

MORROW COUNTY BOARD OF COMMISSIONERS MEETING AGENDA

Wednesday, February 17, 2021 at 9:00 a.m.
Bartholomew Building Upper Conference Room
110 N. Court St., Heppner, Oregon
See Zoom Meeting Information on Page 2

AMENDED

1. **Call to Order and Pledge of Allegiance: 9:00 a.m.**
2. **City/Citizen Comments:** Individuals may address the Board on issues not on the agenda
3. **Open Agenda:** The Board may introduce subjects not already on the agenda
4. **Consent Calendar**
 - a. Approve Accounts Payable & Payroll Payables
 - b. Minutes: December 16th
 - c. Order No. OR-2021-4: An Order Setting Aside a Reserve Account in Anticipation of a Property Tax Appeal
5. **Legislative Updates**
6. **Business Items**
 - a. Commerce/Zion Bank Loan Resolution No. R-2021-3
 - b. Letter of support for dedicated funding for counties from the COVID-19 Relief Package (Commissioner Lindsay)
 - c. Draft Memorandum of Understanding with Morrow County School Districts regarding the Wheatridge Project Strategic Investment Program Agreement (Richard Tovey, County Counsel)
 - d. Review Draft Resolution No. R-2021-2: A Resolution in Support of Columbia Development Authority and Commitment to Preserve and Maintain South Trail (Justin Nelson, County Counsel; Tamra Mabbott, Planning Director)
 - e. Emergency Operations Center Update
 - f. Building Projects Updates
 - i. Easement for Sheriff's Station 2 Building from Devin Oil
 - g. Administrator's Annual Evaluation
7. **Department Reports**
 - ~~a. Finance Department Quarterly Report (Kate Knop)~~
8. **Correspondence**
9. **Commissioner Reports**
10. **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
11. **Sign documents**
12. **Adjourn**

Agendas are available every Friday on our website (www.co.morrow.or.us/boc under "Upcoming Events"). Meeting Packets are also available 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 Lutchter 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.

Zoom Meeting Information

Morrow County Board of Commissioners is inviting you to a scheduled Zoom meeting. Join Zoom Meeting

<https://zoom.us/j/5416762546>

PASSWORD: 97836

Meeting ID: 541-676-2546

Zoom Call-In Numbers for Audio Only:

- 1-346-248-7799, Meeting ID: 541 676 2546#
- 1-669-900-6833, Meeting ID: 541 676 2546#
- 1-312-626-6799, Meeting ID: 541-676-2546#
- 1-929-436-2866, Meeting ID: 541-676-2546#
- 1-253-215-8782, Meeting ID: 541-676-2546#
- 1-301-715-8592, Meeting ID: 541-676-2546#

Meeting ID: 541-676-2546

Find your local number: <https://zoom.us/u/abD3eWKYVW>

Morrow County Board of Commissioners Meeting Minutes
December 16, 2020
Bartholomew Building Upper Conference Room
Heppner, Oregon

Present In-Person

Chair Melissa Lindsay, Commissioner Don Russell, Commissioner Jim Doherty, Darrell J. Green, Kate Knop, Roberta Lutchter, Tamra Mabbott

Present Via Zoom

Staff: Stephanie Case, Bobbi Childers, Ronda Fox, Mike Gorman, Gayle Gutierrez, Christy Kenny, Matt Kenny, Ana Pineyro, Sandi Pointer, Matt Scrivner, Linda Skendzel, Heidi Turrell, LeAnn Wright, Gregg Zody; Non-Staff: Sarah Berry, Torrie Griggs, Lisa Mittelsdorf, Lori Roach, David Sykes

Call to Order, Pledge of Allegiance and Roll Call: 9:01 a.m.

City & Citizen Comments: None

Open Agenda: No items

Consent Calendar

Chair Lindsay removed the Accounts Payable to Business Items.

Commissioner Doherty moved to approve the following items in the Consent Calendar:

1. *Payroll Payables*
2. *Minutes: November 12th*
3. *Order No. OR-2020-11: An Order Declaring a Local State of Emergency (COVID-19) Extending Order OR-2020-6 (for an additional 180 days)*
4. *Request to Surplus Two Sheriff's Office Vehicles: 2013 Dodge Charger, license plate number E279406, vehicle identification number 2C3CDXAT1DH673825; and a 2013 Dodge Ram 1500, license plate number E256886; VIN 1C6RR7KT9DS653022*
5. *Application for Tax Refund to Arcus, LLC*

Commissioner Russell seconded. Unanimous approval.

Business Items

Retirement Recognition – Gayle Gutierrez

Chair Lindsay listed the important dates in Ms. Gutierrez's career with Morrow County: She was originally hired in November 1989 and transitioned to the elected Treasurer position in 1997. Chair Lindsay added Ms. Gutierrez spent a lot of time serving the citizens of Morrow County and the work she did and the things she made happen were greatly appreciated. Others were invited to speak.

Clerk Bobbi Childers said her interactions with Ms. Gutierrez began in 2000 and without her assistance with a very non-user-friendly program, she might have gone back to her previous job. She said Ms. Gutierrez made it easy to do the things, and it will be a loss when she is no longer Treasurer. She congratulated her on her retirement.

Commissioner Doherty commended Ms. Gutierrez for her longevity. He said most treasurers in small-to-medium size counties stay about five years, but she stayed because this was her home. He called her years with Morrow County “remarkable.”

Commissioner Russell said he’d known Ms. Gutierrez for a long time, congratulated her on a great career, and wished her luck in her next chapter.

Assessor/Tax Collector Mike Gorman said he had the pleasure of working with Ms. Gutierrez since August 2002. In September 2013, his job required daily interactions with her office and he said they were always “stellar.” He said he would miss the “Good Morning” greeting they exchanged, and added Morrow County was a better place because she served as Treasurer.

Ronda Fox, Payroll & Benefits Administrator, thanked Ms. Gutierrez for mentoring her. She relayed a story about the only time Ms. Gutierrez ever became cross with her – when she had the poor judgement to throw away a recyclable water bottle in her presence.

Finance Director Kate Knop thanked Ms. Gutierrez for mentoring her, as well. She said she respected her morals, values and passion for her position and she would miss her.

Administrator Darrell Green said as he tried to learn about her duties and responsibilities, he appreciated her patience, which she especially needed when it came to training him to do online transactions.

Justin Nelson, District Attorney/County Counsel, said there were never any issues when he needed something from her office. There’s a lot of value when a person knows her job very well and is able to do it very well, he said. As the new Treasurer comes on board, County staff will appreciate Ms. Gutierrez even more, he added.

Ms. Gutierrez said she realized today she spent almost half her life working for Morrow County. She said it was a pleasure and she would miss it. She concluded by saying it was a great honor to serve the people of Morrow County for all these years.

Review Columbia River Enterprise Zone III Draft Intergovernmental Agreement

Justin Nelson, County Counsel

Mr. Nelson discussed his interpretation of some of the legal language and how it differed from that of the Port of Morrow’s legal counsel, Sam Tucker (not in attendance). Discussion ensued. Commissioner Russell suggested the item be delayed a week to allow Mr. Nelson and Mr. Tucker to talk further.

Commissioner Russell moved to table the IGAs until next week. Commissioner Doherty seconded. Unanimous approval.

Accounts Payable

Chair Lindsay requested to remove the payment for a mini Keurig coffeemaker. She said the Board had been clear in the past that taxpayer dollars were not to be used for such things.

Lindsay Grogan, Human Resources Manager, said she purchased it and wasn't aware of it being an issue until a colleague told her she shouldn't have done so. She said, in light of COVID, she thought it prudent not to share the same coffeepot with everyone in the building. She then offered to reimburse the County.

Commissioner Russell moved to approve the Accounts Payable and have Finance and Human Resources work out the reimbursement for the Keurig. Commissioner Doherty seconded. Discussion: Commissioner Doherty said this was a broader policy discussion that the Board tried to work through over the last several years. He then brought up the Tillamook County Creamery Association Grant and the Morrow County Resiliency Fund Grant and said the names of the recipients were in the Accounts Payable. He said a relative applied but during the committee review process, he stepped back. The Commissioners then talked about the possible use of COVID funds to purchase the coffeemaker, but did not come to a decision. Unanimous approval.

Purchase Pre-Authorization Request, County Surveyor Vehicle

Matt Kenny, Surveyor

Mr. Kenny reviewed the bid process and quotes he obtained. He said the quote from Dave Smith was just revised to include the Oregon Vehicle Use Tax, \$165, and a transportation fee, \$600, bringing the total to \$33,415, which was still lower than the other two quotes.

Commissioner Russell moved to approve the purchase of a 2021 Dodge Ram 2500 Crew Cab pickup from Dave Smith Motors in the amount of \$33,415. Commissioner Doherty seconded. Unanimous approval.

Christmas Eve Holiday

Lindsay Grogan, HR

Ms. Grogan presented several options for the Commissioners to consider, if they wanted to make a maximum of four hours of paid leave available for employees. Discussion.

Chair Lindsay moved to be consistent throughout the County and close offices on Christmas Eve (afternoon). If employees can't use it on Christmas Eve because they were already taking vacation, or an employee is required to work in the Road Department of Sheriff's Office, for example, then four hours will be available to take and use before the end of the year, or two hours if part-time. Commissioner Russell seconded. She then added a friendly amendment that employees be allowed to put in Holiday Pay as their vacation as opposed to taking the full eight hours off. Commissioner Russell seconded the friendly amendment. Unanimous approval.

Eastern Oregon Workforce Board Appointment

Commissioner Russell moved to approve the appointment of Lori Roach (Heppner Chamber of Commerce Executive Director) to the EOWB. Commissioner Doherty seconded. Unanimous approval.

Public Health Funding Letter

Darrell Green, Administrator

Mr. Green said the Coalition of Local Health Officials (CLHO) recently asked Public Health Administrators, or others, to send letters of support for “bridge” funding for Public Health Departments until Federal funding becomes available.

Commissioner Russell moved to sign the letter addressed to House Speaker Tina Kotek and Senate President Peter Courtney in support of Public Health funding. Commissioner Doherty seconded. Unanimous approval.

Oregon Child Development Coalition (OCDC) Letter of Support

Darrell Green, Administrator

Mr. Green said OCDC requested letters of support as they continue to provide services for children and families in eastern Oregon. He commented that in his experience with Blue Mountain Community College, OCDC was one of the few services that people could count on.

Commissioner Russell moved to sign the letter of support for OCDC for Migrant and Season Head Start Services. Commissioner Doherty seconded. Unanimous approval.

Planning Commission Appointment Request

Tamra Mabbott, Planning Director

Ms. Mabbott requested the reappointment of Stanley Anderson to Position 3. He was originally appointed in August 2019 to complete the term of someone who resigned. She said Mr. Anderson requested to be reappointed to a full four-year term. Ms. Mabbott talked about her reasons for not advertising, as has been past practice for other committees and boards.

Chair Lindsay said there was a high learning curve to being on the Planning Commission and it seemed reasonable to approve a full term for Mr. Anderson, as opposed to advertising it. Commissioner Russell said he didn't have a problem with the reappointment.

Commissioner Russell moved to appoint Stanley Anderson to a term on the Planning Commission (term to end December 31, 2024). Commissioner Doherty seconded. Discussion: Commissioner Doherty said over the last three to four years, the Board set criteria for committee and board vacancies. The Board needed to either leave it open on a case-by-case basis or create a policy and lock it in with this one exception. He went on to say how important the Planning Commission was in building the County, and that he'd even consider a stipend for Planning Commission members. He ended by saying he'd be in support of anyone who wanted to come back and serve on the Planning Commission. Unanimous approval.

Confined Animal Feeding Operation (CAFO) Permit Application

Wym Matthews, Oregon Department of Agriculture

Mr. Matthews discussed a new CAFO permit application from Madison Ranches situated in Umatilla County. He said, if approved, the permit would be jointly issued by ODA and the Department of Environmental Quality. While the CAFO was not in Morrow County, Mr. Matthews said both agencies adopted expanded outreach activities, especially on larger CAFO permits. He went on to review his PowerPoint presentation and responded to questions from the Board.

Review Updated Retirement Plan Services Agreement

Judith McGee, Jennifer Gutridge and Linette Dobbins, McGee Wealth Management Finance Director Kate Knop said Ms. Gutridge notified the County of changes to the Defined Benefit Retirement Plan agreement. She said the agreement falls under a separate entity, the Morrow County Retirement Trust, from which administrative and service fees are paid to McGee Wealth Management.

Ms. Gutridge said there would be a reduction in fees, effective January 1, 2021, and announced McGee Wealth would merge with Mercer Advisors. She said Mercer offered new services, such as attorneys, certified public accountants and an investment committee with chartered financial analysts on staff. Nothing will change with McGee's relationship with Morrow County, she said, but the transition meant new agreements needed to be signed prior to December 31st. Ms. Knop proposed the agreements be brought forward to next week's agenda.

Sheriff's Station 2 Building Update

Chair Lindsay reported the Planning Department approved the partition application. She discussed the next steps in the process, and said the land piece may be before the Board in early January.

CARES Act Business Assistance Grant Update

Commissioner Doherty

Commissioner Doherty said the CARES Act Grant had stricter guidelines for eligibility than the Morrow County Resiliency Fund Grant and the Tillamook County Creamery Association Grant. He said there were 51 applications and he was contacting applicants who hadn't provided the required paperwork or W-9s. He said he'd forward the completed application packets to Ms. Knop's committee for additional review. The Commissioners discussed the possibility of another round of grant funds from the Federal government and how those applications might differ from the current round.

Emergency Operations Center Update

Chair Lindsay said information from the State about vaccines was still trickling in and that Malheur County was the first County in eastern Oregon to receive a shipment of vaccines.

COVID-19 Quarantine Guidelines Policy

Lindsay Grogan, Human Resources

Ms. Grogan said written guidance would help employees and community members better understand the quarantine guidelines for County employees. She said the County recognized 14 days as the safest length of quarantine but under some circumstances, the Local Public Health Authority could grant a shorter quarantine of 10 days (Quarantine Guidelines available in the Agenda Packet).

Commissioner Russell moved to approve the COVID-19 Quarantine Guidelines Policy. Commissioner Doherty seconded. Chair Lindsay offered a friendly amendment to remove the word "policy" from the motion. Commissioner Russell accepted the friendly amendment. Unanimous approval.

Ms. Grogan said the telecommuting policy expired today and she requested it be extended to January 13, 2021.

Commissioner Doherty moved to extend the Telecommuting Policy to January 13, 2021, per the recommendation by Human Resources. Commissioner Russell seconded. Unanimous approval.

Vaccines Update

- Mr. Green said the Pfizer vaccine was sent to counties on the west side of the State, for the most part, because they have the ability to store it at -80°. Eastern counties will receive the Moderna vaccine, probably after December 21st. He said the Morrow County Public Health Department was in good shape for the first few rounds. Beyond that, there wasn't any information from the State about distribution schedules or amounts of the vaccine to expect, he said.
- Chair Lindsay said if Morrow County schools lost the "safe harbor" designation, it would be unfortunate because it's working well. She said it was clear from Public Health that it's working; kids are safe in schools and that's where they need to be. She then talked about current statistics and said if the number of positive cases continued to hold around 12, it would be good news, especially following Thanksgiving.

Irrigon Building Update

- Mr. Green said a construction trailer will be on-site soon, the building official will pick up drawings from the City of Irrigon, the site work design was finalized, and fencing and signs should be up in the next few weeks. Informational flyers will be distributed to residents near the construction site.

Correspondence

- Notice from the Oregon State Chamber of Commerce: Organized Protests Arranged in Response to OR-OSHA Rules
- News Release from Portland General Electric Company (PGE): PGE's and NextEra Energy Resources' leading-edge renewable energy project powers up

Commissioner Report

Reports were provided.

Signing of documents

Adjourned: 12:15 p.m.

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

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

Pacific Ethanol Columbia, LLC owns and operates a ethanol processing plant at the Port of Morrow in Boardman. The Oregon Department of Revenue performs the appraisal valuation for the assets of this plant. Pacific Ethanol Columbia, LLC filed a property tax appeal for the 2020-21 tax year with the Magistrate Division of Oregon Tax Court, case number TC-MD 200380N. I was notified of this appeal in November 2020 and notified County Counsel, Counsel and I have been apprised of all developments concerning this case to date. Depending on when this case is settled and if a tax refund is ordered, there may not be sufficient funds in the unsegregated tax account to satisfy the refund. ORS 311.814 grants the opportunity to transfer money from the unsegregated tax account into an appeal reserve account to satisfy the refund if ordered by the Tax Court. We collect most of our property tax money at this time or year. (Currently 97% collected) We need this money transferred to the reserve account so we can timely pay out the refund when ordered by the Tax Court. If this amount is not set aside now, it may be several months before we have enough money to satisfy a potential refund which would result in more interest which affects all districts.

Per ORS 311.814(2), The reserve shall consist of an amount representing that portion of taxes paid by the petitioner attributable to the amount of value in dispute for each tax year that the appeal remains unresolved. That amount is: 2020-21 \$380,020.67.

The Commissioners had approved a similar order back in November for the RDO-Calbee Foods Appeal.

2. FISCAL IMPACT:

To be determined by the outcome of the appeal.

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

Sign order regarding the transfer of the specified amount of tax money to the reserve account.

Attach additional background documentation as needed.

311.813 Refunds ordered by certain courts. If a refund of ad valorem property tax is ordered by a court of competent jurisdiction other than a court mentioned in ORS 311.806 (1)(a), the refund and any interest ordered to be paid thereon shall be refunded out of the unsegregated tax collections account established under ORS 311.385. [1987 c.301 §2]

311.814 Appeal of large amounts of value; reserve account for refunds. (1) Whenever any property value or claim for exemption or cancellation of a property tax assessment is appealed to the Oregon Tax Court after taxes on the property have been imposed, the Department of Revenue shall notify the county treasurer of the appeal not later than the following October 15, if the appeal is not finally resolved before the end of the tax year to which the appeal relates and the dollar difference between the total value asserted by the taxpayer and the total value asserted by the opposing party exceeds one-fourth of one percent (0.0025) of the total assessed value in the county, or if the appeal relates to property assessed under ORS 308.505 to 308.674, and the value of such property asserted by the opposing party and attributable to the county exceeds one-fourth of one percent (0.0025) of the total assessed value in the county. After notification, the county treasurer shall set aside, if so ordered by the county governing body, from taxes collected in the current tax year, an interest bearing reserve account as provided in this section.

(2) The reserve shall consist of an amount representing that portion of taxes paid by the petitioner attributable to the amount of value in dispute for each tax year that the appeal remains unresolved. Upon termination of the controversy, the principal amount in the account necessary to pay any refund, and any interest provided for under ORS 311.812, shall be paid to the petitioner. Any excess remaining in the reserve after termination of the controversy and payment of a refund, if any, shall be deposited in the unsegregated tax collections account in full satisfaction of the tax due on the property.

(3) If the final resolution of the controversy results in additional taxes due on the property, the amount in the reserve account shall be deposited into the unsegregated tax collections account and shall be distributed according to the distribution percentage schedule for the current tax year prepared in accordance with ORS 311.390. The additional taxes shall be collected as provided in ORS 311.513. [1991 c.459 §265; 1993 c.270 §63; 1995 c.256 §8; 1995 c.650 §72; 1997 c.541 §§299,300; 2003 c.274 §4; 2007 c.126 §1]

**BEFORE THE BOARD OF COMMISSIONERS
FOR MORROW COUNTY, OREGON**

IN THE MATTER OF SETTING)
ASIDE, FROM TAXES COLLECTED)
IN THE CURRENT TAX YEAR,) ORDER NO. OR-2021-4
AN INTEREST-BEARING RESERVE)
ACCOUNT IN ANTICIPATION OF)
A PROPERTY TAX APPEAL)

WHEREAS, ORS 311.814 sets out the requirements for the County Treasurer to place funds into a reserve account pending resolution of a property tax appeal that may require a refund.

WHEREAS, ORS 311.814 requires the county governing body to direct the County Treasurer by order to set aside taxes collected in the current tax year to be placed in an interest-bearing reserve account;

WHEREAS, Pacific Ethanol Columbia, LLC filed a property tax appeal for the 2020-21 tax year with the Magistrate Division of the Oregon Tax Court. The Oregon Department of Revenue notified the County of the appeal.

WHEREAS, The Oregon Department of Revenue has indicated that the appeal is still pending with the possibility of settlement which may result in a refund to Pacific Ethanol Columbia, LLC.

WHEREAS, the amount representing that portion of taxes paid by the petitioner attributable to the amount of value in dispute for each tax year that the appeal remains unresolved is 2020-21: \$380,020.67.

THEREFORE, THE MORROW COUNTY BOARD OF COMMISSIONERS ORDERS:

- (1) The County Treasurer shall set aside, from taxes collected in the current tax year, in an interest-bearing reserve account: \$380,020.67, the amount representing that portion of taxes paid by the petitioner attributable to the amount of value in dispute for each tax year that the appeal remains unresolved.
- (2) Upon termination of the controversy, the principal amount in the account necessary to pay any refund, and any interest provided under ORS 311.812 shall be paid to the petitioner.
- (3) Any excess funds remaining in the reserve after termination of the controversy and payment of a refund, if any, shall be deposited in the unsegregated tax collections account in full satisfaction of the tax due on the property.

DATED this 17th day of February 2021.

MORROW COUNTY BOARD OF COMMISSIONERS

Don Russell, Chair

Jim Doherty, Commissioner

Melissa Lindsay, Commissioner

Approved as to Form:

Morrow County Counsel

Legislative Updates

HB, SB, or LC#: **SB 391**

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB391/Introduced>

Summary of Bill or LC:

Authorizes County to allow owner of lot or parcel in a rural residential zone to construct one accessory dwelling unit (ADU) subject to certain restrictions. Specifies that single family dwelling and accessory dwelling on a single lot or parcel is considered a single unit for purposes of calculating exemptions from ground water rights requirements.

Limits one ADU per rural residential parcel. Allowed on parcels two acres and larger. Restricts size to 900 square feet in size and located within 100 feet of existing house.

Bill addresses groundwater supply but not quality.

Bill does not “require county to allow or does not restrict county from adding conditions.”

Does not apply to lands in urban growth area or urban reserve area (Morrow County does not have any “urban reserve areas.”)

Parties Involved

Senator Dembrow is sponsor.

Deschutes County, AOC and DLCD support with amendments.

Impact to Morrow County:

Bill would allow county to permit accessory dwelling units (ADU’s) in rural residential zones. Would require county Zoning Ordinance to be amended.

Could be problematic in areas with limited road capacity and with limited water quality and quantity. Would generate additional activity septic permitting activity.

Not Passed-

No change to current zoning and uses allowed in rural residential zones.

Recommendation to Commissioners

Support Bill but request that ADU be allowed to be larger than 900 square feet if stick built (or under certain circumstances) and allow county to grant a variance if physical limitations prohibit 100 setback from existing house. Request clarification on whether Bill, if adopted, would allow county to limit type (e.g. manufactured dwellings).

Bill Number	Relating To	Bill Summary	Bill Sponsor	Current Committee	Last Action	Next Hearing	Priority	Position	Subdivision	TM NOTES
HB 2398	Relating to building codes.	Requires Director of Department of Consumer and Business Services to ensure that statewide Reach Code mandates achievement of not more than 90 percent of site energy use that other statewide residential and commercial building codes require.	Rep Helm; Rep Marsh; Rep Schouten; Rep Wilde; Sen Beyer; Sen Dembrow; Sen Taylor (Pre-session filed)	Energy and Environment (H)	01/19/21 - Referred to Energy and Environment.	1:00PM 02/17/2021 House Committee Energy and Environment Public Hearing Remote D	No Priority	Not Reviewed	Building Codes & Inspections	
HB 2415	Relating to electronic access to building codes information; prescribing an effective date.	Requires Department of Consumer and Business Services to conduct study to evaluate feasibility of and develop standards and specifications for system that allows for performing electronic field inspections and construction progress inspections and to verify compliance with building code requirements on site.	Rep Fahey; Rep Wilde (Pre-session filed) (at the request of National Electrical Contractors Association)	Business and Labor (H)	01/19/21 - Referred to Business and Labor.		No Priority	Not Reviewed	Building Codes & Inspections	Improve efficiency. Support
HB 2656	Relating to contracts with persons to act as building officials.	Permits municipality or Department of Consumer and Business Services to contract with person to administer and enforce building inspection program and act as building official.	Rep Cate; Rep Gomberg; Rep Owens; Rep Reschke; Rep Smith DB; Rep Smith G; Rep Zika (Pre-session filed)	Rules (H)	01/19/21 - Referred to Rules.		No Priority	Not Reviewed	Building Codes & Inspections	Review, discuss w/ Glenn
SB 5510	Relating to the financial administration of the Department of Consumer and Business Services; declaring an emergency.	Limits certain biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Department of Consumer and Business Services.	Pre-session filed (at the request of Oregon Department of Administrative Services)	Ways and Means (J)	01/24/21 - Assigned to Subcommittee On Transportation and Economic Development.		No Priority	Not Reviewed	Building Codes & Inspections	
HB 2180	Relating to vehicles.	Requires Director of Department of Consumer and Business Services to amend state building code to require that new construction of certain buildings include provisions for electrical service capacity for specified percentage of parking spaces.	Rep Evans; Rep Smith DB; Rep Wilde (Pre-session filed)	Energy and Environment (H)	02/03/21 - Public Hearing held.		No Priority	Not Reviewed	Building Codes & Inspections; Environment	

HB 2812	Relating to filtration requirements for air admitted into buildings; prescribing an effective date.	Requires Director of Department of Consumer and Business Services to amend state mechanical, heating and ventilating code to require use of current best available technology for filtering outside air admitted into buildings and to require that all outside air admitted into buildings passes through filtration technology during periods in which air outside building poses significant risk of harm to health or safety of occupants of building.	Rep Dexter; Rep Helm; Rep Nosse; Rep Pham; Rep Power; Rep Prusak (Pre-session filed)	Business and Labor (H)	01/19/21 - Referred to Business and Labor.		No Priority	Not Reviewed	Building Codes & Inspections; Environmental Health	
HB 2336	Relating to residential housing; declaring an emergency.	Directs Department of Consumer and Business Services to establish by rule appendix in Oregon residential specialty code based upon visitability standards for Type C Units provided by American National Standards Institute.	Rep Marsh; Sen Gelser (Pre-session filed)	Housing (H)	01/19/21 - Referred to Housing.		No Priority	Not Reviewed	Building Codes & Inspections; Housing Development	Review, discuss w/ Glenn
HB 2583	Relating to maximum occupancy of residential dwelling units.	Prohibits establishment or enforcement of occupancy limits on residential dwelling units by public bodies.	Rep Fahey (Pre-session filed)	Housing (H)	02/11/21 - Public Hearing scheduled.	8:00AM 02/11/2021 House Committee Housing Public Hearing Remote D	No Priority	Not Reviewed	Building Codes & Inspections; Housing Development	
HB 2283	Relating to land division for residential development.	Allows land division to separate dwelling units for new middle housing allowed in cities.	Rep Clem; Rep Meek; Rep Smith DB; Rep Stark; Rep Zika (Pre-session filed) (at the request of House Agriculture and Land Use Committee)	Housing (H)	02/02/21 - Public Hearing held.		No Priority	Not Reviewed	Building Codes & Inspections; Housing Development; Land Use (non resource lands)	Review, eval impact to Mo Co
HB 2565	Relating to land division for residential development.	Allows partition to separate dwelling units for new duplexes allowed in cities.	Rep Meek; Rep Zika (Pre-session filed)	Housing (H)	01/19/21 - Referred to Housing.		No Priority	Not Reviewed	Building Codes & Inspections; Housing Development; Land Use (non resource lands)	

HB 2653	Relating to subsurface sewage disposal.	Directs Environmental Quality Commission to adopt rules authorizing single-family dwelling and accessory dwelling unit constructed on same lot or parcel to be permanently connected to same subsurface sewage disposal system or alternative sewage disposal system.	Rep Owens; Rep Smith DB; Rep Zika (Pre-session filed)	Energy and Environment (H)	01/19/21 - Referred to Energy and Environment.		No Priority	Not Reviewed	Building Codes & Inspections; Housing Development; Land Use (non resource lands)	Check w/ Um Co Envir I	
SB 458	Relating to land division for residential development.	Allows land division to separate dwelling units for new middle housing allowed in cities.	Sen Frederick; Sen Knopp; Sen Patterson (Pre-session filed) (at the request of Habitat for Humanity)	Housing and Development (S)	02/18/21 - Public Hearing Scheduled.	1:00PM 02/18/2021 Senate Committee Housing and Development Public Hearing Remote C	No Priority	Not Reviewed	Building Codes & Inspections; Housing Development; Land Use (non resource lands)		
HB 2559	Relating to sewage disposal system permits.	Specifies that community or area-wide sewerage system is not available for purposes of issuance or denial of permit unless sewerage system is within ___ feet of property.	Rep Meek (Pre-session filed)	Water (H)	01/19/21 - Referred to Water.		No Priority	Not Reviewed	Building Codes & Inspections; Housing Development; Land Use (resource lands)		
HB 2645	Relating to use of land; declaring an emergency.	Exempts dog training facilities from state structural specialty codes.	Rep Post (Pre-session filed)	Agriculture and Natural Resources (H)	02/11/21 - Public Hearing scheduled.	3:15PM 02/11/2021 House Committee Agriculture and Natural Resources Public Hearing Remote D	No Priority	Not Reviewed	Building Codes & Inspections; Land Use (non resource lands); Land Use (resource lands)		
HB 2714	Relating to resuming uses after emergencies; declaring an emergency.	Requires local governments to approve certain reconstruction after 2020 wildfires.	Rep Breese-Iverson; Rep Leif; Rep Levy; Rep Morgan; Rep Smith DB; Rep Zika (Pre-session filed)	Wildfire Recovery (House Special Committee On)	01/19/21 - Referred to Wildfire Recovery.		No Priority	Not Reviewed	Building Codes & Inspections; Land Use (non resource lands); Land Use (resource lands); Wildfire		
HB 2576	Relating to development following wildfires; declaring an emergency.	Requires local governments to approve reconstruction of manufactured dwelling parks after wildfire.	Rep Marsh (Pre-session filed)	Wildfire Recovery (House Special Committee On)	01/19/21 - Referred to Wildfire Recovery.		No Priority	Not Reviewed	Building Codes & Inspections; Land Use (non resource lands); Wildfire		
HB 2307	Relating to local standards to promote housing stability; declaring an emergency.	Requires city with population of 200,000 or fewer to establish local standards to promote housing stability no later than July 1, 2023.	Rep Evans (Pre-session filed)	Housing (H)	01/19/21 - Referred to Housing.		No Priority	Not Reviewed	Housing Development		Unfunded mandate?

SB 391	Relating to accessory dwelling units in rural residential areas; declaring an emergency.	Authorizes county to allow owner of lot or parcel within rural residential zone to construct one accessory dwelling unit on lot or parcel, subject to certain restrictions.	Sen Dembrow (Pre-session filed)	Housing and Development (S)	02/16/21 - Public Hearing Scheduled.	1:00PM 02/16/2021 Senate Committee Housing and Development Public Hearing Remote C	1	Not Reviewed	Housing Development; Land Use (non resource lands)	Submitted to BOC
HB 2779	Relating to clustered resource dwellings.	Authorizes counties to allow contiguous clustered nonresource dwellings on clustered development tract in lieu of approval of individual nonresource dwellings on exclusive farm use or forest lands.	Rep Smith DB; Rep Zika (Pre-session filed)	Rules (H)	01/19/21 - Referred to Rules.		No Priority	Not Reviewed	Housing Development; Land Use (non resource lands); Land Use (resource lands)	
HB 2245	Relating to violations of removal-fill laws.	Prohibits Department of State Lands from imposing civil penalty for violation of removal-fill laws in wetland if wetland was not listed on wetlands inventory and person committing violation did not have actual knowledge that site was wetland.	Rep Boshart Davis (Pre-session filed)	Agriculture and Natural Resources (H)	01/19/21 - Referred to Agriculture and Natural Resources.		No Priority	Not Reviewed	Housing Development; OACES; Wetlands	
HB 2607	Relating to construction taxes; prescribing an effective date.	Exempts from construction taxes residential housing being constructed to replace residential housing destroyed or damaged by fire or other emergency event or situation.	Rep Gomberg (Pre-session filed)	Wildfire Recovery (House Special Committee On)	02/08/21 - Public Hearing held.		No Priority	Not Reviewed	Housing Development; Revenue & Taxation; Wildfire	
HB 2160	Relating to expansion of urban growth boundaries to accommodate affordable housing; prescribing an effective date.	Authorizes Land Conservation and Development Commission to approve plans for urban growth boundary expansion to accommodate affordable housing in Pendleton.	Rep Levy (Pre-session filed) (at the request of City of Pendleton)	Housing (H)	02/09/21 - Public Hearing held.		4	Not Reviewed	Land Use (non resource lands)	Pendleton Fix
HB 2282	Relating to temporary development opportunities; declaring an emergency.	Requires Department of Land Conservation and Development to approve City of Bend's expansion of urban growth boundary, and allows department to approve other land use regulations for city on specified lands, if owner of land possesses development opportunity transferred from Metolius resort site owner and city meets other conditions.	Rep Clem (Pre-session filed)	Economic Recovery and Prosperity (H)	01/19/21 - Referred to Economic Recovery and Prosperity.		No Priority	Not Reviewed	Land Use (non resource lands)	

HB 2288	Relating to consent to annexation for extraterritorial service; declaring an emergency.	Authorizes district or city to require consent to eventual annexation of property before providing extraterritorial service to property.	Rep Clem (Pre-session filed)	Rules (H)	01/19/21 - Referred to Rules.		No Priority	Not Reviewed	Land Use (non resource lands)
HB 2312	Relating to judgments affecting lawful units of land.	Provides that lawful units of land whose property lines are relocated by certain judgments remain lawful units.	Rep Evans (Pre-session filed)	Rules (H)	01/19/21 - Referred to Rules.		No Priority	Not Reviewed	Land Use (non resource lands)
HB 2558	Relating to development in fixed guideway corridors.	Requires local governments to allow certain residential development within one-eighth mile of fixed guideway corridor stops.	Rep Meek; Sen Dembrow (Pre-session filed)	Housing (H)	01/19/21 - Referred to Housing.		No Priority	Not Reviewed	Land Use (non resource lands)
HB 3131	Relating to cannabis; prescribing an effective date.	Prohibits outdoor production of industrial hemp or marijuana within specified distance of residential property or boundary of area zoned for residential use.	Rep Noble		02/09/21 - First reading. Referred to Speaker's desk.		No Priority	Not Reviewed	Land Use (non resource lands)
HB 3154	Relating to buildable lands.	Excludes manufactured dwelling parks and certain multifamily dwellings from inclusion of buildable lands available for infill.	Rep Drazan		02/09/21 - First reading. Referred to Speaker's desk.		No Priority	Not Reviewed	Land Use (non resource lands)
SB 628	Relating to expansion of urban growth boundaries to accommodate affordable housing; declaring an emergency.	Authorizes Land Conservation and Development Commission to approve plans for urban growth boundary expansion to accommodate affordable housing in Pendleton.	Sen Hansell (Pre-session filed)	Energy and Environment (S)	01/19/21 - Referred to Energy and Environment.		No Priority	Not Reviewed	Land Use (non resource lands)
HB 2110	Relating to payments by petitioners to Land Use Board of Appeals petitions; declaring an emergency.	Modifies costs for petitioners filing notice of petition with Land Use Board of Appeals.	Pre-session filed (at the request of Governor Kate Brown for Land Use Board of Appeals)	Rules (H)	02/16/21 - Public Hearing scheduled.	1:00PM 02/16/2021 House Committee Rules Public Hearing Remote 170	3	Not Reviewed	Land Use (non resource lands); Land Use (resource lands)
HB 2272	Relating to use of land.	Directs Department of Land Conservation and Development to study issues relating to use of land and report to appropriate committee or interim committee of Legislative Assembly on or before September 15, 2022.	Rep Clem (Pre-session filed)	Wildfire Recovery (House Special Committee On)	01/19/21 - Referred to Wildfire Recovery.		No Priority	Not Reviewed	Land Use (non resource lands); Land Use (resource lands)

Review

Review

Pendleton Fix

HB 2275	Relating to land use.	Directs Department of Land Conservation and Development to study issues relating to land use and report to appropriate committee or interim committee of Legislative Assembly on or before September 15, 2022.	Rep Clem (Pre-session filed)	Housing (H)	01/19/21 - Referred to Housing.		No Priority	Not Reviewed	Land Use (non resource lands); Land Use (resource lands)	
HB 2279	Relating to land reserves.	Directs Department of Land Conservation and Development to study issues relating to land reserves and report to appropriate committee or interim committee of Legislative Assembly on or before September 15, 2022.	Rep Clem (Pre-session filed)	Housing (H)	01/19/21 - Referred to Housing.		No Priority	Not Reviewed	Land Use (non resource lands); Land Use (resource lands)	
HB 2285	Relating to the use of land.	Directs Department of Land Conservation and Development to study issues relating to use of land and to report to appropriate committee or interim committee of Legislative Assembly on or before September 15, 2022.	Rep Clem (Pre-session filed) (at the request of House Agriculture and Land Use Committee)	Housing (H)	01/19/21 - Referred to Housing.		No Priority	Not Reviewed	Land Use (non resource lands); Land Use (resource lands)	Review
HB 2287	Relating to annexation.	Requires that, in election proposing annexation, votes from city and territory to be annexed be counted separately to determine separate majorities if territory to be annexed includes 100 acres or more.	Rep Clem (Pre-session filed)	Rules (H)	01/19/21 - Referred to Rules.		No Priority	Not Reviewed	Land Use (non resource lands); Land Use (resource lands)	
HB 2488	Relating to addressing climate justice through land use planning; declaring an emergency.	Requires Land Conservation and Development Commission to make changes to statewide land use planning goals by December 31, 2026, to address climate justice by addressing climate change adaptation and mitigation and environmental justice for disadvantaged communities.	Rep Alonso Leon; Rep Dexter; Rep Helm; Rep Holvey; Rep Nosse; Rep Pham; Rep Power; Rep Schouten; Rep Wilde; Sen Dembrow; Sen Frederick; Sen Golden; Sen Prozanski (Pre-session filed)	Energy and Environment (H)	01/19/21 - Referred to Energy and Environment with subsequent referral to Ways and Means.		No Priority	Not Reviewed	Land Use (non resource lands); Land Use (resource lands)	
HB 2764	Relating to standing in land use appeals.	Limits standing in appeals of land use decisions or limited land use decisions to persons that reside or maintain business within 25 miles of boundary of local government or special district and appeared before decision maker in person at hearing if available	Rep Smith DB (Pre-session filed)	Rules (H)	01/19/21 - Referred to Rules.		No Priority	Not Reviewed	Land Use (non resource lands); Land Use (resource lands)	Would preclude 3rd party partici

HB 2809	Relating to temporary siting of recreational vehicles on properties with dwellings destroyed by natural disasters.	Allows temporary siting for up to 24 months of recreational vehicles on properties with dwellings that natural disasters have made uninhabitable.	Rep Leif; Rep Morgan; Rep Smith DB; Rep Zika (Pre-session filed)	Wildfire Recovery (House Special Committee On)	01/19/21 - Referred to Wildfire Recovery.		No Priority	Not Reviewed	Land Use (non resource lands); Land Use (resource lands)
HB 2832	Relating to redesignation of rural reserves properties.	Requires Washington County to approve property owner's petition for redesignation of rural reserves under certain circumstances.	Rep Sollman (Pre-session filed)	Rules (H)	01/19/21 - Referred to Rules.		No Priority	Not Reviewed	Land Use (non resource lands); Land Use (resource lands)
HB 2837	Relating to reserves in Washington County.	Removes designation of rural reserves from private road commonly known as Lasich Lane in Washington County.	Rep Neron (Pre-session filed)	Rules (H)	01/19/21 - Referred to Rules.		No Priority	Not Reviewed	Land Use (non resource lands); Land Use (resource lands)
HB 3060	Relating to land use.	Directs Department of Land Conservation and Development to study issues relating to land use and report to appropriate committee or interim committee of Legislative Assembly on or before September 15, 2022.	Rep Speaker Koteck	Rules (H)	01/28/21 - Referred to Rules.		No Priority	Not Reviewed	Land Use (non resource lands); Land Use (resource lands)
SB 16	Relating to Eastern Oregon Border Economic Development Region housing; prescribing an effective date.	Allows counties to partition and rezone up to 200 acres of lands within Eastern Oregon Border Economic Development Region from exclusive farm use to residential uses.	Sen Findley (Pre-session filed)	Energy and Environment (S)	02/09/21 - Public Hearing held.		No Priority	Not Reviewed	Land Use (non resource lands); Land Use (resource lands)
SB 405	Relating to nonconforming uses; declaring an emergency.	Tolls time city or county may consider nonconforming use interrupted or abandoned during emergency that limits resumption of use.	Sen Prozanski (Pre-session filed)	Natural Resources and Wildfire Recovery (S)	02/17/21 - Public Hearing Scheduled.	3:15PM 02/17/2021 Senate Committee Natural Resources and Wildfire Recovery Public Hearing Remote D	No Priority	Not Reviewed	Land Use (non resource lands); Land Use (resource lands)

Same as SB2 in 2019 w/ new acc

SB 5530	Relating to the financial administration of the Department of Land Conservation and Development; declaring an emergency.	Appropriates moneys from General Fund to Department of Land Conservation and Development for certain biennial expenses.	Pre-session filed (at the request of Oregon Department of Administrative Services)	Ways and Means (J)	02/17/21 - Public Hearing Scheduled.	8:00AM 02/15/2021 Joint Subcommittee Natural Resources Public Hearing Remote E	No Priority	Not Reviewed	Land Use (non resource lands); Land Use (resource lands)	Support w/ request for change to
HB 2884	Relating to validation of lawfully established units of land.	Extends time for recording partition plat incorporating city or county's permit validating unit of land to 365 days.	Rep Evans (Pre-session filed)	Rules (H)	01/19/21 - Referred to Rules.		No Priority	Not Reviewed	Land Use (non resource lands); Land Use (resource lands); OACES; Surveyors	
SB 465	Relating to resuming nonconforming uses.	Requires counties to allow commencement of restoration or replacement of nonconforming uses damaged or destroyed by certain wildfires until September 30, 2025.	Rep Drazan; Rep Moore-Green; Rep Smith DB; Sen Girod (Pre-session filed) (at the request of former Senator Denyc Boles)	Natural Resources and Wildfire Recovery (S)	02/17/21 - Public Hearing Scheduled.	3:15PM 02/17/2021 Senate Committee Natural Resources and Wildfire Recovery Public Hearing Remote D	No Priority	Not Reviewed	Land Use (non resource lands); Land Use (resource lands); Wildfire	

Legislative Updates

HB, SB, or LC#: SB 5530

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB5530/Introduced>

Summary of Bill or LC:

Department of Land Conservation & Development (DLCD) Budget.

Includes \$1 million for rural transportation with a focus on resilience and equity.

Continues grants to local jurisdictions which includes Morrow County and cities.

POP 110 for Housing Planning is \$2.5 million for grants and technical assistance for local government including cities with few than populations 10,000.

Parties Involved

DLCD, AOC Supports the budget.

Impact to Morrow County:

No direct impact unless the local grants were removed.

Not Passed-

Difficult to quantify; depends on specific portion and level of funding for specific programs.

Recommendation to Commissioners

Support Bill and commend Department for new emphasis on rural areas, such as rural transit planning and rural housing. Support from eastern Oregon would generate good will and help bridge past divides.



Department of Land Conservation and Development

2021-23 Governor’s Recommended Budget

	2019-21 Legislatively Approved Budget	2021-23 Governor’s Budget
General Fund	\$17,819,643	\$21,488,326
Other Funds	\$1,535,051	\$2,220,615
Federal Funds	\$6,949,434	\$7,182,205
Total Funds	\$26,304,128	\$30,891,146
Positions / Full-Time Equivalent (FTE)	61 / 58.55	67 / 62.47

2021-23 Budget & Policy Option Packages

Reductions in staffing: - \$696,412 GF (3.00 FTE) in base program

Reduces the department’s base budget by approx. 4.5%. Results in the elimination of these positions: Office Specialist 2 (0.5 FTE), Planner 3 (2.0 FTE), Information Systems Specialist 6 (0.5 FTE), and includes \$202,200 in vacancy savings and reductions to services and supplies. This reduction would affect the hiring of temporary staff and decrease planning assistance for local governments.

Package 90 Equity Initiatives: \$1,800,000 GF

Equity in Rural Transportation: \$1,000,000. Strategies to increase resilience in the rural transportation system with an equity lens.

Environmental Justice in Land Use Scoping: \$800,000. LCDC and DLCD will lead a review of Oregon’s land use planning goals and development of new rules for environmental justice, equity and climate.

Package 98 DOGAMI Program Reorganization: \$1,098,801 GF (7.00 FTE)

Transfers a limited number of staff from DOGAMI’s Geological Survey and Services division to DLCD, supporting efforts to develop hazard resilient communities. This integration into the state land use planning program will bolster efforts to reduce risks from hazards via mapping, data creation, analyses, and scientific studies. DLCD will also focus on the risks to marginalized communities and apply equity-based priorities to natural hazards and land use planning. Transfer proposed for July 1, 2022.

POP 110 Housing Planning: \$3,904,344 GF [\$1.404 M - 5.50 FTE and \$2.5 M - Local Assistance]

Continues the implementation of HBs 2001 and 2003 (2019) to increase housing choice and supply in Oregon’s medium and large cities. Current positions would change from limited duration to permanent. With this technical assistance funding, DLCD would have the staffing necessary to assist 56 cities across Oregon. Of the above amount, \$2.5 million would be for grants and technical assistance for local governments, including cities with fewer than 10,000 people, to adopt more flexible housing ordinances, analyze housing need in the community, and implement housing production strategies.

POP 111 Climate Adaptation: \$578,070 GF [\$328,070 - 1.00 FTE and \$250,000 - Climate Vulnerability Assessment]

Funds DLCD’s work with 25 state agencies to implement the Climate Change Adaptation Framework. This framework takes a coordinated approach to addressing the risks to state programs, infrastructure, natural resources, and local communities from the impacts of climate change. The POP provides GF to support the state’s climate adaptation coordinator and a comprehensive assessment of the state’s greatest vulnerabilities to climate change, including impacts to frontline and marginalized communities.

POP 112 Climate Mitigation: \$1,000,000 GF [\$231,100 - 0.88 FTE and \$768,900 - Local Assistance]

Supports the state’s eight metropolitan areas in implementing the Climate Friendly and Equitable Communities rulemaking, which aims to reduce climate pollution in the transportation sector and promote more affordable, equitable development. This POP implements DLCD’s work under Executive Order 20-04, specifically the multi-agency Every Mile Counts program. Most of the funding goes to cities and counties within the metropolitan areas to implement new rules scheduled to be adopted late 2021.

Contact Information:

Senior Policy Advisor: Palmer Mason, 503-269-2040, palmer.mason@state.or.us

Budget Manager: Carol Bovett, 503-798-3621, carol.bovett@state.or.us



2019-21 Accomplishments

With local governments and other service providers and state agencies, DLCD implements the vision and legacy of Senate Bill 100 – protection of what makes Oregon, Oregon. For more than 45 years, Oregon's land use planning program has contributed to the quality and character of the natural and built environment of the state. The program has been charged by the Legislature with managing urban growth; protecting farm and forest lands, coastal areas, and natural resource lands; and providing for safe, livable communities in concert with the vision of the local communities.

Support for Local Governments

Oregon's land use program serves all Oregonians through the work of 242 cities, 36 counties and one metropolitan service district. It does this by ensuring that each local government engages its residents in planning for their future, and addresses issues that matter to the economic and environmental sustainability, protects working lands and fosters livable, more equitable communities. The department's regional representatives and program specialists provide technical and financial assistance to support local planning efforts. \$1,624,850 in technical assistance grants were awarded to local governments in this biennium.

Key Accomplishments 2019-2021

In the midst of the COVID-19 pandemic and associated budget rebalancing, unprecedented wildfires, DLCD advanced major policy initiatives centered on addressing these complex issues.

Housing. DLCD primarily focused on the implementation of HBs 2001 and 2003 (2019), LCDC adopted four new sets of implementing rules in the fall of 2020. To accomplish these rule-writing processes, staff worked with a charge from LCDC and a diverse group of advisors to address housing choice and supply, equity, housing production and regional housing needs. \$2.1 million dollars were distributed to fund all 33 proposed grant applications from 29 local governments required to implement the housing choice provisions of HB 2001. The department has also obligated \$2,128,247 toward housing choice implementation.

Climate Change. DLCD undertook to implement Governor Brown's Executive Order 20-04, reducing greenhouse gas pollution from the land use and transportation sectors. A geographically and racially diverse Rules Advisory Committee is helping guide this work. DLCD staff also are leading a 25-agency effort to update the state's Climate Change Adaptation Framework.

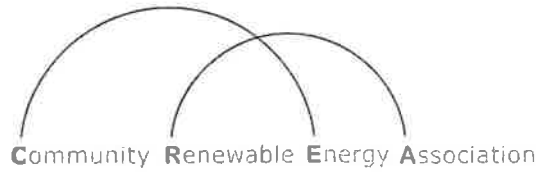
Wildfire Recovery. DLCD leads the State Recovery Function #1: Community Planning and Capacity Building. In response to the devastating Labor Day fires, DLCD regional representative have been providing community assistance in affected areas of the state – particularly Lincoln County, the Santiam Canyon and Southern Oregon. DLCD's Sothern Oregon regional representative is coordinating Housing recovery planning for Jackson County. Staff developed and the Land Conservation and Development Commission passed emergency rules to ensure sufficient land supply for temporary housing for the more than 4,000 displaced Oregonians. Our floodplain specialist also has been actively engaged to help ensure we build back better.



Commission Liaisons Former Chair Jerry Lidz and Commissioner Anyeley Hallova opened the first Rules Advisory Committee meeting in October, 2019

Contact Information:

Senior Policy Advisor: Palmer Mason, 503-269-2040, palmer.mason@state.or.us
Budget Manager: Carol Bovett, 503-798-3621, carol.bovett@state.or.us



www.community-renewables.org

Statement of The Community Renewable Energy Association position on Proposed Energy Legislation

February 12, 2021

CREA strongly supports efforts to expand and encourage the continued development of renewable energy projects in Oregon, and particularly in rural Oregon. CREA would like to see legislation crafted with the following provisions, most of which are currently in House Bill 3180:

1. Accelerate renewable energy targets so that projects are built more quickly. Using existing renewable energy structures allows new milestones to be implemented simply and swiftly.
2. Public power utilities (municipal utilities, public utility districts and electric cooperatives) must not be restricted from relying on the Bonneville Power Administration system, as they always have done.
3. Allow natural gas generators to remain in place to provide needed system reliability. Reliability studies from objective experts should inform the future need for gas capacity in the State. Legislation directing reliability studies could inform strategies, implemented over time, and not through current legislation to reduce reliance on natural gas for in-State day to day energy. If required for reliability, keep existing gas plants available for system shortages and emergencies.
4. Adopt policies to enable permitting for renewable energy projects to occur with more certainty and less process.
5. Encourage project development in Oregon. Each project built here has a large positive benefit in the rural community and county in which it is located.
6. Keep the incentive programs Oregon has, but no new incentives from the general fund.
7. Encourage the integration of storage with renewable energy projects and encourage project design that offers resiliency benefits.
8. Encourage, don't ignore, Oregon's long-standing goal of 8 percent of renewable energy generation based in rural communities.

9. Strengthen PURPA provisions that encourage and enable small scale renewable energy projects, including basic rule of law protections and enforcement of minimum contract standards to encourage investment in Oregon communities.
10. Encourage, don't discourage, existing and new smaller scale rural renewable energy projects, particularly those with additional community and environmental benefits.
11. Rural energy projects should, to the extent feasible, offer jobs, including construction jobs to rural residents. Consider labor standards based on premium over minimum wage or premium over county average wage. Encourage placement from community college training programs in addition to apprenticeship training programs. Keep reporting and compliance requirements for small subcontractors simple and easy to understand.
12. Avoid requiring new rules from newly engaged state agencies to implement the program. It has taken the OPUC a long time to launch the community solar program and it took the DEQ a long time to launch the clean fuels standards. We know renewable energy today and are prepared to move forward with review and approval.

There are many other suggestions brought forth for improving Oregon's energy policy in the various bills and bill concepts circulating. Some of those considerations may be past due. CREA supports and looks forward to participating in a robust discussion of those other ideas and proposals. But for 2021, a program that enacts the features we have endorsed above need not hinder or delay the robust and extended discussion needed for some of the other policy alternatives.

We support accomplishing first what we can accomplish more easily and tackle the other issues with the benefit of additional review and discussion. We find that the elements of this statement on renewable energy principles are beneficial for all of Oregon, both rural and urban.



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)

Presenter at BOC: Darrell Green
Department: Administration
Short Title of Agenda Item:
(No acronyms please)

Phone Number (Ext):
Requested Agenda Date: 02/17/2021

Resolution to Authorize Financing Agreement and Note for North
County Government building.

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: 10 minutes
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:

Department Director Required for all BOC meetings
Darrell Green 02/12/2021 Administrator Required for all BOC meetings
Justin Nelson 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 Board of Commissioners approved Commerce/Zions Bank as our Financing Firm. Commerce/Zions Bank will be financing the North County Government building by issuing a Full Faith and Credit Bond. Passing a Resolution to authorize a financing agreement and note is our first step in this process.

2. FISCAL IMPACT:

6.9 million dollars

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

Motion to approve and sign Resolution R-2021-3

Attach additional background documentation as needed.

**THE
COMMERCE
BANK
OF OREGON**

**Morrow County, Oregon
Full Faith and Credit Agreement and Note, Series 2021
TIMETABLE**

January 2021							February 2021						
S	M	T	W	TH	F	S	S	M	T	W	TH	F	S
3	4	5	6	7	8	9		1	2	3	4	5	6
10	11	12	13	14	15	16	7	8	9	10	11	12	13
17	18	19	20	21	22	23	14	15	16	17	18	19	20
24	25	26	27	28	29	30	21	22	23	24	25	26	27
31							28						

Board Meeting

Date	Activity	Responsibility
1/22	Financing Proposals Due	Co / ZB
1/27	Selection of Lenders to Interview	Co
1/28	Lender Interviews	Co / ZB
2/3	Final Selection of Lender	Co
2/4	Notification of Lender selected, Hire Bond Counsel	Co / ZB / MS
2/5	Financial Review with Finance Director	Co / ZB
2/9	Distribute draft Bond Resolution	MS
2/12	Comments back on Bond Resolution	All
2/12	Term Sheet provided	ZB
2/15	Final Bond Resolution distributed	MS
2/17	Board Meeting to approve Bond Resolution	Co
2/18	Initial drafts of Agreement & Note Documents distributed Draft Closing Memo distributed	MS ZB
2/22	Comments due on Agreement & Note Documents Comments due on Closing Memo	All
2/23	Signature Pages distributed Final Closing Memo distributed	MS ZB
2/24	Signature Pages returned	Co / ZB
2/25	Transcript pdf distributed	MS
2/26	Closing – Funds wired to County	All

Parties Involved	Code
Morrow County – Issuer	Co
Mersereau Shannon LLP – Special Tax Counsel	MS
The Commerce Bank of Oregon / Zions Bank – Purchaser	ZB

**BEFORE THE BOARD OF COMMISSIONERS
FOR MORROW COUNTY, OREGON**

IN THE MATTER OF AUTHORIZING A)	
FINANCING AGREEMENT AND NOTE)	RESOLUTION NO. R-2021-3
IN AN AMOUNT NOT-TO-EXCEED)	
\$6,900,000; PLEDGING THE COUNTY'S)	
FULL FAITH AND CREDIT)	

RECITALS

WHEREAS, the above-entitled matter came before the Board of Commissioners on February 17, 2021; and

WHEREAS, Oregon Revised Statutes (“**ORS**”) Chapter 287A, prescribes the manner for local government borrowing; and

WHEREAS, ORS 287A.105 provides that a county may incur indebtedness within the meaning of Section 10, Article XI of the Oregon Constitution when authorized by law, so long as such indebtedness does not exceed (a) one percent of the real market value of all taxable property in the county; or (b) a limitation contained in the county charter; and

WHEREAS, there are no outstanding obligations of the County which are secured by the full faith and credit of the County and that are payable from taxes the County may levy within the limitations of Section 11b, Article XI of the Oregon; and

WHEREAS, ORS 287A.315 allows for the County to pledge its full faith and credit and taxing power for the repayment of indebtedness that is secured by all lawfully available funds of the County; and

WHEREAS, the Board of Commissioners finds that is in best interest of the County to finance the acquisition, construction, equipping and furnishing of the North Morrow County Government Center in Irrigon, Oregon to consolidate County services (the “**Project**”); and

WHEREAS, the cost of the Project is estimated to be not less than the amount of the Agreement (as defined below), including costs associated with financing the Project; and

WHEREAS, the County is authorized pursuant to the Constitution and laws of the State of Oregon, specifically ORS Sections 271.390 and 287A.315, to enter into a financing agreement and pledge its full faith and credit to finance authorized projects; and

WHEREAS, it is in the best interest of the County to authorize and enter into a financing agreement and note (collectively, the “**Agreement**”) to finance the cost of the Project and to pay all costs incidental thereto.

NOW THEREFORE, THE MORROW COUNTY BOARD OF COMMISSIONERS RESOLVES AS FOLLOWS:

1. Authorization. The County hereby authorizes the execution and delivery of the Agreement to finance the Project. The Agreement shall be in the aggregate principal amount not to exceed \$6,900,000, shall bear interest at a rate not to exceed 2.0% and the term shall be for not more than fifteen (15) years.

2. Payments. The obligation of the County to make the payments under the Agreement shall be a full faith and credit obligation of the County, and shall not be subject to annual appropriation. The payments due under the Agreement shall be payable from the general, non-restricted revenues of the County and other funds which may be available for that purpose, including taxes levied within the restrictions of sections 11 and 11b, Article XI of the Constitution of the State of Oregon. The Owner of the Agreement shall not have a lien or security interest on any property of the County, including the property financed with the proceeds of the Agreement.

3. Designation of Authorized Representative. Pursuant to ORS 287A.300, the Board of Commissioners hereby authorizes the Chair of the Board of Commissioners or the County Administrator (the "**Authorized Representative**") to act on behalf of the County and determine the remaining terms of the Agreement as specified in Section 4.

4. Delegation of Final Terms of the Agreement and Additional Documents. The Authorized Representative is hereby authorized, on behalf of the County, to:

a. Establish the dated date, interest payment dates, interest rates (not to exceed the rate stated in Section 1 of this Resolution), the principal maturities, the final principal amount (not to exceed the principal amount stated in Section 1 of this Resolution), and to establish default and remedy provisions, covenants and prepayment provisions for the payments under the Agreement;

b. Prepare the Agreement which the Authorized Representative determines to be in the best interests of the County, and to execute and deliver the Agreement;

c. Enter into covenants and any other agreement and to execute any other certificates or documents, and take any actions, which are necessary or desirable to finance the Project in accordance with this Resolution; and

d. Select the Owner of the Agreement in the manner determined by the Authorized Representative

5. Maintenance of Tax-Exempt Status. The County hereby covenants to use the proceeds of the Agreement and the Project, and to otherwise comply with all provisions of the Internal Revenue Code of 1986, as amended (the "**Code**") which are required for the interest component of the payments payable under the Agreement to be excluded from gross income for federal income tax purposes, as provided in the Agreement. The County makes the following specific covenants with respect to the Code:

- a. The County will not take any action or omit any action if it would cause the Agreement to become an arbitrage bond under Section 148 of the Code.
- b. The County shall operate the Project so that the Agreement does not become a private activity bond within the meaning of Section 141 of the Code.
- c. The County shall comply with appropriate reporting requirements.
- d. The County shall pay, when due, all rebates and penalties with respect to the Agreement which are required by Section 148(f) of the Code.

The covenants contained in this Section 5 and any covenants in the closing documents for the Agreement shall constitute contracts with those who shall own the Agreement from time to time (the “**Owner**”) and shall be enforceable by them. The Authorized Representative may enter into covenants on behalf of the County to protect the tax-exempt status of the Agreement.

6. Bank Designation. The Authorized Representative is hereby authorized to designate the Agreement for purposes of paragraph (3) of Section 265(b) of the Code as a “qualified tax-exempt obligation” so long as the Agreement does not constitute a private activity bond as defined in Section 141 of the Code, and not more than \$10,000,000 aggregate principal amount of obligations, the interest on which is excludable under Section 103(a) of the Code from gross income for federal income tax purposes (excluding, however, private activity bonds other than qualified 501(c)(3) bonds) including the Agreement, have been or shall be issued by the County, including all subordinate entities of the County, if any, during the calendar year in which the Agreement is entered into.

7. Appointment of Special Counsel. The County hereby appoints Mersereau Shannon LLP as special counsel to the County for the execution of the Agreement.

8. Resolution to Constitute Contract. In consideration of the purchase and acceptance of the Agreement by the Owner, the provisions of this Resolution shall be part of the contract of the County with the Owner and shall be deemed to be and shall constitute a contract between the County and the Owner. The covenants, pledges, representations and warranties contained in this Resolution or in the closing documents executed in connection with the Agreement, including without limitation the County’s covenants and pledges contained in Section 2 hereof, and the other covenants and agreements herein set forth to be performed by or on behalf of the County shall be contracts for the equal benefit, protection and security of the Owner, all of which shall be of equal rank without preference, priority or distinction of any over any other thereof.

9. Conditional Redemption. Any notice of optional redemption may state that the optional redemption is conditional upon receipt by the Owner of moneys sufficient to pay the redemption price of such obligations or upon the satisfaction of any other condition, and/or that such notice may be rescinded upon the occurrence of any other event, and any conditional notice so given may be rescinded at any time before payment of such redemption price if any such condition so specified is not satisfied or if any such other event occurs. Notice of such rescission or of the failure of any such condition shall be given by the County to the Owner as promptly as practicable upon the failure of such condition or the occurrence of such other event.

10. Defeasance. The County may defease the Agreement by setting aside, with a duly appointed escrow agent, in a special escrow account irrevocably pledged to the payment of the Agreement to be defeased, cash or direct obligations of the United States in an amount which, in the opinion of an independent certified public accountant, is sufficient without reinvestment to pay all principal and interest on the defeased Agreement until their maturity date or any earlier redemption date. The Agreement that has been defeased pursuant to this paragraph shall be deemed paid and no longer outstanding, and shall cease to be entitled to any lien, benefit or security under this resolution except the right to receive payment from such special escrow account.

11. Closing of the Sale and Delivery of the Agreement. The Authorized Representative is authorized to determine and execute all the documents, including a tax certificate, and perform any and all other things or acts necessary for the sale and delivery of the Agreement as herein authorized. Such acts of the Authorized Representative are for and on behalf of and are authorized by the Board of Commissioners of the County.

12. Effective Date. This Resolution shall become effective upon passage by the Board of Commissioners.

DATED this 17th day of February 2021.

**MORROW COUNTY BOARD OF COMMISSIONERS
MORROW COUNTY, OREGON**

Don Russell, Chair

Jim Doherty, Commissioner

Melissa Lindsay, Commissioner

Approved as to Form: _____
Morrow County Counsel



Board of Commissioners

P.O. Box 788 • Heppner, OR 97836
541-676-5613
www.co.morrow.or.us

Commissioner Don Russell, Chair
Commissioner Jim Doherty
Commissioner Melissa Lindsay

February 17, 2021

[NAME OF OREGON FEDERAL DELEGATION MEMBER]

900 Court St., N.E.
Salem, OR 97301

Submitted via electronic mail.

[TITLE/NAME]:

Thank you for your leadership during these challenging times. Morrow County is grateful for your support of Oregon’s 36 counties, our state, and the people of Oregon. As you are considering the next COVID-19 relief package, Morrow County asks you to support dedicated and robust funding for county governments, provided for in the American Rescue Package.

The pandemic has had a significant impact on budgets; state, county, city, special district, tribe, business, or personal - everyone’s revenue reality has dramatically changed.

As you know, counties are frontline responders in the fight against the COVID-19 pandemic. As the local public health authority, we provide critical services to Oregonians, while working tirelessly to ensure the health, safety, and well-being of our residents, every day of every year. During the pandemic, we are direct providers of contact tracing, testing, vaccinations, and critical services that support community hospitals.

Counties go above and beyond to meet the needs of residents. Counties are working to bridge critical gaps for Oregonians and have, among other things have:

- Stood up support for businesses as local economies are feeling the crippling effects of the pandemic;
- Worked with ehildcare providers to set up resources for parents trying to navigate the pandemic and provide for their families;
- Addressed housing, homelessness, and quarantine/isolation needs; and
- Sought solutions to broadband infrastructure to help transition our communities during this rapid-paced shift in technology.

A direct allocation to counties in the next COVID-19 relief package means we can continue to deliver more efficient, effective services to Oregonians. The American Rescue Plan contains \$350 billion in critical aid to state, local, and territorial governments, and recognizes the vital role counties play as frontline responders in mitigating and slowing the spread of the virus and providing everyday services to Oregonians.

Please support the direct assistance to counties in the American Rescue Plan.

Sincerely,

Don Russell
Chair

Jim Doherty
Commissioner

Melissa Lindsay
Commissioner

DRAFT

INTERGOVERNMENTAL AGREEMENT
For
STEM and STEAM Education

THIS INTERGOVERNMENTAL AGREEMENT, made and entered into this 17th day of February 2021, by and between **MORROW COUNTY**, hereinafter called "**COUNTY**" and **MORROW COUNTY SCHOOL DISTRICT # 1 and IONE SCHOOL DISTRICT**, hereinafter called "**DISTRICTS.**"

RECITALS

WHEREAS, by the authority granted in ORS 190.010, units of local government may enter into agreements with other units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform; and

WHEREAS, the **County** and **Districts** met to discuss and are in agreement the importance of Science, Technology, Engineering, Art and Music to the students in Morrow County to create a vibrant culture and productive workforce; and

WHEREAS, **County** has entered into an agreement with Wheatridge Wind Energy, LLC and Wheatridge Solar Energy Center, LLC in which **County** will receive funds that **County** has determined will be directed to schools in Morrow County for funding of STEM (Science, Technology, Engineering, and Mathematics) and STEAM (Art and Music) instruction.

WHEREAS, the **Districts** and **County** are willing to provide resources to create the STEM and STEAM programs, as long as resources allow.

NOW, THEREFORE, in consideration of the mutual covenants of the parties, each to the other giving, the parties do hereby agree as follows:

1. The **Districts** agree to create and implement STEM and STEAM instruction for students in Morrow County. The program will be allocated as 60% STEM instruction with 40% allocated to Art and Music.
2. The **County** agrees to pay a maximum grant of \$1,000,000.00, based on continued need, to support the **Districts'** STEM and STEAM instruction. Funding of the grant for STEM and STEAM instruction is contingent upon the County receiving adequate funding each year from the agreement with Wheatridge Wind Energy, LLC and Wheatridge Solar Energy Center, LLC. In the event that the County declares that it is unable to perform its obligations by reason of inability to obtain funds, then the **Districts** shall be notified in writing of the amount that will be available, if any, for that year.



Last week's packet

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

(For BOC Use)
Item #
60

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

Presenter at BOC: Tamra Mabbott and Justin Nelson
Department: Planning
Short Title of Agenda Item:
(No acronyms please)

Phone Number (Ext): (541) 922-4624 5505
Requested Agenda Date: February 10, 2021

Discuss Resolution request of Columbia Development Authority.

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: 20
Document Recording Required
Contract/Agreement
Appointments
Update on Project/Committee
Consent Agenda Eligible
Discussion & Action
Estimated Time: 20 minutes
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:

Department Director Required for all BOC meetings
Administrator 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 Columbia Development Authority (CDA) Director has asked Morrow County to sign a Resolution relating to protection of a small section of the Oregon Trail located on the Army Depot. The Resolution includes a commitment by the county to protect the section of trail shown on the attached map. The draft Resolution is attached.

2. FISCAL IMPACT:

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

Discuss the terms of the draft Resolution.

Discuss steps forward to clarify specific expectations of how county will meet the obligations in the Resolution.

Attach additional background documentation as needed.

WHEREAS, The Columbia Development Authority (“CDA”), the Board of Directors of which is comprised of representatives of Morrow County, Port of Morrow, Umatilla County, Port of Umatilla, and the Confederated Tribes of Umatilla Indian Reservation, intends to acquire certain real property (the “CDA Acquisition”) commonly known as the Umatilla Chemical Depot (the “UMCD”) from the United States Department of the Army (the “Army”), a portion of which is located in Morrow County, Oregon (such portion, the “Morrow Property”); and

WHEREAS, CDA is a party to that certain Programmatic Agreement (the “Programmatic Agreement”) dated December 2013, by and among CDA, the Army, the Oregon State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Confederated Tribes of Umatilla Indian Reservation; and

WHEREAS, as a condition to the CDA Acquisition, CDA will enter into an Amendment to the Programmatic Agreement, substantially in the form attached hereto as Exhibit A (the “PA Amendment”); and

WHEREAS, under Section (B)2 of the PA Amendment, a portion of the Morrow Property commonly referred to in the PA Amendment as the “South Trail” is required to be maintained, protected and preserved, in perpetuity, from and after the CDA Acquisition; and

WHEREAS, the CDA Acquisition and the subsequent development of the Morrow Property, together with the preservation of the South Trail in perpetuity, will benefit Morrow County economically and culturally; and

WHEREAS, in order to satisfy the conditions precedent to the CDA Acquisition, facilitate the development of the Morrow Property by CDA and other third parties following the CDA Acquisition, and to maintain the South Trail as a site of historical and cultural significance, Morrow County desires to assume responsibility for the perpetual maintenance, protection and preservation of the South Trail, in accordance with Section (B)2 of the PA Amendment.

NOW THEREFORE BE IT RESOLVED that, from and after the CDA Acquisition, Morrow County shall maintain, protect and preserve the South Trail, in accordance with the terms and provisions of Section (B)2 of the PA Amendment.

Dated this ___ day of _____, 20__

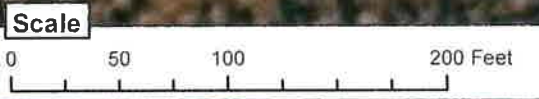
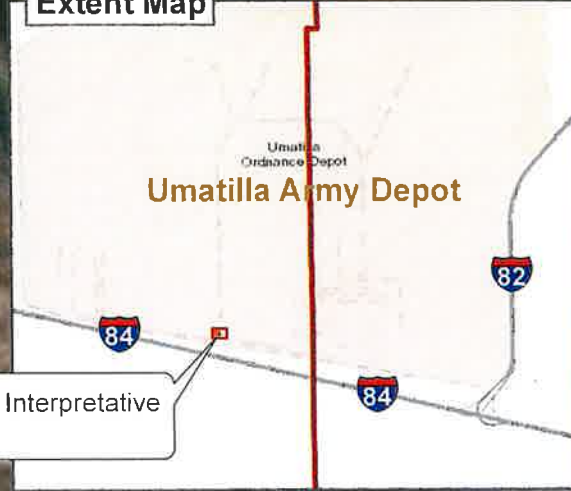
Area Map



Proposed 5,625ft² Parking Area



Extent Map



Proposed Oregon Trail Interpretative Site
Columbia Development Authority
4N 27E TL 100
45.8106 -119.4593

Cartography By: Stephen Wrecsics
Morrow County Planning Department
Date Saved: 1/30/2019 9:13:39 AM
Coordinate System: NAD 1983 HARN StatePlane Oregon North FIPS 3601
Projection: Lambert Conformal Conic
Datum: North American 1983 HARN

**BEFORE THE BOARD OF COMMISSIONERS
FOR MORROW COUNTY, OREGON**

A Resolution in Support of Columbia Development Authority and commitment To Preserve and Maintain South Trail)) RESOLUTION NO. R-2021-2)

WHEREAS, The Columbia Development Authority (“CDA”), the Board of Directors of which is comprised of representatives of Morrow County, Port of Morrow, Umatilla County, Port of Umatilla, and the Confederated Tribes of Umatilla Indian Reservation, intends to acquire certain real property (the “CDA Acquisition”) commonly known as the Umatilla Chemical Depot (the “UMCD”) from the United States Department of the Army (the “Army”), a portion of which is located in Morrow County, Oregon (such portion, the “Morrow Property”); and

WHEREAS, CDA is a party to that certain Programmatic Agreement (the “Programmatic Agreement”) dated December (insert date) 2013, by and among CDA, the Army, the Oregon State Historic Preservation Officer, the Advisory Council on Historic Preservation ~~and the Confederated Tribes of Umatilla Indian Reservation~~[UN1]; and

WHEREAS, as a condition to the CDA Acquisition, CDA will enter into an Amendment to the Programmatic Agreement, substantially in the form attached hereto as Exhibit A (the “PA Amendment”); and

WHEREAS, under Section (B)2 of the PA Amendment, a portion of the trail located within Morrow County, ~~Property~~ commonly referred to in the PA Amendment as the “South Trail” is required to be maintained, protected and preserved, in perpetuity, from and after the CDA Acquisition; and

WHEREAS, the CDA Acquisition and the subsequent development of the ~~Morrow~~ property located in Morrow County, together with the preservation of the South Trail in perpetuity, will benefit Morrow County economically and culturally; and

WHEREAS, in order to satisfy the conditions precedent to the CDA Acquisition, and to facilitate the development of the ~~Morrow~~ Property located in Morrow County by CDA and other third parties following the CDA Acquisition, and to maintain the South Trail as a site of historical and cultural significance, Morrow County desires to assume responsibility for the perpetual maintenance, protection and preservation of the South Trail, in accordance with Section (B)2 of the PA Amendment. Could we see this section of the PA Amendment so we can understand the terms and scope of the protection and preservation?

~~WHEREAS, Morrow County desires to provide protection of the South Trail and understands^[JN2] there will be no renumeration from the CDA but agrees to coordinate with organizations and persons with expertise in protection of Oregon Trail.~~

NOW THEREFORE BE IT RESOLVED that, from and after the CDA Acquisition, Morrow County ~~shall~~will maintain, protect and preserve the South Trail, in accordance with the terms and provisions of Section (B)2 of the PA Amendment.

Dated this ~~10th~~^{3rd} day of February 2021

**MORROW COUNTY BOARD OF COMMISSIONERS
MORROW COUNTY, OREGON**

Don Russell, Chair

Jim Doherty, Commissioner

Melissa Lindsay, Commissioner

AGENDA ITEM FOR ADMINISTRATIVE MEETING () Discussion only
(X) Action

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: CDA Resolution

<p>Background:</p> <p>It has been requested that the Board document its oversight of the historical 1944 explosion site on the depot resolution after CDA acquisition. This would include assuming responsibility for the perpetual maintenance, protection and preservation of the site.</p>	<p>Requested Action:</p> <p>Adopt Order No. BCC2021-016</p>
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ATTACHMENTS: Background Information; Draft resolution

*****For Internal Use Only*****

Checkoffs:

- () Dept. Heard (copy)
- () Human Resources (copy)
- () Fiscal
- (X) Legal (copy)
- () (Other - List:)

To be notified of Meeting:

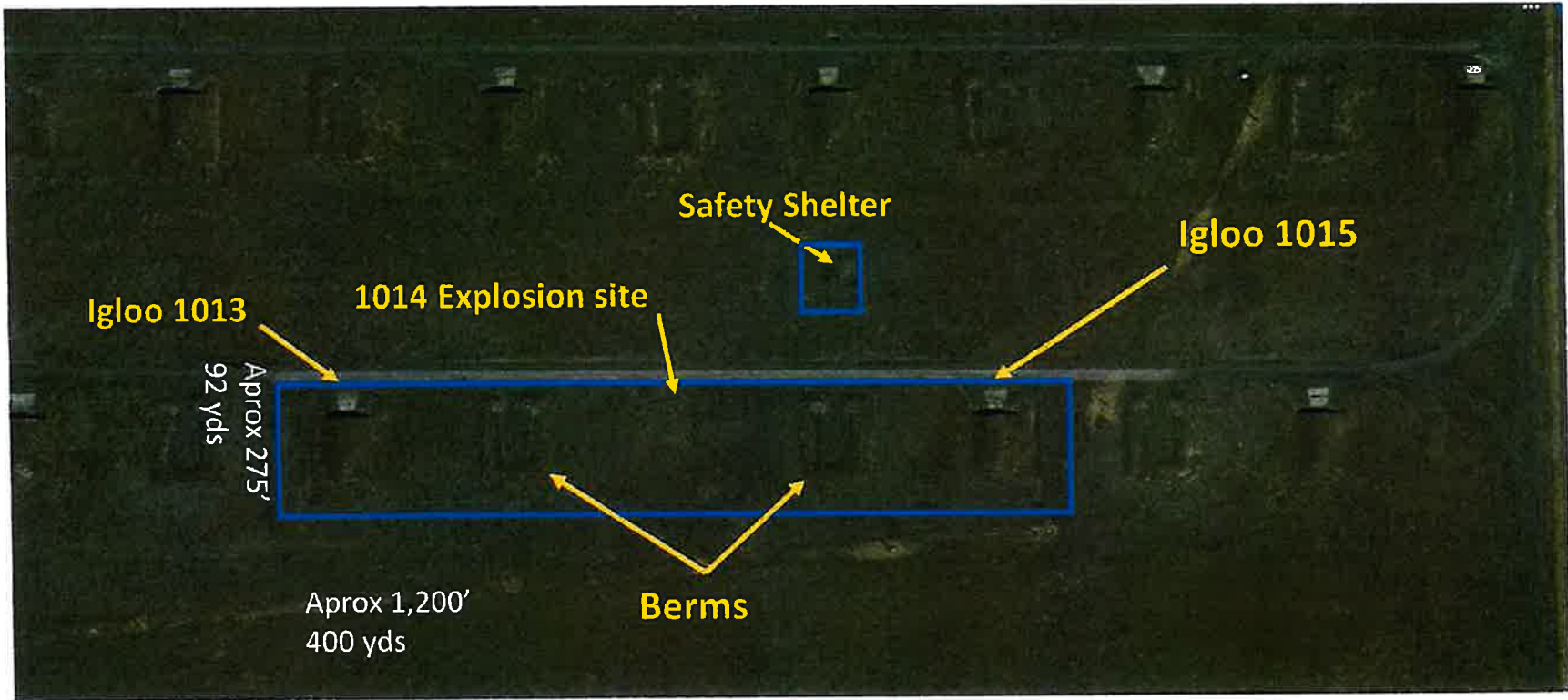
Needed at Meeting:

Scheduled for meeting on: February 3, 2021

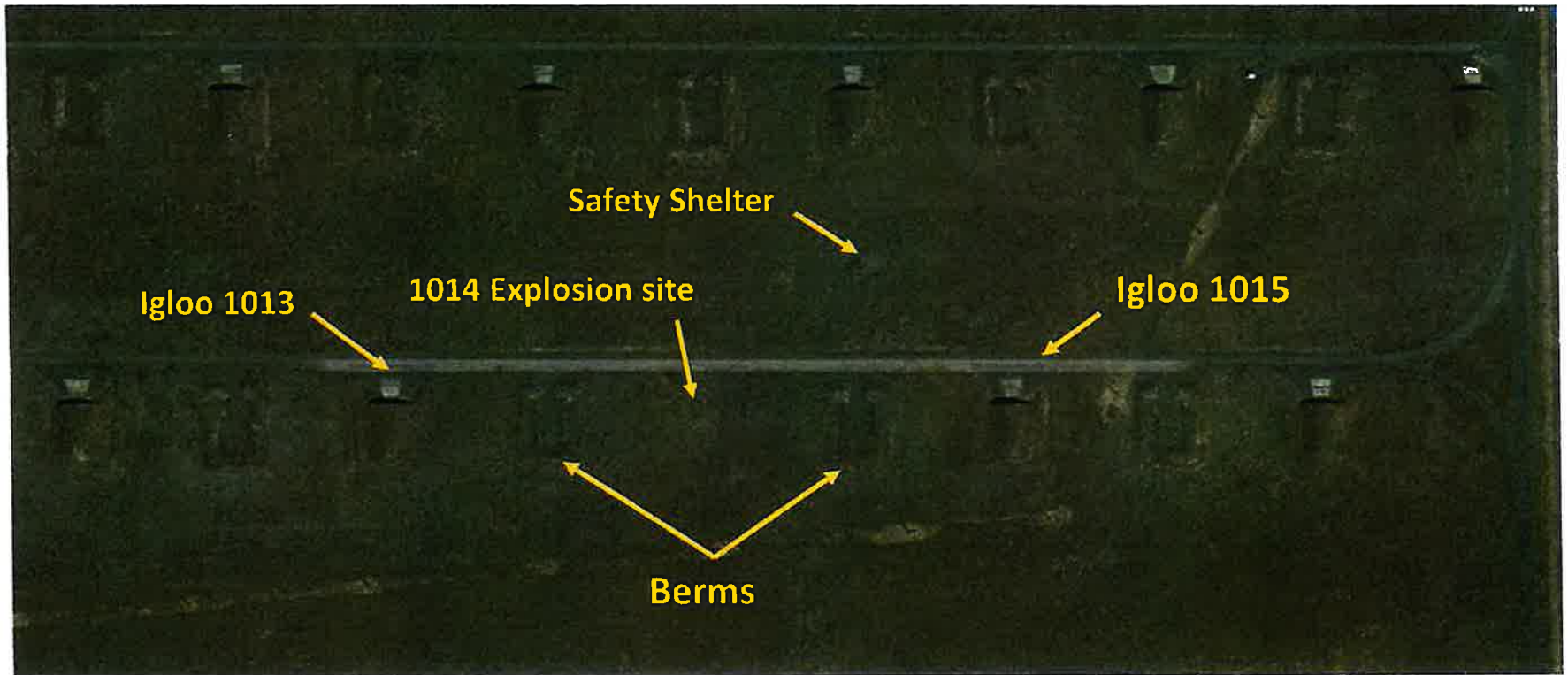
Action taken:

Follow-up:

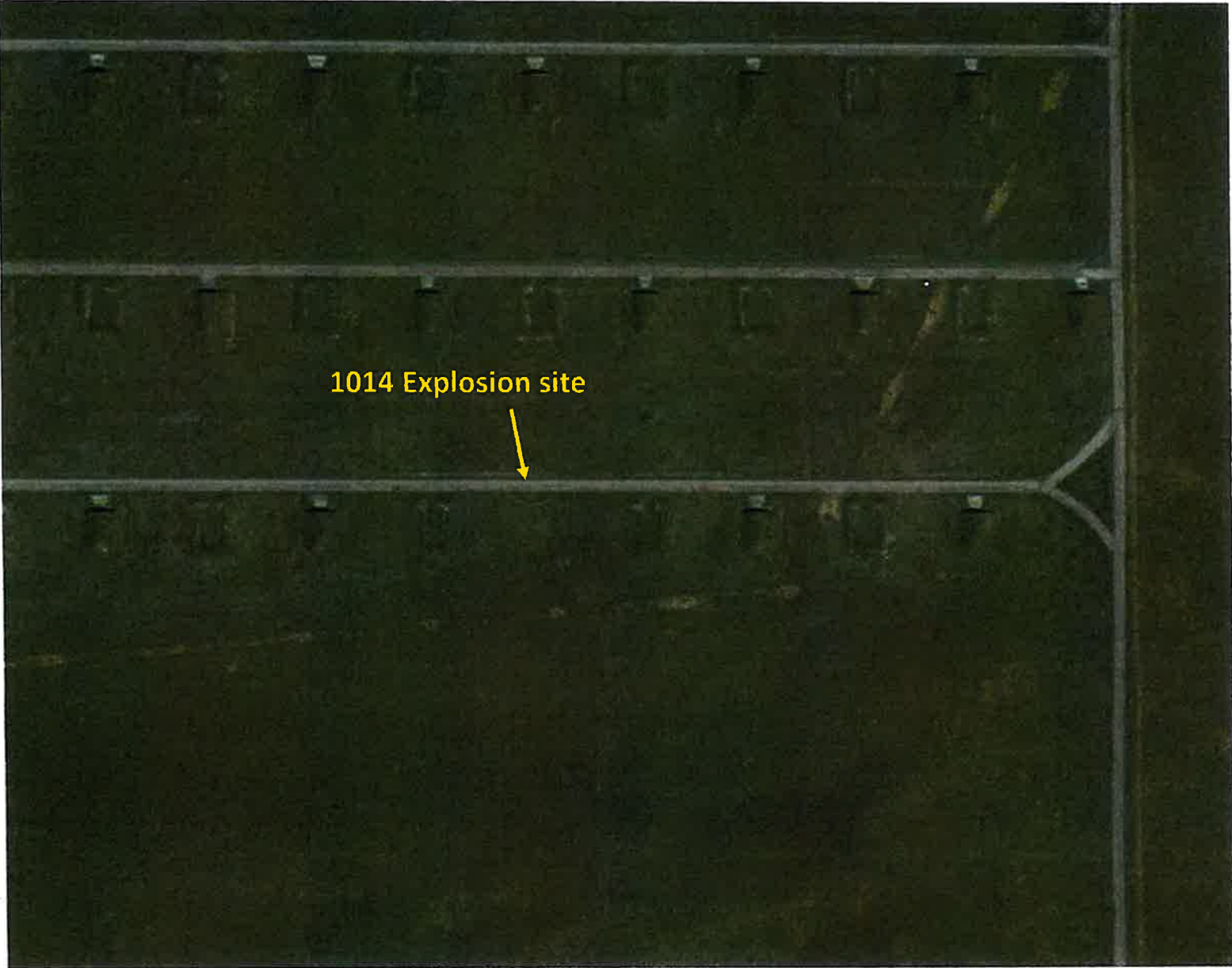
**Possible Area to Protect, Includes:
Berms and igloos on either sided.**



Structures Adjacent to Explosion Site



SE Corner of the B-Block



On top of igloo 1015 facing northwest



THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Authorizing)
County to Maintain and Preserve) Order No. BCC2021-017
1944 Umatilla Chemical Depot)
Igloo Accident Site)

WHEREAS, the Columbia Development Authority ("CDA"), the Board of Directors of which is comprised of representatives of Morrow County, Port of Morrow, Umatilla County, Port of Umatilla, and the Confederated Tribes of Umatilla Indian Reservation, intends to acquire certain real property (the "CDA Acquisition") commonly known as the Umatilla Chemical Depot (the "UMCD") from the United States Department of the Army (the "Army"), a portion of which is located in Umatilla County, Oregon (such portion, the "Umatilla Property");

WHEREAS, the CDA is a party to that certain Programmatic Agreement (the "Programmatic Agreement") dated December 2013, by and among CDA, the Army, the Oregon State Historic Preservation Officer, and the Advisory Council on Historic Preservation;

WHEREAS as a condition to the CDA Acquisition, CDA will enter into an Amendment to the Programmatic Agreement (the "PA Amendment");

WHEREAS under Section (E)2 of the PA Amendment, a portion of the Umatilla Property commonly referred to in the PA Amendment as the "1944 UMCD Igloo Accident Site" is required to be maintained, protected and preserved, in perpetuity, from and after the CDA Acquisition;

WHEREAS the CDA Acquisition and the subsequent development of the Umatilla Property, together with the preservation of the 1944 UMCD Igloo Accident Site in perpetuity, will benefit Umatilla County economically and culturally;

WHEREAS in order to satisfy the conditions precedent to the CDA Acquisition, facilitate the development of the Umatilla Property by CDA and other third parties following the CDA Acquisition, and to maintain the 1944 UMCD Igloo Accident Site as a site of historical and cultural significance, Umatilla County desires to assume responsibility for the perpetual maintenance,

protection and preservation of the 1944 UMCD Igloo Accident Site, in accordance with Section (E)2 of the PA Amendment.

NOW THEREFORE, the Umatilla County Board of Commissioners orders and resolves that from and after the CDA Acquisition, Umatilla County shall maintain, protect and preserve the 1944 UMCD Igloo Accident Site, in accordance with the terms and provisions of Section (E)2 of the PA Amendment.

DATED this 3rd day of February, 2021.

UMATILLA COUNTY BOARD OF COMMISSIONERS

George L. Murdock, Chair

John M. Shafer, Commissioner

Daniel N. Dorran, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Records Officer

6fi

Grantor's Name:
DEVIN OIL CO. INC.
650 N 1st ST STE D
HERMISTON OR 97838

Grantees Name:
Morrow County, a political
subdivision of the State of Oregon

After recording return to:
Morrow County, a political
subdivision of the State of Oregon
P.O. Box 788
Heppner, OR 97836

Until a change is requested, all tax
statements shall be sent to the above
listed address.

EASEMENT

RECITALS

1. Grantors are the owners of certain real property described on the attached Exhibit A (the "Property"); and
2. Grantee is the owner of certain real property described in the attached Exhibit B ("Grantee's Parcel").

DEVIN OIL CO, INC, an Oregon Corporation, conveys to MORROW COUNTY, an Oregon municipal corporation, Grantee, its heirs, successors, and assigns an exclusive perpetual easement located as follows across the property of Grantor:

An easement for ingress, egress, and utilities, over and across that tract of land located in the SW 1/4 of the NE 1/4 of Section 27, Township 2 South, Range 26 East, W.M., Morrow County, Oregon being more particularly described as follows:

Commencing at the most southerly corner of Parcel 2, Morrow County Partition Plat 2016-1 recorded March 10th, 2016 in the Plat Records of said Morrow County as Instrument No. 2016-37811, said point also being the most northerly corner of Lot 2, Block 4 of the Second Mt. Vernon Addition to the City of Heppner recorded on May 4th, 1904 in Plat Book 1, Page 51 of the plat records of said Morrow County; thence along the common line of said Parcel 2 and said Second Mt. Vernon Addition, North 48°10'04" West a distance of 100.00 feet to the true point of beginning of this description; thence continuing along said common line, North 48° 10'04" West a distance of 308.50 feet;

thence leaving said common line to a point on the Northerly Right of Way line of Riverside Avenue in said Second Mt. Vernon Addition, South 41 °49'56" West a distance of 26.30 feet; thence along said Northerly Right of Way line of Riverside Avenue, South 34°30'22" East a distance of 214.57 feet; thence North 41 °49'56" East a distance of 56.56 feet; thence South 59°42' 17" East a distance of 102.06 feet to the true point of beginning.

The consideration for this easement is a gift to the Morrow County for the public good.

The terms of this easement are:

1. Use of Easement Grantee, its agents, independent contractors, and invitees shall use the easement strip only for the following purposes only: ingress and egress to the Morrow County Station 2 and all activities associated with the operation of a police station and for the placement of underground and overhead utilities for servicing the Station.
2. Indemnity. Grantor shall have no liability to Grantee, third parties, or the public arising out of any condition or improvement within the Easement or the maintenance, repair, replacement or use thereof. Grantee shall hold Grantor harmless for, from, and against any claim, loss, damage, or other liability (including attorneys' fees whether incurred at trial, on appeal, or in any arbitration or bankruptcy proceeding) to the extent arising out of or resulting from (i) any Permitted User's use of the Easement, or (ii) any Permitted User's failure to comply with the terms, restrictions and provisions of this Access Easement.
3. Easement Appurtenant. The easement is appurtenant to the real property owned by Grantees in Exhibit B.
4. Easement Perpetual. The easement shall be perpetual.
5. Subject to Prior Encumbrances. This easement is granted subject to all prior easements of encumbrances of record.
6. Venue and Governing Law. The parties agree that any suit or action shall be filed in state courts located in Morrow County, Oregon and consent to jurisdiction in that forum. This Access Easement shall be governed by the laws of the State of Oregon without regard to Oregon conflict of laws principles.
7. Injunctive Relief and Damages. In the event of any breach or threatened breach of any provision of this Access Easement, Grantor may prosecute any proceeding at law or in equity to enjoin such breach or threatened breach and to recover damages for any such breach.
8. Benefit and Burden. Any rights or obligations of any party contained herein shall refer to the then current owner of record of the Property or Grantee's Parcel.
9. Liens. Grantee shall not permit any claim, lien or other encumbrance arising from the Permitted Users' use of the Easement to accrue against or attach to the Property.

10. Severability. If any term or provision of this Access Easement shall, to any extent, be held invalid or unenforceable, the remaining terms and provisions of this Access Easement shall not be affected thereby, and each remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

11. Waiver. No waiver of any breach of any of the conditions, covenants or agreements contained herein shall be construed as, or constitute, a waiver of any other breach or a waiver, acquiescence in, or consent to any further or succeeding breach of the same or any other condition, covenant, or agreement.

12. Effective Date. This Access Easement is not effective unless and until the Access Easement is duly recorded with the Morrow County Clerk.

13. No Warranty. Grantee accepts the Easement Premises "As Is." Grantor makes no warranty or guarantee of any conditions of any portion of the easement.

14. Binding Effect. This easement shall be binding upon the parties and their successors and assigns and shall run with the land.

15. Entire Agreement. This document is the entire, final, and complete agreement of the parties and supersedes and replaces all prior or existing written or oral agreements, or both, between the parties or their representatives relating to the property.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

EXHIBIT B

A parcel of land located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27, Township 2 South, Range 26, East of the Willamette Meridian, in the County of Morrow and State of Oregon being more particularly described as PARCEL 2 OF PARTITION PLAT 2016-1, recorded March 10, 2016, in the Plat Records of Morrow County as Instrument No. 2016-37811.

LAKE PENLAND CORPORATION

P.O. Box 95
Heppner, Oregon 97836-0095

Directors:

Curtis Cutsforth, *Pres.* 541-256-0262
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January 21, 2021

Morrow County Commissioners
P.O. Box 788
Heppner, Oregon 97836-0788

IN RE: Support Letter for the Snow Groomer / Search & Rescue Building at Cutsforth Park.

Hello Chair Russell and Commissioners Lindsay and Doherty:

The Lake Penland community would like to lend a clear and very strong voice-of-support for the **Snow Groomer and Morrow County Search & Rescue building to be located at Cutsforth Park.**

Lake Penland is a public recreation site high in the Blue Mountains above Cutsforth Park at 5,064 feet of elevation. The Lake hosts 45 private properties, (many with private cabins on them), and a public fishing site with a Forest Service water recreation dock and related public campground. *Lake Penland is used year-round by both the private property owners and the general public.* The entire area is "off-grid" with no public utilities. Access during the winter months is via Nordic skis, snowmobiles, and tracked UTVs. The groomed roads and trails provided by our local snowmobile club are paramount to providing safe and continual access to the Lake facility, as well as general emergency access for our local Search & Rescue group.

The new **Snow Groomer and Search & Rescue building, located within Cutsforth Park**, will provide a much needed and secure shelter and storage facility for the equipment used for this public area access, and greatly decrease the response time for our Search & Rescue folks. *Having emergency response equipment located at the trail-head (Cutsforth Park) will be a blessing.* Throughout the year, our dedicated Search & Rescue teams provide much needed location and evacuation services to the public in our Blue Mountains area. Providing a secure and reliable storage and maintenance facility for our OSSA provided Snow Groomer will enable its' continued and full use in providing public access to our winter recreation areas.

The Lake Penland community supports this multi-purpose facility **to be located at Cutsforth Park**, and asks for your consideration in enabling it to become a reality.

Most Sincerely,



Tommy Wolff, *Treas.*
Lake Penland Corporation Board of Directors

M.C.G.G.
Morrow County Grain Growers INC.

P.O. Box 367
Lexington, Oregon 97839

Ph. 989-8221 • 1(800) 452-7396



Morrow County Commissioners,

Morrow County Grain Growers would like to extend our support for the Snow Groomer and Search and Rescue building to be located at Cutsforth Park.

The Snow Groomer has opened up additional opportunities for positive economic impact to our local economy in South Morrow County. With use of the groomer, consumers know they have a reliable area they can go for recreation in the winter time. Their use of these groomed trails trickles down as a well needed economic boost to our local merchants as they pass through town.

With outdoor equipment sales (ORV's, ATV's, Snowmobiles, Trailers) at record highs over the past 10 months, it has created a sizable increase in people/traffic to our mountain roads, trails, parks and campgrounds. The ability to have Search and Rescue equipment stationed at Cutsforth Park is ideal for rapid response to emergency situations that could happen in these remote areas. The building will provide a secure location for the Snow Groomer and Search and Rescue equipment to maximize the longevity and return on these investments.

Morrow County Grain Growers supports this facility to be located at Cutsforth Park and we hope the project can be put into action as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stefan Matheny', written over a large, light-colored oval scribble.

Stefan Matheny

Dealership Manager

Morrow County Grain Growers



Oregon State Snowmobile Association

Dennis Jordan
OSSA President
221 Teakwood Dr
Eagle Point, OR 97524
(541) 821-6570

djordan@oregonsnow.org

February 10, 2021

Melissa Lindsay
Morrow County Commissioner
PO Box 788
Heppner, OR 97836

Dear Commissioner Lindsay,

As the President of Oregon State Snowmobile Association (OSSA), I fully support the Morrow County cat shed project.

In addition to Morrow County's use for the shed, OSSA will use the shed to house our 2008 Tucker Sno-Cat groomer. This cat is used to groom the Umatilla National Forest trail system. The value of the cat is \$120,000. It is important to keep the cat under cover when not in use to protect it from the elements, vandalism, and theft. This building should be heated and have a concrete floor. This makes it easier to perform repairs when needed on the cat.

In addition to grooming the 171-mile trail system in the Umatilla National Forest, our cat is used to assist the Morrow County Search and Rescue when an emergency arises. It is vitally important that our groomer be available for this purpose at all times.

Respectfully,

A handwritten signature in black ink that reads "Dennis Jordan". The signature is written in a cursive, flowing style.

Dennis Jordan
President, Oregon State Snowmobile Association

From: Schiller Whitley <Whitley.Schiller@oregonlegislature.gov>

Sent: Tuesday, February 16, 2021 9:24 AM

To: Don Russell <drussell@co.morrow.or.us>; Jim Doherty <jdoherty@co.morrow.or.us>;

Melissa Lindsay <mlindsay@co.morrow.or.us>

Subject: Elk Depredation Issues

Morrow County Commissioners,

Representative Bobby Levy from HD58 is starting to put together a work group to address the elk depredation issues our side of the state is facing. She was wondering if 1) your residents are experiencing any problems with the elk population and 2) if yes, would any of you want to attend our conversation in the next week or so (date TBD)?

Currently, we have Union and Wallowa counties present, as well as Curt Melcher, Dennis Sheehy, John Williams, and we are looking to add individuals from Rocky Mountain Elk Foundation and USFS.

Please let me know if anyone is interested and I will add you to the email list.

Whitley

Whitley Schiller

Chief of Staff, Rep. Bobby Levy HD58

whitley.schiller@oregonlegislature.gov