action or result. While it is appropriate to address these policies where relevant to this application, the policies do not in themselves constitute applicable review criteria upon which approval or denial is based.

1. Citizen Involvement.

The Citizen Involvement Goal is to develop and implement a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. Citizen Involvement Policy 3 encourages people to attend and participate in Morrow County Planning Commission and County Court meetings and hearings. The goal and policy are satisfied through the opportunities afforded to the public to participate at public hearings before the Planning Commission and County Court on the proposed amendments, as provided for by state law and the County's land use regulations.

2. General Land Use.

General Land Use Policy 9 requires that all plan and zone changes comply with all applicable statewide planning goals and County policies and procedures. This policy is satisfied for the reasons set out in the analysis of compliance with the statewide goals, the Morrow County Comprehensive Plan, and applicable County zoning provisions that are contained in this application.

3. Agricultural Lands.

Agricultural Land Objective 3 seeks to minimize and prevent conflict between farm and nonfarm uses. The proposed exceptions are consistent with this policy because, as demonstrated by their decades of co-existence, port-related industrial and agricultural uses are compatible. Indeed, Port industrial users provide effluent used by agriculture as irrigation water for crops.

Agricultural Land Policy 1 is an aspirational policy that seeks to balance economic and environmental considerations, limit incompatible nonagricultural development, and maintain a high level of livability in the County. While not a

mandatory review criterion, this policy is met because this application will exchange an equivalent amount of industrial land for agricultural land and because port-related industrial uses are not incompatible with adjoining agricultural uses.

Agriculture Policy 2 permits development outside of urban growth boundaries only where conflicts with productive agricultural areas are minimal and where the development complies with the Comprehensive Plan. As described above, conflicts between port industrial and agricultural uses are minimal. Port industrial development is consistent with the Comprehensive Plan, as reflected by the existence of a Port Industrial zone.

Agriculture Policy 6 provides for the County to consider the needs of the farm community in evaluating future development projects in other sectors of the economy. This policy is satisfied because in return for converting agricultural land to industrial land, other industrial land will be converted to agricultural land, thereby benefitting the agricultural community. Further, through its consideration of compliance with applicable exceptions criteria, the County has considered the impacts of the proposed plan amendment on nearby agricultural uses. As noted above, agricultural and port-related industrial uses have co-existed well together for decades in the Boardman area.

4. Economy.

A number of Economic goals and policies apply to these proposed plan amendments. Most of these goals and policies are aspirational or directory to the County, rather than mandatory to an applicant.

Economic Goal 1 provides direction to Morrow County relating to economical housing facilities and affordable utilizes to meet housing needs and is not directly Germaine to this plan amendment request as this plan amendment is relating to industrial development.

Economic Goal 2 and its various economic policies directs Morrow County to reduce unemployment as well as promotes various factors to decrease outmigration of the County's youth through growth of the County workforce. This section is met this plan amendment request as it seeks to optimize the County industrial zoning to attract development and jobs. By consolidating the industrial zoning to lands that the can accommodate the services to attract developers and development, the County ensures the highest opportunity for development and job growth. The lands north of I-84 have a higher likelihood of accommodating industrial level services that can lead to the development to attract job growth and youth retention.

Economic Goals 2 and 3 seeks to diversify local business, industry and commercial activity. While this plan amendment application cannot ensure

diversification of job opportunities, as state under Goal 2 above, locating industrial zoning in an area where facilities and services exist and where a natural industrial corridor is organically happening due to the land base of the Umatilla Chemical Depot will ensure that this land develops for industrial activities that could lead to diversification of the job opportunities in the County.

Economic Goal 4 encourages compatible land uses throughout Morrow County. The amendments further these goals by providing new industrial development opportunities on agricultural land that is more suitable for industrial development because of its location between the Port's existing industrial park and the future industrial park on the Depot, and by providing new agricultural protections on industrial land whose location is not adjacent to the existing industrial park or transportation network but is surrounded by other agricultural uses.

Economic Goal 5 seeks to minimize noise levels and heavy traffic volumes as well as other undesirable effects of heavy commercial and industrial developments. This plan amendment meets these goals as it aims to target industrial zoning along a region of highway that is already accustomed to high traffic volumes and noises associated with Interstate 84 and Patterson Ferry Road. Additionally, this area is already planned to become a high activity area with the zoning of the southeast corner of the Depot to industrial and already experiences high levels of traffic and noise due to 24-7 value-added agricultural activities that occur year-round.

Economic Goal 6 seeks to maintain a balance between economic and environmental activities. The site proposed to be rezoned for industrial is located in an area with readily available access to the Port of Morrow's industrial process water re-use line and the site proposed to be changed from industrial to agriculture is not. Therefore, the site proposed for industrial zoning is in a better position to accommodate industrial activity with minimal impact to the environment as all process effluent will be re-used by surrounding agriculture resulting in no net impact to water resources and potentially a net benefit to nutrient up-take and bioremediation of process wastewater.

Economic Goal 7 requires the County ensure adequate water supplies to meet all needs associated with economic development. The proposed industrial site is better suited to meeting this Goal as it is strategically located to be served by Port of Morrow raw and potable water services that will, over time, be provided to the depot industrial park. This site is also located in an area that could take advantage of a winter recharge effort to utilize winter Columbia River water for potable and non-potable needs while the current industrial zoned parcel is not.

5. Public Facilities and Services.

Several Public Facilities and Services goals and policies apply to this application. These include General Policies A, B, C, D, E, F, G, and K; Utilities Policy F; Water and Sewer Policy A; and Solid Waste Policies A and B.

General Policy A provides for a level of service appropriate for, but limited to, the needs of the development to be served. General Policy B provides that such service levels support optimum (maximum density) development, and General Policy C provides that rural areas shall be provided with public facilities and services appropriate for rural use. General Policy A is met through the Goal 11/14 exception allowing urban scale public facilities and services to serve urban uses in the industrial park. This includes extensions of public sewer and water to the area to be added to the industrial park. This exception also provides the basis for allowing a higher level of services than Policy C otherwise permits. General Policy B is met because the services to be provided will be at levels adequate to support optimum development authorized by the Goal 11/14 exception.

General Policy D requires that the provision of public facilities and services to rural areas being changed to urban use shall be based on (1) the least time required to provide the service; (2) the most reliable service; (3) lowest financial cost; and (4) adequate levels of service that satisfy long range needs. General Policy E calls for the coordinated development of all necessary urban facilities and services appropriate to an urban area. Because the existing industrial park already has adequate levels of facilities and services in the ground and available to serve existing and future development, such services can be extended to the subject site in the least amount of time and in the most reliable manner at lowest cost. Further, the Port can and will coordinate with local service providers, including the Boardman Rural Fire District, Century Telephone, Cascade Natural Gas, and local law enforcement officials, to provide those needed facilities and services that the Port is not providing.

General Policy F calls for the siting of utility lines and facilities on or adjacent to existing public or private right-of-way or through generally unproductive lands to avoid dividing existing farm units. Utility lines already serve the industrial park and will be extended through the subject property to reach the Depot at some point in the future anyway. These extensions can be accommodated through existing rights of way and existing rights of way are the preferred mode of development as depicted in figure 1.

General Policy G requires that public facilities and services not exceed the carrying capacity of the air, land and water resources. This issue is addressed in the findings in Section III of this application addressing compliance with OAR 660-014-0040, incorporated herein by this reference. The Boardman area is an area with very good air quality, with pollution concentrations far below the average ambient air quality standards for the state. Through compliance with DEQ air quality regulations for industries, high air quality standards can be

maintained. Similarly, water quality can be maintained through the permitting process.

General Policy K is an aspirational policy that establishes a goal of achieving a maximum balance of public costs versus benefits and revenues in the provision of public facilities and services. While this policy is not a mandatory review criterion, it will be satisfied because industrial development locating at the proposed site will contribute to the costs of the facilities and services they use. This will enable the Port and County to increase cost share and minimize costs of extending services to the Depot in the future, which is anticipated.

Utilities Policy F calls for coordination of development with utilities providing electrical, natural gas, cable television and telephone services. The Port uses services provided by Umatilla Electric Cooperative, Cascade Natural Gas, and Century Telephone to serve the industrial parcel.

Water and Sewer Policy A provides that when development occurs in unincorporated areas, minimum State sanitation and health requirements be met, including an approved subsurface sewage disposal system. The Port has an approved industrial process wastewater line directly adjacent to the site. Solid Waste Policies A and B can be met by new industrial development using the same processes for which solid waste management occurs elsewhere in the County.

6. Transportation.

The Comprehensive Plan contains transportation policies and objectives. Transportation goals and policies also are included in the 1998 Morrow County Transportation System Plan, addressed in Subsection B below. This section deals only with those policies contained in the Comprehensive Plan.

Several Transportation Objectives and Policies apply to these plan and land use regulation amendments. While most of the objectives are very general in nature and directory towards the County, one, Objective 14, applies more directly to the plan amendments at issue in this application. This objective calls for a transportation system that is current, flexible, and coordinated with the overall Comprehensive Plan. This application complies with Objective 14 because it supports greater access to rail and barge lines than lands south of Interstate 84. The site is also located directly by the I-84/Patterson Ferry interchange, thereby reducing traffic volumes on interchanges to the west and closer to residential areas and ensuring consistency with highway performance standards.

The applicable Transportation Policies are policies 1, 2, 6, 7, 9, 10, 11, and 19. Policy 1 parrots LCDC Goal 12. The application is consistent with Policy 1 because it includes transportation improvements that will help facilitate the flow of goods and services relative to the local economy and because it provides for

consistency between Comprehensive Plan policies and the transportation network. The application also is consistent with Transportation Policy 2 because proposed roadway improvements are being developed in coordination with ODOT through an IAMP process and are based on current studies related to industrial development on the Depot.

Transportation Policy 6 seeks to avoid dividing existing economic farm units unless no feasible alternative exists. Because goal exceptions are justified to convert existing farm land to industrial land, economic farm units won't be divided. No public roads will divide those lands being converted back to agricultural zoning.

Transportation Policy 7 provides that plans for transportation systems shall consider the carrying capacity of the air, land and water resources and be consistent with applicable Comprehensive Plan policies. By moving industrial land from the south side of I-84 to the north and by providing a greater choice of access into the industrial park, the amendments will help reduce congestion and improve air quality over the current zoning mix between the two parcels. The road system will not impact any water resources, and the land is capable of accommodating an extension of the existing local road system to improve connections to I-84 when and if warranted.

Policy 9 provides for Morrow County to consider transportation according to street classification policies in extending existing development or approving new development. The affected roads are Patterson Ferry Road (a County Road), and I-84, an Interstate Highway and freight route. These classifications of highways are particularly appropriate to accommodate the movement of freight by trucks from one portion of the region to another or from this region to other regions of the state. Local roads providing internal circulation to the Port property will provide appropriate access to the state highway system.

Policy 10 requires that road improvements necessitated by development be constructed in accordance with street classification policies and financed by the developer. Any future widening of Patterson Ferry Road, should it be required, would be paid for by the Port.

Policy 11 requires the County to limit development that would prevent streets from serving their identified functions. The subject property is served by Patterson Ferry Road, an arterial facilities and freight route.

Policy 19 directs the County to work with the Port, private concerns and state and federal agencies to evaluate and develop those Port facilities that are most economically desirable for full utilization of the Port's geographic advantages. These amendments will encourage the improvement, expansion and use of the industrial infrastructure by facilitating improved function between the existing Port infrastructure and transportation networks and the proposed Depot industrial

park. The Port is working with Union Pacific Railroad and ODOT to improve the overall transportation network serving the Patterson Ferry area to the Depot.

7. Energy Conservation.

Energy Conservation Policies 1 and 14 are applicable to these proposed plan and land use regulation amendments. As with many other Comprehensive Plan policies identified herein, these policies are directory or aspirational in nature, rather than mandatory to an applicant. While they are not standards upon which approval or denial is based, they are nevertheless addressed herein.

Energy Policy 1 encourages the use of renewable and/or efficient energy systems in all new development in the County. The Port is aware of this policy and can strive to comply with it where practicable. Energy Conservation Policy 14 encourages the County to combine increasing density gradients along high capacity transportation corridors to achieve greater energy efficiency. This proposal is consistent with this policy by consolidating lands for industrial development in an area bordering an Interstate Highway, a state Regional Highway and a railroad mainline, which should encourage greater utilization of appropriate industrial infrastructure by industry.

8. Urbanization.

The Urbanization element of the Morrow County Comprehensive Plan contains provisions to allow nonresource uses outside of urban growth boundaries. This element includes the prior goal exceptions for the Port of Morrow Industrial Park east of Boardman acknowledged in the 1980s. The Goal 11/14 exceptions set out in Section III of this application constitute amendments to the County's Comprehensive Plan to authorize additional port-related urban development adjacent to the industrial park.

9. Review and Revision Processes.

The Comprehensive Plan provides a process to consider major plan revisions. Major revisions include land use changes that have wide-spread and significant impacts beyond the immediate area, such as quantitative changes producing large traffic volumes and qualitative changes in the character of the land use itself. The Plan allows for amendments when such revisions occur.

The proposed redesignation and rezoning of 89.6 acres of agricultural land to industrial land, and the proposed redesignation and rezoning of 89.6 acres of industrial land to farm land, constitute major revisions to the plan. As such, they take the form of Comprehensive Plan and land use regulation amendments. Consistent with state law, they have been developed to conform with applicable statutes, the statewide planning goals, and relevant unamended portions of the County's Comprehensive Plan, as demonstrated in these findings.

The Comprehensive Plan establishes standards for biennial review of the Comprehensive Plan. Because these amendments are Port-initiated rather than County-initiated, they fall more into the category of quasi-judicial amendments rather than legislative amendments, and the standards for biennial review do not apply. Still, this application is generally consistent with those standards, as its review will include public notice, opportunity for public review and comment, review and recommendation by the Planning Commission, and review and decision-making by the County Court.

The Comprehensive Plan element addressing plan review and revision also contains language requiring that the plan and its implementing regulations be evaluated in relation to changing public policies and circumstances. Because this provision is directory to the County and appears in the context of a discussion calling for periodic plan review and update, it is not a mandatory approval standard applicable to landowner-initiated quasi-judicial amendments. However, if it did apply, the Port notes that the current economy is in a deep recession and that this proposal improves the Port's ability to attract new industry, especially through the provision of substantially improved rail service and better access to the state highway system.

B. Compliance with Morrow County Transportation System Plan.

The Morrow County Transportation System Plan (TSP) is an element of the County's Comprehensive Plan that Morrow County adopted pursuant to LCDC's Transportation Planning Rule, OAR 660, Division 12. It includes transportation related goals and policies, some of which are relevant to this application. The applicable goals and policies are identified below. Those not identified do not apply to this application.

TSP Goal 1 addresses coordination and process. The goal is to ensure that the Morrow County TSP is coordinated with other transportation providers, meets applicable regulations, and considers the needs of all transportation system users. The roadway impacts to I-84 and Patterson Ferry Road discussed in these amendments have been coordinated with ODOT, The County and the Union Pacific Railroad. They have been designed to comply with applicable regulations, including ODOT and Morrow County roadway performance standards, and to consider users of impacted transportation networks.

TSP Goal 2 requires that land use planning be supported with appropriate transportation improvements. Policy 2.3 requires that new development proposals, plan amendments and zone changes conform to the TSP, as required by OAR 660-012-0045(2)(g). Under that rule, local governments must adopt regulations that assure "that amendments to land use designations, densities and design standards are consistent with the functions, capacities and levels of service of facilities identified in the TSP." Compliance with this policy is

addressed in the analysis of compliance with OAR 660-012-0060, set out in Section IV above. Policy 2.4 requires new development to provide appropriate access to the transportation system. Exhibit #2 address compliance with these plan goals and policies.

Policy 2.5 requires new development to identify transportation impacts and provide appropriate mitigation. Exhibit 2 provides documentation regarding compliance with this policy.

Policy 2.6 requires new development to dedicate right-of-way for transportation system improvements where appropriate. To the extent Port property is affected, required right-of-way can be dedicated if required.

TSP Goal 3 and Policy 3.1 address economic development. The goal seeks to enhance economic development through transportation improvements. An IAMP has been developed to guide future investments in the region in close coordination with Depot industrial development.

TSP Goal 4 directs the County to promote a high quality of life by providing a well-developed transportation system that is appropriate to its surroundings. The roadway improvements proposed in this application are intended to provide a transportation system adequate to serve the freight and mobility needs of Port industrial users. Because road improvements have already been anticipated to serve Depot development demands in the future, impacts to non-industrial rural areas are minimized.

TSP Goal 5 calls for a safe and efficient roadway system. Consistent with the Goal and Policy 5.1, roadway improvements can and will be constructed in accordance with applicable County or State of Oregon design standards. Policy 5.7 provides for improved roadway connectivity in the county. Policy 5.8 provides for improved access for emergency vehicles. The use of an existing, high functioning arterial road (Patterson Ferry) meets this criterion.

TSP Goal 6 is to support other modes of transportation through effective transportation improvements. By moving industrial zoning from the south to north side of I-84, access to multi-modal transportation options, including potential rail if provided to the Depot, is increased.

TSP Goal 8 promotes efficient movement of freight and goods throughout the county. Policy 8.3 encourages improvements to rail freight facilities by encouraging improvements to intermodal connections. This goal and policy are met because the site proposed to be zoned for industrial development is in closer proximity to rail facilities (both existing and an option being considered on the Depot).

C. Compliance with Morrow County Zoning Ordinance.

Section 8.050 of the Morrow County Zoning Ordinance sets out criteria for the Morrow County Planning Commission and Morrow County Court to consider, respectively, in preparing a recommendation for and reaching a decision on a proposed zoning ordinance text or map amendment.

Consistency with the unamended goals and policies of the Comprehensive Plan is demonstrated in Subsection A of this Section of this application. The public need for the proposal relates primarily to transportation, proximity to industrial scale infrastructure and developing an industrial corridor to link the depot, in an orderly manner, with proposed industrial buildout in Morrow County. These needs benefit the public by providing more family wage jobs to residents of Morrow County. That need is best served at the proposed location because the proposed area borders the Union Pacific Railroad mainline, along essential routes to commute to and from work as well as to the Depot. As this application indicates, there are 89.6 acres zoned for industrial development about one mile south of I-84 along Bombing Range Road, but those lands cannot conveniently accommodate rail due to their substantial distance from the Union Pacific mainline and the presence of agricultural lands between I-84 and that property. Moreover, because those acres are not on the same side of I-84 as the existing industrial park, industrial development at that location cannot occur in as efficient a manner. Because the land proposed for industrial development can more appropriately accommodate such development, the Port has proposed the amendment to convert 89.6 of those acres south of I-84 back to agricultural land. The owner of the land to be converted to industrial use is the Port. Encouraging economic development is a principal part of the Port's mission. Adjoining property owners should not be adversely impacted by the conversion of this agricultural land to industrial use for the reasons set out in Section III of this application, incorporated herein by this reference.

This section also directs the County to consider the public health and welfare of the proposed request. The thrust of this section is to direct counties to adopt comprehensive plans that promote the public health, safety and general welfare, based on considerations such as characteristics of the county, the suitability of areas for particular land uses, the land uses and improvements in the area, the need for economic enterprise in the future development of the areas, needed access, natural resources, prospective needs for development, and the public need for healthful, safe and aesthetic surroundings and conditions. These issues are addressed in the application, although in the context of compliance with statewide planning goals and acknowledged comprehensive plan policies in this section and in Section IV of this application.

In addition to Section 8.050, this application considers Section 3.110 of the Zoning Ordinance, which describes the purpose and overlay zone requirements of the Limited Use (LU) Overlay Zone. The zone's purpose is to limit the list of permitted uses and activities allowed within the allowing zone to only those uses

and activities which are justified in the comprehensive plan "reasons" exception statement. The "requirements" section provides that when the LU zone is applied, the uses permitted in the underlying zone shall be limited to those uses and activities specifically referenced in the ordinance adopting the LU zone. This section also authorizes the County to impose reasonable conditions that it deems necessary to carry out the provisions of the Comprehensive Plan and Zoning Ordinance.

Here, a limited use overlay zone is not necessary because the PI zone limits the uses to those that are consistent with the proposed plan amendment to industrial, and the EFU zone limits the uses to those that are consistent with the proposed plan amendment to agriculture. The PI zone was specifically developed for Port-owned lands identified for industrial uses. That zone applies elsewhere in the Port of Morrow Industrial Park and is appropriate for the industrial park in its entirety.

Morrow County Area, Oregon

40C—Quincy loamy fine sand, 2 to 12 percent slopes

Map Unit Setting

National map unit symbol: 21t8
Elevation: 250 to 700 feet
Mean annual precipitation: 7 to 8 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 160 to 200 days
Farmland classification: Not prime farmland

Map Unit Composition

Quincy and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Quincy

Setting

Landform: Strath terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Eolian sands

Typical profile

H1 - 0 to 6 inches: loamy fine sand
H2 - 6 to 60 inches: loamy fine sand

Properties and qualities

Slope: 2 to 12 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Excessively drained
Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 3 percent
Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water storage in profile: Low (about 6.0 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: A
Ecological site: SANDY 8-10 PZ (R007XY012OR)

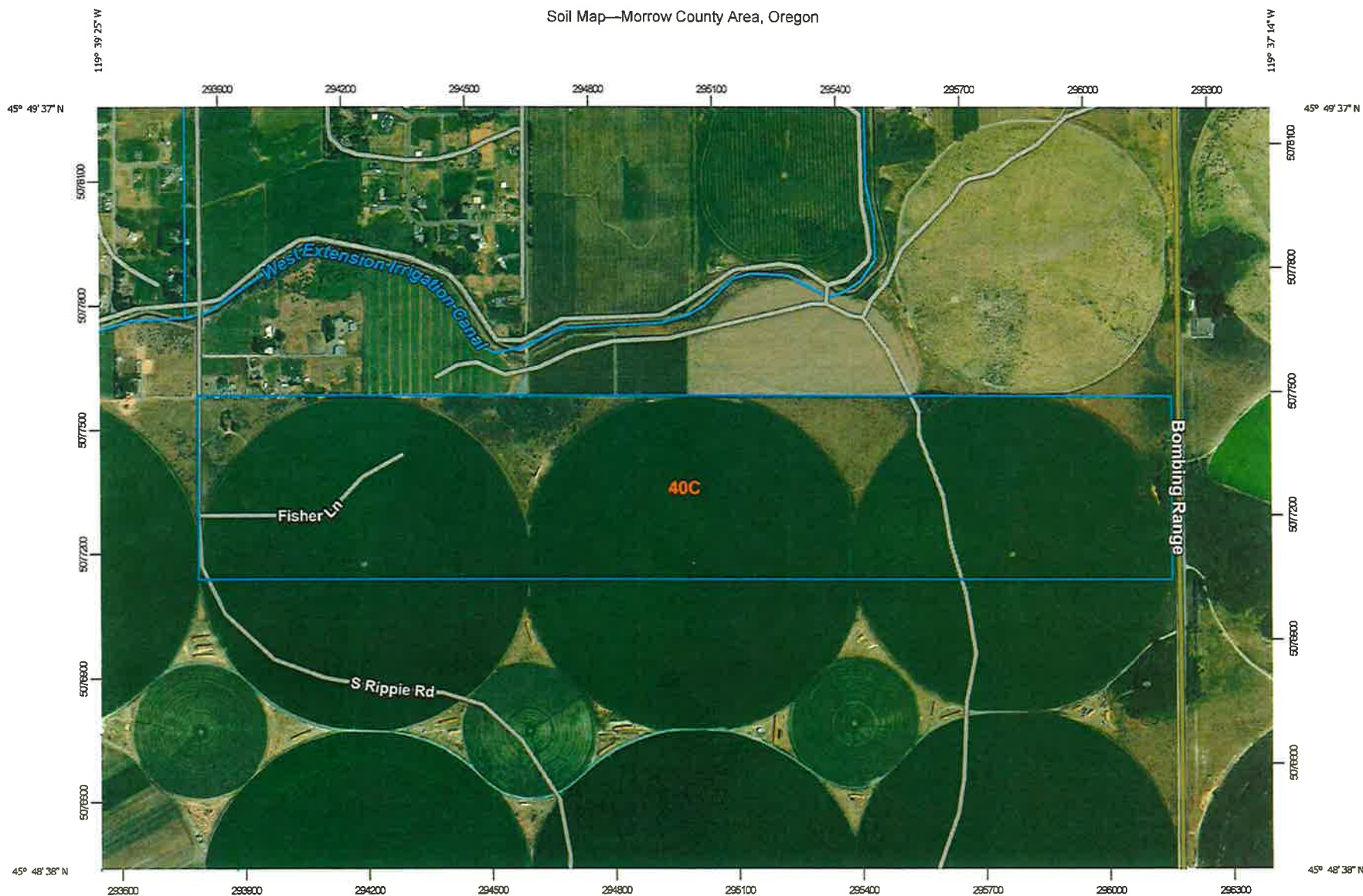
Map Unit Description: Quincy loamy fine sand, 2 to 12 percent slopes--Morrow County Area,
Oregon

Hydric soil rating: No

Data Source Information

Soil Survey Area: Morrow County Area, Oregon
Survey Area Data: Version 3, Oct 22, 2018

Soil Map—Morrow County Area, Oregon



Map Scale: 1:13,000 if printed on A landscape (11" x 8.5") sheet.


0 150 300 600 900 Meters

0 500 1000 2000 3000 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 11N WGS84

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

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 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

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

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: Morrow County Area, Oregon
 Survey Area Data: Version 3, Oct 22, 2018

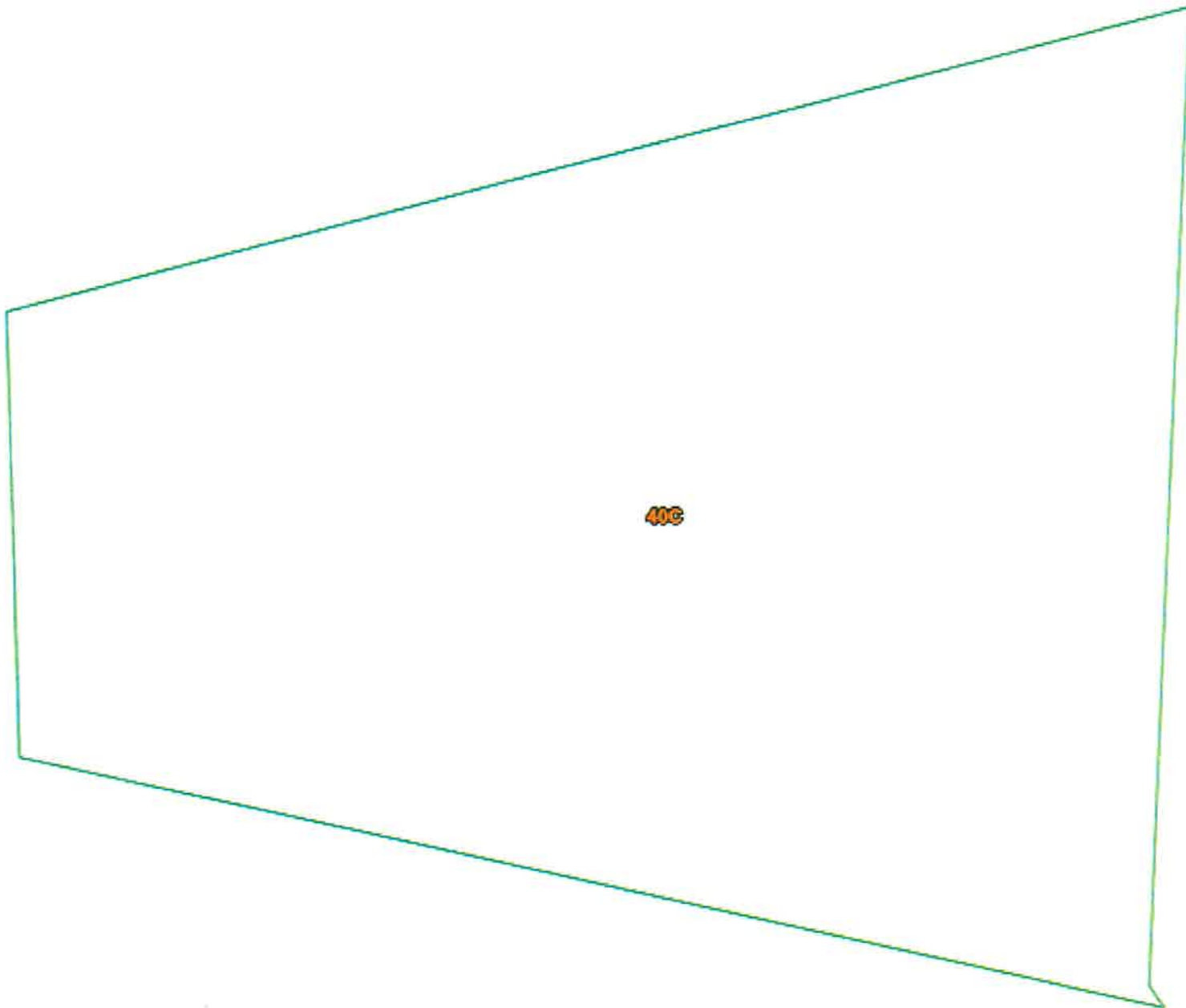
Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 30, 2013—Aug 6, 2016

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

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
40C	Quincy loamy fine sand, 2 to 12 percent slopes	261.2	100.0%
Totals for Area of Interest		261.2	100.0%



4C

900 ft

Port of Morrow

Paterson Ferry Zone Change Transportation Impact Analysis October, 2019

Submitted to:
Morrow County Planning Department
P.O. Box 40
Irrigon, Oregon 97844

Prepared by:
Jacob K. Cain, PE
Port of Morrow Director of Engineering
P.O. Box 200, #2 Marine Drive
Boardman, Oregon 97818

Table of Contents

Introduction	Page 3
History	Page 3
System Description	Page 4
Limitations of Analysis	Page 5
Analysis Criteria	Page 6
Background Traffic	Page 6
Zone Change Trip Generation Estimates	Page 7
Level of Service Evaluation	Page 7
Executive Summary	Page 8
Conclusion	Page 8

List of Figures and Tables

<i>Figure 1: Site Map</i>	<i>Page 3</i>
<i>Figure 2: HWY 730/Paterson Ferry Road Intersection</i>	<i>Page 4</i>
<i>Figure 3: I-84/Paterson Ferry Road Interchange</i>	<i>Page 4</i>
<i>Figure 4: Canal Bridge Crossing</i>	<i>Page 5</i>
<i>Figure 5: At-Grade UPRR Crossing</i>	<i>Page 5</i>

Introduction

The purpose of this impact analysis is to further understand the possible impacts to traffic associated with a proposed zone change along the West side of Paterson Ferry road located in Morrow County Oregon. The Port of Morrow is proposing a zone change of approximately 89.6 Acres of current EFU (exclusive farm use) to PI (Port Industrial). See *Figure 1: Site Map*



Figure 1: Site Map

I will primarily be focused on impacts to the existing I-84/Paterson Ferry Interchange IAMP (Interchange Area Management Plan). Peterson Ferry road itself and the HWY 730 Intersection impacts will also be discussed.

It should be noted, this Transportation Impact Analysis is required to be completed to be in compliance with the 2014 Paterson Ferry IAMP (page 20, subsection "A")

History

Paterson Ferry Road is a county road Located in Morrow County Oregon. This section of Paterson Ferry Road is currently used as a regional access road to rural farming and accessory agricultural uses that exist along the north side of I-84. The I-84/Paterson Ferry Road Interchange (exit 171) was originally built as an overpass in 1967 and converted to an interchange in 1991. The I-84/Paterson Ferry Road IAMP was adopted in 2014 as part of an analysis of proposed uses of the UMCD (Umatilla chemical weapons depot).

System Description

Paterson Ferry Road is a two-lane two-way rural highway classified as a major collector with 12' travel lanes and 2' paved shoulders. The section of Paterson Ferry road of concern is a 3-mile section that connects I-84 to HWY 730 with varying speed zones. The Intersection at HWY 730 is a standard 4-way Intersection with stop signs located on the Paterson Ferry road approaches from both the North and South. Hwy 730 has free movements through the intersection with left hand turn lanes for both East and West bound lanes. See *Figure 2: HWY 730 Intersection/Paterson Ferry Road Intersection*

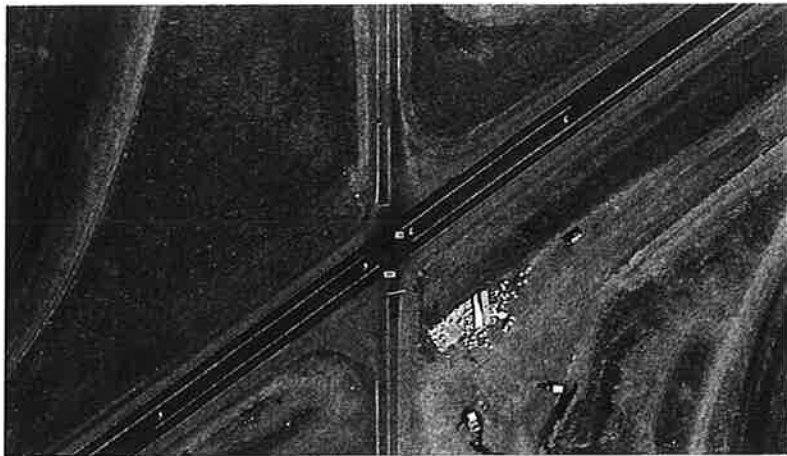


Figure 2: HWY 730/Paterson Ferry Road Intersection

The I-84/Paterson Ferry Road Interchange is a combination of design techniques. The Eastbound ramp configuration consists of a modified Parclo-B (exiting loop ramp and standard on-ramp) connecting to Frontage Lane. The westbound ramp terminal is a diamond interchange with ramps connecting to Paterson Ferry Road. Both East and Westbound ramp terminals are stop controlled. See *Figure 3: I-84/Paterson Ferry Road Interchange*



Figure 3: I-84/Paterson Ferry Road Interchange

The 3-mile section of Paterson Ferry Road includes one bridge crossing over the West Extension Irrigation District canal located 2.0 miles north of the I-84 Interchange as well as one at-grade signalized Union Pacific Railroad crossing located .37 miles north of the I-84 Interchange. See *Figure 4: Canal Bridge Crossing* and *Figure 5: At-Grade UPRR Crossing*



Figure 4: Canal Bridge Crossing



Figure 5: At-Grade UPRR Crossing

Paterson Ferry Road also has multiple farm and agricultural access points throughout this section of roadway.

The proposed zone change property lies roughly 1.4 miles north of the I-84/Paterson Ferry Interchange and 1.3 miles south of the HWY 730/Paterson Ferry Intersection.

Limitations of Analysis

The roadways were evaluated by a very simple method as outlined in the Highway Capacity Manual, edition 2000 and guidelines from various Institute of Transportation Engineer's manuals and handbooks. This impact analysis was compiled and analyzed utilizing information gathered from owners, managers, and business representatives from current and previous operations for total trip generation by employees and any shipping, hauling, or other daily trip generating functions of their business. No traffic counts or studies were used to establish use level. A more in-depth analysis would only be accomplished by gathering traffic count information from the field before and after any developments.

The current IAMP of the Paterson Ferry Interchange is also limited as it only analyzed the impacts of future developments associated with the development of the former Umatilla Chemical Depot. The approach of my analysis minimizes this impact as I am showing current traffic volumes as they compare to previous and future patterns.

Analysis Criteria

The Transportation Impact Analysis was performed according to the Institute of Transportation Engineers (ITE) Manuals along with the Transportation Research Board's Highway Capacity Manual, HCM 2000. The ITE manuals were background for the development of Trip Generation and the HCM 2000 was the basis for the Level of Service (LOS) of the roadway and roadway sections after the completion of the proposed Zone change. Because current traffic volumes were not analyzed using real-world counting techniques, a methodology of estimating and projecting trip generations as opposed to traffic studies was employed to calculate potential traffic volumes.

Background Traffic

The background traffic information considered current volumes and uses (not potential uses based on zone or other possible developments as that would be a burden on that future development). As stated, the majority of existing traffic on Paterson Ferry Road and the I-84 interchange can currently be attributed to agricultural activities. Utilizing traffic count information provided by Morrow County staff, the average ADT for August 2012 was 985 and August 2017 was 1368. Background traffic volumes of a rural roadway located in a high use agricultural setting is difficult task to analyze. The seasonal swing of volumes can be attributed to harvest activities. The harvest-time volumes are completely dependent on variety and type of crops being harvested. For simplicity of this analysis, agricultural traffic volumes are assumed to remain the same. With agricultural volumes remaining the same, we need to analyze the changing background traffic volumes.

Sight distance on Paterson Ferry Road for approaching traffic was measured using the worst-case location. Distances were measured in the field to be 2000+ feet from the south approaching lane and 850ft from the north.

Volume Reductions Since IAMP - 2014

Recently, there has been one major change that will impact background traffic volumes (since the time IAMP of Paterson Ferry Road was completed) on Paterson Ferry road and more particularly the I-84 Interchange. Columbia Mill that was located 3.5 Miles to the South along Poleline road is no longer in operation. The mill operations primarily used the Paterson Ferry interchange for all employee trips as well as trucking activities. The mill had 65 full-time employees as well as averaged 35 chip truck and 24 finished lumber trucks a day. This combined trip generation (using 2.5 equivalent car value for trucks) equals an average of 425 trips a day. Trip generation multiplier of (2) per employee was used because of the distance to restaurants, stores, and other facilities make it hard for a lunch trip to significantly develop.

In 2015, the grain elevator just north of the UPRR was decommissioned. This elevator primarily used the Paterson Ferry Interchange for all operation activities. The generated trips were based on 600,000 bushels of storage with one year turn over. An average of 750 bushels per truck would equal 1,600 total truck trips per year or an average of 11 equivalent car trips per day.

In 2018 Agri Northwest sold its shop and accessory building along Paterson Ferry Road to Alan Cleaver. It is assumed the employee numbers have dropped from 40 to 20 with that ownership change. Total trip generation values were not possible to calculate as the operation of the agricultural businesses are very hard to evaluate.

Volume Increases Since IAMP - 1014

New uses (since Paterson IAMP completion) in the area were also evaluated but determined to make no measurable effect on traffic volumes. This included the dairy constructed along Homestead Road. The dairy is currently not in operation, but most trips generated would utilize Bombing Range Road if operation was to restart.

Zone Change Trip Generation Estimate

Estimating a trip generation for 89.6 acres of PI (Port Industrial) property is somewhat complex. Based on the Port of Morrow's development progression as it relates to development types and uses, the probable use of this specific piece of property would most likely be some kind of tech industry. As the POM builds to the East, the developments get further and further away from wastewater treatment services (anaerobic digester), making it very improbable for any type of process that has an effluent with bio-gas potential. In short, tech industry would be a worst-case scenario trip generator in today's development plans for the POM.

Operationally, an 89.6 Acre tech industry would have 150 full-time employees creating 300 daily trips (multiple of two with distance to facilities). In addition, estimates of 20 truck deliveries a day would add an additional 100 trips per day (using 2.5 equivalent cars per truck). Full build out operation comes to a total of 450 daily trips. Construction activities are a bit harder to estimate as type of building and contractor schedules usually drive number of construction workers and daily delivery values. For a standard construction site of this nature the trip generation should be calculated on an estimate of 200 construction workers, and 35 delivery trucks. This puts temporary construction trip generation to be approximately 575 trips.

Evaluating current employee traffic patterns in the area, a fair trip distribution estimate from this site (also using current POM businesses employee trip generation and destination) would be 25% (112.5 trips) would be impacting the HWY730 intersection to the North and the remaining 75% (337.5 trips) would impact the Paterson Ferry Interchange to the South.

Level of Service Evaluation

Current LOS would need to be determined with a current physical traffic count. An accurate volume calculation for agricultural uses utilizing a methodology approach is simply un-reliable. Generally speaking, Paterson Ferry Roadway and Interchange currently operate free flowing.

In terms of operation, the proposed zone change will not cause a significant reduction in LOS. The proposed tech industry operates on a 24/7 basis meaning the traffic patterns are split up throughout the entire day rather than concentrated to daylight hours.

Short term construction activities could cause LOS losses. Construction activities are generally daylight work type operations so expectations for large peak volumes to occur around 7AM and 5PM.

Executive Summary

To summarize the information in this analysis, traffic impact to existing infrastructure by the proposed zone change were analyzed. A few bullet points below summarize the findings:

- Proposed development access locations are a minimum of 1.28 miles from the Paterson Ferry Interchange.
- Adequate stopping site distance of 850ft +/- is achieved approaching the site from the North to the worst-case access point. However, the Northern most access point should be pushed as far South as possible to maximize this distance. Additionally, separating this developments access from the existing Substation access would be beneficial to the county transportation system.
- No negative impacts to the WEID Canal bridge.
- High speed UPRR minimizes potential que issue with minimum stoppage time. Sufficient .24-mile distance from UPRR to nearest off ramp.
- Paterson Ferry Road has capacity to accommodate an additional 450 daily trips.
- Minimum amounts of traffic (25% or 112.5 trips) are anticipated to utilize HWY 730, and those that do will primarily be passenger vehicle traffic. Intersection has sufficient capacity. For optimal operational flow of the intersection, a right-hand turn lane approaching the intersection from the South could be justified.
- ADT volumes appear to increase by 383 trips from collected data in August 2012 to 2017 on Paterson Ferry Road. Contributing factors of the increase could be attributed to agricultural swings (both in 2012 or 2017), as well as the fact Columbia Mill was still in operation in 2017, and the increased tree and stump removal crews working on converting the poplar acreage to irrigated farm ground. Current and yearly counts would be needed to further analyze the traffic volumes. I am still confident overall volumes have trended down from 2014 to today due to the reasons listed above.

Conclusions

In conclusion, long-term operational traffic volumes will not trigger improvements as part of the Paterson Ferry IAMP. At full build out of the 89.6 acre parcel, traffic volumes will not exceed the 2014 IAMP. The reduction of business activities since 2014 in the area has given the Paterson Ferry Interchange the capacity to accommodate the proposed zone change with no more traffic than was observed in 2014.

Additionally, all new access locations associated with this zone change on Paterson Ferry Road are sufficient distance (>1.28 miles) from the nearest ramp at the I-84 Interchange.

Construction activities however could have impacts based on the high volume of truck trips and peak morning and afternoon volumes. With any construction activities, temporary traffic control measures may need to be implemented. Additional measures of construction traffic routing/ timing should be considered and implemented whenever possible to minimize traffic congestion on the state and county transportation systems.



October 29, 2019

By electronic mail

Morrow County Planning Commission
c/o Carla McLane
Morrow County Planning Director
205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

Re: AC-130-19; ACM-131-19; AZM-132-19

Morrow County Planning Commission:

On behalf of 1000 Friends of Oregon, please accept the following testimony for the record in the Port of Morrow's application for the rezone of 89.6 acres of land from EFU to Port Industrial for a portion of Tax Lot 100, Map No 4N 26E 9, and the rezone of 89.6 acres of land from General Industrial to Port Industrial for and Tax Lot 1700, Map 4N 25E (24).

Due to a prior obligation, I am unable to attend tonight's hearing. 1000 Friends presumes there will be additional opportunity to comment before the Board of Commissioners. If not, please let me know. The proposal is an issue of public importance and involves the County's process for applying the provisions for a goal exception. For that reason, 1000 Friends requests that the Planning Commission hold the record open for an additional week to allow for additional written testimony. ORS 197.763(6).

Goal 2 Exception Process

The applicant's stated reason for the exception is as follows:

"The principal reason for this application is to facilitate expansion of development into the easterly portion of the Port of Morrow Industrial Park, consistent with the Ports utility and road network investments, and to begin to provide connectivity within the industrial lands from East Beach to the Ordnance Depot."

The applicant also states,



“with the interest in re-use of the Ordnance Chemical Depot and the proposed industrial zoning of the southwest portion of the Depot to industrial zoning, a need for connectivity of zoning exists to ensure economically feasible development and operation of water, industrial effluent, rail and road infrastructure to meet development demands[.]”

And the applicant seeks an exception,

“to allow urban-scale port-related industrial uses and public facilities and services on agriculturally designated and zoned lands.”

The applicant then describes the uses allowed in the PI zone. Application at 7-8.

The exception process is meant to apply to specific properties or situations, and cannot be used to “establish a planning or zoning policy of general applicability.” OAR 660-004-0005(1)(a). In this case, the applicant seeks to apply the PI zone to the current EFU property. An exception to apply the PI zone to a particular property, without specifying the specific uses that the applicant seeks to establish, is a request to “establish a planning or zoning policy of general applicability.” *Id.* For that reason, the applicant’s proposal does not meet the definition of an exception allowed pursuant to Goal 2.

In addition, the applicant’s failure to describe the particular use that will be enacted on the exception area prevents compliance with OAR 660-004-0018(4). The applicant’s proposed re-designation of the EFU property does not “limit the uses, density, public facilities and services, and activities *to only those that are justified in the exception.*” OAR 660-004-0018(4)(a). By failing to provide a specific use or proposal for the exception area, the applicant fails to limit the uses and other facilities and services to the specific use or uses that justify the exception. The applicant cannot simply request an exception for the purpose of adopting the PI zone without specifying the use or uses that it seeks to establish on the exception area.

The reasons provided by the applicant for why the exception area should not have to comply with the various goals are inappropriate and unrelated to the specific subject property. The exception must provide “the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land.” OAR 660-004-0020(2)(a). In this case, the applicant’s justification for the exception area appears to rely on the desire to extend services and facilities to a different area of land:

“The primary purpose for adding the subject properties east of the East Beach Industrial Park is infrastructure and infrastructure continuity related. To serve new development moving into the Depot, infrastructure must be extended to the proposed industrial lands of the depot on the Morrow County side of the Depot.”

The applicant explains that the exception area, “would allow the Port to extend public facilities and services sized to accommodate urban-scale uses, including sewer service extended from the Port's existing 30" industrial waste-water re-use line, and water associated with the Port's existing water supply system.” And elsewhere the applicant states that the exception area would be used to “marry up lands to accommodate extension of service to the Depot and to ensure economically feasible delivery of service to the Depot will require exceptions.” In addition to the applicant’s failure to identify the uses for the specific property, the applicant fails to comply with OAR 660-004-0020(2)(a). The applicant’s statements do not justify why the “use being planned” or the “amount of land” for that un-named use requires a location on resource land. Instead, the applicant appears to use the need to require an extension of service to other lands to justify the exception on the exception area. In other words, the exception does not have to do with a use of the EFU property itself. The applicant cannot bifurcate consideration of the full extent of the exception area needed. The fact that an extension of services is already occurring, or that the subject property will help facilitate the extension of those services to a different property, does not meet the applicable requirements. *Id.*

The applicant’s justification for the criteria described in OAR 660-004-0020(2)(b) is inadequate. The applicant fails to adequately “discuss why other areas which do not require the exception cannot reasonably accommodate the proposed use.” Again, the applicant has failed to describe the proposed use for the EFU property. The applicant also states that “[t]he existing Port industrial park to the northwest of the proposed parcel to be converted to industrial zoning is served with a full range of facilities and services... to accommodate both existing and future industrial development.” The applicant cannot simply rely on the property being swapped out of the current industrial zone. Instead, the applicant must evaluate other lands that could accommodate the proposed use. The applicant cannot artificially narrow its analysis as it has done here. OAR 660-004-0020(2)(b).

Conclusion

For the foregoing reasons, the applicant has failed to justify taking an exception for the EFU property in this case. In addition, the applicant has failed to evaluate or take an exception to Goal 4, which is required for the re-designation of resource lands. Finally, the application does not meet the criteria for taking a goal exception to Goal 11 for sewer expansion. OAR 660-011-



0060(9)(a) and (b). *See Cent. Or. Landwatch v. Deschutes Cnty.* (LUBA No 2016-020, Nov 1, 2016). 1000 Friends respectfully requests that the County deny the applicant's request.

Sincerely,

A handwritten signature in black ink that reads "Andrew Mulkey".

Andrew Mulkey
Rural Lands Staff Attorney
1000 Friends of Oregon
(503) 497-1000x138
andrew@friends.org

1000 Friends of Oregon is a non-profit organization founded by Governor Tom McCall shortly after the Legislature passed Senate Bill 100, which created the land use planning rules that shape Oregon's communities. Since its founding in 1975, 1000 Friends has served Oregon by defending Oregon's land use system—a system of rules that creates livable communities, protects family farms and forestlands, and conserves the natural resources and scenic areas that make Oregon such an extraordinary place to live. 1000 Friends accomplishes this mission by monitoring local and statewide land use issues, enforcing state land use laws, and working with state agencies and the Legislature to uphold the integrity of the land use system.



City of Boardman

200 City Center Circle
P.O. Box 229
Boardman, OR 97818
Phone: (541) 481-9252
Fax: (541) 481-3244
TTY Relay 711
www.cityofboardman.com

December 5, 2019

Chair Jim Doherty
Morrow County Board of Commissioners
Morrow County Bartholomew Building
110 N Court St.
P.O. Box 788
Heppner, OR 97836

RE: Port of Morrow Land Use Applications (Morrow County File Nos. AC-130-9, ACM-131-19, AZM-132-19)

Chair Doherty and Commission:

I am writing to express the City of Boardman's support for the land use applications submitted by the Port of Morrow to amend the Comprehensive Plan and Zoning Map to allow for a zone swap of 89.6 acres to allow industrial development on a strategically selected piece of property along Patterson Ferry Road. Approval of these applications will facilitate economic development and job growth for the region and will not reduce the supply of agricultural zoned lands in Morrow County. Development of this property in this manner will not limit future development inside the City Limit boundaries of Boardman.

This site makes sense for the intended use the Port of Morrow is working to locate as it meets site selection criteria that cannot be accommodated inside our current boundaries.

The City of Boardman urges Morrow County to approve the applications as filed. Thank you for your consideration of this testimony in support of the applications referenced above.

Sincerely,

A handwritten signature in cursive script that reads 'Karen Pettigrew'.

Karen Pettigrew
City Manager

December 6, 2019

Seth J. King
sking@perkinscoie.com
D. +1.503.727.2024
F. +1.503.346.2024

Chair Jim Doherty
Morrow County Board of Commissioners
Morrow County Bartholomew Building
110 N Court St
PO Box 788
Heppner, OR 97836

**Re: Port of Morrow Land Use Applications
Morrow County File Nos. AC-130-9, ACM-131-19, AZM-132-19
Applicant's Response to Letters from 1000 Friends of Oregon**

Chair Doherty and County Commissioners:

This office represents the Port of Morrow ("Port"). This letter responds to the two letters received by Morrow County ("County") from 1000 Friends of Oregon ("Friends") in opposition to the rezone applications filed by the Port (County File Nos. AC-130-9, ACM-131-19, AZM-132-19) ("Applications"), which the County Planning Commission approved with a "do pass" recommendation. The Board of Commissioners ("Board") should deny the contentions raised in the Friends' letters for the following reasons:

- Contrary to Friends' assertion, adequate reasons justify why the state policies in Statewide Planning Goals ("Goals") 3, 11, and 14 should not apply to the Applications. The Port has adequately described the use for the exception area, and the County may limit the uses in the exception area consistent with this description.
- Other areas not requiring an exception cannot reasonably accommodate the proposed use, as required by OAR 660-004-0020(2)(b).
- The consequences of developing the Paterson Ferry Road Property are not significantly more adverse than would occur at other areas requiring an exception, as required by OAR 660-004-0020(2)(c).

- The proposed data center use is compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts, as required by OAR 660-004-0020(2)(d).
- The Port is not required to request or obtain approval of a Goal 4 exception in conjunction with the Applications.
- Friends have not demonstrated that the Applications do not meet the criteria for taking an exception to Goal 11 for sewer expansion.
- The Applications satisfy the requirements for an exception to allow new urban development on undeveloped rural lands as required by OAR 660-014-0040.
- None of the comprehensive plan provisions identified by Friends justify denying or conditions the Applications because none of them are applicable to the Applications.

I. Detailed Responses.

A. Contrary to Friends' assertion, adequate reasons justify why the state policies in Goals 3, 11, and 14 should not apply to the Applications.

To approve a Goal exception, a local government must find that there are "reasons" that "justify why the state policy embodied in the applicable goals should not apply." OAR 660-004-0020(2)(a); ORS 197.732(1)(c)(A). In the present case, as explained in the letter from Port Executive Director Ryan Neal in Exhibit A, the Port has requested exceptions to permit development of a data center use and related public facilities and services (as allowed by the County's PI zone) on approximately 89 acres of land that is currently designated for agricultural uses. The requested exceptions are justified for three reasons.

First, the Paterson Ferry Road Property is well-situated for development of data center uses because it is located between the Port Industrial Park and the East Beach Industrial Park, within an existing industrially-planned corridor with available public services, including proximate high-voltage electric lines. See letter from Ryan Neal identifying the

Chair Jim Doherty
Morrow County Board of Commissioners
December 6, 2019
Page 3

data center developer's site selection criteria in Exhibit A. Furthermore, the data center developer could not identify any other sites that met these criteria in the area. *Id.*

Second, development of the Paterson Ferry Road Property consistent with the Applications will generate significant economic benefits to the County and its residents, including new jobs and ad valorem tax revenues.

Third, due to the companion zone change of the Bombing Range Road Property, there will be no net loss of farmland upon approval of the Applications. Additionally, as explained in the narrative for the Applications, the Bombing Range Road Property is better-situated for agricultural use than the Paterson Ferry Road Property. As a result, the companion zone changes will result in more viable long-term farmland being added to the County's agricultural inventory.

For these reasons, rezoning the Paterson Ferry Road Property to allow data center development would have a significant comparative advantage that would benefit the County economy and, in this case, it would result in no net loss of resource productivity (due to the companion zone change of the Bombing Range Road Property to EFU).¹ The Port's reasons are consistent with OAR 660-004-0022(3)(c), which establishes "appropriate reasons and facts" for exceptions to allow rural industrial development.

Although Friends contend that the Port's proposal does not adequately describe the uses for the Paterson Ferry Road Property sufficient to justify a Goal exception, the Board should deny this contention for two reasons. First, contrary to Friends' contention, a county may adopt an exception to allow a range of port-related industrial uses:

"We see nothing in OAR 660-004-0020 or -0022 that would preclude a county from justifying an amount of land for a range of deepwater post-dependent rural industrial uses based on the best available evidence

¹ In the opening paragraph of its October 29, 2019, letter, Friends misstate the nature of the Bombing Range Road Property rezoning, describing it as a request to change the zoning from General Industrial to Port Industrial when it actually would be a change from General Industrial to EFU. It is unclear whether Friends' statement is a typographical error or a misunderstanding of the Applications. In any event, the Port clarifies that, if approved, the Applications would result in no net loss of land zoned EFU.

Chair Jim Doherty
Morrow County Board of Commissioners
December 6, 2019
Page 4

regarding the types and land needs of likely industrial uses, without knowing exactly which industrial uses will locate in the exception area or exactly how much acreage each use will require. We disagree with petitioners that such an approach establishes a ‘planning or zoning policy of general applicability,’ and thus does not qualify as an ‘exception’ * * *.”

Columbia Riverkeeper v. Columbia County, __ Or LUBA __ (LUBA No. 2018-020, Dec. 27, 2018), *aff’d* 297 Or App 628, 443 P3d 1184 (2019). As this passage indicates, under similar facts, both LUBA and the Oregon Court of Appeals recently rejected the very contention Friends raise in this proceeding. Friends do not explain how, in light of these appellate decisions rejecting Friends’ position, the Board has the authority to reach a different conclusion in the present case.

Second, contrary to Friends’ contention, as explained in Exhibit A, the Port has identified the intended use of the Paterson Ferry Road Property as a data center campus, and reasons justify why an exception to allow this use in this location should be allowed. The Port recognizes that the uses allowed under the exception will be limited to the data center use for which the exception was taken, as required by OAR 660-004-0018(4)(a).

Friends also erroneously contend that the Port has not adequately justified the “amount of land for the use being planned and why the use requires a location on resource land,” as required by OAR 660-004-0020(2)(a). According to the developer, the data center campus needs at least 85 acres to develop. See Exhibit A. The Paterson Ferry Road Property is approximately 89 acres, meaning it is not only right-sized for the use but also will minimize the amount of land included in the exception. Moreover, as explained above, the use requires a location on resource land because the proposed location, within an existing industrially-planned corridor with available public services, would have a significant comparative advantage (particularly over the existing, isolated location on Bombing Range Road) that would benefit the County economy and, in this case, result in no net loss of resource productivity.

The Board should deny Friends’ contentions on this issue.

B. Other areas not requiring an exception cannot reasonably accommodate the proposed use, as required by OAR 660-004-0020(2)(b).

In order to approve a reasons exception, a local government must find that “areas which do not require a new exception cannot reasonably accommodate the use.” OAR 660-004-0020(2)(b); ORS 197.732(1)(c)(B). The letter from Ryan Neal identifies the data center developer’s site-selection criteria and explains that the developer could not identify any other sites in the area that could reasonably accommodate the data center use. See Exhibit A. For example, some other vacant industrial sites in the area are either too small or too distant from high-voltage power lines. Although Friends contend that other PI zoned sites could accommodate the proposed use, Friends do not identify these sites with sufficient specificity to permit an evaluation of these alternative sites nor do they explain why such sites are adequate.

The Board should deny Friends’ contentions on this issue.

C. The consequences of developing at the Paterson Ferry Road Property are not significantly more adverse than would occur at other areas requiring an exception, as required by OAR 660-004-0020(2)(c).

The consequences of developing at the Paterson Ferry Road Property are not adverse. As explained in Section I.D. of this letter below, the proposed data center use will be required to obtain and comply with all applicable permits. It is compatible with agricultural uses. In fact, the data center campus will be supportive of such uses because it will discharge processed water that can be utilized for irrigation on nearby farms. See Exhibit A. Moreover, as explained in Section I.A. of this letter above, the proposed data center use will generate significant economic benefits to the County and its residents, including new jobs and ad valorem tax revenues. Further, due to the companion zone change of the Bombing Range Road Property, there will be no net loss of agricultural land in the area. For these reasons, there are no adverse consequences to developing the Paterson Ferry Road Property with the proposed data center. As a result, such consequences are not significantly more adverse than would occur at other areas requiring an exception.

The Board should find that the Applications satisfy this criterion.

D. The proposed data center use is compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts, as required by OAR 660-004-0020(2)(d).

In order to approve the requested Goal exceptions, the County must find that the proposed use is “compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.” OAR 660-004-0020(2)(d). For purposes of this rule, “[c]ompatible is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.” *Id.*

The proposed data center use is compatible with other adjacent uses. First, consistent with the Port’s experience at other data centers developed in the Port area, the data center use will not generate adverse impacts on surrounding properties, such as noise, odor, dust, vibration, blasting, vapor, or bright lights. Second, the proposed data center use will be required to obtain applicable air quality and environmental permits and to comply with the conditions of issuance of same. For these reasons, the County should find that the proposed exception satisfies this rule.

Although Friends contend that the proposal is not compatible with the area because it will introduce development pressures on surrounding properties, the Board should deny this contention. The proposed data center use is self-contained and will not hasten the urbanization of surrounding lands. The Port is not proposing in these Applications to extend public facilities and services to serve adjacent resource-zoned properties.

The Board should deny Friends’ contention on this issue.

E. The Port is not required to request or obtain approval of a Goal 4 exception in conjunction with the Applications.

An exception is only required for uses or public facilities and services not allowed by an “applicable Goal.” OAR 660-004-0020(1). In the present case, the Paterson Ferry Property is farmland subject to Goal 3; it is not forestland subject to Goal 4. Therefore, the Port is not required to request, and the County is not required to grant, an exception to Goal 4 in conjunction with the Applications. Friends do not cite to any legal authority to support their contention that a Goal 4 exception is required as a

prerequisite to developing urban-scale uses on all types of resource land. Therefore, the Board should deny Friends' contention on this issue.

F. Friends have not demonstrated that the Applications do not meet the criteria for taking an exception to Goal 11 for sewer expansion.

In a single sentence in their October 29, 2019 letter, Friends contend that the Applications do not meet the criteria for taking an exception to Goal 11 for extension of a sanitary sewer line. However, neither the rule nor the case cited by Friends support their contention.

First, although OAR 660-011-0060(9)(a) and (b) identify "[a]ppropriate reasons and facts for an exception to Goal 11," the plain language of the rule provides that the permissible "reasons and facts" are expressly "not limited to" those listed in the rule. Therefore, merely citing to the rule without any additional explanation does not demonstrate that the Port's Goal 11 exception request is flawed.

Second, the case cited by Friends (*Central Oregon Landwatch v. Deschutes County*, ___ Or LUBA ___ (LUBA No. 2016-020, Nov. 1, 2016)) is distinguishable. In *Central Oregon Landwatch*, LUBA concluded that a county erred by approving a Goal 11 exception to allow a contingent future sewer extension that could serve 11,000 undefined lots over a 180-square mile area. *Id.* Specifically, LUBA was concerned by the excessive scope and area and the contingent nature of the exception. *Id.* No such concerns are at issue in the present proceeding. The size and scope of the Paterson Ferry Road Property is defined and limited (approximately 89 acres), and the exception is not conditioned by the potential occurrence of certain events. Because the facts of the present case differ from those at issue in *Central Oregon Landwatch*, the result should as well.

The Board should deny Friends' contentions on this issue.

G. The Applications satisfy the requirements for an exception to Goals 3, 11, and 14 to allow new urban development on undeveloped rural lands as required by OAR 660-014-0040.

A county may justify an exception to Goals 3, 11, and 14 to allow new urban development on undeveloped rural land. OAR 660-014-0040. Although Friends contend that the Applications do not establish adequate reasons for an exception as required by OAR 660-014-0040(2) because they fail to demonstrate that “urban levels of facilities and services are necessary to support economic activity that is dependent upon an adjacent nearby natural resource,” Friends’ contention misconstrues the rule. The quoted reason cited by Friends is a permitted reason that can justify an exception; however, the rule expressly provides that this is not the only permitted reason (“Reasons * * * can include but are not limited to”). The reasons that justify why the policies in Goals 3, 11, and 14 should not apply to the Property are explained in Section I.A of this letter. Therefore, the Board should find that the Port has stated permissible reasons that justify the requested exception, and the Board should deny Friends’ contention to the contrary.

Further, although Friends contend that the Port has not demonstrated that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries as required by OAR 660-014-0040(3)(b)(A), the Board should deny this contention because the Port has addressed the inadequacy of existing urban sites in Section I.B. of this letter. The Board should find that the response in Section I.B. is equally responsive to OAR 660-014-0040(3)(b)(A).

The Board should also deny Friends’ contention that the Port has not shown that the amount of land included within the boundaries of the proposed urban development is appropriate as required by OAR 660-014-0040(3)(b)(A). In fact, the amount of land included within the proposed exception area on the Paterson Ferry Road Property (approximately 89 acres) is appropriate for the data center development. As support for this conclusion, the Board should rely upon the letter from Ryan Neal in [Exhibit A](#), which identifies the need for at least 85 acres to support the proposed data center use.

Contrary to Friends’ contention, the Port has provided sufficient information about the proposed use to evaluate its potential adverse environmental effects, as required by

Chair Jim Doherty
Morrow County Board of Commissioners
December 6, 2019
Page 9

OAR 660-014-0040(3)(b)(B). The proposed data center use is a light industrial development will not generate adverse impacts on surrounding properties such as noise, odor, dust, vibration, blasting, vapor, or bright lights. Existing state and federal air quality and environmental permitting standards will apply to the data center, which will further prevent adverse effects from the development. For these reasons, the Board should find that the Applications will not have adverse environmental effects.

Also, as required by OAR 660-014-0040(3)(c), the proposed data center is compatible with adjacent farm uses for the reasons explained in Section I.D. of this letter. Additionally, and contrary to Friends' contention, the Port is not proposing in these Applications to extend public facilities and services to serve adjacent resource-zoned properties. The proposed use is self-contained within the Property and will not hasten the urbanization of surrounding lands.

Further, consistent with OAR 660-014-0040(3)(d), an appropriate level of public facilities and services are likely to be provided to the Paterson Ferry Road Property for the reasons explained at page 17 of the narrative for the Applications. The Board should find that the Applications are consistent with this criterion.

Finally, the proposed data center development is coordinated with comprehensive plans of affected jurisdictions as required by OAR 660-014-0040(3)(e). As support for this conclusion, the Board should rely upon the Port's explanation that the Applications are consistent with applicable provisions of the Morrow County Comprehensive Plan ("MCCP") at pages 22-29 of the narrative for the Applications.

For all of these reasons, the Board should find that the Applications adequately justify a exception for urban development of the Paterson Ferry Road Property to permit a data center use.

H. None of the comprehensive plan provisions identified by Friends are applicable to the Applications.

Finally, although Friends contend that the Applications are inconsistent with various provisions of the MCCP, the Board should deny this contention for two reasons. First, nearly all of the provisions cited by Friends concern MCCP Goals 3 (Agricultural Lands),

Chair Jim Doherty
Morrow County Board of Commissioners
December 6, 2019
Page 10

MCCP Goal 11 (Public Facilities and Services), and MCCP Goal 14 (Urbanization), which are not applicable because they implement, respectively, Statewide Planning Goals 3, 11, and 14, which are the very goals from which the Port seeks exceptions. Thus, by definition, these Plan provisions are not applicable to the Applications. See *Friends of Marion County v. Marion County*, 59 Or LUBA 323, 350-351, aff'd 233 Or App 488, 227 P3d 198 (2010) (“[w]hen a goal exception is taken to facilitate proposed development, any comprehensive plan policies that implement the goal for which the exception is taken no longer govern that development”). The lone provision cited by Friends that does implement a Goal from which the Port seeks an exception is Goal 4, Objective 1. But this objective calls for conserving forest land and thus is not applicable to any of the subject properties, which are not designated forest land. Because none of these MCCP provisions are applicable to the Applications, they cannot provide a basis to deny or condition the Applications. As a result, the Board should deny Friends’ contentions on this issue.

II. Conclusion.

For these reasons, the Board should find that the Friends’ letters misconstrue the law and facts, are unsubstantiated, and do not provide a legal basis for the County to deny the Applications. Therefore, the Board should approve the Applications. Additionally, in response to the Friends’ letters, the Board should adopt this letter as findings in support of its final decision approving the Applications.

I have asked County Planning staff to place a copy of this letter in the official record and to place a copy before you.

Chair Jim Doherty
Morrow County Board of Commissioners
December 6, 2019
Page 11

Thank you for your careful review of the points in this letter.

Very truly yours,



Seth J. King

Encl.

cc: Stephanie Case, Morrow County Planning (via email) (w/encl.)
Ryan Neal, Port of Morrow (via email) (w/encl.)
J.R. Cook, planner (via email) (w/encl.)

December 6, 2019

Chair Jim Doherty
Morrow County Board of Commissioners
Morrow County Bartholomew Building
110 N Court St
PO Box 788
Heppner, OR 97836

Re: Port of Morrow Land Use Applications
Morrow County File Nos. AC-130-9, ACM-131-19, AZM-132-19

Chair Doherty and Commissioners:

I am the Executive Director of the Port of Morrow ("Port"). I am writing this letter in support of the Port's land use applications identified as Morrow County ("County") File Nos. AC-130-9, ACM-131-19, AZM-132-19 ("Applications"), which among things would rezone property along Paterson Ferry Road north of Highway 730 (Tax Lot 100 of Assessor's Map 4N 26E 9) ("Property") from Exclusive Farm Use to Port Industrial.

The Port is pleased to report that an interested developer ("Developer") has approached the Port about developing and operating a data center campus on the Property to serve Developer's client base. This use would be permitted on the Property if the Applications are approved by the Board.

According to the Developer, its site needs are as follows:

- **Size**: 85+ contiguous acres
- **Shape**: Generally square or rectangular in order to accommodate necessary positioning of Developer's improvements
- **Power**: Requires a significant amount of electric power, including needing immediate proximity to high-voltage 115kV+ transmission power lines due to the extraordinary expense associated with extending such lines (at least \$2 million per mile)
- **Discharge Water**: Requires a location near agricultural uses to allow for convenient reuse of discharge water from Developer's facilities

- Limitations: Preferably not near residential and not near active railroad lines. Above-ground, medium- and high-voltage power lines cannot cross the middle of the site.

The Developer has advised the Port that its team evaluated properties throughout Morrow County, including within existing industrial parks and urban growth boundaries. No other available site meets the Developer's identified needs. Further, the Developer has advised that it cannot co-locate on any other site currently operated by the Developer because these sites are at or nearing capacity. Further, developing multiple, smaller sites is a necessary and essential element of Developer's business because it creates redundancies and risk aversion for its network. A site at or near an existing site operated by the Developer would not offer these elements.

We hope this letter offers clarification as to the expected use for the Property if the Applications are approved as well as why the Port selected this site and why these Applications are necessary in this location. Thank you for your consideration of the points in this letter.

Very truly yours,

Ryan Neal
Executive Director

cc: J.R. Cook
Seth King
Developer



A neighborly community providing safe services, developing innovative partnerships, focusing on quality and life-giving opportunities

December 9, 2019

Chair Jim Doherty
Morrow County Board of Commissioners
Morrow County Bartholomew Building
110 N Court St.
P.O. Box 788
Heppner, OR 97836

RE: Port of Morrow Land Use Applications (Morrow County File Nos. AC-130-9, ACM-131-19, AZM-132-19)

Chair Doherty and Commission:

I am writing to express the City of Irrigon's support for the land use applications submitted by the Port of Morrow to amend the Comprehensive Plan and Zoning Map to allow for a zone swap of 89.6 acres to allow industrial development on a strategically selected piece of property along Patterson Ferry Road.

Approval of these applications will facilitate economic development and job growth for the region and will not reduce the supply of agricultural zoned lands in Morrow County. Additionally, the demands of the use of the site, and DEQ airshed requirements, limit Irrigon's ability to accommodate the intended use for this site within its current City Limit or UGA boundaries. Development of this property in this manner will not limit the City's ability to provide services to its residents and ensures that the City maintains adequate services to existing and future development inside the City Limit boundaries of Irrigon.

This site makes sense for the intended use the Port of Morrow is working to locate as it meets site selection criteria that cannot be accommodated inside our current boundaries.

The City of Irrigon strongly urges Morrow County to approve the applications as filed. Thank you for your consideration of this testimony in support of the applications referenced above.

Sincerely,

Aaron Palmquist, MBA/PA
City Manager
PO Box 428
Irrigon, OR 97844
541-922-3047
manager@ci.irrigon.or.us



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 1 of 2)

(For BOC Use)
Item #
6a

Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)

Staff Contact: Stephen Wrecsics
Department: Planning
Short Title of Agenda Item:
(No acronyms please)

Phone Number (Ext): 5504
Requested Agenda Date: 12-11-2019

Shepherds Flat North Energy Facility
Request for Amendment 2 (RFA2) Comment Letter

This Item Involves: (Check all that apply for this meeting.)

- Order or Resolution
Ordinance/Public Hearing:
1st Reading 2nd Reading
Public Comment Anticipated:
Estimated Time:
Document Recording Required
Contract/Agreement
Appointments
Update on Project/Committee
Consent Agenda Eligible
Discussion & Action
Estimated Time:
Purchase Pre-Authorization
Other Comment Letter

N/A

Purchase Pre-Authorizations, Contracts & Agreements

Contractor/Entity:
Contractor/Entity Address:
Effective Dates - From: Through:
Total Contract Amount: Budget Line:
Does the contract amount exceed \$5,000? Yes No

Reviewed By:

Stephanie Case 12-09-2019 Department Head Required for all BOC meetings
Admin. Officer/BOC Office Required for all BOC meetings
County Counsel *Required for all legal documents
Finance Office *Required for all contracts; other items as appropriate.
Human Resources *If appropriate

*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Counsel, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

The Oregon Department of Energy (ODOE) has requested comment on the Request for Amendment 2 (RFA2) on the Shepherds Flat North Energy Facility. RFA2 proposes a change to the Site Certificate to allow a minimum blade tip clearance change from 25 meters to 21.5 meters. This change would enable Shepherds Flat North to repower the facility turbines to current technology by exchanging existing blades for longer blades and associated turbine components on existing turbine towers. Shepherds Flat North is located outside of Morrow County, however, the repowering will utilize the Morrow County road network. Because of this potential impact, Morrow County Public Works will require that a full Road Use Agreement be in place prior to the start of construction. Conversations between the Morrow County Public Works Director and Caithness Energy, LLC have taken place, and Caithness representatives are aware of this requirement.

2. FISCAL IMPACT:

3. SUGGESTED ACTION(S)/MOTION(S):

"I move approval of the Planning Department letter to Chase McVeigh-Walker with the ODOE concerning the preliminary Request for Amendment 2 for the Shepherds Flat North Energy Facility."

Attach additional background documentation as needed.



PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

December 11, 2019

Chase McVeigh-Walker, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE, 1st Floor
Salem, OR 97301

Dear Mr. McVeigh-Walker,

Morrow County appreciates the opportunity to comment on Shepherds Flat North's Request for Amendment 2 (RFA2) and the Draft Proposed Order (DPO). It is the understanding of Morrow County that Amendment #2 would lower the minimum allowed blade tip clearance of turbines from 25 meters, to 21.5 meters. This change in clearance would allow the certificate holder to modify turbine components and install longer turbine blades on the existing towers for repowering the existing project.

Although Shepherds Flat North is located outside of Morrow County with little to no direct impact on Morrow County, a large portion of the components required for the repowering project will need to utilize the Morrow County road network. Because of this potential impact, Morrow County would require that a full Road Use Agreement be implemented with Morrow County Public Works before the start of the repowering. Conversations between the Morrow County Public Works Director and Caithness Energy, LLC have taken place, and Caithness representatives are aware of this requirement.

Again, the opportunity to comment is very much appreciated. It has been a pleasure working with you and other Department staff to date, and I anticipate that will continue. Should you have any questions about this comment letter, or need additional information, please do not hesitate to contact me.

Regards,

Stephen Wrecsics
GIS Planning Technician

Cc: Stephanie Case, Interim Morrow County Planning Director
Matt Scrivner and Sandra Pointer, Morrow County Public Works

Shepherds Flat North Comments
Request for Amendment 2

December 04, 2019
Page 1 of 1

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

Dirk Dirksen presented to the BOC requesting funds to assist with CARE Team travel costs and to support the IMESD CARE Coordinator position on July 16th, 2014. However the minutes did not clearly state the agreed upon dollar amount. Therefore at the BOC meeting the following week on July 23rd 2014, the amount of money was identified as \$10,000.

"The money going to the Morrow County School District for the CARE (Community Access for Resource Effectiveness) CARE Coordinator". The agreed upon amount is \$10,000 per year.

The original Agreement with IMESD expired 2 years ago, but was not realized until the end of FY 19 and it was discovered that an Invoice had not been received from IMESD. After conferring with Finance, County Administration and Morrow County School, the decision was made to renew the agreement.

As per the (attached) Agreement document:

IT IS UNDERSTOOD AND AGREED the parties will collectively assist in the funding for the Morrow County CARE Coordinator:

1. MCSD contributes \$25,488.92 and a vehicle for the coordinator's travel
2. Morrow County Health Department agrees to reimburse MCSD's cost \$10,000.00

2. FISCAL IMPACT:

No impact on FTE. The Budget line item 1-114-5-20-3471 is \$10,000 specific for payment to support the CARE Coordinator position employed per IMESD.

3. SUGGESTED ACTION(S)/MOTION(S):

BOC to review proposed agreement and if approved, sign the document representing the Morrow County Health Dept. commitment of \$10,000 per year to support the (original) CARE Coordinator position.

Attach additional background documentation as needed.

Roberta Lutcher

From: Justin Nelson
Sent: Wednesday, December 04, 2019 2:15 PM
To: Sheree Smith; Kate Knop
Cc: Roberta Lutcher; Richard Tovey; Darrell Green
Subject: RE: Renewal of Expired CARE Agreement FW: CARE Agreement - Need to Renew
Attachments: CARE Coordinator Agreement - Doherty 11-26-19.docx; 2014, July 16 BOC Minutes.docx; 2014, July 23 BOC Minutes.docx; County Court Minutes Doc of CARE Funding Supports.docx; Cover Sheet BOC CARE Agreement Renewal.pdf; 2016-2017 IMESD and CARE Coordinator Services Agreement; 06-22-2016 (000....pdf

Sheree,

Thank you for taking some time to talk about this earlier today. This is just a confusing process with these Care Coordinators, with money flowing back and forth between agencies, school district, etc. It is my understanding that the Department has been granted \$10,000 each year to help pay for the IMESD Care Coordinator employee Peggy Doherty. Right now the school pays for part of that position with the IMESD, and with this agreement the County will be paying the school back for some of the money they are paying to IMESD (the \$10,000) for the next 2 years.

The documents seem fine (drafted by IMESD and school I believe), but hopefully you will be present for the BoC meeting since the Board may have questions on this whole thing.

-Justin

*Justin W. Nelson
Morrow County District Attorney
Morrow County Counsel
100 S. Court St.
P.O. Box 664
Heppner, OR 97836
Office: (541) 676-5626
Fax: (541) 676-5660
Email: jnelson@co.morrow.or.us*

From: Sheree Smith
Sent: Wednesday, December 4, 2019 1:45 PM
To: Justin Nelson <jnelson@co.morrow.or.us>; Kate Knop <kknop@co.morrow.or.us>
Cc: Roberta Lutcher <rlutcher@co.morrow.or.us>; Richard Tovey <rtovey@co.morrow.or.us>; Darrell Green <dgreen@co.morrow.or.us>
Subject: FW: Renewal of Expired CARE Agreement FW: CARE Agreement - Need to Renew

Justin and Kate,

I sent 3 different agreement/documents on 11/26 and requested that they be reviewed and approved by the Friday 12/6 deadline, so that they can be included on the 12/11 BOC Agenda.

I do not believe I have received any feedback from either of you so I am forwarding all three separately again in hopes that they can be approved by this Friday. I will be out of the office on Friday 12/6, so I am asking that you include Roberta in the reply once each had been approved.

Thank You,
Sheree Smith RN

Public Health Director
Morrow County Health Dept.

From: Sheree Smith

Sent: Tuesday, November 26, 2019 5:18 PM

To: Justin Nelson (jnelson@co.morrow.or.us) <jnelson@co.morrow.or.us>

Cc: Kate Knop (kknop@co.morrow.or.us) <kknop@co.morrow.or.us>; Roberta Lutcher <rlutcher@co.morrow.or.us>; Darrell Green (dgreen@co.morrow.or.us) <dgreen@co.morrow.or.us>

Subject: Renewal of Expired CARE Agreement FW: CARE Agreement - Need to Renew

Justin,

The BOC was approached by Dirk Dirksen July 2014 regarding a request to provide financial support of the CARE Coordinator position employed by IMESD. Dirk presented to the BOC requesting funds on July 16th, 2014. However the minutes did not clearly state the agreed upon dollar amount. Therefore at the BOC meeting the following week on July 23rd 2014, the amount of money was identified as \$10,000 as reflected in the minutes

"The money going to the Morrow County School District for the CARE (Community Access for Resource Effectiveness) CARE Coordinator". The agreed upon amount is \$10,000 per year.

The original Agreement with IMESD expired 2 years ago, but was not realized until the end of FY 19 and it was discovered that an Invoice had not been received from IMESD. After conferring with Finance, County Administration and Morrow County School, the decision was made to renew the agreement.

I reached out to IMESD for guidance regarding revising the original agreement. After Beth of IMESD conferred with Dirk, a revised agreement was created between the School District and Public Health reflecting the \$10,000 per year amount.

I revised the agreement provided per Beth at IMESD to identify signature by County Commissioner. Additionally the document includes an expiration of 06/30/20, so this will need to be renewed again next year.

I have attached the following documentation for supporting information in case you wanted to review.

1. Cover Sheet
2. 2016-2017 Original Agreement between IMESD and Morrow County for \$10,000 payment
3. BOC Minutes: July 16th and 23rd of 2014 in addition to a "synopsis" of both.
4. Revised CARE Agreement between Morrow County School District and Morrow County Health Dept.

Please review, and once approved present to BOC for approval.

Thank You,
Sheree Smith RN

Public Health Director
Morrow County Health Dept.

From: Beth O'Hanlon [<mailto:Beth.OHanlon@imesd.k12.or.us>]

Sent: Tuesday, November 26, 2019 1:41 PM

To: Sheree Smith <ssmith@co.morrow.or.us>

Cc: 'Holcomb, Kat' <Kat.Holcomb@morrow.k12.or.us>; 'Dirksen, Dirk' <Dirk.Dirksen@morrow.k12.or.us>; 'Costello, Cheryl' <Cheryl.Costello@morrow.k12.or.us>

Subject: RE: CARE Agreement - Need to Renew

STOP and VERIFY - This message came from outside of Morrow County Government.

Hello, Sheree.

The current agreement to pay for Peggy Doherty's CARE position is funded by the ESD, GOBHI and School Districts. The GOBHI portion is grant funded.

Earlier this Fall, the ESD agreed to allow the County's \$10,000 portion to offset the Morrow County SD allocation, since the ESD already has agreements and a grant in place for the CARE position. Attached is the District proposal for your review. If the County agrees, please print and sign two copies and forward to Cheryl Costello at the District office.

Thank you. If you have any questions or concerns, please don't hesitate to contact me.



Beth O'Hanlon | Chief Financial Officer

Beth.OHanlon@imesd.k12.or.us

InterMountain ESD | www.imesd.k12.or.us

541.966.3103 **voice** | 541.377.2337 **cell** | 541.276.4252 **fax**

2001 SW Nye Avenue
Pendleton, OR 97801

Scaling New Heights of Excellence

From: Sheree Smith <ssmith@co.morrow.or.us>

Sent: Monday, November 25, 2019 1:58 PM

To: Mark Mulvihill, Ed.D <Mark.Mulvihill@imesd.k12.or.us>; Marla Royal <Marla.Royal@imesd.k12.or.us>; Beth O'Hanlon <Beth.OHanlon@imesd.k12.or.us>

Cc: Kate Knop <kknop@co.morrow.or.us>; Justin Nelson <jnelson@co.morrow.or.us>

Subject: FW: CARE Agreement - Need to Renew

Mark, Marla and Beth,

I wasn't sure whom at IMESD I should direct this inquiry, so I sent it to all three of you.

I needed to touch base regarding the Original "CARE COORDINATION SERVICES AGREEMENT" (attached as a reference) for funding supports for Morrow County CARE. Specifically #4 "County will contribute \$10,000 to IMESD for supporting CARE in Morrow County" was initiated by Dirk in collaboration with the BOC, specific to the original CARE Coordinator position, employed by IMESD.

The CARE Coordinator position is within the CARE Team, which includes other (CARE Team) staff employed by the health department. Therefore the BOC made the decision at a later time for payment to be made from within the Public Health Dept. budget (with County General funds).

I had not seen the actual agreement and had no idea of the "effective dates" (7/1/16 to 6/30/17) until it was brought to my attention late in the summer. The Office Manager had contacted IMESD to inquire regarding the absence of an invoice for the \$10,000 to support the CARE Coordinator and we were advised the agreement had long since expired. It was at this point we realized that payment had not been made in FY 2018 either.

I then discussed this with Dirk and he verbalized his desire for the agreement to be renewed; effective from this point forward for the current fiscal year, rather than retroactive.

I am a little uncertain how to proceed and whom to include in the process of renewing the agreement. Did IMESD create the original agreement and if so, is someone at your agency willing to revise the agreement for renewal? If not, is this something I will need to have the Morrow County Counsel revise?

The agreement identifies different agencies (IMESD, GOBHI, ISD, MCSD and Morrow County) regarding funds to IMESD in support of "CARE in Morrow County". This document has two signature lines for IMESD and Morrow County BOC. Do we need to add signature lines for GOBHI, ISD and MCSD, or are there individual versions for each entity and IMESD?

Thank You,

Sheree Smith RN

Public Health Director
Morrow County Health Dept.

Morrow County School District

Serving the Families of Boardman, Heppner, and Irrigon in Northeastern Oregon



P.O. Box 100
Heppner, OR 97836
<http://www.morrow.k12.or.us>

Dirk Dirksen **Erin Stocker** **Kat Holcomb** **Marie Shimer**
Superintendent Human Resources Business Manager Educational Services

Phone: 541-676-5705
Fax: 541-676-5742

MORROW COUNTY CARE COORDINATOR SERVICES AGREEMENT

THIS MUTUAL AGREEMENT is amongst Morrow County School District (MCSD) and Morrow County Health Department (MCHD).

AUTHORITY FOR THIS AGREEMENT is found in ORS 190.003 to 190.110 Intergovernmental Cooperation, Section 2.

IT IS UNDERSTOOD AND AGREED the parties will collectively assist in the funding for the Morrow County CARE Coordinator:

1. MCSD contributes \$25,488.92 and a vehicle for the coordinator's travel
2. Morrow County Health Department agrees to reimburse MCSD's cost \$10,000.00

PERFORMANCE OF SERVICES under this agreement shall begin July 1, 2019 and terminate June 30, 2020. This agreement will be renegotiated at the end of each term.

IN CONSIDERATION FOR SERVICES PERFORMED, IT IS UNDERSTOOD AND AGREED Morrow County Health Department will compensate MCSD \$10,000 (Ten Thousand Dollars) for supporting the Morrow County CARE Coordinator. Services will be billed annually in January. Payments shall be made within 30 (thirty) days after receipt of an invoice.

Signed: _____
Dirk Dirksen, Superintendent
Morrow County School District

Date: _____



Signed: _____
Morrow County Commissioner - Chair
Morrow County Health Department

Date: _____

CARE Coordinator: Peggy Doherty

Morrow County Schools, in partnership with families and communities, provide each student the opportunity to develop values, knowledge, skills and self-confidence to become life-long learners and responsible citizens.

Morrow County School District prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race, religion, color, national or ethnic origin, mental or physical disability, marital status, sex, sexual orientation, age, pregnancy, familial status, economic status, veterans' status or genetic information in providing education or access to benefits of education services, activities and programs in accordance with Title VI, Title VII, Title IX and other civil rights or discrimination issues; Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act; and the Americans with Disabilities Act Amendments Act of 2008, Title II of the Genetic Information Nondiscrimination act of 2008.



Dirk.Dirksen@morrow.k12.or.us
Erin.Stocker@morrow.k12.or.us
Kat.Holcomb@morrow.k12.or.us
Marie.Shimer@morrow.k12.or.us

CARE COORDINATOR SERVICES AGREEMENT

THIS MUTUAL AGREEMENT is amongst InterMountain ESD (IMESD), Greater Oregon Behavioral Health, Inc. (GOBHI), Morrow County School District (MCSD), Ione School District (ISD), and Morrow County (County).

AUTHORITY FOR THIS AGREEMENT is found in ORS 190.003 to 190.110 Intergovernmental Cooperation, Section 2.

IT IS UNDERSTOOD AND AGREED the parties will collectively fund a 1.0 FTE CARE Coordinator for Morrow County at the 2016-17 rate of \$63,089 (Sixty Three Thousand Eighty Nine Dollars) as follows:

1. IMESD will hire qualified person to provide 1.0 FTE CARE Coordinator services in Morrow County.
2. IMESD will contribute \$20,000 toward supporting CARE in Morrow County.
3. GOBHI will contribute \$20,000 to IMESD for supporting CARE in Morrow County.
4. County will contribute \$10,000 to IMESD for supporting CARE in Morrow County.
5. ISD will contribute \$7,000 to IMESD for supporting CARE in Morrow County.
6. MCSD will contribute \$6,089 to IMESD for supporting CARE in Morrow County, and a vehicle for coordinator's travel.

PERFORMANCE OF SERVICES under this agreement shall begin July 1, 2016, and terminate June 30, 2017. This agreement will be renegotiated at the end of each term, 30 days prior to the end of the term.

IN CONSIDERATION FOR SERVICES PERFORMED, IT IS UNDERSTOOD AND AGREED County will compensate IMESD in the amount of \$10,000 (Ten Thousand Dollars) for supporting the Morrow County CARE Coordinator position. Services will be billed annually. County shall make payment within 30 (thirty) days after receipt of an invoice.

Signed:  Date: 4-28-16
Dr. Mark Mulvihill, Superintendent
InterMountain Education Service District

Signed:  Date: 6/22/2016
Judge Terry Fallman
Morrow County

Attest:


Morrow County Clerk Morrow County CARE Coordinator



Originator: Beth O.

AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

I am excited to share that I have spoken with and received a request from Debbie Radie of Irrigon to become a member of the Compensation Committee.

Debbie will be a great asset to the process.

*Attachments:

Debbie Radie request to serve on Compensation Committee

2. FISCAL IMPACT:

None

3. SUGGESTED ACTION(S)/MOTION(S):

Motion to approve Debbie Radie as a Compensation Committee Member for the term of 4 years from 2020 through 2023.

Attach additional background documentation as needed.



Human Resources

P.O. Box 788 • Heppner OR 97836
(541) 676-5620

Karmen Carlson
Human Resources Director
kcarlson@co.morrow.or.us

Compensation Committee Appointment Request for Morrow County

Name Debbie Radie

Physical Address _____ Irrigon 97844

Mailing Address _____ Irrigon, OR 97844

Phone_

Email:

Personnel or Financial Background Requirements

1. 2 years - Ione School Board,
2. 4 years - Food Northwest – Finance Committee Chair, Chair of the Board
3. 29 years - Boardman Foods, Inc. VP Operations – Including Financial Statements and HR oversight

Why do you wish to serve on the Compensation Committee for Morrow County?

I have lived in Morrow County since 1992 and have served on various boards.

I was raised to give back and support others and this is an opportunity for me to do that. I have the skills and experience to support this work.

As a resident of Morrow County it is important that citizens participate and support when and where they can.

Signature Debbie Radie Date 12-3-19



PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

MEMORANDUM

To: Morrow County Board of Commissioners
From: Stephanie Case, Interim Planning Director
Date: December 9, 2019
RE: Planning Update

The past couple of months have been a constant state of transition for the Planning Department, and though hectic, operations have continued on. Since the last Planning Update, staff has processed over 40 administrative and ministerial applications, as well as 3 Land Partitions and 2 Conditional Use Permits in front of the Planning Commission.

The following represents current work and anticipated actions in the Planning Department during November and December:

Energy Development Activities:

Activity continues on the following energy facilities: Wheatridge, Orchard Wind, Shepherds Flat and Boardman-to-Hemingway. Here's a bit of a breakdown: Wheatridge and Orchard Wind have both received zoning approval with Orchard Wind beginning construction in December, and Wheatridge continuing to submit required information to meet EFSC conditions. Shepherds Flat is in process at the Oregon Department of Energy relative to amendments to their in-place Site Certificates. Public comment period for Boardman-to-Hemingway DPO closed on November 5 2019. LCDC held a Green Energy Corridor RAC Meeting on December 5 in Boardman.

Port of Morrow IAMP:

The POM IAMP Request for Proposals was sent out in October with a submittal due date of November 22, 2019. Unfortunately, no proposals were received from that request. Darrell Green has been coordinating with the City of Boardman and Port of Morrow to take the lead on accomplishing this project.

ODOE Reimbursement Agreement:

We are working to get information regarding the status of the reimbursement agreement with the Oregon Department of Energy to allow billing for our time on applications working towards a Site Certificate. This will likely be something that comes before the Board for acceptance in the future.

As we roll into 2020, it looks as though this momentum will continue. This is not an all-inclusive list and new projects are popping up every week. If you have any questions, or there is something I have not included, please reach out.

Enjoy the Holiday Season and Happy New Year!

Stephanie Case

OREGON DEPARTMENT OF CORRECTIONS Outcome Measures for MORROW County HIGH and MEDIUM Caseload Only								
	On December 3, 2019		Closures June 3, 2019 to December 3, 2019				Admissions 2016/1ST Half	
	EMPLOYMENT	TREATMENT	RESTITUTION	COMMUNITY SERVICE	POSITIVE CASE CLOSURES		RECIDIVISM	
					Post-Prison	Probation	Post-Prison	Probation
Location	Hi-Med	Hi-Med	Hi-Med	Hi-Med	Hi-Med	Hi-Med	Hi-Med	Hi-Med
Statewide	42%	29%	18%	28%	59%	46%	44.9%	40.6%
MORROW	52% +	26% OK	0%	67% +	60% +	50% +	20.0% +	40.0% +

+ is good
OK is slightly below the Statewide

7/01/2019 to 12/01/2019

Morrow County Probation and Parole has provided regular, timely reports to the Criminal Justice Commission (CJC) regarding the use of Justice Reinvestment Grant funds. Since the purpose of the CJC report differs from the requests of the LPSCC, P&P proposes this reporting document to be provided to the LPSCC in addition to the regular semi-annual reporting required for the Grant.

1. Outcome measure data for Morrow County (High and Medium Risk) P&P case-load including employment, treatment, restitution, community service, positive case closures and recidivism (the system currently pulls first half of 2016 admissions for recidivism data). Outcome measures for other Counties close in proximity, population, or demographics may also be provided as a comparison, although no two counties are exactly alike.

Morrow County currently has 52% of our High and Medium employed. The State average is 42%
Morrow County currently has 26% of our High and Medium in Treatment. The State average is 29%
Morrow County currently has 67% of our High and Medium that have completed Community service. The state average is 28%
Morrow County currently has a 60% on positive case closures with Offenders on Post-Prison. State average is 59%
Morrow County currently has a 50% on positive case closures for Offenders on Probation. The state average is 46%.
Recidivism for 2016 1st half. Morrow County has a 25% for Post-Prison cases. The state average is 25.1%
Recidivism for 2016 1st half. Morrow County has a 20% for Probation cases. The state average is 30%
2. Case load numbers per Officer from 2012 prior to the Justice Reinvestment Grant, up to the most current data available.

2012	95	1 PO, 1 Work Crew Supervisor and 1 director	(47 average per caseload)
2013	101	1 PO, 1 Work Crew Supervisor and 1 director	(50 average per caseload)
2014	107	1 PO, 1 Work Crew Supervisor and 1 director	(53 average per caseload)
2015	104	2 PO, 1 Work Crew Supervisor and 1 director	(34 average per caseload)
2016	110	2 PO, 1 Work Crew Supervisor and 1 director	(36 average per caseload)
2017	101	2 PO, 1 Work Crew Supervisor and 1 director	(33 average per caseload)
2018	104	2 PO, 1 Work Crew Supervisor and 1 director	(34 average per caseload)
2019	106	2 PO, 1 Work Crew Supervisor and 1 director	(35 average per caseload)
11/19	112	2 PO, 1 Work Crew Supervisor and 1 director	(37 average per caseload)
3. Significant visit data to show supervision activity ("significant" refers to actual Face to Face visits rather than mere phone calls, etc.).

Morrow County for the year of July 1, 2019 to December 03, 2019 has had a total of 1078 face to face contacts with offenders. We have had 241 offender contacts by telephone.

4. Sanctions and probation violations data. Since there is a lot of flexibility with sanction types, the focus will be on jail or Work Crew sanctions data.
For July 1, 2019 to December 3, 2019, Morrow County has had 38 sanctions with an average of 12 custody units used per sanction

5. Number successful completions of Behavioral Health treatment. "Successful completion" means finishing the treatment plan as outlined by the P&P agreement or Court Order. P&P meets monthly with CCS to staff the behavioral health population of the case load.
Morrow County currently has 27 in treatment and has 3 referred to treatment