

MORROW COUNTY BOARD OF COMMISSIONERS MEETING AGENDA

Wednesday, September 7 2022 at 9:00 a.m.

Bartholomew Building Upper Conference Room

110 N. Court St., Heppner, Oregon

Zoom Meeting Information on Page 2

Labor Day Holiday, Monday 9-5-22

1. **Call to Order and Pledge of Allegiance - 9:00 a.m.**
2. **City/Citizen Comments:** Individuals may address the Board on topics not on the agenda
3. **Open Agenda:** The Board may introduce subjects not on the agenda
4. **Consent Calendar**
 - a. Approve Accounts Payable and Payroll Payables
 - b. Minutes: August 31, 2022
 - c. Purchase Pre-Authorization – Midland Pugmill (Eric Imes, Public Works Director)
 - d. Order No: OR-2022-11 in the matter of appointing members to the Morrow County Board of Property Tax Appeals
5. **Business Items**
 - a. First Reading, Ordinance No. ORD-2022-3: Updating the Subdivision Ordinance and Article 9 (Tamra Mabbott, Planning Director)
 - b. First Reading, Ordinance No. ORD-2022-4: Updating the Morrow County/Port of Morrow/City of Boardman Interchange Area Management Plan (Tamra Mabbott)
 - c. SRS County Allocation (Kevin Ince, Finance Director)
 - d. Support for Umatilla County in EFSC Contested Case (Tamra Mabbott, Planning Director)
 - e. Solar PILOT Exemption Discussion (Brian Walsh, Avangrid Renewables)
6. **Department Reports**
 - a. Sheriff's Office Monthly Report (Melissa Camarillo)
 - b. Local Public Safety Coordinating Council Quarterly Report (Jessica Rose)
7. **Commissioner Liaison Reports**
8. **Correspondence**
9. **Commissioner Reports**
10. **Signing of documents**
11. **Adjournment**

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

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 Karen Wolff 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 Chair Jim Doherty, 541-571-0584.

Zoom Meeting Information

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

PASSWORD: 97836

Meeting ID: 541-676-2546

Zoom Call-In Numbers for Audio Only Using Meeting ID 541-676-2546#:

- 1-346-248-7799
- 1-669-900-6833
- 1-312-626-6799
- 1-929-436-2866
- 1-253-215-8782
- 1-301-715-8592

Morrow County Board of Commissioners Meeting Minutes
August 31, 2022
Bartholomew Building Upper Conference Room
Heppner, Oregon

Present In-Person

Chair Jim Doherty, Commissioner Melissa Lindsay, Commissioner Don Russell, John Bowles, Brian Snider, Bobbi Childers, Ken Browne, Lisa Pratt, Wayne Seitz, Paul Gray, Michael Haugen, Eric Imes, Jaylene Papineau, David Sykes.

Present Via Zoom

Kirsti Cason, SaBrina Bailey-Cave, Yvonne Morter, Karen Pettigrew, Marty's Phone, Greg Sweek, Del Turner, Emily Roberts, Ericka Laster, Jeff, John Kilkenny, John M, Kevin Ince, Linda Skendzel, Lisa M, Mark Keith, Rick Stokoe, Sandi Pointer, Torrie Griggs, 15419227143, Marie Shimer, Sam Irons, Joe

Call to Order and Pledge of Allegiance – 9:00am

City & Citizen Comments: Clerk Bobbi Childers present to report on multiple email requests on Record of Freedom of Information Requests. They appear to be a spam as the emails are almost identical. By releasing the information from our small area, it could be easily figured out who did and did not vote and how individuals voted. Bobbi feels confident that the process to count and certify the election will stand. Bobbi and her staff will continue to work with Oregon Secretary of State, Elections Division and local County Council, on this matter.

Wayne Seitz present and reports that the lights on the wind turbans have been on since Sunday. He asked if there was a deadline to when the company had to have this problem of the lights being on continuously? If the system does not work, how long do they have to get it fixed? Chair Doherty stated that there is a team that is working on this, and it does need to get fixed. Commissioner Russell stated that he and Mike have been in conversation with them and the goal is to get the lights working properly. Software was not working properly about a month ago. Commission Lindsay stated it is time to take some action, we keep making the same promise to Mr. Seitz.

Open Agenda: None

Consent Calendar:

Commissioner Russell asked that we pull the minutes of June 8, 2022 for further discussion. Roberta wrote the minutes and then they were re-written, not sure why. Commissioner Lindsay completed/rewrote several weeks of minutes to help get us caught up. The re-write of these better reflected what we did that day.

Commissioner Lindsay moved to approve the following items on the Consent Calendar:

- a. *Minutes: April 29, 2022 Special Meeting; May 11, 2022; May 18, 2022; May 25, 2022; June 1, 2022; June 1, 2022 Special Session; June 8, 2022; June 8, 2022 Work Session; June 15, 2022; June 22, 2022; June 29, 2022; July 6, 2022; August 10, 2022; August 17, 2022; August 17, 2022 Special Meeting; August 22, 2022;*

August 24, 2022; with the exception of the Meeting Minutes of June 8th for further comparison.

*b. Pre-Purchase Authorization for a new EZ Liner Paint Truck (Public Works)
Chair Doherty seconded. Unanimous approval.*

Business Items

Chair Doherty has looked into what other counties with Ambulance Services and appears that each county has their own way of providing coverage. Chair Doherty has received a resume from a gal with the state, she comes highly recommended and respected. She will act as a mediator to work on finding a resolution.

Commissioner Lindsay and Russell both support the idea of having an outside, independent moderator.

*Commissioner Russell moved to move forward with a sole source contract for mediation.
Commissioner Lindsay seconded. Unanimous approval.*

Commissioner Reports

Commissioners Lindsay gave update on her work with LUBGWMA; they have recently hired a scientist Salini Sasidharan Ph.D with extensive background. The LUBGWMA Committee will hold a meeting this Friday to clarify who the voting members are, Salini has been placed into the interim Chair position. Commissioner Lindsay wanted confirmation that a County Commissioner was the first vote and in their absence the Planning Director could be the voting member. Doherty and Commissioner Russell confirmed that Commissioner Lindsay is the voting member for Morrow County.

Commissioner Russell reported that along with County Council and County Assessor they have been in conversation with Avengrid Solar Project, to enter into a deferred tax agreement. Avengrid have provided a copy of contract they have used with other counties, to use as a rough draft. They want to move quickly. This Solar Project will be going in on the Bombing Range.

Signing of Documents

Adjourned: 9:32am



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

(For BOC Use)
Item #
4.c.

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

Presenter at BOC: Eric Imes

Date submitted to reviewers: 9/1/2022

Department: Public Works - Roads

Requested Agenda Date: 9/7/2022

Short Title of Agenda Item:

(No acronyms please)

Purchase Pre - Authorization for a new Midland Pugmill

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: Midland Machinery Co. Inc.

Contractor/Entity Address: 101 Cranbrook Ext. Tonawanda, NY 14150

Effective Dates - From:

Through:

Total Contract Amount: \$370,870.00

Budget Line: 201-220-5-40-4401

Does the contract amount exceed \$5,000? Yes No

Reviewed By:

Eric Imes 8/31/2022 Department Director Required for all BOC meetings
Melissa Lindsay 9/1/2022 Liaison Commissioner Required for all BOC meetings
County Counsel *Required for all legal documents
Kevin Ince 9/1/2022 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):

I would like the Board Of Commissioners to consider replacing our 1981 Kolberg pugmill. With recent developments of asphalt binders that work really well in cold mix designs, I believe it is time to utilize this style of paving again in Morrow County.

Maintenance and transportation costs continue to rise making this change more and more cost effective. The paving crew typically would pave about 500 tons in the Lexington area per day. Running our own plant, we would be able to pave about 1300 tons per day. Next seasons paving project costs:

Hot Mix Asphalt from Hermiston	\$1,898,496.00	
Mix cost from our plant	\$1,096,805.00	
Labor and Equipment cost buying mix from Hermiston	\$1,186,550.00	
Labor and Equipment cost making our own mix	\$ 456,365.00	
Hot Mix paving	\$3,085,046	
Cold Mix	\$1,553,170	
Savings	\$1,531,876	(savings equates to about \$153,000 per mile of paving)

Additionally plant breakdowns has cost the county more than \$125,000 in the last three years alone. The Midland pugmill is still simply built and not prone to breakdowns. Furthermore, when we do experience a breakdown, it is much easier to redirect crew members rather than wait sometimes hours for updates on plants becoming operational.

Attached you will find three quotes. The Midland is not the cheapest but will work best for Morrow County.

My plan is to trade materials and/or services with Gilliam County through the MORE agreement for our old pugmill. They would like to use it for parts to keep their pugmill going longer.

2. FISCAL IMPACT:

The purchase would pull from Capital Outlay Equipment Replacement expense budget 201-220-5-40-4401

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

Motion to approve pre-purchase authorization of a new MidlandTS-AL500 pugmill in the amount of \$370,870.00

Attach additional background documentation as needed.

Midland Machinery Co. Inc.
101 Cranbrook Ext.
Tonawanda, NY 14150 USA
Phone 716-692-1200 Fax 716-692-1206

August 23, 2022

2220823

Morrow County, OR.

We are pleased to submit our proposal to supply the following equipment based on Spring/Summer 2023 delivery. Delivery time subject to prior orders. Prices are good for 30 days.

1 - New Midland T-3000 Mix-Trailer \$ 317,500.00

Standard Features:

- | | |
|---|------------------------------|
| -6 Ft. Pugmill with hinged covers | -30" Charging Conveyor |
| -8.0 Yard hopper | -Pintle Ring |
| -Transit Lights | |
| -74 HP Tier IV Diesel engine | -Electric/hydraulic controls |
| -3" Liquid Bituminous system | |
| -Axle, wheels, tires, air brakes, fenders, mud flaps, spring suspension and | |

Optional Equipment

- | | |
|--|--------------------|
| -8 Ft Mixer in Lieu of 6 ft Mixer | \$ 13,650.00 |
| -Fifth Wheel Plate and Pin | \$ 5,145.00 |
| -Bituminous Calibration Valve | \$ 1,625.00 |
| -Walkway at Mixer | \$ 9,750.00 |
| -Hydraulic Lift legs at Hopper end | \$ 10,950.00 |
| -Manual Leveling Jacks Located at Axle end | <u>\$ 2,850.00</u> |

LIST PRICE \$ 361,470.00

Estimated Freight \$9,400.00

Other optional equipment available at additional cost.

Terms: F.O.B. Tonawanda, NY

MIX, RECYCLE, RECLAIM, BLEND



Highly mobile, self-contained continuous pugmills to mix:

- **Asphalt**
- **Contaminated Soil**
- **R.A.P.**
- **Portland Cement**
- **Lime**
- **Fly Ash**
- **Kiln Dust**
- **Water**
- **Calcium Chloride**
- **Rejuvenator**
- **Sludge**
- **Solid Waste**

Fast to the Job, Fast on the Job.

**Featuring: Diesel Power, Easy Transport, Fast Set-Up,
Large Capacity 200-700 Tons Per Hour, All Hydraulic Drives, Low Maintenance**

Finally, A Plant of Your Own!

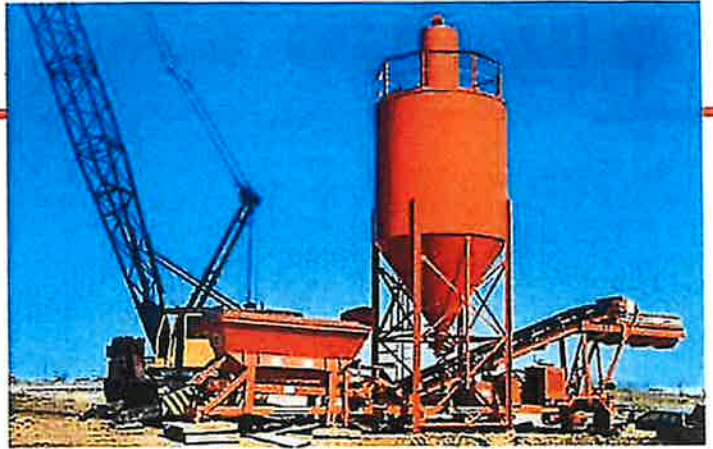
Mix what you want, where you want, when you want! Owning your own plant allows you more flexibility to choose mix designs, aggregates, sources, mix locations, hauling times and more. Gain greater control of your paving, maintenance and patching operations. Produce the products you and your customers need, where and when you need them.

Midland Mix-Trailers easily blend paving materials for patching or mainline paving. A wide range of other applications include:

- Recycling Pavements
- Precoating Stone
- Blending Aggregates
- Stabilizing Soil
- Preconditioning Ice Control Materials (salt, grit, and liquid calcium chloride)
- Contaminated waste treatment
- Cement treated base

The most compact and maneuverable machines available, Midland T-Series Mix-Trailers boast production rates of 200 to 700 tons per hour and offer a wide assortment of options to meet your job requirements.

Midland T-Series Mix-Trailers--Fast to the job, Fast on the job.



DISTRIBUTED BY:



101 Cranbrook Ext., P.O. Box 326, Tonawanda, NY, USA 14151
Phone 716 / 692-1200
FAX 716 / 692-1206

MIDDLAND

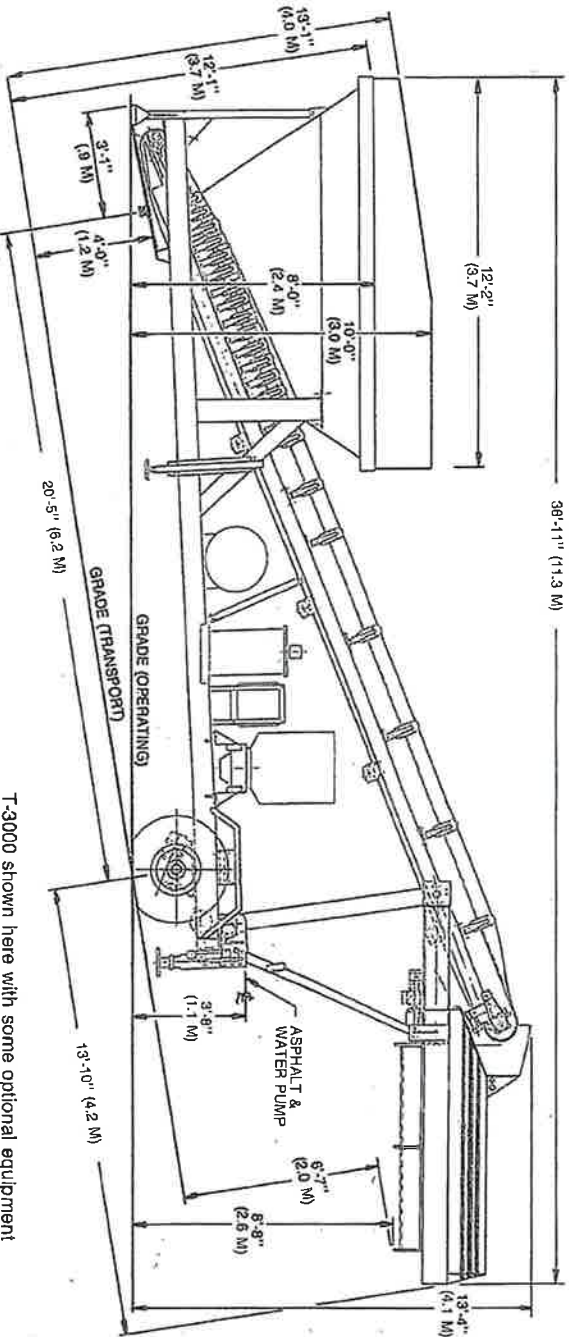
MACHINERY CO., INC.

SPECIFICATIONS

MIX-TRAILER T-SERIES

MODELS T-3000, T-4100 and T-6000

- **FRAME:** Welded rectangular steel tube.
- **TRANSPORT EQUIPMENT:** 5 in. (12.7 cm) round trailer axle. Tires, 4 - 11R22.5 mounted on 10-hole disc type wheels. Fifth wheel plate, brakes and fenders standard on T-4100 and T-6000 models. Optional pinte ring mounted to frame for towing.
- **HYDRAULIC SYSTEM:** Hydraulic components are supplied by a 70 gallon (264.96 liter) reservoir and protected by multi-stage filtration. Hydraulic oil is cooled through a heat exchanger mounted in front of the engine radiator and fan. All major components are hydraulically driven and protected by pressure relief valves.
- **CONTROLS:** Located at ground level near mid point of main frame, electrical switches teamed with solenoid control valves activate hydraulically driven components.
- **FUEL SYSTEM:** Replaceable fuel filter and water separator units located near engine, coupled to 100 gallon tank with fill cap.
- **MIXER:** Twin shaft pugmill, 3 in. (6.35 cm) square mixer shafts, 40 [52] steel paddle shanks with iron alloy tips and manganese steel liner. Mixer tips and liner are easily replaceable. Gear drive on twin shafts time paddle shanks and tips for thorough mixing action.



T-3000 shown here with some optional equipment

- **RECEIVING HOPPER:** Steep, tapered four-sided hopper has low charging height allowing loader to work at ground level without ramming. Adjustable discharge gate and skirt boards over conveyor are provided.
- **CONVEYOR:** 30 ft. (9.1 m) long, channel frame with troughing type top idlers and self-cleaning disc return idlers. Head pulley is 12 in. dia. (30.48 cm), tail pulley is slatted, self-cleaning type. Conveyor belt is 2-ply with 3/16 in. (4.76 mm) and 1/16 in. (1.59 mm) covers.
- **ENGINE:** John Deere diesel, with throttle control, oil pressure indicators, ammeter, and coolant temperature indicator.
- **BELT FEEDER:** (located under hopper on T-4100 and T-6000 models only) Channel frame with closely spaced flat type top idlers and disc type return idlers. Head pulley is 12 in. dia. (30.48 cm), tail pulley is slatted, self-cleaning type. Conveyor belt is 3-ply with 3/16 in. (4.76 mm) and 1/16 in. (1.59 mm) covers.
- **LIQUID BRITUMINOUS SYSTEM:** Variable delivery, hydraulically driven, 3 in. (7.62 cm) positive displacement pump with maximum output of 120 gallons per minute. System includes a gallons per minute indicator mounted inside control station and 2 in. (5 cm) spray bar located at charging end of mixer.

MODEL	MIXER LENGTH	CONVEYOR WIDTH	HOPPER CAPACITY	DIESEL ENGINE	TONS PER HOUR*
T-3000 standard unit	6 ft. 1.8 m	30 in. 76 cm	8 cu. yd. 6.1 cm ³	80 HP minimum	300

* @ 100 lbs. per cubic foot aggregate density



Pavement Technologies Intl Corp
 1525 Western Ave.
 Albany, NY 12203
 518-218-7676
 accounting@pavementgroup.com
 www.PavementGroup.com

Estimate

ADDRESS

Morrow County Public Works
 365 West Highway 74
 Lexington, Oregon 97839

SHIP TO

Morrow County Public Works
 365 West Highway 74
 Lexington, Oregon 97839

ESTIMATE #

1267

DATE

08/11/2022

SALES REP

JM/DM

	DESCRIPTION	QTY	RATE	AMOUNT
Custom	<p>300 Series Portable One Bin Plant EP-3006-T13S 300 SERIES PUGMILL - LOW PUGMILL WITH HYDRAULIC DISCHARGE CONVEYOR **See drawing Ens EP3006T13 CDS June 2022**</p> <p>FRAME - 12 x 5 steel I-beam frame. Lifting and fastening eyelets. 1st AGGREGATE BIN - 10 yds³ aggregate bin; adjustable gate for regulating material flow to the main conveyor; Triple-ply vulcanized 22 conveyor belt; 5HP electric motor-reducer with anticorrosion protection and frequency inverter for material flow control; Built in carbon steel; Triple-rib reinforced design; Trapezoidal inferior opening; OSHA compliant safety guards along conveyor belt.</p> <p>Bin Split Option (per Bin):</p> <p>Bin Extension Option Increase capacity from 10 yd³ to 16 yd³ (per Bin)</p> <p>COLLECTING CONVEYOR - 30" wide main conveyor with triple-ply vulcanized conveyor belt, powered by a 10.0 HP electric motor with anti-corrosion protection and frequency inverter for material flow control; Self adjustable belt scraper; OSHA compliant safety guards along conveyor belt.</p> <p>*** Hydraulically actuated collapsible discharge conveyor for building 11'6" piles or loading trucks** 300 Series Collapsible Discharge Conveyor: 17'L x 30"W with 10.0 HP electric motor. Hydraulic controls for finished product Collapsible Belt Hydraulically powered front landing legs</p> <p>300 Series Pugmill 60HP Power: 300 TPH nominal production capacity 7'L x 3' 7"W x 2' 10"H mixer dimensions A-36 1/4" steel pugmill chamber</p>	1	280,915.00	280,915.00T

DESCRIPTION	QTY	RATE	AMOUNT
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Twin 5/16" steel shafts w/ 21 reversible 1" steel-chrome paddles on each shaft
 Abrasive-resistant, 1/4" Hardox 500 replaceable bottom liner plates
 Powered by 60HP electric motor with Dodge reducer and anti-corrosion protection
 Two independent piping circuits within chamber for asphalt and/or water pumping systems

300 Series | Portability for One Bin Plant:
 Fifth wheel, DOT-Compliant, single axle trailer mounting;
 Mechanical 3-leaf suspension; ABS brakes on one of the axles, Air brakes on the other; Steel rims and 11" x 22.5" tires, 4 trailer jacks for setting at jobsite; NHTSA-compliant Trailer traffic lights, reflectors and connector; Within standard transit dimensions.
 Hydraulically actuated front landing legs for detaching pugmill from tractor and then lowering to ground.

DANFOSS DM430E PLUS+1 MONITORING & CONTROL SYSTEM reliable and proven monitor and control system for accurate feeds and loadout.
 CONTROL PANEL - houses electrical system shut off switch, digital monitor with all system readings, and controls for each component . NEMA certified enclosure.
 ELECTRICAL SYSTEM - NEMA IP65 enclosure for drives and frequency inverters; electrical shut-off switch; NEC compliant, heavy-duty wiring.
 PAINT - Anti-corrosion epoxy primer; Automotive grade, high-performance polyurethane paint throughout unit; Pavement Group yellow.

Asphalt Pumping System | Metering System: 60 GPM Viking gear pump, powered by 5 HP electric system with frequency inverter for rate control; wired to control panel with potentiometer.

Weigh Bridge System:
 Rice Lake Loadcell Weighbridge System, 920i Integrator, Belt encoder system for speed feedback.

SAFETY - (5) Emergency stops throughout the unit; OSHA Compliant safety guards along all conveyor belts; Limit switch for mixing chamber covers; OSHA Compliant safety decals; Safety railing along Pugmill catwalk.

**Generator 100
 kW T4F**

*SUBJECT TO CHANGE DEPENDING UPON AVAILABILITY**

1 65,195.00 65,195.00T

100 kW , 3 Ph, Open Frame Genset. EPA Tier 4F. Mounted on Steel
 Skid With Rubber Isolators. Remote Oil Drain, Battery, Muffler, Fluids, Hi-Temp/Low Oil Shutdown Included.
 Deep Sea Electronics Tier 4 Auto Controller Included.
 3 Phase Alternator to be Wired for 277/480
 DSE 7310 - UPGRADE
 Remote Auto Controller - DSE 2510 Mimic Panel
 Auto Controller
 Breaker 150A, 3 Pole, 480V, ENCLOSURE J250S
 Installed, Wired

	DESCRIPTION	QTY	RATE	AMOUNT
	ENCLOSURE ACOUSTIC ECHO-X TECHNOLOGY Industrial Grade Powder Coated Aluminum Enclosure On Steel Skid. Sound Attenuated. UL 94 Fireproof Acoustic Foam Lining. Large Lockable Access Doors for Ease of Maintenance and Security . Stainless Latches / Hardware. Includes Locking Door for Controls. MINIMUM SUGGESTED PAD SIZE 156"L X 98"W FUEL TANK - 200 GALLON DOUBLE WALL Powder Coated 11 Gauge Steel Reinforced with Internal Structural Supports & Baffles Forged UL Compliant Fittings Custom Powder Coat Color - HUNTER GREEN Low Coolant Level Switch Kenco Low Oil Level Switch Rodent guards. Intake/Exhaust - 0 to 99 kW BATTERY CHARGER - 9 STAGE GENSET BATTERY CHARGER / MAINTAINER 6AMP 12V INSTALLED DIESEL MATE - 1 GALLON			
Shipping	Shipping and handling (customer is responsible for offloading equipment) **SUBJECT TO CHANGE DEPENDING ON CURRENT RATES AT TIME OF SHIPMENT**to Lexington Or	1	7,495.00	7,495.00T
Note_New	This quote is valid FOR 30 DAYS -The Buyer acknowledges that all payments are final and no refunds will be issued. Price does not include local, state or federal tax, customs or duties fees, GST, unless otherwise noted. -Buyer accepts all charges and responsibility for unloading equip (fork lift, loading dock, roll-back truck, crane, etc). Delivery dates & times are not guaranteed but estimated based on manufacturing times, shipping & truck availability, traffic, weather, etc. -Buyer acknowledges that PTIC is not liable in any way for errors or omissions that might occur on its documents, estimates, invoices, websites, literature, and other publications. -Buyer acknowledges that the parts, components and assemblies used by the manufacturer in the production of the purchased equipment are subject to change without notice. -PTIC will not have control over or charge of and will not be responsible for operation means, methods, techniques, sequences, procedures, or for safety precautions and programs in connection with the use of the equipment. These are solely the responsibility of the buyer. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this product. -The seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this product. DISCLAIMER: Pavement Technologies International Corp. (PTIC, PavementGroup, Seller) HEREBY DISCLAIMS ALL OTHER WARRANTIES EITHER EXPRESSED OR IMPLIED. PTIC SHALL NOT BE LIABLE FOR ANY LOSS OF PROFITS, EARNINGS, BUSINESS, GOODWILL, INTERRUPTION OF BUSINESS, NOR	1	0.00	0.00T

DESCRIPTION

QTY

RATE

AMOUNT

FOR INCIDENTAL OR CONSEQUENTIAL MERCHANTABILITY OR FITNESS OF PURPOSE OR DAMAGES RELATED TO THIS AGREEMENT.

-To the fullest extent permitted by law, Buyer agrees to defend, indemnify and hold harmless PTIC, its officers, employees, agents, and/or volunteers from and against all claims, damages, losses, expenses (including but not limited to attorney fees), liabilities, interest, judgments, and causes of action for or on account of any injury to persons or damage to property arising out of or in consequence of the use of equipment purchased, rented or borrowed from PTIC, (including the use of this equipment by Subcontractors officers, agents, employees, volunteers, independent contractors, subcontractors, and their sub-subcontractors) regardless of whether or not it is caused in part by a party indemnified hereunder. The aforesaid indemnification obligations shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by workers or workmens compensation, disability benefit acts, or other employee benefit acts. Duties and obligations imposed by Contract Documents, and rights and remedies available thereunder, shall be in addition to and not a limitation of duties, obligations, rights and remedies otherwise imposed or available by law.

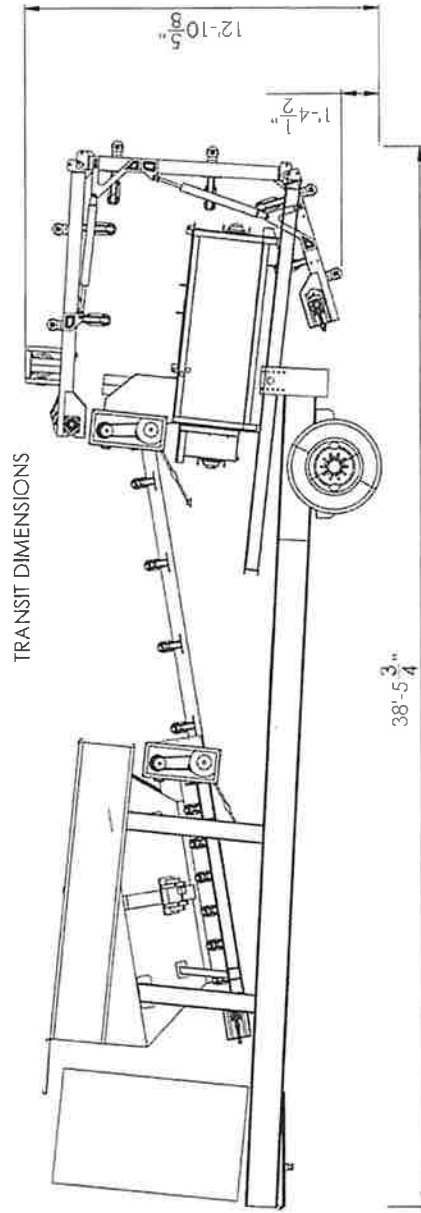
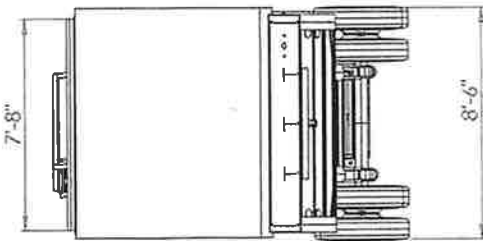
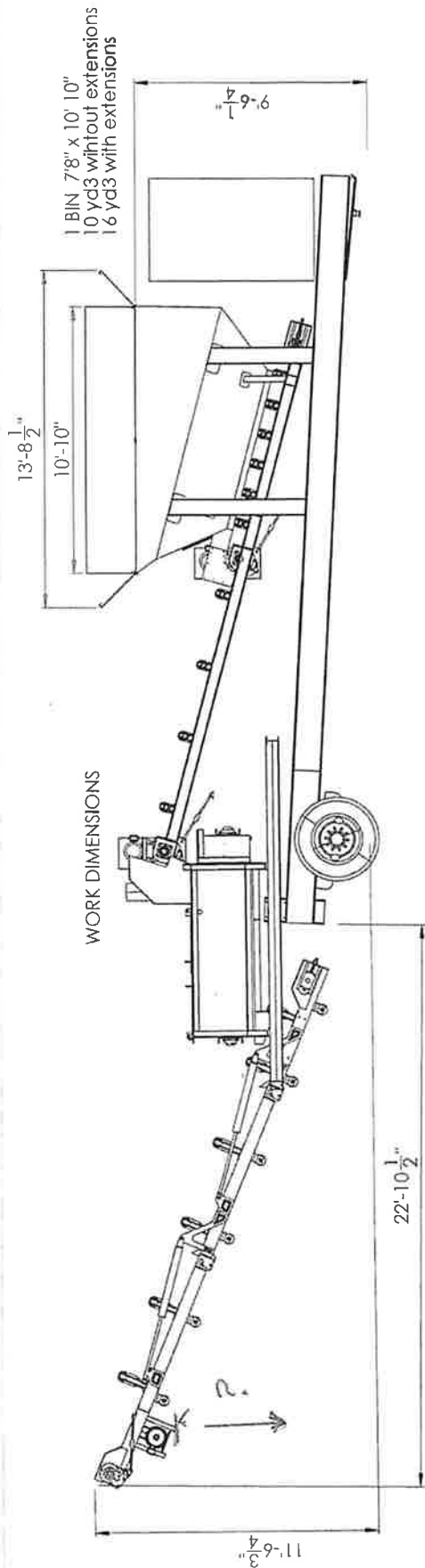
-In the absence of a signature, this agreement is and remains fully in effect. I have read, fully understand, and agree to all conditions set herein:

X _____ x _____
x _____
Customer Signature Date Print
Name

SUBTOTAL 353,605.00
TAX 0.00
TOTAL **USD 353,605.00**

Accepted By

Accepted Date



MACHINE	EP-3006-T13	CODE	
SHIPPING WEIGHT	27000 LB	DRAWING TITLE	DIMENSIONAL EP-3006-T13
		MATERIAL	QA
		VIEW DATE	06/28/2022
		NUMBER	001
		DATE	06/28/2022
		DESIGNED BY	RODRIGUEZ
		CHECKED BY	
		DATE	
		SCALE	
		PROJECT	
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- Sand blending
- Specialty Mixing

Call for a quote or to discuss your project! M-F 9-6 EST, +1 518-218-7676 (New York)

After hours 7 days/week: Devin Meyer 330-835-7742, Mark Reeves 518-577-9975, Ned Reeves 518-506-8023, Joe McMahon 518-495-4078

We are committed to our customers and here to help you out. We look forward to speaking with you!

Product Details

Category	Pugmills	Dimensions		
		Lbs	KG	
Status	NEW Equipment			
Product Name	Olympus Portable Pugmill Systems by PavementGroup	Weight	0.00	0
Product ID	Portable Pugmills - Olympus		Inches	Feet Cm
Manufacturer	PavementGroup	Length	0.00	0.00 0.00
Model	Portable Olympus Pugmills	Width	0.00	0.00 0.00
Year	NEW	Height	0.00	0.00 0.00
Product Location	PavementGroup PTIC			
Size	80, 100, 200, 300, 500tph			
Capacity				
Hours Meter				
Condition	NEW			
Vin#				
Serial#				



Pugmill Systems LLC
204 Cemetery Avenue
Columbia, Tennessee 38401
(931) 388-0626
www.pugmillsystems.com

August 10, 2022

RE: Quotation #1

Mr. Kelly Jones
Morrow County Public Works
P. O. Box 428
Lexington, OR 97239
541-989-8211
mcsshop@co.morrow.or.us

Dear Mr. Jones:

Pugmill Systems builds a heavy duty continuous mixer, built for long trouble free life. The mixing shafts are made of heavy duty square tubing and are flanged for easy removal. The square tubing gives a large flat surface to weld on the paddle shanks. High chrome cast iron tips are bolted onto the shanks; tips are reversible for wear. Contour liners are 1/4" AR235 plate. The pugmill box is 1/4" plate mounted on a wide flange beam frame, with motors mounted on a 3/4" plate cross member. The pugmill assembly is welded together, with a bolted-on discharge end, for ease of shaft/bearing replacement. Large paddle tips, mixer length, shaft speed, travel circle, tip angle, and horsepower combine to give an excellent mix. Heavy duty Dodge double tapered roller bearings in pillow blocks are mounted on the drive end, with outboard mounted ball bearings on the carrier end. Each shaft is powered by its own electric motor and Dodge reducer. All replacement parts are available from bearing supply companies, except the paddle tips.

We are pleased to make the following offer for sale to Morrow County Public Works:

1 - New PORTABLE MIXING PLANT including:

*12 Yd. Bin with 1/4" plate 60 degree sloped sides, adjustable discharge gate, 36" feeder conveyor, 15 HP (TEFC 230/460 3 phase 60Hz) motor, belt scraper, electric vibrator, variable frequency drive, 2" spray bar with ball valve & male cam lock.

*Model 300BT Pugmill with twin shafts, shaft mount reducers, 2-30 HP (TEFC 230/460 3 phase 60Hz) electric motors, hi-chrome paddle tips, 1/4" wear plate curved bottom, spray bars, inlet chute, mixing chamber cover, belt guard, hydraulic drop out bottom, hydraulic raise & lower, timing gears & gear housing.
Capacity will vary in relation to size and type of material being mixed.

*Belt Scale for coordinating oil system

* Asphalt Oil Pump with Variable Speed Drive, Strainer, Meter, and Spray Bar, gear pump, 10 HP motor.

*125 KW Diesel Electric Generator Set, Tier 4 Final, 100 gallon fuel tank

*Operator Control Station including controls for all motors. Note: All electric motor starters, disconnects, NEMA 3R enclosure, controls, conduit and wiring are included. PLC for automatic proportioning and recipe control.

*5th Wheel Trailer with tandem axle, air brakes, lights, front and rear trailer jacks.

Price: \$438,773.00

Pugmill Systems, LLC
212 Cemetery Avenue Columbia, Tennessee 38401
(931) 388-0626

TERMS AND CONDITIONS

1. **GENERAL.** THE TERMS AND CONDITIONS CONTAINED HEREIN SHALL GOVERN ALL FUTURE SALES BY PUGMILL SYSTEMS, INC. ("SELLER") TO ANY PURCHASER OF GOODS FROM SELLER ("BUYER") UNLESS OTHERWISE AGREED BY SELLER IN WRITING. ANY CONFLICTING OR ADDITIONAL TERMS CONTAINED IN A PURCHASE ORDER OR OTHER DOCUMENTATION ORIGINATING WITH BUYER SHALL BE DEEMED REJECTED AND OF NO FORCE OR EFFECT.
2. **GOODS TO BE SOLD.** Seller agrees to furnish only the goods and/or services as described in the final quote, shipping order or invoice, as applicable, and in any written data submitted therewith. All orders for goods and/or services to be provided by Seller shall be in writing in the manner and form required by Seller in its discretion.
3. **PRICE.** Prices do not include shipping or delivery charges or any sales, use or other taxes unless so stated specifically. Applicable taxes will be added to invoice prices in those instances in which Seller is required to collect them from Buyer; provided, however, if Seller does not collect any such taxes and is later asked or required to pay such taxes by any taxing authority, Buyer shall make such payment to Seller or, if requested by Seller, directly to the taxing authority. Changes in specifications or deliveries will be subject to change in price.
4. **PAYMENT.** Unless Seller shall agree otherwise in writing, Buyer shall pay the purchase price for any goods to be provided by Seller in three installment payments. Buyer shall pay the first 50% installment as a deposit prior to Seller's acceptance of the order, the second installment payment of 25% when unit is 50% complete at factory, and the final 25% installment when the goods are ready for delivery. Buyer shall pay a time price differential charge equal to the lesser of 1.5% of any past-due balance or the maximum amount allowed by law on the date any amount payable hereunder or under any invoice shall become delinquent and on the same day of each successive month thereafter until such time that no balance owed by Buyer to Seller is considered delinquent.
5. **FINANCIAL INSECURITY; CANCELLATION.** If Seller shall at any time in good faith doubt Buyer's financial responsibility or if at any time Buyer does not strictly comply with all terms and conditions hereunder or under any other written invoice or purchase order issued by Seller (including any requirement of progress payments), Seller shall have the right to cancel and refuse to complete any goods ordered by Buyer or to decline to make shipment(s) except upon receipt of cash payment in advance or security or other proof of responsibility satisfactory to Seller. If Seller cancels as above set forth or if Seller's receipt of a request by Buyer to stop work or to cancel the whole or any part thereof, Buyer shall pay Seller an amount, determined by Seller, which shall be the same percentage of the total purchase price as the percentage of the work completed by Seller on the date of the cancellation, as determined by Seller. Buyer may not cancel all or any part of any order except if (i) Seller materially breaches any of the terms hereof or (ii) Seller consents in writing to such cancellation and Buyer indemnifies Seller against all direct, incidental and consequential damages.
6. **DELIVERY.** Unless Seller shall agree otherwise in writing, the terms of delivery shall be F.O.B., Seller's location in Columbia, Tennessee. Seller shall make all arrangements for the shipment of the goods purchased by Buyer; provided, however, Buyer shall pay all shipping or delivery charges. Seller shall not be liable for any delay or failure in delivery due, in whole or in part, to any cause or circumstance beyond its immediate control and without its fault, including, but not limited to, delays caused by any act of God, strike or work stoppage, fire, flood, accident, allocation or other controls of governmental authorities, shortage of transportation, fuel, materials or labor. Any shipping or installation date stated in any matter, whether by quotation, acknowledgment, invoice, or any other method, is Seller's best estimate, but Seller makes no guarantee of shipment by any such date and shall have no liability or other obligation for failure to ship on any such date, regardless of cause. Buyer's acceptance of the goods upon delivery shall constitute a waiver of all claims for loss or damage due to delay.
7. **TRANSFER OF TITLE.** Unless Seller shall agree otherwise in writing and regardless of the manner of shipment and/or payment, title to the goods shall pass to Buyer upon delivery of the goods to Buyer at Buyer's location..
8. **INSPECTION OF GOODS.** Buyer agrees to examine the goods and/or services upon receipt thereof and immediately report any damage, shortage, or non-conformity with the terms of this agreement in writing to Seller and to the carrier within three (3) days from the date the goods arrive at Buyer's place of business, warehouse, other facility, or any other destination chosen by Buyer. Failure to report in writing within the time required shall constitute an acceptance of the goods and a waiver by Buyer of any and all rights it may have had with regard to any such damage, shortage, or non-conformity.
9. **WARRANTY.** Seller warrants that Seller owns the goods sold to Buyer by Seller and that Seller shall tender the goods to Buyer free of any defects in material or workmanship with respect to the portion of the goods manufactured by Seller. This warranty is only applicable for 1 year from the date of tender by Seller and Seller shall repair or replace any defective portion of the goods manufactured by Seller, so long as a claim is made in writing hereunder within such time period. The sole responsibility of Seller under this warranty is to repair or replace any defective portion of the goods manufactured by Seller. Unless Seller otherwise agrees in writing, Buyer shall bear the expenses of removing and installing defective parts and materials and the freight for shipping and returning replacement parts and materials. This warranty is conditioned upon ordinary use and maintenance of the goods in accordance with established engineering practice and in accordance with Seller's recommendations and specifications. Notwithstanding the foregoing and excluding the warranty of title which shall remain applicable, this warranty does not extend to (i) goods (or portions thereof) not manufactured by Seller (however, Buyer shall have the benefit of all warranties made by the manufacturer of such items and Seller will assist Buyer in securing the benefit of such warranties) or (ii) used or refurbished goods or equipment sold by Seller.
10. **NO IMPLIED WARRANTIES.** OTHER THAN THE LIMITED WARRANTY PROVIDED IN SECTION 9 ABOVE, ALL SALES SHALL BE MADE WITHOUT ANY IMPLIED WARRANTY OR REPRESENTATION AS TO THE FITNESS, CAPACITY, QUALITY OR ANY OTHER MATTER CONCERNING THE GOODS. WITHOUT LIMITING THE FOREGOING, ALL SALES SHALL BE MADE WITHOUT ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WHICH ARE HEREBY EXPRESSLY DISCLAIMED.
11. **NO CONSEQUENTIAL DAMAGES.** UNDER NO CIRCUMSTANCES SHALL SELLER BE LIABLE TO BUYER OR ANY OTHER PARTY FOR ANY CONSEQUENTIAL, INCIDENTAL, ECONOMIC, DIRECT, INDIRECT, GENERAL OR SPECIAL DAMAGES, WHETHER ARISING OUT OF CONTRACT OR TORT, WHETHER ARISING OUT OF NEGLIGENCE



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

(For BOC Use)
Item #
4.d.

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

Presenter at BOC: Bobbi Childers

Date submitted to reviewers: 09/02/2022

Department: Clerk

Requested Agenda Date:

Short Title of Agenda Item:

Appointment of Board of Property Tax Appeal Board

(No acronyms please)

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

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

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:

Bobbi Childers Department Director Required for all BOC meetings
Don Russell Liaison Commissioner 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):

BoPTA Boards are required to be set before October 15, 2022. I am trying to do this before my election cycle gets going next week.

This is the same board as last year, with the exception that Don Russell and David Sykes will be changing roles.

2. FISCAL IMPACT:

None

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

Please sign the Order

Attach additional background documentation as needed.

BEFORE THE BOARD OF COMMISSIONERS

FOR MORROW COUNTY, OREGON

In the Matter of Appointing)
Members to the Morrow County)
Board of Property Tax Appeals)

ORDER NO: OR-2022-11

This matter came before the Morrow County Board of Commissioners at its regular public meeting on September 7, 2022 to consider the appointment of members to the Morrow County Board of Property Tax Appeals 2022-2023; and

IT APPEARING to the Board that it is authorized by ORS 309.067 to appoint persons to the pool of members for the Morrow County Board of Property Tax Appeals and to appoint the Chairperson for the board, and that appears that Ed Rollins and Don Russell are non-office-holding residents of Morrow County; and David Sykes as the Governing body representative; now, therefore,

IT IS ORDERED that David Sykes be appointed as a member of the County Governing Body pool. Ed Rollins and Don Russell to be appointed as members of the non- office-holding pool, and the Chairperson pool. In the Matter of Morrow County Board of Property Tax Appeals. The terms shall begin on October 15, 2022 and end June 30, 2023, or until their successors shall be appointed by the Board of Commissioners; and further that David Sykes is appointed as the Chairperson of the Morrow County Board of Property Tax Appeals until June 30, 2023.

Commissioner, Jim Doherty Chair

Commissioner Melissa Lindsay

Commissioner Don Russell



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

(For BOC Use)
Item #
5.9.

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

Presenter at BOC: Stephanie Case
Department: Planning Department
Short Title of Agenda Item:
(No acronyms please)

Date submitted to reviewers: 9/6/2022
Requested Agenda Date: 9/7/2022

First Reading of Ordinance 2022-3
Subdivision Ordinance Update and Zoning Ordinance Articles 1 and 9 Update

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

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

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:

[Signature] 9/6/22 DATE Department Director

Required for all BOC meetings

DATE Liaison Commissioner

Required for all BOC meetings

DATE County Counsel

*Required for all legal documents

DATE Finance Office

*Required for all contracts; other items as appropriate.

DATE 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):

Board of Commissioners held a Public Hearing on August 24, 2022 and voted unanimously to adopt amendments to the Morrow County Subdivision Ordinance and Articles 1 and 9 of the Morrow County Zoning Ordinance.

Ordinance 2022-3 is attached. This is the First Reading of the Ordinance.

2. FISCAL IMPACT:

There is no direct fiscal impact to the County.

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

First Reading or Ordinance 2022-3

Attach additional background documentation as needed.

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

AN ORDINANCE AMENDING THE)
MORROW COUNTY SUBDIVISION) ORDINANCE NO. ORD-2022-3
ORDINANCE AND THE MORROW)
COUNTY ZONING ORDINANCE,)
ARTICLES 1 AND 9)

WHEREAS, ORS 203.035 authorizes Morrow County to exercise authority within the County over matters of County concern; and

WHEREAS, Morrow County adopted a Comprehensive Land Use Plan which was acknowledged by the Land Conservation and Development Commission on January 30, 1986 and;

WHEREAS, the Morrow County Planning Commission held a hearing to review the request on July 26, 2022 at the Morrow County Government Center in Irrigon, Oregon; and

WHEREAS, the Morrow County Planning Commission considered the request and unanimously voted to recommend to that the Board of Commissioners approve the Subdivision Ordinance and the Zoning Ordinance Articles 1 and 9 changes; and

WHEREAS, the Morrow County Board of Commissioners held a hearing to consider the recommendation of the Morrow County Planning Commission on August 24, 2022, held at the Bartholomew Building in Heppner, Oregon; and

WHEREAS, the Morrow County Board of Commissioners accepted the Planning Commission recommendation, adopted Findings of Fact, and approved amendments to the Subdivision Ordinance and Zoning Ordinance Articles 1 and 9.

NOW THEREFORE BE IT ORDAINED that the Morrow County Board of Commissioners adopts as an amendment to the Morrow County Subdivision Ordinance and the Morrow County Zoning Ordinance, Article 1., Introductory Provisions, and the Morrow County Zoning Ordinance, Article 9., Administrative Provisions.

Section 1 Title of Ordinance:

This Ordinance shall be known, and may be cited, as the “2022 Subdivision Ordinance Update.”

Section 2 Affected and Attached Documents:

Morrow County Subdivision Ordinance

Morrow County Zoning Ordinance, Article 1., Introductory Provisions

Morrow County Zoning Ordinance, Article 9., Administrative Provisions

Section 3 Effective Date:

This ordinance shall be effective on December 20, 2022.

Date of First Reading: September 7, 2022

Date of Second Reading: September 21, 2022

ADOPTED by the Morrow County Board of Commissioners this 21st day of September 2022.

**BOARD OF COMMISSIONERS
MORROW COUNTY, OREGON**

Jim Doherty, Chair

Melissa Lindsay, Commissioner

Don Russell, Commissioner

Approved as to Form:

Morrow County Counsel

MORROW COUNTY SUBDIVISION ORDINANCE

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COUNTY ORDINANCE NO. MC-02-05 REPEALED AND REPLACED BY
ORDINANCE NO. MC-04-05

MORROW COUNTY, OREGON

AN ORDINANCE PROVIDING SUBDIVISION, PARTITIONING, AND OTHER LAND
DEVELOPMENT STANDARDS AND PROCEDURES WITHIN THE COUNTY OF
MORROW, STATE OF OREGON.

THE COUNTY OF MORROW, OREGON, ORDAINS AS FOLLOWS:

ARTICLE I.

SECTION 1.010 INTRODUCTORY PROVISIONS

ORS Chapters 92 and 215, and this ordinance sets forth the minimum standards governing the approval of land development, including subdivision and partitionings, as necessary to carry out the County Comprehensive Plan and to promote the public health, safety and general welfare. The purpose of these provisions and regulations are to:

- A. Encourage well-planned subdivision and partition development to the end that good livable neighborhoods with all needed amenities and community facilities may be created.
- B. Encourage development in harmony with the natural environment and within resource carrying capacities.
- C. Safeguard the interest of the public, the applicant and the future lot owner.
- D. Improve land records and boundary monumentation.
- E. Ensure equitable processing of subdivision ~~plats~~ and partitioning plans, and accomplish to the greatest extent possible the goals and objectives of the Comprehensive Plan for Morrow County.
- F. Provide for orderly and efficient urban development, and to coordinate development with public facilities and service plans and capabilities.
- G. Provide for preservation of farm and forest lands, and the resource based economy of the County.

No person may subdivide or partition land within Morrow County except in accordance with ORS Chapter 92 and the provisions of this ordinance.

SECTION 1.020. INTERPRETATION. The provisions of this ordinance shall be construed to effect the purposes set forth in Section 1.010 of this ordinance. These

provisions are declared to be the minimum requirements fulfilling such objectives, and the county may impose additional requirements deemed necessary to promote the health, safety and general welfare, and to carry out the Comprehensive Plan of the area. Where conditions set forth herein are less restrictive than comparative condition imposed by any other provision of this ordinance, by provisions of any other local ordinance, resolution or regulation, or by provisions of state statute or administrative regulation, the more restrictive shall govern.

SECTION 1.030. REPEALER. The following ordinance is applicable to said urban area, together with all amendments thereto, is hereby repealed: County Ordinance No. MC-05-02

SECTION 1.040. REPEAL OF ORDINANCES AS AFFECTING EXISTING LIABILITIES. The repeal of any ordinance by this ordinance shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such ordinance. ~~Such ordinance~~ repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability, and for the purpose of authorizing the accusation, prosecution, conviction and punishment of a person or a part thereof prior to the effective date of this ordinance.

SECTION 1.060. CONSTRUCTION AND TERMINOLOGY.

A. Construction. Words used in the present tense include the future tense, words used in the singular include the plural, and words used in the plural include the singular; the word "shall" is mandatory, the word "may" permissive; and the masculine word shall include the feminine and neuter.

B. Terminology. The word "County" shall mean the County of Morrow, State of Oregon. The words ~~"County Court"~~ ~~"Board of Commissioners"~~ and ~~"Court"~~ ~~"Board"~~ shall mean the ~~County Court Board of Commissioners~~ of Morrow County. The words "Planning Commission" and "Commission" shall mean the County Planning Commission of the County of Morrow duly appointed by the ~~County Court Board of Commissioners~~. The words "Planning Director", "County Roadmaster", "Assessor", "County Sanitarian", "County Surveyor", "County Clerk", and "Tax Collector" as applicable shall mean the Planning Director, Roadmaster, Sanitarian, Surveyor, County Clerk, Tax Collector, and Assessor of the County of Morrow, as applicable.

SECTION 1.070. DEFINITIONS. As used in this ordinance the following words and phrases shall mean:

A. Access. The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

B. Access Management. The provision of improvements, signals, and/or the regulation of access to adjacent property while preserving the flow of traffic in terms of safety, capacity, and speed.

C. Accessway. A walkway that provides the pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses.

D. Bicycle Facilities. A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

E. Bikeways. Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other modes. The five types of bikeways are:

1. Multi-use path: A paved 10 to 12 foot wide way that is physically separated from motorized traffic; typically shared with pedestrians, skaters, and other non-motorized users.
2. Bike Lane: A 4 to 6 foot wide portion of the roadway that has been designated by permanent stripping and pavement markings for the exclusive use of bicycles.
3. Shoulder Bikeway: The paved shoulder of a roadway that is 4 feet or wider, typically shared with pedestrians in rural areas.
4. Shared Roadway: A travel lane that is shared by bicyclists and motor vehicles.
5. Multi-use trails: An unpaved path that accommodates all-terrain bicycles, typically shared with pedestrians.

F. Block. An area of land within a subdivision which area may be entirely bounded on all sides by streets or highways (except alleyways), railroad right-of-way, unsubdivided land or water courses.

G. Community Water Supply System. A domestic water supply source or distribution system which serves more than three single residences or other users for the purpose of supplying water for household uses, but is neither a municipal water supply system nor a public utility water supply system.

H. Contiguous Land. Parcels of land under the same ownership which abut each other.

I. Corner Clearance. The distance from an intersection of a public or private road to the nearest public or private access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

J. Cross-Section. A profile of the ground surface perpendicular to the center line of a street, stream, or valley bottom.

K. Developer. Means any person, corporation, partnership or other legal entity who creates or proposes to create a land development, and includes any agent of a developer so duly authorized.

L. Driveways. A private vehicle access way or point of entry from a public or private road.

M. Easement. A grant of the right to use a parcel of land for specific purposes, where ownership of the land is not transferred.

N. Fire Break. A break in the ground cover fuels as specified by the Fire Protection Agency involved or Commission.

O. Flood Hazard Area. The relatively flat area or low-lands adjoining the channel of a river stream or watercourse, or lake reservoir, which has been or may be covered by a Base Flood.

P. Frontage. All property fronting on one side of a street and measured along the street line, between intersecting and intercepting streets or between a street and right-of-way, waterway, end of a dead-end or city boundary.

Q. Functional Area (Intersection). That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.

R. Functional Classification. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

S. Interest. Includes a lot or parcel, and a share, undivided interest or a membership which includes the right to occupy the land overnight, the lessee's interest may be renewed under the terms of the lease for a total period more than three years. "Interest" does not include any interest in a condominium as that term is ~~denied~~defined in ORS Chapter 91 or any security interest under a land sales contract, trust deed or mortgage.

T. Joint Access. A driveway connecting two or more contiguous sites to the public street system.

U. Lot. A unit of land that is created by a subdivision of land, and is intended as a unit for disposition, transfer or ownership or interest, or for development.

1. Lot Area. The total horizontal net area within the lot lines of a lot to mean that square footage of a lot that is free from public and private road right-of-ways or easements.

2. Lot, Corner. A lot abutting on two or more streets, other than alleyways, at their intersection; provided the angle of intersection does not exceed 135 degrees.
3. Lot Depth. The average horizontal distance between the front and rear lot lines.
4. Lot, Flag. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way.
5. Lot Line. The property line bounding a lot.
6. Lot Line, Front. The lot line separating the lot from a street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.
7. Lot Line, Rear. The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other odd-shaped lot, a line 10 feet in length within the lot, parallel to, and at a maximum distance from the front lot line.
8. Lot Line, Side. Any lot other than that of a front or rear lot line bounding a lot.
9. Lot, Through or Double Frontage. A lot having frontage on two parallel or approximately parallel streets other than alleys.
10. Lot Width. The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

~~V. Map. A final diagram, drawing, or other writing concerning a major partition.~~

~~WY.~~ Municipal Water Supply System. A domestic water supply source and distribution system owned and operated by a city or a county or owned and operated by a special district or other public corporation which has independent tax levying powers to support the system.

~~XW.~~ Owner. The owner of the title to real property or the authorized agent thereof, or the contract purchaser of real property, of record as shown on the last available complete county tax assessment roll or county recorder's records.

~~YX.~~ Parcel. A unit of land that is created by partitioning ~~of~~ land.

~~ZY.~~ Partition Land. To divide an area or tract of land into ~~two or three or fewer~~ parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not reduced below the minimum lot size established by any applicable zoning ordinance. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner; "partition land" does not include

divisions of land resulting from lien foreclosures, foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots.

~~1. Major Partition. A partition which includes the creation of a road or street. A private road or way exceeding 100 feet in length shall be defined as a street.~~

~~2. Minor Partition. A partition where each parcel created has frontage on and access immediately to an existing road or street, i.e. a partition that does not include the creation of a street.~~

Z. Partition Plat. A final diagram, drawing, or other writing concerning a partition.

AA. Pedestrian Facilities. A general term denoting improvements made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

BB. Person. A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

CC. Plat. A final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision, partition, or replat.

DD. Right-of-Way. The area between the boundary lines of a street, road or other easement.

EE. Road or Street. A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, area or tracts of land, excluding a private way that is created to provide ingress or egress to such land for forestry, mining or agricultural purposes.

1. Alley. A narrow street through a block primarily for vehicular service access to the back or side properties abutting on another street.

2. Arterial. A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas, as identified in the County's Transportation System Plan.

3. Bicycle Route. A right-of-way for bicycle traffic.

4. Collector. A street supplementary to the arterial street and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties. Collector streets are identified in the County's Transportation System Plan

5. Cul-de-sac (dead end street). A short street having one end open to traffic and being terminated by a vehicle turn-around.

6. Half Street. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

7. Marginal Access Street. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

8. Local Street. A street intended primarily for access to abutting properties, and identified in the County's Transportation System Plan.

9. Stubbed Street. A street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.

FF. Roadway. That portion of a street or road right-of-way developed for vehicular traffic.

GG. Rural/Commercial Activity Center. A Rural/Commercial Activity Center consists primarily of commercial or industrial uses providing goods and services to surrounding rural area or to persons traveling through the area, but also includes some dwellings.

HH. Subdivided Lands and Subdivision. Improved or unimproved land or lands divided, or created into interests or sold under an agreement to be subsequently divided or created into interests, for the purpose of sale or lease, whether immediate or future, into 11 or more undivided interests or four or more interests. "Subdivided land" does not include the sale of a lot in a recorded subdivision or an approved partition even though the seller of the lot may have owned other contiguous lots or property prior to the sale; said lot however must be sold as platted and recorded.

II. Subdivider. Any person who causes land to be subdivided into a subdivision for himself or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to make subdivisions.

JJ. Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

KK. Walkway. A hard surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.

ARTICLE 2 SUBDIVISION REQUIREMENTS AND SUBDIVISION REVIEW COMMITTEE

SECTION 2.010. SCOPE OF REGULATION. Before a plat of any subdivision or ~~the map of any~~ partition may be made and recorded, the person proposing the subdivision or the partition or his authorized agent or representative shall make an application in writing to the county for approval of the proposed subdivision or the proposed partition in accordance with the requirements and procedures established by this ordinance.

SECTION 2.020. MINIMUM STANDARDS. No proposed subdivision or partition shall be approved unless said subdivision or partition complies with the Comprehensive Plan for Morrow County and an affected city, the applicable zoning, and the requirements and standards set forth in this ordinance and ORS Chapter 92.

SECTION 2.030. SUBDIVISION REVIEW COMMITTEE. There is hereby established a Subdivision Review Committee to review all tentative subdivision and partition plans and make recommendations to the Planning Commission. The Committee shall consist of the following members as applicable to the County and an affected City.

- A. County Planning Director (who will be chairman)
- B. Affected City Representative
- C. County Surveyor
- D. County Roadmaster and affected City Street Supt.
- E. Police – County and affected City
- F. Fire Protection Representative
- G. County Extension Agent
- H. Public Utility Representative(s)
- I. Irrigation District Representative or Watermaster
- J. Affected School District Representative
- K. Oregon State Department of Transportation District 12 (optional and ex-officio)
- L. Postal Department (optional and ex-officio)
- M. Other State and Federal Agencies (optional and ex-officio)

SECTION 2.040. DUTIES OF COMMITTEE. It shall be the duty of the Committee to examine all tentative subdivision and partition plans and make recommendations to the Planning Commission.

SECTION 2.050. SUBDIVISION CONFERENCE. The Planning Director shall schedule a meeting with the Subdivision Review Committee and the subdivider or his authorized agent and surveyor.

SECTION 2.060. COMMITTEE REVIEW FACTORS. In review of proposed subdivisions and partitions, the committee shall consider the following factors:

- A. Preliminary plat requirements.
- B. Conformance to Zoning and Comprehensive Plan.
- C. Possible adverse effects on the development by natural hazards.
- D. Quantity and quality of existing or proposed water supply.
- E. Adequacy of the existing or proposed sewage disposal system to support the projected population.
- F. Adequacy of public services to serve the increase in population to be created by the development; including schools, police and fire protection, health facilities, highway and arterial and collector road networks, parks, etc.
- G. Possible conflicts with adjoining property.
- H. Protective covenants, deeds or restrictions.
- I. Conformance with policies and provisions of local and State regulations.
- J. Marketable title or other interest contracted.
- K. Agreement or by-laws to provide for management, construction, maintenance or services proposed.
- L. Effects of the subdivision for continuity of public services and access to adjoining lands.

ARTICLE 3. TENTATIVE PLAN

SECTION 3.010. APPLICATION SUBMISSION. Any person proposing a subdivision, or his authorized agent or representative, shall include with an application for a subdivision a Tentative Plan as set forth in Sections 3.040 through 3.080 for the proposed subdivision, together with improvement plans and other supplementary material as may be required, and shall submit 10 copies of said plan together with all required accompanying material to the Planning Department. A Tentative Plan for a subdivision shall be accompanied by an application for a subdivision as provided by the Planning Department, together with the appropriate filing fee, required supplemental material and subdivision application form, and thereof officially received by the Planning Department.

SECTION 3.015. REVIEW FOR COMPLETENESS. All applications shall be processed in accordance with Administrative Provisions set forth in the Morrow County Zoning Ordinance and applicable standards in this section. The Planning Department shall determine whether the application is complete and shall inform the applicant within 30 days of the application date whether additional information is required. The applicant has 180 days within which to submit the requested information or the applicant may, in writing, refuse to submit additional information, whereupon the application shall be considered complete for review. The Planning Department shall arrange for a meeting of the Subdivision Review Committee ~~and Planning Commission~~ for review of the tentative plan when the application has been found to be complete.

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SECTION 3.020. REQUIRED FINDINGS FOR APPROVAL. ~~The Commission shall not approve a~~ Tentative Plan for a proposed subdivision ~~shall not be approved~~ unless ~~the Commission finds it is found~~, in addition to other requirements and standards set forth in this ordinance, that the subdivision as proposed or modifieds will satisfy the intent of this ordinance relating to subdivision development, the intent and requirements of the applicable zoning regulations, will be in compliance with the Comprehensive Plan, and the standards set forth in this Article; such findings shall include the following:

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A. The subdivision is an effective, efficient and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan relative to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as natural vegetation, and special terrain feature.

B. The subdivision will be compatible with the area surrounding the project site, and will not create an excessive demand on public facilities and services required to serve the development.

C. That there will not be any adverse impact on natural resource quality and public service and facilities.

SECTION 3.040. TENTATIVE PLAN REQUIRED. The Tentative Plan for a subdivision shall be prepared and submitted in compliance with the provision of Sections 3.050 through 3.080 of this Article.

SECTION 3.050. SCALE OF TENTATIVE PLAN. The Tentative Plan of a proposed subdivision shall be drawn on a sheet of 18 by 24 inches in size or a multiple thereof at a scale of one (1) inch equals 50 feet for subdivision up to 10 acre size, one (1) inch equals 100 feet for subdivisions up to 50 acre size, one (1) inch equals 200 feet for subdivision up to 100 acre in size, and for subdivision of more than 100 acres in size a scale not greater than one (1) inch equals 400 feet; or multiples thereof as approved by the Planning Department. The Tentative Plan must be of scale required by the County Surveyor.

SECTION 3.060. INFORMATION REQUIREMENTS. The following information shall be shown on the Tentative Subdivision Plan or provided in accompanying materials. No Tentative Plan submittal shall be considered “complete” unless all such information is provided.

A. General Information Required

1. Proposed name of the subdivision
2. Names, addresses and phone numbers of the owner of record and subdivider, authorized agents or representatives, surveyor, and any assumed business names filed or to be filed with the Corporation Commissioner by the owner or subdivider which will be used in connection with the subdivision.
3. Date of preparation, north point, scale and gross area of the proposed subdivision.
4. Appropriate identification of the drawing as a Tentative Plan for a subdivision.
5. Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.

B. Information Concerning Existing Conditions.

1. Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed subdivision.
2. Location of any existing features such as section lines, section corners, city and special district boundary lines and survey monuments.
3. Location of existing structures, irrigation canals and ditches, pipelines, waterways, and railroads, and natural features such as rock outcroppings, marshes, wooded areas and natural hazards.

4. Location and direction of watercourses, and the location of area subject to erosion, high water tables and flood hazards.
5. Location, width and use or purpose of any existing easement or right-of-way within and adjacent to the proposed subdivision.
6. Existing sewer lines, water mains, culverts, and underground and overhead utilities within and adjacent to the proposed subdivision, together with pipe sizes, grades and locations.
7. Contour lines related to some established bench mark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent, five feet for slopes of five to fifteen percent, ten feet for slopes of fifteen to twenty percent, and twenty feet for slopes greater than twenty percent.

C. Information Concerning Proposed Subdivisions.

1. Location, names, width, typical improvements, cross sections, approximate grades, curve radii and length of all proposed streets, and the relationship to all existing and projected streets.
2. Location, width and purpose of all proposed easements or right-of-ways and relationship to all existing easements or right-of-ways.
3. Location of at least one temporary bench mark within proposed subdivision boundary.
4. Location, approximate area and dimension of each lot, and proposed lot and block numbers.
5. Location, approximate area and dimensions of any lot or area proposed for public use, the use proposed and plans for improvements or development thereof.
6. Proposed use, location, approximate area and dimensions of any lot which is intended for non-residential use.
7. An outline of the area proposed for partial recording of a final plat if phased development and recording is contemplated or proposed. If the proposed subdivision pertains to only a portion of the tract owned or controlled by the subdivider, the Planning Commission may require a tentative plan for streets and utilities in the unsubdivided portion.
8. Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, solid waste disposal and all utilities.
9. Description and location of any proposed community facilities.

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10. Storm water and other drainage facility plans.

11. Solar protection statement.

SECTION 3.070. MASTER DEVELOPMENT PLAN. An overall “Master Development Plan” shall be submitted for all developments of more than 100 lots or parcels or for all developments planning to utilize phase or unit development. The Master Development Plan shall include, but not be limited to, the following elements:

- A. Overall development plan, including phase or unit sequences.
- B. Schedule of improvements initiation and completion.
- C. Overall transportation and traffic pattern Plan, including a Traffic Impact Analysis (TIA) completed by a certified engineer. If the property frontage includes a state highway, the TIA must meet ODOT Traffic Impact Study requirements.
- D. Sales program timetable projection.
- E. Development plans of any common elements or facilities.
- F. Financing plan for all improvements.
- G. If the proposed subdivision is determined to have a possible impact upon adjacent lands or lands within the general vicinity, the Planning Commission may require a potential street development pattern for adjoining lands to be submitted together with the Tentative Plan as part of the Master Development Plan for the subject subdivision.

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SECTION 3.080. SUPPLEMENTAL INFORMATION REQUIRED. The following information shall be submitted with the Tentative Plan for a subdivision. If such information cannot be shown practically on the Tentative Plan of a proposed subdivision, it shall be submitted on separate documents accompanying the plan at the time of filing.

- A. Proposed deed restriction or protective covenants, if such is proposed to be utilized for the proposed subdivision.
- B. Certified statement from each serving utility company proposed to serve the proposed subdivision as set forth in the Tentative Plan, and the conditions of such service shall be set forth.
- C. Proposed fire protection system for the proposed subdivision and written review thereof by the appropriate serving fire protection agency.
- D. Title or Subdivision Guarantee Report from a licensed title company stating the record owner(s) of the land proposed to be subdivided and setting forth all

encumbrances relative to the subject property. The required title report shall have been issued within the past 60 days.

E. Reasons and justifications for any variances requested to the provisions of this ordinance or any other applicable ordinance or regulation.

SECTION 3.090. APPROVAL OF TENTATIVE SUBDIVISION PLAN.

A. Tentative Plan Review. The Planning ~~Commission-Official~~ shall, within 45 days from the first regular Commission meeting following the determination that a Tentative Subdivision Plan is complete, review the Tentative Plan and all reports and recommendations of appropriate officials and agencies. The Commission may approve, modify, or disapprove the Tentative Plan for the proposed subdivision, and shall set forth Findings for said decision. The Planning Commission shall make its decision at a public hearing with notice and procedures as specified in Article 9 of the Development Ordinance.

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B. Tentative Plan Approval. Approval or disapproval of the Tentative Plan by the Commission shall be final unless the decision is appealed to the ~~County CourtBoard of Commissioners~~. The ~~County CourtBoard of Commissioners~~ may review the Planning Commission's decision on its own motion. ~~County CourtBoard of Commissioners~~ review shall be conducted in accordance with Article 12 of this ordinance, and failure to do so within the required time limit shall be deemed to indicate acceptance of the Planning Commission's decision.

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C. Tentative Plan Approval Relative to Final Plat. Approval of the Tentative Plan shall not constitute final acceptance of the plat of the proposed subdivision for recording; however, approval of such Tentative Plan shall be binding upon the County for preparation of the plat.

D. Commission Report. The decision of the Planning Commission shall be set forth in writing in a formal report and, in the case of approval, be noted on three copies of the Tentative Plan, including references to any attached documents describing conditions of approval. One copy of the appropriate material shall be sent to the subdivider, one copy sent to the affected city or the ~~County CourtBoard of Commissioners~~, and one copy shall be retained by the Planning Commission. Such action shall be completed within ten days of Commission decision.

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SECTION 3.100. SPECIFIC APPROVAL REQUIREMENTS. In addition to the requirements set forth by the provision of this ordinance and applicable local and State regulations, specific requirements for preliminary plat approval are as follows:

A. No Tentative Plan of a subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the same county, except for the words "town", "city", "place", "court", "addition", or similar words, unless the land platted is contiguous to and platted

by the same party that platted the subdivision bearing that name or unless the party that platted the subdivision bearing that name. All plats must continue the Lot and Block numbers of the plat of the same name, last filed.

B. No Tentative Plan for a proposed subdivision shall be approved unless:

1. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, improvements, general direction and in all other respects, unless the Planning Commission determines it is in the public interest to modify the street or road pattern.

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2. Streets and roads to be held for private use are approved by the Commission and are clearly indicated to the Tentative Plan and all reservations or restrictions relating to such private streets and roads are set forth thereon; such as ownership and maintenance responsibilities.

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3. The Tentative Plan complies with the Comprehensive Plan and zoning.

C. Approval or denial shall take into consideration the Subdivision Review Committees' recommendations and the factors listed in 2.060 of this ordinance.

D. A review and formal recommendation has been provided for by the affected city if located within the Urban Growth Boundary thereof, or as otherwise set for by the applicable Urban Growth Boundary management agreement.

SECTION 3.110. RESUBMISSION OF DENIED TENTATIVE PLANS. If the Tentative Plan for a subdivision is denied, resubmittal thereof shall not be accepted by the County for a period of six months after the date of the final action denying said plan. Re-submission shall require the applicant to consider all items for which the prior denial was based, and the resubmission shall be accompanied by a new filing fee.

ARTICLE 4. FINAL PLAT

SECTION 4.010. SUBMISSION OF FINAL PLAT.

A. Filing Time Period Requirements. Within twelve (12) months after the date of approval of the Tentative Plan for a subdivision, the subdivider shall prepare and submit a final plat that is in conformance with the Tentative Plan as approved. The subdivider shall submit the original drawing, five prints, and any supplementary information required by ~~the decision and this ordinance and the Planning Commission and the "check list" provided by the Planning Department.~~ If the subdivider fails to proceed with the subdivision before the expiration of the twelve (12) month period following the approval of the Tentative Plan, the plan approval shall be declared void and the subdivider must submit a new plan together with the appropriate filing fee if he wishes to proceed with the development.

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B. Time Period Extension. ~~The Planning Commission may, u~~Upon submittal of a formal request for a time extension and justification therefor by the subdivider, ~~grant a 90-day extension to the twelve (12) month time period set forth in Section 4.010 (1) of this ordinance may be granted.~~

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SECTION 4.020. FORM OF FINAL PLAT. The final plat shall be submitted in the form prescribed by the State Statute and this ordinance.

A. All plats subdividing any tracts of land in the County, and dedications of streets or roads or public parks and squares and other writings made part of such plats offered for record shall be made in black India ink, upon material that is 18 inches by 24 inches in size, that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the County. The plat shall be of such a scale, and the lettering of the approvals thereof, and of the dedication and affidavit of the surveyor, shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. ~~Plat text should be a minimum of 0.08".~~ The plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for plats placed upon two or more sheets. ~~Plat material may be placed on both sides of a sheet.~~

SECTION 4.030. REQUIREMENTS OF SURVEY AND PLAT OF SUBDIVISION.

No subdivider shall submit a plat of a subdivision for record, until all the requirements for the survey and the plat of the subdivision have been met.

A. The survey ~~for-of~~ the plat of the subdivision ~~or partition~~ shall be ~~done in a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one-ten-thousandth of the distance shown on the subdivision or partition plat, whichever is greater, of such accuracy that the error of closure shall not exceed one foot in 4,000 feet.~~

B. The survey and plat of the subdivision shall be made by a surveyor who is a licensed land surveyor in the State of Oregon.

C. The plat of a subdivision shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon, as approved by the County Surveyor. Each lot shall be numbered ~~and each block shall be lettered or numbered~~. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters. The length of all boundaries of each lot shall be shown, each street shall be named.

D. The locations of descriptions of all monuments shall be clearly recorded upon all plats and the proper course and distances of all boundary lines shall be shown.

SECTION 4.040. MONUMENTATION REQUIREMENTS.

A. The initial point of all subdivision plats shall be marked with a monument conforming to the following specifications. This monument shall be an iron/steel rod or a galvanized iron pipe, consistent with ORS 92.060, two-inch inside diameter, not less than thirty inches long, with a brass cap no less than 2 inches in diameter, solidly and permanently secured in position either with a substantial, non-corrosive rivet or a solid-metal weld. The bottom of the pipe shall end in a welded footplate or be split and flared to a minimum holding width of six inches to anchor the monument when set in the ground. Any galvanization destroyed during threading, cutting, flaring or welding must be retreated against rust. The monument shall be set with the top at finished grade elevation and the subdivision name, year of establishment, and registration number of the registered engineer or registered number of the registered land surveyor, establishing same, clearly marked with steel dyes on the brass cap. The location of the monument shall be noted with reference to a known corner established by the United States survey.

B. The intersection of all streets and roads and all points on the exterior boundary where the boundary line changes direction shall be marked with monuments either ~~of stone, concrete,~~ galvanized iron pipe, or iron or steel rods.

C. All lot corners except lot corners of cemetery lots shall be marked with monuments of either galvanized iron pipe not less than one-half inch in diameter or iron steel rods not less than ~~one-half~~ five-eighths inch in least dimension and two feet long.

D. Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them within one-tenth of a foot.

E. All monuments for the exterior boundaries of a subdivision shall be marked and such monuments shall be referenced on the plat of the subdivision before the plat of the subdivision is offered for approval by the county and for recording. However, interior

monuments for the subdivision need not be set prior to the approval and recording of the plat of the subdivision if the engineer or land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date as provided in Subsection (2) of Section 4.050 of this ordinance.

SECTION 4.050. MARKING INTERIOR MONUMENTS AFTER RECORDING.

A. If the interior monuments for a subdivision are to be marked on or before a specified date after the approval and recording of the plat of the subdivision, the person subdividing the land shall furnish, prior to approval and recording of the plat, to the governing body of the county, a bond or cash deposit in an amount equal to 110 percent of the estimated cost of performing the work for the interior monumentation.

B. If the person subdividing any land within the county has complied with subsection A of this Section, the surveyor may prepare the plat of the monuments referenced thereof as submitted for recording. There shall be attached to any such plat the affidavit of the surveyor that the interior monuments for the subdivision will be marked on or before a specified date in accordance with Section 4.040 of this ordinance and applicable State Statutes and referenced on the plat for the subdivision as approved by the county.

C. After the interior monuments for a subdivision have been marked as provided in an affidavit submitted under subsection B of this Section, the surveyor performing such work shall:

1. Within five days after completion of such work, notify the person subdividing the land involved in the County; and

~~2. Reference such monuments on an exact copy of the subdivision plat as previously approved and recorded; and Upon approval of the work under ORS 92.100 by the county surveyor, submit an affidavit for recording stating that the subdivision plat has been correctly surveyed and marked with proper monuments at the remaining corners of the subdivisions as noted on the original subdivision plat. Any monument that cannot be set shall be separately noted and a reference monument shall be set. The affidavit shall be approved by the county surveyor before recording. The surveyor who prepared the affidavit shall cause the affidavit to be recorded in the office of the county recorder where the subdivision plat is recorded. The county clerk shall promptly provide a recorded copy of the affidavit to the county surveyor. The county surveyor shall note the monuments set and the recorder's information on the county surveyor's copy of the subdivision plat and any exact copies filed in accordance with ORS 92.120 (3). The original plat may not be corrected or changed after it is recorded with the county clerk.~~

~~3. Upon approval of such plat copy under ORS Chapter 92.100, file such plat copy with the county recording officer and the city recording officer with whom the plat of the subdivision was previously recorded.~~

D. At the time the person subdividing the land described in subsection (1) of this Section pays the surveyor for performing the interior monumentation work and notifies the county of such payment, the county, within three months after such notice, shall release the bond or return the cash deposit upon finding that such payment has been made.

SECTION 4.060. INFORMATION ON PLAT. In addition to that required for the Tentative Plan or otherwise specified by law, the following information shall be shown on the plat.

A. Survey Reference. Reference points of existing surveys identified, related to the plat by distances and bearing and referenced to a filed book or map as follows:

1. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
2. Adjoining corners of adjoining subdivision.
3. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of the ordinance.

B. Boundary Street. The exact location and width of the street easements intercepting the boundary of the tract.

C. Boundary Lines. Tract, block, and lot boundary lines and street right-of-way and center lines, with dimensions, bearings, or deflection angles, water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

D. Streets. The width of the portion of streets being dedicated and with the width of existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated together with the long chord distance and bearing.

E. Easements. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the map, it shall be properly referenced in the owner's certificates of dedications.

F. Lot Numbers. Lot numbers beginning with the number "1" and numbered consecutively ~~in each block. Pursuant to the applicable county or affected city addressing system, the address of each lot shall be shown on the plat.~~

~~G. Block numbers. Block numbers beginning with the omission or duplication throughout the subdivision. The numbers shall be solid, or of sufficient size and~~

~~thickness to stand out and so placed as not to obliterate and disfigure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.~~

~~HG.~~ Public Lands. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.

~~I.~~ Building Setback Lines. Building setback lines, if any, are to be made a part of the subdivision restrictions.

~~JH.~~ Certificates. The following certificates are required and shall be combined where appropriate:

1. A certificate signed and acknowledged as above, all parties having record title interest in the land consenting to the preparation and recording of the plat.
2. A certificate signed and acknowledged as above, dedicating all land intended for public use, except land which is intended for the exclusive use of lot owners in the subdivision, their licenses, visitors, tenants and servants.
3. A certificate with the seal of and signed by the surveyor responsible for the survey and final map.
4. A certificate for execution by the affected City Public Works Superintendent or other City Representative and/or County Roadmaster.
5. ~~A certificate for execution by the chairman of the Planning Commission.~~
65. A certificate for the execution by the County Planning Director.
76. A certificate for execution by the County Tax Collector.
87. A certificate for execution by the County Assessor.
98. A certificate for execution by the Irrigation District where applicable.
109. A certificate for approval for execution by the ~~County Court~~Board of Commissioners.

~~110.~~ All plans, plats or replats of subdivisions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company, or similar service district shall be submitted to the board of directors of the district or company and its approval thereof shall be endorsed thereon by the board before approval of such plan, plat, or replat of any subdivision by the governing body of the county. Except, that if a subdivider is unable to obtain action or approval of any district or company within 45 days, the subdivider shall notify the

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governing body in writing and thereafter the governing body shall serve notice on that district or company by certified mail advising the district or company that any objections to the plan, plat, or replat must be filed with the governing body in writing within 20 days and failure of the district or company to respond shall be considered by the governing body as approval of such plan, plat or replat and the governing body shall endorse, act and the body may thereafter approve such plan, plat or replat without the approval of such district or company endorsed thereon.

KI. Other certificates required by State regulations.

SECTION 4.070. SUPPLEMENTAL INFORMATION WITH PLAT. The following data shall accompany the plat:

A. Title Report. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their evidence of a clear and marketable title. The report shall have been issued within the last 60 days.

B. Survey Data Sheets. Sheets and drawings showing the following:

1. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any. A survey control work sheet may be substituted for this item.
2. The computation of distances, angles and courses shown of the plat.
3. Ties to existing monuments, proposed monuments, adjacent subdivision, street corners and state highway stationing.

C. Deed Restrictions. A copy of any deed restrictions applicable to the subdivision.

D. Homeowner's Association. A copy of any homeowner's association agreements proposed or required for the subdivision.

E. Dedications. A copy of any dedication requiring separate documents, specific reference to parks, playgrounds, etc.

F. Taxes. A list of all taxes and assessments on the tract which have become a lien on the tract.

G. ~~County Court~~Board of Commissioners Certificate. A certificate by the ~~County Court~~Board of Commissioners that the subdivider has complied with requirements of Section 8.010 and 8.020 on improvement guarantee.

H. Improvement. If grading, and/or street improvements, and/or sewer, and/or water facilities are required as the conditions of approval of the final plat, the following shall be required to be submitted with the final plat:

1. Cross sections of the proposed streets, showing width of roadways, types of surfacing, curb locations, width and location of sidewalks.
2. Plans and profiles of proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
3. Plans and profiles of proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
4. Specification for the construction of all proposed utilities.
5. Evidence of approved site suitability for onsite septic treatment systems on undeveloped parcels proposed to be smaller than 4 acres.
- ~~56.~~ Grading plans and specifications as required for areas other than streets and ways.
- ~~67.~~ Planting plans and specifications for street trees and other plantings in public area.

I. Access Permits. Where access is to be a county road or state highway the necessary access permits shall be obtained prior to final plat review.

SECTION 4.080. TECHNICAL PLAT REVIEW.

A. Ordinance Check. Upon receipt by the Planning Department, the plat and other data shall be reviewed by the County Surveyor, affected City Public Works Superintendent, County Roadmaster, and the County Planning Director who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved ~~preliminary-tentative~~ plan, and there has been compliance with provisions of the law of this ordinance.

B. Field Check. The County Roadmaster, County Surveyor, County Planning Director and affected City Public Works Superintendent may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and the Roadmaster or Superintendent or representative thereof may enter the property for this purpose.

C. Corrections. If the County Roadmaster, County Surveyor, affected City Public Works Superintendent and County Planning Director determine that full conformity has not been made, the subdivider shall be advised thereby of the changes or additions that must be made and the subdivider shall be afforded a reasonable opportunity to make the changes or additions.

SECTION 4.090. APPROVAL OF THE FINAL PLAT.

A. If the Planning Director does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the Planning Director determines that the plat conforms to all requirements it shall give its approval, provided supplemental documents and provision for required improvements are satisfactory. Approval shall be indicated by the signature of the Planning Director. The Planning Director may refer any final plat to the Planning Commission for review, if the final plat does not substantially conform to the approved tentative plan or if any other conditions warrant review. Approval of the plat does not constitute or affect an acceptance by the public of the dedication of any street or other easement shown on the plat; nor does such approval constitute final approval, said authority for final approval being vested with the ~~County Court~~Board of Commissioners.

B. No plat of a proposed subdivision shall be approved unless:

1. Streets and roads for public use are to be dedicated without any reservation nor restriction other than reversionary right upon vacation or restriction other than reversionary right upon vacation of any such street or road and easement for public utilities.
2. Streets and roads held for private use and indicated on the tentative plan of such subdivision have been approved by the county.
3. The plat or map contains provision for the dedication to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems; the dedication of which was made a condition of the approval of the tentative plan for the subdivision or the partition.
4. Explanation of all common improvements required as conditions of approval of the tentative plan of the subdivision will be recorded and referenced on the final plat or map.

C. No plat of a subdivision shall be approved by the county unless the county has received and accepted:

1. A certification by a municipally-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commissioner of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed plat; or
2. A bond, contract, or other assurance by the subdivider to the county that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed plat; and the amount of any such bond, contract or other assurance by the subdivider shall be determined by

a registered professional engineer, subject to any change in such amount as determined necessary by the county; or

3. In lieu of paragraphs 1 and 2 of this subsection, a statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed plat, even though a domestic water supply source may exist. A copy of any such statement, signed by the subdivider and endorsed by the county, shall be filed by the subdivider with the final plat.

D. No plat of a subdivision shall be approved by the county unless the county has received and accepted:

1. A certification by a municipally-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commissioner of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed plat; or

2. A bond, contract or other assurance by the subdivider to the county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed plat; and the amount of such bond, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the county considers necessary; or

3. In lieu of paragraphs (1) and (2) of this subsection, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed plat, where the Department of Environmental Quality has approved the proposed method on an individual lot-by-lot basis or an alternative method of sewage disposal. A copy of any such statement, signed by the subdivider and endorsed by the county shall be filed by the subdivider with the final plat. The subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement.

G. No plat of a subdivision shall be approved by the county unless the county has received and accepted:

1. A final plat which is in compliance with the tentative plan approval and all conditions thereof.

2. A certification that all required and proposed improvements and repairs to existing public facilities damaged in the development have been completed or a proposed bond, contract or other assurance by the county and/or county District Attorney specifying the period within which required improvements and repairs shall be completed.

3. The plat complies with the county and affected City Comprehensive Plan and with any applicable zoning regulations and any ordinance or regulation applicable to the proposed subdivision or improvement thereof that are then in effect in the county.

SECTION 4.100. FINAL PLAT APPROVAL. ~~Following approval, the final plat shall, without delay, be submitted to the County Court for final approval of the plat, supplemental documents, improvement and repair completions or assurances thereof. Such submittal shall occur within 45 days of approval. Final Plat approval shall be subject to approval of the County Surveyor and be consistent with methods discussed in ORS 92.~~

SECTION 4.110. RECORDING OF PLAT. A subdivider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not recorded within 45 days after the date of approval of the governing body has been obtained. After obtaining all required approvals and signatures, the subdivider shall file the plat and an exact copy thereof in the County Clerk's office and the affected City Recorder's office.

A. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed upon the tax roll, have been paid which have become a lien upon the subdivision or which will become a lien during the calendar year.

B. At the time of filing such plat, the person offering it for filing shall also file with the County Recording officer, an exact copy thereof, made with black India ink or photocopy upon good quality of linen tracing cloth or any other suitable drafting material having the same or better transparency. The engineer or surveyor who made the plat shall make an affidavit to indicate that the photocopy or tracing is an exact copy of the plat. The copy filed with the County Recording officer shall be certified by him to be an exact copy and then shall be filed in the archives of the County, and be preserved by filing without folding. The subdivider shall provide, without cost, prints from such copy to the County Assessor, affected City Recorder and County Planning Department.

ARTICLE 5. LAND PARTITIONING

SECTION 5.010. APPLICABILITY OF REGULATIONS. All land partitioning within the County must be approved by the County Planning Commission, County Planning Director, and/or a designated official thereof. Said approvals will be granted in accordance with the provisions of this ordinance and more particularly this Article.

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SECTION 5.020. APPLICATION PROCEDURES AND REQUIREMENTS. Any persons proposing a land partitioning, or his authorized agent or representative, will prepare and submit a copy of the Tentative Plan for the proposed partitioning together with an application for partitioning and the appropriate filing fee to the Planning Department ~~at least 35 days prior to the Commission meeting at which consideration is desired in accordance with Administrative Provisions set forth in the Morrow County Zoning Ordinance,~~ except as set forth in this Article. The Tentative Plan for partitioning, when submitted, will include the following:

1. A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways and adjoining land use and ownership patterns.
2. A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel and the names, right-of-way widths, and improvement standards of existing roads.
3. Names and addresses of the land owner, the partitioner, a mortgagee if applicable, and the land surveyor employed or to be employed to make necessary surveys and prepare the Final Plat.
4. A statement regarding contemplated water supply, sewage disposal, solid waste disposal, fire protection, access, etc.
5. North point, scale and date of map, and property by tax lot, section, township and range.
6. Statement regarding the ~~use for which the parcel(s) are to be created~~ current use of the property and the purpose for which the parcels may be used in the future.
7. Title or Subdivision Guarantee Report from a licensed title company stating the record owner(s) of the land proposed to be subdivided and setting forth all encumbrances relative to the subject property. The report shall have been issued within the 60 days previous to the submittal for approval.

The Preliminary Plat may reveal the boundaries of the property to be other than thought to be correct by the landowner. An applicant is encouraged to have a Boundary Survey performed prior to submittal of the application and tentative plan.

SECTION 5.030. REQUIREMENTS FOR APPROVAL. No application for partitioning will be approved unless the following requirements are met:

1. Proposal is in compliance with ORS 92 and the County and affected City Comprehensive Plans and applicable Zoning.
2. Each parcel is suited for the use intended or offered; including, but not limited to, size of the parcels, topography, sewage disposal approval and guaranteed access. Proof of access must show that each parcel has an easement sufficient for continued ingress and egress to a public, county or state highway or has a deeded access way.
3. All required public service and facilities are available and adequate.
4. Proposal will not have any identifiable adverse impacts on adjoining or area land uses, public services and facilities, and natural resource carrying capacities.
5. An approved water rights diversion plan as applicable.
6. Flag lots will not be permitted when the results would be to increase the number of properties requiring direct and individual access from a State Highway or other arterial. Flag lots may be permitted to achieve planning objectives under the following conditions:
 - a. When flag lot driveways are separated by at least twice the minimum frontage distance.
 - b. The driveway must meet driveway standards described in Article 8, Section 8.020.V.
 - c. The lot meets the minimum lot area of the zoning district, without including the driveway.
 - d. Only one flag lot will be permitted per private right-of-way or access easement.
7. The depth of any lot will not be restricted as long as a buildable parcel is proposed.

~~No plat of a subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district or district improvement company will be approved unless the County has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.~~

~~9.8. The Commission will deny a~~An application for partitioning ~~will be denied~~ when it can be shown ~~by the Commission~~ that the partitioning is part of a plan or scheme to create more than three (3) parcels without going through subdivision, or is part of a development pattern creating more than three (3) parcels without subdividing. ~~If the Planning Director determines that the proposed partition constitutes series partitioning, or if series partitioning has occurred in the past, then the Planning~~

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Director may require the application be subject to the requirements for a subdivision or Planned Unit Development.

~~10.9.~~ In addition to the requirements set forth above, the following factors may be considered for approval or disapproval of an application for land partitioning if a geographical or other factor identified by other, appropriate professionals or Plans such as the requirements of the Comprehensive Plan, FEMA requirements, Byways rules, etc., requires it:

- a. Placement and availability of utilities.
- b. Safety from fire, flood and other natural hazards.
- c.— The same improvements may be required for a partitioning as required of a subdivision, if required it will be installed by the applicant.
- d. Possible effects on natural, scenic and historical resources.
- e. Need for onsite or offsite improvements.
- f. Need for additional setback, screening, landscaping and other requirements relative to the protection of adjoining and area land uses. If the proposed partition is located within an Urban Growth Boundary, the affected city must be given notice according to the respective Joint Management Agreement.
- g. In the approval of a land partition, the need for street and other improvements will be considered and may be required as a Condition of Approval at a different standard than for a subdivision.

~~SECTION 5.060. COMMISSION ACTION.~~

~~A public hearing is required for Planning Commission decisions concerning land partitioning. The Planning Commission will hold at least one public hearing on each application request. Notice of the hearing for the proposed land partition will be sent to the adjoining property owners within 250 feet from the property at least 20 days before the hearing. Public Notice of the hearing will be published in a newspaper of general circulation not later than 10 days prior to the date of the hearing by the Planning Director with time, place and purpose of the hearing and the place where copies of the Staff Report are to be available before the hearing. The procedures for the hearing, appeals, and administrative concerns will be as specified in Article 9 of the Zoning Ordinance.~~

~~The Planning Commission will take final action on all land partitioning decisions within 120 days after the application is deemed complete unless an extension has been requested by the applicant. If no such action is taken within a 120 day period, the subject application will be approved as submitted and it will be the duty of the Planning Director to certify the approval.~~

SECTION 5.065 PRELIMINARY PLAT REQUIREMENTS.

Following ~~Commission~~ approval of the Tentative Plan for a proposed partitioning, the person proposing partitioning will have prepared three copies of the preliminary plat map for the subject partitioning to be submitted to the Assessor's Office, County Surveyor and to the Planning Department. The Preliminary Plat will be prepared by a licensed Oregon land surveyor and comply with all requirements of ORS Chapter 92 or as defined in this Article.

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The Preliminary Plat will be drawn to meet the same requirements of the Final Plat Map described in Section 5.070.

The following data shall accompany the preliminary plat:

A. Title or Subdivision Guarantee Report from a licensed title company stating the record owner(s) of the land proposed to be subdivided and setting forth all encumbrances relative to the subject property. The title report shall have been issued within the 60 days prior to submittal of the preliminary plat.

SECTION 5.070. FINAL PLAT MAP FOR PARTITIONING. The Final Partition Plat will be completed within two years from the date of the ~~Commission action approval~~ or the approval of the partitioning will expire and said approval will be declared null and void. A one-year extension may be granted when a written request is made prior to the expiration of the permit with stated reasons for the request for which the applicant was not responsible. Five (5) copies of the Final Plat map will be submitted to the County for approval. The said five copies will be circulated for approval and signature in the following order: ~~Water Rights approval (if required)~~, County Surveyor, Planning Director, County Assessor, and the original recorded in the office of the County Clerk. Copies of said final map will be provided by the partitioner without cost to the County Assessor, County Surveyor and County Planning Director. Two copies of the Final Plat map will be of approved reproducible material as required by ORS 92.080. Once recorded the copies will be distributed as follows: (1) approved reproducible to the County Clerk; (1) approved reproducible to the County Surveyor; one each paper copy to the Planning Director and the Assessor; and the final paper copy to be returned to the surveyor.

1. Final Plat Map Requirements:

- a. All plats partitioning any tracts of land in the County shall be made in black India ink. ~~W~~will be drawn to an appropriate scale on a sheet 18" by 24" and as required by ORS 92.080 or the County Surveyor. The Plat will be of a scale and lettering size as required by the County Surveyor so that all details may be clearly and legibly shown.
- b. Name of owner, developer, and land surveyor will be shown on the map.
- c. Date, scale, north point, legal description of boundaries, and a tie by actual survey to a section or donation land claim corner.
- d. Parcel boundary lines, with dimensions and bearings; bearings will be to the nearest second and distances to the nearest 0.01 feet. The area of each parcel will be shown.
- e. An affidavit by the land surveyor involved in the partitioning certifying that all parcels have been surveyed and monumented as required for lots within a partition.
- f. A certification of any public dedication.
- g. A certification of approval for execution by the County Planning Director.
- h. When a partition would create parcels greater than ~~eighty-ten~~ acres or when not required by the Morrow County Subdivision Ordinance, the partition need not be surveyed or monumented, but must be platted using the best available

information. The approximate acreage of each unsurveyed parcel will be shown and any unsurveyed parcel will have the words "UNSURVEYED" placed in bold letters adjacent to the parcel number. Unsurveyed parcels need not comply with ORS 92.050(5), (7), and (8).

2. Approval Requirements. No final map for land partitioning will be approved by the Planning Director unless all of the following requirements are met:
 - a. The final map is in strict conformance with the Tentative Plan ~~approved by the Commission as approved~~ and conditions thereof have been met or guaranteed.
 - b. The final map is in strict conformance with the requirements set forth in Subsection A of this Section or as otherwise approved by the Commission or as otherwise set forth in the Article.
 - c. Access is guaranteed to each parcel.
 - d. Each parcel is approved for subsurface sewage disposal if applicable to the intended or offered use.
 - e. All required public utilities are available.
 - f. A guarantee of all proposed or required improvements has been submitted and approved or such improvements completed and approved as set forth by the Commission.
3. No partition will be recorded unless all taxes, interest and penalties imposed on land disqualified for any special assessment and all special assessments, fees, or other charges required by law have been paid.

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SECTION 5.075. REPLATTING. A reconfiguration of a recorded subdivision or partition plat or a change in the number of lots in the subdivision or partition may be approved ~~by the Planning Commission or~~ as defined in ORS 92.180. Replat applications will be processed as and meet the requirements of either a partition or subdivision as appropriate based on the definitions in ORS 92.010. Replats will act to vacate the platted lots or parcels and easements within the replat area with the following conditions:

1. A replat will apply only to a recorded plat.
2. Notice shall be provided when the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225.
3. Notice shall be provided to the owners of property adjacent to the exterior boundaries of the tentative subdivision or partition replat.
4. When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation under this section must notify the Planning Department in writing within 14 days of the mailing or other service of the notice.
5. A replat will not serve to vacate any public street or road.

6. A replat will comply with all subdivision or partition provisions of this Article and all applicable Ordinances.

SECTION 5.080. APPEAL PROCEDURE. An appeal of a decision or requirement of the Planning Commission or the Planning Department-Official relative to a land partitioning will be made in accordance with the provisions of Article 12 of this Ordinance.

SECTION 5.090. PROPERTY LINE ADJUSTMENT REGULATIONS.

Definition: A property line adjustment is an adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance. ORS 92.010(7)(b).

APPLICABILITY AND PURPOSE:

All property line adjustments within the County must be approved by the Planning Director. Said approvals will be granted in accordance with the provisions of State Statute, this Ordinance and more particularly this Article. The purpose of this Section is to provide the basis to review property line adjustments.

APPLICATION PROCEDURE AND REQUIREMENTS:

Applications for a property line adjustment will be required to provide a site plan which shows all of the property line dimensions and the area and dimensions to be added or reduced from each property. A survey will be filed with the County Surveyor. New or corrected Deeds which describe the adjusted configuration will be recorded in the Morrow County Deed Records. No property line adjustment may cause a new lot or parcel to be created. A property line adjustment deed will contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgement.

The application will be evaluated by an Interdepartmental Review process whereby the Planning Director, Assessor, and County Surveyor will approve the application prior to final approval.

REQUIREMENTS FOR APPROVAL:

1. The property line adjustment will not create any additional units of land.
2. A property line adjustment will not create a unit of land which has been reduced to less than the minimum lot size for the applicable zone.
3. The property line adjustment will not eliminate access for any of the properties unless an alternative access has been provided and approved.
4. The property line adjustment will not cause an undeveloped property to become ineligible for a septic system or to maintain water supply.

5. The revised line must not result in a violation of structural setback requirements of the applicable zone.
6. Notification will be given to an irrigation district, drainage district, water control district, water improvement district or district improvement company that lies within the boundaries of a property line adjustment. The applicant must comply with any requirements of the affected district, if any.

~~6. A property line adjustment will not cross partition or subdivision lines. A property line adjustment will not be done in conjunction with partitioning or subdividing. Any adjustments need to be completed, including deed recording, prior to partitioning or subdividing. When a proposed property line adjustment would occur in a platted and recorded subdivision or partition, see Section 5.075 for Replatting requirements.~~

SECTION 5.094. ADDITIONAL APPLICATION TYPES:

Split Zoning: Property line adjustments may be permitted across a zoning designation boundary to create a split-zoned property if:

1. The adjusted properties lie entirely outside of an urban growth boundary and outside of an incorporated city; and;
2. Each parcel is consistent with the minimum parcel size of the applicable zoning area.

Combinations: Approval for a combination of properties is made by the County Assessor. No survey is required but the combination requires a letter of approval by the Planning Director, or designee, stating the possible land use implications of the combination.

SECTION 5.100. PARTITIONING FOR FINANCIAL PURPOSES.

1. Upon approval by the Planning Director, a special permit authorizing the creation of a security interest or leasehold in a parcel of land will be granted.
2. Permits issued under the authority of this section will be subject to the following limitations and restrictions:
 - a. A parcel possessed by a person under the terms of a lease or a security interest, and the remaining parcels, must remain in the legal use that the parcels were at the time the interest become possessory; except the parcel(s) may be put into agricultural use; but in no case may an additional structure or security interest be added to any parcel by the authority of the permit authorized in Subsection (1) of this Section. To establish uses other than agriculture or to erect structures not a part of the security interest, including farm accessory structures, the owner of the parcel must secure a land partitioning approval as required by this Ordinance and this Article.
 - b. The permit authorized in Subsection A of this Section will be valid for the time of the lease or the life of the security interest. When there is a default

- and foreclosure, the permit will only be valid until a land partitioning permit is granted or the parcels are once again rejoined as a contiguous unit of land.
- c. At the end of the life of the security interest, if there is no default or foreclosure, or in the case of leaseholds at the end of the lease, the parcels will be rejoined into a contiguous unit of land and combined into a single tax lot. The owner of the property will be in violation of this ordinance if he has not within 30 days of the permit becoming void, made written application to the County Assessor for the combination of the parcels into a single tax lot.
 - d. The application will be evaluated in an Interdepartmental Review process whereby the Planning Director, Assessor, and County Surveyor will review the application prior to final approval.
3. No permit may be issued under this section until the applicant, the owners of the subject property, and the holder of the security or lease interest sign a statement indicating that all parties understand the limits being placed upon the permit. This statement will be recorded against the deed to the property.
 4. The permit issued under this section will be immediately void if the owner of the property attempts any transfer of the subject parcels, except as provided by the terms of the permit.
 5. The partitioning permit authorized by this section will only be granted if the applicant certifies, and the Planning Director finds that:
 - a. The intended partitioning is temporary and not created for the purpose of evasion of the requirements of this ordinance, other ordinances or regulations or State Statute and administrative rules adopted pursuant thereto.
 - b. The partitioning will not result in the need for additional roads or other access.
 - c. A partition map approved by the Planning Director is provided. A survey may be required.
 - d. The partition will not result in the need for additional public improvements or services.

SECTION 5.120. LAND PARTITIONING IN THE EXCLUSIVE FARM USE ZONE

Within the Exclusive Farm Use Zone, partitions must provide for the continuation of the existing commercial agricultural enterprises within the area as well as meet the minimum lot requirement. All land partitions in the Exclusive Farm Use Zone must comply with the standards set forth in Section 3.010 of the Morrow County Zoning Ordinance. The exceptions to these requirements are:

- ~~1. The application and approval for non-farm dwellings as provided in the Morrow County Zoning Ordinance.~~
- ~~2. Creation of a parcel with an existing dwelling to be used for historic property that meets the requirements of ORS 215.213(1)(q).~~

- ~~3.—To allow a provider of public parks or open space or a not-for-profit land conservation organization to purchase at least one of the resulting parcels provided:~~
- ~~a.—A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.~~
 - ~~b.—A parcel created pursuant to this subsection that does not contain a dwelling:
 - ~~i.—Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;~~
 - ~~ii.—May not be considered in approving or denying an application for siting any other dwelling.~~~~
 - ~~e.—May not be smaller than 25 acres unless the purpose of the land division is:
 - ~~i.—To facilitate the creation of a wildlife or pedestrian corridor as part of the implementation of a wildlife habitat protection plan; or~~
 - ~~ii.—To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.~~~~
- ~~4.—The County may approve a division of land smaller than the minimum lot or parcel size provided:~~
- ~~a.—The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;~~
 - ~~b.—The church has been approved by the Planning Commission as a Conditional Use.~~
 - ~~c.—The newly created lot or parcel is not larger than five acres; and~~
 - ~~d.—The remaining lot or parcel, not including the church, meets the minimum lot or parcel size either by itself or after it is consolidated with another lot or parcel.~~

SECTION 5.140 JUDICIAL AND OTHER ILLEGAL PARTITIONS:

Land partitions authorized by Circuit Court settlements which are not part of a foreclosure, are not exempt from this Ordinance nor from ORS 92 requirements. When a Court decision has been granted authorizing a land partition, it is the landowners' responsibility to follow the procedures outlined in this Ordinance. Any action which has the effect of dividing property into new lots or parcels without the property owners obtaining the required County approval will result in those affected properties becoming undevelopable.

SECTION 5.150. PARCEL SIZE EXCEPTIONS.

Whereas land sections in the County are commonly affected by survey adjustment, requirements relative to parcel sizes will be considered as standard metes and bounds land section divisions; i.e. 160, 80, 40, 20, etc.; parcel sizes may, therefore, be reasonably smaller or larger than set forth by regulation if an acreage change is due to a survey adjustment. When a parcel to be created would be, because of a survey adjustment, 10 percent or less deviation from a minimum parcel or lot size, the deviation will be considered an exception and meet the minimum lot size requirement. In this instance, an Area or Minor Variance would not be necessary as described in Article 7.

ARTICLE 6. PLANNED UNIT DEVELOPMENT

SECTION 6.010. AUTHORIZATION. When a Planned Unit Development has been authorized pursuant to applicable zoning regulations, such a development may be approved by the county in accordance with the provisions of this article and this ordinance.

SECTION 6.020. APPLICABILITY OF REGULATIONS. The requirements for a planned unit development set forth in this article are in addition to the requirements set forth for a standard subdivision in this ordinance.

SECTION 6.030. PURPOSE FOR PLANNED UNIT DEVELOPMENT

REGULATIONS. The planned unit development authorization serves to encourage developing as one project tracts of land that are sufficiently large to allow a site design for a group of structures. Deviation from specific site development standards is allowable as long as the general purposes for the standards are achieved and the general provisions of this ordinance and applicable zoning regulations are observed. The planned unit development approach is appropriate if it maintains compatibility with the surrounding area and creates and attractive, healthful, efficient and stable environment. It should either promote a harmonious variety or grouping of uses, or utilize the economy of shared services and facilities. It is further the purpose of authorizing planned unit development to take into account the following:

- A. Advances in technology and design.
- B. Recognition and resolution of problems created by increasing population density.
- C. A comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placements and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.
- D. The potential site characterized by special or limiting features of geography, topography, size or shape, natural or historic resources.
- E. The height and bulk characteristics of buildings can vary as long as the ratio of site area to dwelling units and openness of the site will be in harmony with the area in which the proposed development is located.
- F. Provision of housing and related land uses at maximum economic efficiency for the community, buyer and seller.
- G. Provision of a living environment with aesthetic qualities, common open space and recreation areas, and energy efficient access to needed services and facilities.

SECTION 6.040. REQUIRED FINDINGS FOR APPROVAL. The county shall approve a planned unit development only if it finds that the planned unit development will

satisfy the intent of this ordinance relating to standard subdivision development, the intent of applicable zoning regulations and the standards of this article, including the following:

- A. The planned unit development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan and making appropriate provisions for the reservation of natural features such as natural vegetation and special terrain features.
- B. The planned unit development will be compatible with the area surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.

SECTION 6.050. PLANNED UNIT DEVELOPMENT SITE SIZE. No PUDs or subdivisions for nonfarm or nonforest purposes shall be allowed on land zoned EFU and FU unless an exception is taken to the applicable resource goal under the Statewide Planning Goals. Any such development that creates new urban development or rural land an exception to Statewide Planning Goals 11 and 14 shall be required. Consistent with OAR 660, Division 14.

SECTION 6.060. DIMENSIONAL AND BULK STANDARDS.

- A. The minimum lot area, width, frontage and yard requirements otherwise applying to individual buildings in the zone in which a planned unit development is proposed do not apply within a planned unit development.
- B. If the spacing between main buildings is not equivalent to the spacing which would be required between buildings similarly developed under this ordinance and applicable zoning on separate parcels, other design features shall provide light ventilation and other characteristics equivalent to that obtained from the spacing standards.
- C. Buildings, off-street parking and loading facilities, open space, landscaping and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of development in the applicable zone.
- D. The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned unit development is proposed except that greater height may be approved if surrounding open space within the planned unit development, building setbacks and other design features are used to avoid any adverse impact due to the greater height on other uses within and outside the development and on any solar energy collection systems.
- E. The building coverage for any planned unit development shall not exceed 40 percent of the land area being developed exclusive of public and private streets.
- F. Common open space and other such amenities, exclusive of streets, shall constitute at least 30% of the total land area of the development.

SECTION 6.070. PROJECT DENSITY. The project density standards set forth hereinafter are in reference to the number of dwelling units or other potential population measures per acre after public or private street right-of-way has been excluded.

A. The planned unit development may result in a density in excess of the density otherwise permitted within the zone in which the planned unit development is to be constructed hereinafter as set forth.

1. For an approved scheme of open space, a maximum increase in density of five percent if the space is to be continuously maintained undeveloped and a maximum increase of ten percent if the space is to be continuously maintained and developed.
2. For distinctiveness and excellence in siting, design and landscaping that will provide unusual enhancement to the general area, a maximum increase in density of ten percent.

B. If ~~the Planning Commission finds that~~ any of the following conditions would be created by an increase in density permitted by this section, it may either prohibit any increase in density or limit the increase in density by the amount deemed necessary to avoid the creation of any of these conditions:

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1. Inconvenient or unsafe access to the planned unit development or adjoining developments.
2. Traffic congestion in the streets which adjoin the planned unit development to the overall street system in the area of the development.
3. An excessive burden on sewage, water supply, parks, recreational areas, schools or other public facilities which serve or are proposed to serve the planned unit development.

SECTION 6.080. COMMON OPEN SPACE.

A. No open area may be accepted as common open space within a planned unit development unless it meets the following requirements:

1. The location, shape, size and character of the common open space are suitable for the planned development.
2. The common open space is for amenity or recreational purposes and the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography and the number and type of dwellings provided.

3. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.

4. The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned unit development.

5. If buildings, structures or other improvements are to be made in the common open space, the developer provides a bond or other adequate and approved assurance that the buildings, structures and improvements will be completed within a specified period of time. The county shall release the bond and other assurances when the buildings, structures and other improvements have been completed according to the development plan.

B. Land shown of the final development plan as common open space shall be conveyed under on eof the following options:

1. To a public agency which agrees to accept such conveyance and to maintain the common open space and any buildings, structures or other improvements which have been placed on it. Unless such common open space and improvements thereof are of such scale to provide a public benefit outside the subject development and such open space and improvements are publicly dedicated to the appropriate public agency, said agency shall not accept the conveyance set forth by this provision without establishing by agreement with the developer an appropriate service and maintenance fee on an annual basis. Such requirement is deemed necessary to preclude general tax monies being expended for the benefit of a single development.

2. To an association of owners or tenants, created as a non profit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to and approved by the city a providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space and all improvements. Such provisions shall be set forth as a part of each sale, lease or rental contract or deed involving any lot, parcel, facility, component or interest in the subject development.

C. No common open space may be put to a use not specified in the final development plan unless the final plan is first amended to permit the use. However, no change of use may be authorized as a waiver of any of the covenants limiting the use of common open space area, and all rights to enforce these covenants against any use are expressly reserved.

D. If the common open space is not conveyed to a public agency, the covenants governing the use, improvements and maintenance of the common open space shall authorize the county to enforce their provisions.

E. Bicycle and Pedestrian Circulation. Bicycle and pedestrian circulation plans shall be included in Planned Unit Development Applications. If appropriate, ~~the Planning Commission may require~~ the installation of bicycle and/or pedestrian facilities may be required, as provided in Section 9.030 of the Morrow County Subdivision Code.

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SECTION 6.090. ACCESSORY USES IN A PLANNED UNIT DEVELOPMENT. In addition to the accessory uses of the primary uses authorized, accessory uses approved as a part of a planned unit development may include the following:

A. Golf Course.

B. Private park, lake or waterway.

C. Recreation area, building, clubhouse or social hall.

D. Other accessory structures which the Planning Commission finds are designed to serve primarily the residents of the planned unit development, and are compatible to the design and other uses of the planned unit development.

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E. Any commercial use permitted as a component of a planned unit development shall be limited to those types of commercial uses specifically designed to serve the development zone and shall be subject to the following conditions:

1. Each such use shall be wholly enclosed within a building; no outside storage shall be permitted.

2. The total of such uses shall not exceed more than three percent of the total land area of the development, and no commercial use including buildings and parking shall exceed more than 70 percent of the land area designed therefor.

3. No such use or assemblage of such use shall generate more than 100 auto trips daily per acre, or one auto trip daily per dwelling unit in the development, whichever is greater.

SECTION 6.100. APPLICATION SUBMISSION. An applicant shall include with an application for a planned unit development either an Outline Plan or a Tentative Development Plan as described in Section 6.120. Except as otherwise set forth in this article the procedure for review and approval of a planned unit development is the same as set forth for a standard subdivision in this ordinance. An application for a planned unit development shall be accompanied by the appropriate filing fee.

SECTION 6.110. OUTLINE DEVELOPMENT PLAN. If an Outline Development Plan is prepared and submitted with the application for a planned unit development, it shall include both maps and written statements as set forth in this section. The information shall deal with enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses, both existing and allowable under applicable zoning.

A. The maps which are part of the outline plan may be in general schematic form, but to scale, and shall contain the following information:

1. The existing topographic character of the land.
2. Existing and proposed land uses and the approximate location of buildings and other structures.
3. The character and approximate density of the proposed buildings.
4. The approximate location of the collector streets.
5. Public uses, including schools, parks, playgrounds and other public open spaces or facilities.
6. Common open spaces and a description of the proposed use of these spaces.
7. Landscaping plans.
8. Irrigation plans and design.

B. Written, signed statements which are part of the outline development plan shall contain the following information.

1. An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.
2. A statement of the present ownership of all the land included within the planned unit development.
3. A general indication of the expected schedule of development and improvements.

C. Planning Commission approval of the outline development plan shall constitute only a provisional approval of the planned unit development contingent upon the approval of the preliminary development plan.

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SECTION 6.120. TENTATIVE DEVELOPMENT PLAN. A tentative development plan shall be prepared and submitted by the applicant for a planned unit development and shall include the following information:

A. A map to scale showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.

B. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses and facilities.

C. A plot plan for each building site and common open space area, showing the location of buildings, structures and other improvements and indicating the open spaces around buildings and structures.

D. Elevation and perspective drawings of proposed structures, including floor plans of proposed structures.

E. A development schedule indicating:

1. The approximate date when construction of the project can be expected to begin.
2. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
3. The anticipated rate of development.
4. The approximate dates when each stage in the development will be completed.
5. The area, location and degree of development of common open space that will be provided at each stage.

F. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.

G. The following plans and diagrams, insofar as the reviewing body finds that the planned unit development creates special problems of traffic, parking, landscaping or economic feasibility:

1. An off-street parking and loading plan.
2. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians without the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown.

3. A landscaping and tree plan.
4. An economic feasibility report or market analysis.

SECTION 6.130. SEPARATE APPROVAL OF THE TENTATIVE DEVELOPMENT PLAN.

A. If an outline development plan has been submitted and the planned unit development has been provisionally approved based on the information in the outline development plan, the applicant shall file the tentative development plan with the Planning Commission within six months following the provisional approval of the outline development plan. ~~Notice shall be given and the opportunity shall be provided. The Planning Commission shall give notice and provide an opportunity to be heard~~ to each of the following:

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1. A person who is on record as having appeared at the hearing on the outline development plan.
2. A person who has indicated in writing a desire to be notified.
3. Other persons who may have an interest.

B. The Commission, having previously provisionally approved the proposed planned unit development, shall then either reapprove, disapprove, or reapprove with modifications the planned unit development based on the tentative development plan.

C. If an outline development plan has been submitted and approved, a tentative development plan may be submitted in stages. If a tentative development plan covering at least 30 percent of the area of the outline development plan has not been submitted within six months following the provisional approval of the planned unit development, then the provisional approval of the planned unit development by the Planning Commission shall terminate unless, for good cause, the Planning Commission extend for three months the period for filing of the tentative development plan.

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D. If the Planning Commission finds evidence of a material deviation from the approved tentative development plan, the Planning Commission shall advise the applicant to submit application for amendment of the planned unit development. An amendment shall be considered in the same manner as an original application and shall be accompanied by the appropriate filing fee.

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SECTION 6.150. CONTROL OF THE DEVELOPMENT AFTER COMPLETION.

The final development plan shall continue to control the planned unit development after it is finished and the following shall apply:

A. The county, in issuing a certificate of completion of the planned unit development, shall note the issuance on the recorded final development plan.

B. After the certificate of completion has been issued, the use of the land and the construction, modification or alteration of a building shall be governed by the approved final development plan.

C. After the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:

1. Minor modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan and do not increase the cubic footage of a building or structure.

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2. A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended planned unit development if it is compliance with the purpose and intent of the final development plan.

D. An amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development, if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the county and affected city Comprehensive Plan or related land use regulations.

E. No modification or amendment of a completed planned unit development is to be considered as a waiver of the covenants against any charge permitted by this section are expressly reserved.

SECTION 6.160. AUTHORIZATION TO APPROVE OR DISAPPROVE PLANNED UNIT DEVELOPMENTS. A planned unit development as set forth in this ordinance shall be approved, modified, disapproved or amended in accordance with the standards and procedures of this article, this ordinance and other applicable rules and regulations. In judging whether or not a planned unit development proposal shall be approved or disapproved the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such development, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

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A. The proposal will be consistent with the county and affected city Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the affected city and county.

B. The location, size, design, and operating characteristics under the proposal will have minimal adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.

C. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.

D. A proposal will preserve environmental assets of particular interest to the community.

E. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

SECTION 6.170. PLACING CONDITIONS ON A PLANNED UNIT

DEVELOPMENT. In approving a new planned unit development or the amendment of an existing planned unit development, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the community as a whole. These conditions may include but are not limited to the following:

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A. Establishing a special yard or other open space or lot area or dimension.

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

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

D. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.

E. Designating the size, location, screening, drainage, surfacing or other improvements of a parking area or truck loading area.

F. Limiting or otherwise designating the number, size, location, height and lighting of signs.

G. Limiting the location and intensity of outdoor lighting and requiring shielding.

H. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

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

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

SECTION 6.180. PROCEDURE FOR TAKING ACTION ON A PLANNED UNIT DEVELOPMENT. The procedure for taking action on a planned unit development proposal shall be as follows:

A. Any person proposing a planned unit development, or his authorized agent or representative, may initiate an application for a planned unit development as set forth in Section 3.010 and 6.100 of this ordinance.

B. Prior to submission to the Planning Commission a proposal for a planned unit development shall be submitted to the Subdivision Review Committee and the affected city in accordance with Article 2 of this ordinance.

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C. The Planning Commission shall hold a public hearing on the proposed planned unit development and shall review the proposal in accordance with Section 3.060 of this ordinance relative to the review of an outline development plan and a tentative development plan and in accordance with Section 4.080, 4.090 and 4.100 of this ordinance relative to the review of the final development plan.

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SECTION 6.190. RECORDING OF FINAL DEVELOPMENT PLAN. A developer of a planned unit development shall, without delay, proceed with the recording of the final development plan following approval by the county in accordance with the standards and requirements set forth by this ordinance and other applicable regulations for a standard subdivision.

SECTION 6.200. RESUBMISSION OF DENIED DEVELOPMENT PLAN. If the outline development plan or preliminary development plan for a proposed planned unit development is denied, resubmittal thereof shall not be accepted by the county for a period of six months after the date of the final action denying said plan. Resubmission shall require the applicant to consider all items for which the prior denial was based, and the resubmission shall be accompanied by a new filing fee.

ARTICLE 7 CREATION OF STREETS AND WAYS NOT PART OF A SUBDIVISION

SECTION 7.010. APPLICATION. Any person desiring to create a street or way not part of a subdivision or ~~major~~ partition shall make written application to the Planning Department. Said application shall be made on prescribed form and shall be accompanied by the required information and appropriate filing fee.

SECTION 7.020. CREATION OF STREETS OUTSIDE A SUBDIVISION. The creation of a street shall be in conformance with requirements for subdivision except, however, the Planning Commission may approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:

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A. The establishment of the street is initiated by the City Council or ~~County Court Board of Commissioners~~ and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.

B. The tract in which the street is to be dedicated is an isolated ownership of one acre or less.

C. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impossible to develop more than two lots.

SECTION 7.030. PROCEDURE.

A. Upon receipt of written application and appropriate filing fee for street dedication, the Planning Director shall refer the proposal to the Planning Commission, County Roadmaster, and affected City Public Works Department for review and recommendation. Two copies of the proposed improvements shall be forwarded to the Planning Commission at least ten days prior to a regularly scheduled meeting.

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B. Where access is to a City Street, County Road or State Highway, the necessary permits shall be obtained prior to approval by the County Commission.

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C. The Planning Commission, Roadmaster and affected City Public Works Department shall report their findings to the Planning Director and give their recommendations regarding the proposed dedication and improvements. The Planning Commission shall also recommend a classification for the proposed street.

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D. Upon receipt of written findings and recommendations from the Planning Commission, Roadmaster and affected City Public Works Department, the proposal shall be submitted to the ~~County Court Board of Commissioners~~ for preliminary review and approval. Such submission shall be made at least ten days prior to a regularly scheduled meeting.

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E. Upon preliminary approval by the ~~County Court~~Board of Commissioners, the engineering and improvements design or the roadway conforming to the requirements of this ordinance and other applicable regulations shall be submitted to the County Roadmaster and affected City Street Departments for review and approval. Said engineer and improvements design shall be prepared and signed by a licensed engineer or surveyor.

F. Following approval of the roadway engineering and design, the applicant shall prepare a warranty deed dedicating said street to the public and an improvement guarantee. Said documents shall be submitted to the District Attorney for review and approval.

G. Following receipt of the approval set forth in subsections E and F of this section, the deed and improvements guarantee shall be submitted to the ~~County Court~~Board of Commissioners for final approval.

SECTION 7.040. CREATION OF WAYS. Any easement of way providing access to property and which is created in order to allow the partitioning of land for the purpose of transfer or ownership or building development, whether immediate or future, shall be in the form of a street, except that a private easement of way to be established by deed without full compliance with these regulations may be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep lot large enough to warrant partitioning into two parcels may be provided with access. A copy of the proposed document to create the easement shall be submitted to the Planning Director at least ten days prior to the Planning Commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the Planning Commission and, if assurance of adequate utility and vehicular access is indicated, shall be approved.

ARTICLE 8. DESIGN STANDARDS

SECTION 8.010. COMPLIANCE REQUIRED. Any land division, whether by Subdivision, creation of a street or other right-of-way, partitioning or planned unit development, shall be in compliance with the design standards set forth by this ordinance.

SECTION 8.020. STREETS. (MC-02-05)

A. General. The location, width and grade shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the street. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Streets shall be designed and constructed in conformance with the basic cross-sections in the County TSP Update, with horizontal and vertical alignment geometry conforming to the latest version of applicable ODOT and/or AASHTO standards.

B. Design and Construction Approval. Any facility or improvement conditioned to be constructed as part of private development activity and subsequently dedicated to the County must first receive design approval by the Morrow County Public Works Department. Design approval shall include all other pertinent issues related to roadway construction and operations, including but not limited to drainage, maintenance, serviceability, and pavement design. Upon request of an applicant, the County shall provide applicable design criteria and the rationale for establishing the criteria. Street design plans submitted for County approval shall be stamped by a registered professional engineer with appropriate experience. The Public Works Department is responsible for providing regular inspections throughout construction, and performing final inspection upon completion and prior to acceptance of the improvement as public right-of-way. An equitable Plan Review and Construction Inspection fee shall be determined at the initiation of plan review and charged to the developer.

C. Minimum Right-of-Way and Roadway Width. Unless otherwise approved in the tentative plan, the street right-of-way and roadway surfacing widths shall not be less than the minimum width in feet set forth in the following table. Additional right-of-way may be necessary to conform to standards and specifications set forth in current AASHTO and/or ODOT design standards, and other applicable affected City standards and specifications.

Where conditions, particularly topography or the size and shape of land parcels, make it impractical to provide buildable lots, narrower right-of-way may be accepted ordinarily not less than 40 feet. Slope easements, while generally undesirable, may be required in extreme cases.

The Roadway Standards set forth in the following table shall be observed unless a variance has been obtained.

ROADWAY STANDARDS					
Road Classification	Right of Way (ft)	Lane Width (ft)	Paved Shoulder Width (ft)	Pavement Width (ft)	Average Daily Traffic (ADT)
Rural Access I*	60	9	1	20	100-200
Rural Access II*	60	9	1	20	50-100
Rural Collector I	60	12	3-4	30-32	300-500
Rural Collector II	60	12	2	28	200-300
Rural Collector III	60	12	1	26	100-200
Rural Arterial I	60	12	4-8	32-40	> 700
Rural Arterial II	60	12	3-6	32-40	300-700
Rural Gravel	60	11	n/a	n/a	n/a

* Rural Access I and Rural Access II differ in the surface type – Rural Access II is gravel.

D. Reserve Strips. Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required.

E. Alignment. All streets other than minor streets, as far as is practical, shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in “T” intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet. The streets and roads shall be laid out so as to conform to the plat of subdivisions and maps of partitions already approved for adjoining property as to width, improvements, general direction, and in all other respects, unless ~~the Planning Commission determines~~ it is determined to be in the public interest to modify the street or road pattern. Streets and roads shall be laid out in such a way so as to connect to existing roads at the time of development or through extension at a future date by creating dead-end streets without turn-arounds.

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F. Future Extension of Streets. Where necessary to give access to or permit a satisfactory future subdivision on adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions. Streets and accessways are always required unless one or more of the following conditions exists:

1. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands, or other bodies of water where a connection could not reasonably be provided;
2. Buildings or other existing development on adjacent lands physically precludes a connection now or in the future considering the potential for redevelopment; or

3. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

G. Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires a lesser angle. In no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. The intersection of more than two streets at any one point will not be approved. Right-of-way lines at street intersections shall have a minimum corner radius of 15 feet.

H. Existing Streets. Whenever existing streets, adjacent to or within a tract, are of inadequate width, additional right-of-way shall be provided at the time of land division by the developer. During consideration of the tentative plan for a subdivision, ~~the Planning Commission~~ it shall be determined whether improvements are required to existing streets, either adjacent to or within the tract. They may require such improvements as a condition of approval of the tentative plan.

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I. Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when ~~the Planning Commission finds it is found~~ it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

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J. Cul-de-Sac. A cul-de-sac, while not encouraged, may be used as part of a development plan, consistent with other provisions of this section (refer to Section 8.020.E). A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 9 dwelling units unless approved otherwise by the Commission. A cul-de-sac shall terminate with a circular turn-around.

K. Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street in the city or county. Street names and numbers shall conform to the established pattern in the affected city urban area, and shall be subject to the approval of the ~~Planning Commission~~ and/or Board of Commissioners.

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L. Installation of Regulatory Signs in County Road Right-of-Way. Developers are to install street name, posted speed, and other traffic control and/or regulatory signage required for private developments, per applicable standards of Morrow County and the Manual on Uniform Traffic Control Devices (MUTCD).

M. Private Signage within County Road Right-of-Way. Residents may request specific cautionary signage for individual resident(s) to be installed within County right-of-way. All costs including materials, installation, maintenance, and removal, shall be borne by the requestor.

N. Grades and Curves. Grades shall not exceed eight (8) percent on arterials, ten percent on collector streets or 12 percent on other streets except as otherwise provided for. Center line radii of curves shall not be less than 500 feet on arterials, 250 feet on collectors, or 100 feet on other streets and shall be on an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves as specifically provided for in current County Design Standards. In flat area, allowance shall be made for finished street grades having a minimum slope, preferably of at least 0.5 percent.

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O. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of land between the streets and railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

P. Marginal Access Streets. Where a land division abuts or contains an existing or proposed arterial street, ~~the Planning Commission a decision~~ may require marginal access streets, reserve frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Q. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved ~~by the Planning Commission.~~

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R. Curbs. Curbs shall be required on all urban area streets unless otherwise approved by the County and affected City, and shall be installed by the developer in accordance with the standards set forth in current County Design and Construction Standards or other standards set forth by the affected City and County.

S. Proposed Corridors. For land adjacent to or containing a proposed corridor (see corridor map in the TSP), ~~the Planning Commission may require it may be required that~~ the dedication of a suitable right-of-way ~~that~~ shall be provided at the time of land division.

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T. Access Management.

1. Applications for development with access onto state highways shall be provided to ODOT for review, to ensure consistency with adopted ODOT Access Management Standards shown below. These standards apply only to unsignalized access points. New traffic signals on state facilities shall meet signal spacing standards in OAR 734-020 (desired minimum spacing for new traffic signals on state highways is at least 0.5 miles from the nearest existing or planned signal) or, if applicable, the standards in the adopted Interchange Area Management Plan (IAMP). For approval of a new traffic signal on a County facility as part of a condition of development approval, the applicant shall be required to show, through an analysis prepared by a qualified professional engineer registered in the State of Oregon, that the signal is warranted to improve traffic operations, address safety deficiencies, or a combination.

Access Management Standards for Morrow County non-Interstate Highways						
Highway	Classification	Access Spacing Standards for Public or Private Unsignalized Access (ft) for Posted Speed Indicated (mph)				
		>55	50	40 & 45	30 & 35	<25
US 730, OR 74	Regional	990	830	750	600	450
OR 206, OR 207	District	700	550	500	400	400

Source: Oregon Administrative Rules Section 734-051 (2004)

2. Access within the influence area of existing or proposed state highway interchanges for which there is no adopted IAMP is regulated by standards in OAR 734-051. These standards do not retroactively apply to interchanges existing prior to adoption of the 1999 Oregon Highway Plan, except or until any redevelopment, change of use, or highway construction, reconstruction or modernization project affecting these existing interchanges occurs. It is the goal at that time to meet the appropriate spacing standards, if possible, but, at the very least, to improve the current conditions by moving in the direction of the spacing standard.
3. Access within a mapped and adopted IAMP Management Area of an existing or proposed state highway interchange is regulated by the adopted plan associated with that interchange. In an IAMP Management Area, proposed access shall be consistent with the associated Access Management Plan.
4. Morrow County also requires an access permit for land use development proposing access onto a County road. Access permit requirements for land use development are outlined in Section 4.010 of the Morrow County Zoning Code, and development proposing access onto a County road is subject to access spacing standards specified in the table below.

RECOMMENDED ACCESS MANAGEMENT STANDARDS FOR COUNTY ROADS*				
Functional Classification	Intersection			
	Public Road		Private Drive	
	Type	Minimum Spacing	Type	Minimum Spacing
Rural Arterial	at-grade	600 ft	Left/right turns	300 ft
Rural Collector	at-grade	300 ft	Left/right turns	100 ft
Rural Local	at-grade	200 ft	Left/right turns	Access to each lot

a. For most roadways, at-grade crossings are appropriate. Also, allowed moves and spacing requirements may be more restrictive than those shown to optimize capacity and safety. Any access to a state highway requires a permit from the district office of ODOT and is subject to the access spacing standards in the previous table in this section.

Approval of a variance from the County access spacing standards is subject to the following requirements:

1. The granting of a variance for access management standards shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is employed.
2. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
 - a. Indirect or restrict access cannot be obtained;
 - b. No engineering or construction solutions can be applied to mitigate the condition; and,
 - c. No alternative access is available from a street with a lower functional classification than the primary roadway.
3. No variance shall be granted where such hardship is self-created.

U. Corner Clearance. Corner clearance at intersections shall meet or exceed the minimum connection spacing requirements for that roadway. New connections shall not be permitted within the functional area of an intersection or exchange as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available. Where no other alternatives exist, the Morrow County Planning Department may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections such as right-in/right-out, right-in only, or right-out only may be required.

V. Driveways. Driveways onto State highways shall be consistent with ODOT Access Management Standards. Driveways onto County facilities, which require an access permit from the Morrow County Department of Public Works, shall be consistent with County access management standards and meet the following standards.

All private access driveways shall meet the following standards. Those that do not meet these standards shall require an access variance.

Land Use	Minimum (feet)	Maximum (feet)
Single Family Residential	10	24
Multi-Family Residential	24	30
Commercial	24	40
Industrial	30	40

Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view meeting County sight distance requirements. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.

The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

For unpaved driveways connecting to paved roadways, a paved driveway apron must be provided per Morrow County Department of Public Works standards.

W. Easements and Legal Access. All lots must have access onto a public right-of-way. This may be provided via direct frontage onto an existing public road, a private roadway, or an easement. Minimum easement requirements to provide legal access shall be as follows:

1. 1000 feet or less, an easement width of 20 feet.
2. More than 1000 feet, an easement width of 40 feet.
3. Parcels where 3 or more lots share an access (current or potential), an easement of 60 feet.

X. Joint and Cross Access. Adjacent commercial or office properties classified as major traffic generators shall provide a cross access drive and pedestrian access to allow circulation between sites. These shall be established as a system wherever feasible including:

1. A continuous service drive consistent with access management standards.
2. Stub-outs or other design features to allow tie-ins to adjacent properties.

Pursuant to this section, property owners shall record an easement allowing joint or cross access between parcels, record an easement on the deed to dedicate access rights to the main roadway, and to close non-conforming existing driveways, and to record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

Y. Requirements for Phased Development Plans. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as a single property in relation to the access standards of this ordinance. This shall also apply to phased development plans.

Z. Nonconforming Access Features. Legal access in place as of the date of adoption that do not meet spacing and design standards shall be brought into compliance with applicable standards when new access permits are requested or when a change in land use or improvements occurs.

AA. Reverse Frontage. Lots that front on more than one street shall be required to locate motor vehicle access on the street with the lower functional classification.

AB. Shared Access. Subdivisions with frontage on the state highway system shall be designed into shared access points to and from the highway. If access to a lower classification street becomes available, then conversion to that access is encouraged, along with closing the state highway access.

AC. Connectivity. The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets outside of the subdivision as provided in this Section and in the local street plans of the TSP. Whenever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to provide access to abutting properties or to locally extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Public Works Director, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land. Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets. Appropriate traffic controls, such as traffic calming measures, are preferred means of discouraging through traffic.

AD. Private Streets Outside an Urban Growth Boundary. All private streets providing access from a public roadway to a proposed land division shall meet the following standards:

1. Have a minimum sight distance in compliance with adopted County Standards at any intersection with a public road. Additional sight distance or advance

warning signage or other devices may be required where known safety hazards exist.

2. For each private street, there shall be a legal recorded document which includes:
 - a. A legal description of the proposed easement;
 - b. Ownership of the street;
 - c. Use rights; and
 - d. A maintenance and construction agreement which includes Fire Marshal approved street specifications and turn around area (if required) and the allocation and/or method of determining liability for maintenance.
3. Where drainage conditions require it, a private street shall be ditched in conformance with the County Road Standards.
4. Private streets which access public or County roads shall be located, designed and constructed (within the public right-of-way) in accordance with adopted standards for County roads.
5. Prior to establishing a private driveway or a private street, the owner shall obtain an access permit for access to the intersecting public road. As a condition of granting access to a public road, the County may require the applicant to clean the ditch serving the parcel and remove sight obstructing vegetation in the vicinity of the access.

SECTION 8.030. BLOCKS.

A. General. The length, width, and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

B. Minimum Block Lengths. Minimum block lengths of 600 feet shall be established within urban growth boundaries. A goal for areas outside of urban growth boundaries is a minimum of 1,200 feet. A block shall have sufficient width to provide for two tiers of building site unless topography or the location of adjoining streets justifies an exception.

C. Easements.

1. Utility Lines. Easements for sewers, water mains, electric lines or other public utilities shall be at least 12 feet wide and centered on lot or parcel rear lot lines, except for utility pole tieback easements which may be reduced to six feet in width.

2. Water Courses. If a tract is traversed by a water course, such (as) a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further

widths as will be adequate for the purpose. Streets or parkways parallel to the major watercourses may be required.

3. Pedestrian and Bicycle Ways. When desirable for public convenience, a pedestrian or bicycle way at least 10 feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation.

SECTION 8.040. BUILDING SITES.

A. Size and Shape. The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

1. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of soil structure and water table as related to sewage disposal by septic tank.

2. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted ~~at the discretion of the Planning Commission with an~~ authorized variance. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

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B. Access. Each lot and parcel shall abut upon a street other than an alley for a width of at least 50 feet.

C. Through Lots and Parcels. Through lots and parcels shall be avoided, except where they are essential to provide separation of residential development from major traffic arterials or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic arterial or other incompatible uses.

D. Lot and Parcel Side Lines. The lines of lots and parcels, as far as it is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

E. Division by ROW, Drainage Ways. No lot shall be divided by the boundary line of the County, City, or other taxing or service district, or by the right-of-way of a street utility line or drainage way, or by an easement for utilities or other services.

SECTION 8.050. GRADING OF BUILDING SITES. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the priority of other standards.

- A. Cut slopes shall not exceed one foot vertically to one-half feet horizontally.
- B. Fill slopes shall not exceed one foot vertically to two feet horizontally.
- C. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

SECTION 8.060. BUILDING LINES. If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat and included in the deed restrictions.

SECTION 8.070. LARGE BUILDING SITES. In dividing tracts into large lots or parcels, which at some future time are likely to be redivided, the ~~Planning Commission~~ it may be required that the blocks be of such size and shape, so that they may so be divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

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SECTION 8.080. LAND FOR PUBLIC PURPOSES.

A. If the county or affected city has an interest in acquiring a portion of a proposed subdivision for a public purpose, or if the county has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision to be reserved for public acquisition, for a period not to exceed one year.

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B. Within or adjacent to a subdivision, a parcel of land of not more than five (5) percent of the gross area of the subdivision may be required to be set aside as and dedicated to the public by the Planning Commission as being suitable and adaptable for park and recreation uses. In the event no such area is suitable for park and recreation purposes, the subdivider may be required, in lieu of setting aside land, to pay into a public fund an amount equal to the value of the area required for dedication above in the subdivision. If the nature of the subdivision is being dedicated to the public for streets and other public uses, the requirements of this section shall be reduced so that the total obligation of the subdivider does not exceed 40 percent.

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ARTICLE 9. IMPROVEMENTS

SECTION 9.010. IMPROVEMENT PROCEDURES. In addition to other requirements, improvements to be installed by a subdivider, either as a requirement of this ordinance or other applicable regulations or at his own option, shall conform to the requirements of this article.

A. Plan Review and Approval. Improvement work shall not be commenced until plans therefore have been reviewed and approved by the county or a designated representative thereof. Such review and approval shall be at the expense of the developer. To the extent necessary for evaluation of a proposed development, such improvement plans may be required before approval of the tentative plan of a subdivision or the tentative development plan of a planned unit development.

B. Notification. Improvement work shall not commence until after the county has been notified and approval thereof has been granted, and if work is discontinued for any reason it shall not be resumed until after the county is notified and approval thereof granted. The cost of such inspections and approvals shall be borne by the developer.

C. Improvements as Platted. Improvements shall be designed, installed and constructed as platted and approved, and plans therefor shall be filed with the final plat at the time of inspection.

D. Inspection. Improvements shall be constructed under the inspection and approval of an inspector designated by the county. Expenses incurred thereof shall be borne by the developer. The county, through said inspector, may require changes in typical sections and details of improvements if unusual conditions arise during construction to warrant such changes in the public interest.

E. Utilities. Underground utilities including but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and storm water drains, to be installed in streets shall be constructed by the subdivider prior to the surfacing of the streets.

F. As Built Plans. A map showing public improvements as built shall be filed with the affected city and county upon completion of the improvements and a copy thereof shall be recorded with the final plat. Such map shall also be provided in reproducible form (Mylar or comparable).

SECTION 9.020. SPECIFICATIONS FOR IMPROVEMENTS. See Appendix "A" for specifications.

SECTION 9.030. IMPROVEMENTS IN SUBDIVISIONS. The following improvements shall be installed at the expense of the subdivider:

A. Streets. Streets, including alleys and curbs may be required, within the subdivision, adjacent thereto, and those outside the subdivision may require to be improved as a condition of subdivision approval, and shall be improved to affected city or county specifications set forth by this ordinance and other applicable affected city and county regulations. Catch basins shall be installed and connected to drainage facilities in accordance with specifications in this and other applicable regulations. Upon completion of street improvements, monuments shall be re-established in accordance with this ordinance and ORS at every street intersection and all points of curvature and points of tangency at their centerlines.

B. Surface and Storm Sewer System. Drainage facilities shall be provided as deemed necessary within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as provided by specifications of this ordinance and other applicable standards, shall take into account the capacity and grade necessary to maintain unrestricted flow from drainage through the subdivision and allow extension of the system to serve such areas.

C. Sanitary Sewers. Sanitary sewers as required shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is not possible to connect the subdivision to an affected city sewer system, the affected city and county may jointly authorize the use of an interim system, if lot areas are of adequate, considering the physical characteristics of the area and if sewer laterals designed for future connection to a sewage disposal system are installed and sealed. Design shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

D. Water System. Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to the serving system as may be required shall be installed by specifications required by the county and/or affected city and serving water system surveyor. The design shall take into account water provisions for extension beyond the subdivision.

E. Pedestrian Facilities. Site plans shall include a pedestrian circulation plan for providing safe and convenient pedestrian access. Pedestrian facilities as may be required shall be installed on at least one side of a public street and in any special pedestrian facility or walkway within the subdivision; in the case of primary or secondary arterials, special type industrial districts, or in rural areas, the Planning Commission may approve a subdivision without appropriate pedestrian facilities, if alternative pedestrian routes are available or if applicant can demonstrate that there is no need for such facilities, and provided further that in the case of streets serving lots equivalent to two and one-half or less dwellings per gross acre, the requirement of walkways shall not apply, provided there is no evidence of special pedestrian activity along the streets involved. Walkways shall be constructed to specifications set forth by the affected city or county specifications.

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F. Bicycle Facilities. Site plans shall include a bicycle circulation plan. If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of bikeways or other bicycle facilities.

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G. Streets Name Signs. Street name signs shall be installed at all street intersections. One street sign shall be provided at the intersection of each street. Two street signs shall be provided at four-way intersections.

H. Street Lights. Street lights may be required and if so required shall be installed and shall be served from an underground source of supply.

I. Curbs. Curbs may be required on urban area streets, and if so required shall be installed by the developer in accordance with standards set forth by the affected city or county.

J. Other. The developer shall make necessary arrangement with the utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable televisions may be required to be placed underground.

SECTION 9.040. IMPROVEMENTS IN PARTITIONS. The same improvements may be required for a partitioning and if so shall be installed to serve each building site of a partition as required of a subdivision.

SECTION 9.050. APPROVAL OF IMPROVEMENTS. All improvements shall be approved by the affected city and county inspectors prior to acceptance by the county. All costs of inspection shall be paid for by the developer.

SECTION 9.060. ACCEPTANCE OF IMPROVEMENTS. Improvements shall receive preliminary acceptance after inspection at the time the improvements are constructed. Final acceptance shall be considered by the county within one year after construction is completed.

SECTION 9.070. BUILDING PERMITS. No building permit shall be issued upon lots to receive and be served by sanitary sewer and water service as improvements required pursuant to this ordinance unless such improvements are in place and serviceable or bonded for and approved by the county. All improvements required and pursuant to this ordinance and other applicable regulations shall be completed, in service and approved by the county prior to the sale and occupancy of any building unit erected upon a lot within the subdivision, partition or planned unit development. Prior to sale and occupancy, and as a condition of acceptance of improvements, the county may require a one-year Maintenance Surety Bond in an amount not to exceed ten percent of the value of all improvements to guaranteed maintenance of said improvements for a period of not less than one year from the date of acceptance.

ARTICLE 10. IMPROVEMENT GUARANTEE

SECTION 10.010. AGREEMENT FOR IMPROVEMENTS. Prior to final approval of a subdivision plat or partition map by the county, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in development of the property or execute and file with the county an agreement between himself and the county, specifying the period which required improvements and repairs shall be completed and provided that, if the work is not completed within the period specified, the county may complete the work and recover the full cost and expense together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for payment to the affected city and county for the cost of inspection by the affected city and county.

SECTION 10.020. BOND.

A. Type of Security. The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the following, pursuant to approval and acceptance by the ~~County Court~~Board of Commissioners.

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the District Attorney.

2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.

3. Such other security as may be deemed necessary by the ~~County Court~~Board of Commissioners to adequately insure completion of improvements pursuant to the agreement.

4. Such other security as may be deemed necessary by the ~~County Court~~Board of Commissioners to adequately insure completion of improvements pursuant to the agreement.

B. Amount Required. Such assurance of full and faithful performance shall be for a sum approved by the county sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of affected city and county inspection.

C. Default Status. If a land divider fails to carry out provision of the agreement and the county has unreimbursed costs or expenses resulting from such failure, the county shall call on the bond or cash deposit for reimbursement. If the cost and expense incurred by the county exceed the amount of the bond or cash deposit, the land divider shall be liable to the county for the difference plus any attorney fees and costs incurred.

ARTICLE 11. VARIANCE AND EXCEPTIONS.

SECTION 11.010. APPLICATION. ~~The Planning Commission may authorize~~ Variations or exceptions to requirements of this ordinance may be authorized in accordance with Article 7 of the Zoning Ordinance and this section. Application for a variance or an exception shall be made by a petition of the developer stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plan. A variance or exception may be granted only in the event that all the following circumstances exist:

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A. Exceptional Circumstances. Exceptional or extraordinary facts apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owner of the property, since enactment of this ordinance, has no control.

B. Preservation of Property. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess.

C. Not Detrimental. The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of the Comprehensive Plan, any other area plan, or policy thereof.

D. Minimum. The variance requested is the minimum which would alleviate hardship.

E. For a variance to access standards: The granting of a variance shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is employed.

F. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical.

G. No variance shall be granted where such hardship is self-created.

SECTION 11.020. ~~PLANNING COMMISSION ACTION ON VARIANCE OR EXCEPTION.~~ In granting or denying a variance or exception, ~~the Planning Commission shall make~~ a written record of ~~its~~ findings and the facts in connection with, ~~and~~ shall describe the variance or exception granted and the conditions designated. The county shall keep the findings on file as a matter of public record, and a copy of the variance or exception granted and the conditions thereof shall be recorded together with the final plat by the developer.

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ARTICLE 12. ADMINISTRATION, APPEALS.

SECTION 12.010. Approval or denial of an application for land development shall be based upon and accomplished by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

SECTION 12.020. A person may appeal to the ~~County Court~~Board of Commissioners a decision or requirement made pursuant to this ordinance by the Planning Commission. A person may appeal to the Planning Commission from a written decision made by the Planning Commission from a written decision made by the Planning Director or other County Official. Written notice of the appeal must be filed with the County within fifteen (15) days after the decision is made ~~for a minor partition and within 30 days for a subdivision or major partition~~. The notice of appeal shall state the nature of the decision or requirement and the specific grounds for the appeal setting forth the error and the basis of error sought to be reviewed.

A. ~~The County Court or Planning Commission shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The County Court or Planning Commission may continue the hearing for good cause. Appeal hearings will be administered in accordance with Administrative Provisions of the Morrow County Zoning Ordinance and/or the standards set forth in this section.~~

B. The ~~County Court~~Board of Commissioners may review a lower decision upon its own motion after giving 10 days notice to the parties involved in the decision and if such review is within 15 days of receipt of notice of said initiated lower decision.

C. In the case of an appeal to a Planning Commission action, the petition for appeal shall be accompanied by the required fee plus a deposit to cover the estimated costs of the transcript as specified by the Planning Director, which deposit shall be paid within five (5) days of such estimate by the Planning Director. Within ten (10) days of such notice of completion of a required transcript, the party seeking review shall transmit the balance due of any required transcript fee to the Planning Director and failure to do so may cause dismissal of the appeal. Any deposit in excess shall be returned to the party.

D. In the case of an appeal to a Planning Commission action, unless otherwise provided by the ~~County Court~~Board of Commissioners in Subsection 12.020.E, the review of the initial action shall be confined to the record of the proceeding below which shall include:

1. All materials, pleadings, memoranda, stipulations, and motions submitted by any party to the proceeding and received or considered by the Commission as evidence.
2. All materials submitted by the Planning Director with respect to the application.
3. The transcript of the hearing below.

4. The findings and action of the Commission and the petition of appeal.

5. Argument (without introduction of new or additional evidence) by the parties or their legal representative at the time of review before the ~~County Court~~Board of Commissioners.

E. The ~~County Court~~Board of Commissioners may, at its option, determine to admit additional testimony and other evidence by all interested parties or parties of record, to supplement the record of the proceedings held by the Commission. Such consideration may be initiated by order of the ~~County Court~~Board of Commissioners or upon written motion of a party of record or interested person. Such written motion set forth with particularity to the basis for such request and the nature of evidence sought to be introduced. Prior to making the determination of whether to permit the record to be supplemented, the ~~County Court~~Board of Commissioners shall provide an opportunity for all parties to be heard on the matter. The ~~County Court~~Board of Commissioners may grant the opportunity to supplement the record if it finds such necessary to:

1. Prevent prejudice to parties.

2. To take into consideration the inconvenience of locating the evidence at the time of initial hearing, with such inconvenience not being the result of negligence or dilatory act by the moving party.

F. Following the hearing, the ~~County Court~~Board of Commissioners may affirm, overrule or modify any decision or requirement and shall set forth findings for such decision.

G. The procedure, public notice and type of hearing for an appeal or review shall be in the same manner as for any application under this ordinance.

SECTION 12.030. Application or filings required by this ordinance shall be accompanied by a filing fee in the amount established by this section, and set forth in the Fee Schedule Ordinance adopted by the Morrow ~~County Court~~Board of Commissioners.

SECTION 12.040. This Ordinance, known as the Morrow County Subdivision Ordinance of 1980, amended and readopted in its entirety on November 7, 2001, further amended by the 2005 Transportation System Plan Update and a 2005 Update to Article 5, ~~and further~~ amended ~~again~~ in 2012 during adoption of the Port of Morrow and Interstate 84/Highway 730 Interchange Area Management Plans, ~~and amended in 2022~~ shall be effective immediately after adoption by the Morrow County ~~Court Board of Commissioners~~ on ~~February 22, 2012~~December 20, 2022. (MC-C-3-01) (MC-02-05) (MC-04-05) (~~MC-2-2012~~)

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

(For BOC Use)
Item #
5.6.

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
Department: Planning Department

Date submitted to reviewers: September 1, 2022
Requested Agenda Date: September 7, 2022

Short Title of Agenda Item: First Reading of Ordinance 2022-4
(No acronyms please) Update to Section 7 of the Port of Morrow Interchange Area Management Plan

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

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

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: [Signature] 9-01-22 DATE
Department Director Required for all BOC meetings
Liaison Commissioner 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):

Board of Commissioners held a Public Hearing on August 24, 2002 and voted unanimously to adopt amendments to the Port of Morrow Interchange Area Management Plan (IAMP).

September 7, 2002 is the First Reading of Ordinance

Ordinance Number 2022-4 is attached.

2. FISCAL IMPACT:

There is no direct fiscal impact to the County.

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

First Reading of Ordinance 2022-4

Attach additional background documentation as needed.

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

AN ORDINANCE AMENDING THE PORT
OF MORROW INTERCHANGE AREA
MANAGEMENT PLAN

Ordinance Number
ORD-2022-4

WHEREAS, ORS 203.035 authorizes Morrow County to exercise authority within the county over matters of County concern; and

WHEREAS, Morrow County adopted a Comprehensive Land Use Plan which was acknowledged by the Land Conservation and Development Commission on January 15, 1986; and

WHEREAS, Morrow County adopted the Port of Morrow Interchange Area Management Plan as part of the Transportation System Plan and Comprehensive Plan in 2011; and

WHEREAS, the Port of Morrow, City of Boardman and Morrow County identified the need to update Section 7 of the 2011 Interchange Area Management Plan; and

WHEREAS, the Morrow County Planning Commission held a hearing to review the request on July 26, 2022 at the Morrow County Government Center in Irrigon, Oregon; and

WHEREAS, the Morrow County Planning Commission considered the request and unanimously voted to recommend to the Board of Commissioners approval of a new Section 7 of the Interchange Area Management Plan; and

WHEREAS, the Morrow County Board of Commissioners held a hearing to consider the recommendation of the Morrow County Planning Commission on June 28, 2022, held at the Bartholomew Building in Heppner, Oregon; and

WHEREAS, the Morrow County Board of Commissioners accepted the Planning Commission recommendation, adopted Findings of Fact, and approved amendments to the Boardman

NOW THEREFORE BE IT ORDAINED THAT THE MORROW COUNTY BOARD OF COMMISSIONERS ADOPTS REVISED SECTION 7 OF THE PORT OF MORROW INTERCHANGE AREA MANAGEMENT PLAN

Section 1 Title of Ordinance:

This Ordinance shall be known, and may be cited, as “Updated Section 7 of the Port of Morrow Interchange Area Management Plan.”

Section 2 Affected and Attached Documents: 2022 Section 7 Port of Morrow Interchange Area Management Plan.

Section 3 Effective Date:

This ordinance shall be effective on December 20, 2022.

Date of First Reading: September 7, 2022
Date of Second Reading: September 21, 2022

ADOPTED BY THE MORROW COUNTY BOARD OF COMMISSIONERS THIS 21ST DAY OF SEPTEMBER 2022.

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

Jim Doherty, Chair

Melissa Lindsay, Commissioner

Don Russell, Commissioner

Attest:

Bobbi Childers, County Clerk

Approve as to Form:

Morrow County Counsel



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

(For BOC Use)
Item #

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

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

Date submitted to reviewers:
Requested Agenda Date:

This Item Involves: (Check all that apply for this meeting.)
List of checkboxes for various agenda items like Order or Resolution, Ordinance/Public Hearing, etc.

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
Liaison Commissioner 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

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 Council, 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):

2. FISCAL IMPACT:

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

Attach additional background documentation as needed.



FY 2022 Forest Service Payment to States, Public Law 117-58

Election to Allocate the State Payment

A county's Election to receive a payment and to allocate the State payment must be transmitted by the Governor's office or other appropriate executive office of the state such as State Treasurer, on behalf of the Governor. The Forest Service will not accept an election directly from a county or from any non-governmental organization acting on behalf of a county.

Instructions:

To begin, refer to Expired Elections and Earnings attachment for FY21 data dealing with earnings and expired allocation percentages by title. The allocation percentage values are now expired in FY22 but represented amounts that were used to determine last year's FY21 payment. These figures are being presented to aid States/Counties with historical data as they prepare new percentage allocation submissions. Counties paid in FY21 under the 1908 Amended Act are also presented on the report. These counties will remain classified as this designation for the FY22 payments cycle and no allocation elections for these counties will be accepted.

The Total FY21 Earnings value on the attachment represent the total dollar value earned by each county in FY21. The FY22 dollar figures will not be available until after the allocation election due date, so the FY21 figures represent the best available data in determining which distribution allocation guidelines applies. After determining the FY21 dollar amount and distribution category for each county from the attachment, refer to the three options below for further instructions on percent allocation limits.

- **\$100,000 or less. (minor distribution)** An eligible county that elects to receive a share of the State payment that is \$100,000 or less (a minor distribution) may elect to use 100-percent of its share for public roads and schools under title I (column C). **A county that elects to receive a minor distribution must make an affirmative election to use the 100-percent of its share for title I purposes.** In the alternative, the county may opt to allocate 15-percent to 20-percent of its share to title II (column D), title III (column F), or a combination of both. The total percentage allocated to title II and title III combined must be no less than 15-percent and no greater than 20-percent. The county also may opt to return its allocation, in whole or part, to the Federal Government.





-
- **\$100,001 to \$349,999 (moderate distribution)** If the county share of the State payment is more than \$100,000 but less than \$350,000, the county must allocate 15-percent to 20-percent of its share to title II (column D), title III (column E), or a combination of both. The total percentage allocated to title II and/or title III must be no less than 15-percent and no greater than 20-percent. The county also may opt to return its allocation, in whole or part, to the Federal Government (column F).
 - **\$350,000 or greater (major distribution)** If the county share of the State payment is \$350,000 or greater, the county must allocate 15-percent to 20-percent of its share to title II (column D), title III (column E), or a combination of both, except that the allocation for title III projects may not exceed 7-percent. The total percentage allocated to title II and title III combined must be no less than 15-percent and no greater than 20-percent. The county also may opt to return its allocation, in whole or part, to the Federal Government (column F).

Each county that elected to share in the Secure Rural Schools Act State payment (formula payment) must complete this form. An eligible county that fails to elect to allocate its share of the State payment shall be considered to have elected to expend 80-percent of the share for public schools and roads. The remaining 20-percent will be available to the Forest Service to carry out projects in the eligible county to further the purposes of title II.

A county electing to return a percentage of its share of the State payment to the U.S. Treasury instead of allocating a portion to Title II or Title III should show the percentage to be returned to Treasury in Column F.

Refer to page 3 for county title elections chart.

Must be returned to USFS by September 30, 2022





State: Oregon

Column G is auto populated from the entries in columns C, D, E, & F
G total must equal 100

A	B	C	D	E	F	G
Entry No.	County Name	State Payment—Percentage allocated to				Total Columns C, D, E & F (100%)
		Title I	Title II	Title III	Return to Treasury	
1	Baker (001)					
2	Benton (003)					
3	Clackamas (005)					
4	Columbia (009)					
5	Coos (011)					
6	Crook (013)					
7	Curry (015)					
8	Deschutes (017)					
9	Douglas (019)					
10	Grant (023)					
11	Harney (025)					
12	Hood River (027)					
13	Jackson (029)					
14	Jefferson (031)					
15	Josephine (033)					
16	Klamath (035)					
17	Lake (037)					
18	Lane (039)					
19	Lincoln (041)					
20	Linn (043)					
21	Marion (047)					
22	Morrow (049)					
23	Multnomah (051)					
24	Polk (053)					
25	Tillamook (057)					
26	Union (061)					
27	Wallowa (063)					
28	Wasco (065)					
29	Washington (067)					





A	B	C	D	E	F	G
Entry No.	County Name	State Payment—Percentage allocated to				Total Columns C, D, E & F (100%)
		Title I	Title II	Title III	Return to Treasury	
30	Wheeler (069)					
31	Yamhill (071)					
32						
33						

Information below is required

Preparer's name and title:	Preparer's mailing address:
Preparer's phone number:	
Preparer Signature:	Preparer's email:




Expired Elections With FY 2021 Earnings									
Fiscal Year : 2021						National : Yes			
						County :NA			
County	Forest Service Total FY21 Earnings *	BLM O&C Total FY21 Earnings *	Totals of Forest Service and BLM O&C	Distribution Category** ***	Expired Title I (%)	Expired Title II (%)	Expired Title III (%)	Expired Failure to Elect (%) ****	Expired To Treasury (%)
OREGON(41)									
Baker (001)	\$899,053.38	\$0.00	\$899,053.38	Major	85	8	7	0	0
Benton (003)	\$132,546.69	\$815,612.00	\$948,158.69	Major	85	15	0	0	0
Clackamas (005)	\$1,260,086.05	\$953,087.45	\$2,213,173.50	Major	85	8	7	0	0
Colombia	\$0.00	\$618,506.93	\$618,506.93	Major	80	8	7	0	0
Coos (011)	\$242,285.83	\$1,933,386.41	\$2,175,672.24	Major	85	15	0	0	0
Crook (013)	\$1,405,520.33	\$0.00	\$1,405,520.33	Major	85	8	7	0	0
Curry (015)	\$1,928,561.44	\$1,141,370.38	\$3,069,931.82	Major	85	8	7	0	0
Deschutes (017)	\$1,242,858.20	\$0.00	\$1,242,858.20	Major	85	8	7	0	0
Douglas (019)	\$7,191,527.02	\$8,750,411.38	\$15,941,938.40	Major	85	8	7	0	0
Grant (023)	\$4,008,264.88	\$0.00	\$4,008,264.88	Major	80	18	2	0	0
Harney (025)	\$1,580,418.57	\$0.00	\$1,580,418.57	Major	85	15	0	0	0
Hood River (027)	\$598,383.86	\$0.00	\$598,383.86	Major	85	8	7	0	0
Jackson (029)	\$1,710,262.12	\$4,368,351.62	\$6,078,613.74	Major	85	8	7	0	0
Jefferson (031)	\$522,739.25	\$0.00	\$522,739.25	Major	85	8	7	0	0
Josephine (033)	\$1,116,477.37	\$4,080,612.72	\$5,197,090.09	Major	85	8	7	0	0
Klamath (035)	\$6,819,117.72	\$872,650.65	\$7,691,768.37	Major	85	15	0	0	0
Lake (037)	\$2,339,277.57	\$0.00	\$2,339,277.57	Major	85	12	3	0	0
Lane (039)	\$9,444,632.74	\$4,572,215.25	\$14,016,847.99	Major	85	8	7	0	0
Lincoln (041)	\$1,577,258.96	\$120,561.49	\$1,697,820.45	Major	85	15	0	0	0
Linn (043)	\$3,348,412.01	\$870,928.12	\$4,219,340.13	Major	85	8	7	0	0
Marion (047)	\$1,276,136.04	\$459,482.66	\$1,735,618.70	Major	85	8	7	0	0
Morrow (049)	\$141,434.67	\$0.00	\$141,434.67	Moderate	85	12	3	0	0
Multnomah (051)	\$193,018.04	\$190,072.38	\$383,090.42	Major	85	8	7	0	0
Polk (053)	\$4,110.12	\$763,742.19	\$767,852.31	Major	100	0	0	0	0
Tillamook (057)	\$811,009.71	\$201,807.60	\$1,012,817.31	Major	85	8	7	0	0
Union (061)	\$845,060.11	\$0.00	\$845,060.11	Major	85	8	7	0	0
Wallowa (063)	\$1,140,972.19	\$0.00	\$1,140,972.19	Major	85	15	0	0	0
Wasco (065)	\$896,042.28	\$0.00	\$896,042.28	Major	85	10	5	0	0
Washington	\$0.00	\$103,903.42	\$103,903.42	Moderate	85	15	0	0	0
Wheeler (069)	\$598,897.63	\$0.00	\$598,897.63	Major	85	8	7	0	0
Yamhill (071)	\$199,878.79	\$217,055.23	\$416,934.02	Major	85	15	0	0	0
Malheur(045)	\$695.58			1908 ACT ELECTION					
Umatilla(059)	\$110,496.30			1908 ACT ELECTION					

Note * - These figures represent the actual amounts that each county earned in FY2021. Title I, III were distributed to the counties via the State payment process. Title II and Failure to elect amounts are withheld by the Forest Service pending the Resource Advisory Committee (RAC) project request/approval process. To Treasury percentages are transferred to the US Treasury General Fund.

Note ** - See the Instructions & Elections Form for SRS guidelines for election distribution rates based upon current FY21 earned amounts.

Note *** - A yellow highlighted item signifies that the current distribution rate is out of compliance based upon the FY21 earnings levels. Refer to the Instructions & Elections Form for the most current SRS election guidelines.

Note **** - The Failure to Elect percentages represent counties that failed to make SRS elections in 2013 and those values have carried forward based on SRS legislative reauthorizations. This category is not an available option within the current elections cycle by the counties.

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Forest Service
U.S. DEPARTMENT OF AGRICULTURE

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Secure Rural Schools - Categories

The Secure Rural Schools Act breaks payments into three distinct categories, or Titles:

- **Title I** for roads and schools
- **Title II** for projects on Federal lands
- **Title III** for county projects.

Below is an explanation of each:

Title I - Roads & Schools

Counties generally receive the majority of Secure Rural Schools funds under Title I, which is designated for the benefit of public schools and public roads. In years when the Secure Rural Schools Act is reauthorized by Congress, Title I payments are made from the USDA Forest Service to states. States then distribute the payment to all eligible counties. The funds must be passed through to local governmental entities for use at the county level (but not necessarily to county governments themselves). Each state must spend the funds on road and school programs, and state law sets forth how the payments are to be allocated between road and school projects. The state laws differ widely, generally ranging from 30% to 100% for school programs.

Title II - Special Projects on Federal Lands

Counties typically receive 20% or less of Secure Rural Schools funds under Title II, which are used by willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other natural resource objectives on Federal land and on non-Federal land where projects would benefit these resources on Federal land.

Rather than being distributed to the State, Title II funds are retained by the Forest Service and are allocated to specific projects that have been reviewed and recommended by a local

Resource Advisory Committee.

[Resource Advisory Committees](#) must initiate (recommend) Title II projects by September 30, 2025. Project funds must be obligated by Sept. 30, 2026

Title III - County Projects

Funds received under Title III are used to:

- carry out activities under the [Firewise](#) Communities program
- reimburse the participating county for search and rescue and other emergency services, including firefighting and law enforcement patrols
- cover training costs and equipment purchases directly related to the emergency service
- develop and carry out community wildfire protection plans.
- provide or expand access to broadband telecommunications services

In years when the Secure Rural Schools Act is reauthorized by Congress, Title III payments are made from the Forest Service to states. States then distribute the payment to all eligible counties.

There is a required 45-day public comment period before using Title III funds. Eligible counties must first publish in a publication of local record a proposal that describes the intended use of the county funds. The county also must submit the proposal to any Resource Advisory Committee for the participating county. Counties are required to certify use of Title III funds. Please see our FAQs on the certification process.

Find out more about [Title III with our FAQs](#).

Secure Rural Schools

Payments

Archived Payments

The Act

Title Categories

Payments to Counties Bankhead-Jones

Contact

From: Branden Pursinger <bpursinger@oregoncounties.org>
Date: 8/24/22 7:53 PM (GMT-08:00)
To: Jim Doherty <jdoherthy@co.morrow.or.us>
Cc: Rocky McVay <rocky@blupac.com>, robertsonjd@outlook.com, Gina Nikkel <gnikkel@oregoncounties.org>, Darrell Green <dgreen@co.morrow.or.us>
Subject: SRS County Allocation deadline approaching

STOP and VERIFY This message came from outside of Morrow County Gov

Commissioner Doherty,

With SRS County election allocations for the 2022 Fiscal Year submittal required to occur by September 30, 2022, AOC and AOCC have prepared the following information. Please feel free to reach out to either Branden Pursinger at AOC or Rocky McVay at AOCC if you have any questions.

It's important to note that for FY 2022 both the Forest Service eligible Counties and O&C Counties will make one election allocation to cover both Title II and Title III distribution. There is no separate process for Forest Service Counties and BLM O&C Counties for SRS FY 2022 payments.

Attached you will find two documents. In the first document, "*FY 2022 Forest Service Payment to States, Public Law 117-58*", page 3 and 4 is the portion that needs to be filled out and returned. You will find your county under column B, allocation for Title 1 (column C), Title II (column D), Title III (column E), and Return to Treasury (column F). The total for all four boxes must equal 100% covering both Forest Service Counties and O&C Counties. The second document, "*Oregon Expired Election and Earnings*" for FY 2021 is last year's SRS election allocation showing your county's elected decision to receive Title I, Title II, and Title III.

After completing this document, please send a copy of it to Branden Pursinger (bpursinger@oregoncounties.org) at AOC and a copy to Rocky McVay (rocky@blupac.com) at AOCC. AOC is working to compile the master list of all county allocations for delivery to the Department of Administrative Services to submit to the Forest Service at their Albuquerque Service Center.

The allocation forms are due to the Forest Service by the state no later than September 30, 2022. **We are asking all counties to have their forms submitted to AOC and AOCC by Monday, September 19, to ensure all information is compiled to meet Federal Government deadlines imposed.**

Please feel free to reach out if you have any questions and thank you for your attention to this time sensitive matter.

Rocky McVay
541-661-0995

Branden Pursinger
503-320-3579

--

Branden Pursinger
Legislative Affairs Manager
Association of Oregon Counties
a: 1212 Court St NE, Salem, OR 97301
o: 503.585.8351 m: 503.320.3579
e: bpursinger@oregoncounties.org
w: www.oregoncounties.org



MD 5.d.

Wendie L. Kellington
P.O. Box 2209
Lake Oswego, Or
97035

Phone (503) 636-0069
Mobile (503) 804-0535
Facsimile (503) 636-0102
Email: wk@klgpc.com

August 22, 2022

Via Electronic Mail

OED_OAH_Referral@oregon.gov

Kate Triana, Administrative Law Judge
c/o Oregon Department of Energy Siting Division
Attn: Kathleen Sloan 550 Capitol Street NE
Salem, OR 97301

RE: Nolin Hills Wind Power Project Contested Case Hearing on Application for a Site Certificate – Petition for Party Status of Umatilla County

Dear Ms. Triana:

This firm represents Umatilla County, the petitioner for Party Status in the Nolin Hills Wind Power Project (Project) contested case hearing on the Application for a Site Certificate (ASC). Petitioner, a local government agency, requests participation as a party in this contested case proceeding pursuant to OAR 345-015-0080 (Participation by Government Agencies) and OAR 345-015-0016 (Requests for Party or Limited Party Status in Contested Cases on Applications for a Site Certificate).

Per OAR 345-015-0016(5), a petition to request Party Status in a contested case on an ASC must include:

- “(a) The information required under OAR 137-003-0005(3);
- “(b) A short and plain statement of the issue or issues that the person desires to raise in the contested case proceeding; and
- “(c) A reference to the person’s comments at the public hearing showing that the person raised the issue or issues at the public hearing.”

Each of these requirements is addressed in turn below.

OAR 345-015-0016(5)(a): The information required under OAR 137-003-0005(3).

OAR 137-003-0005(3) requires that the petition include:

“(a) Names and addresses of the petitioner and of any organization the petitioner represents[.]”

Petitioner’s name, address and additional contact information is:

Umatilla County
Attn: Doug Olsen, County Counsel
216 SE 4th St.

Pendleton, OR 97801
Tel: (541) 278-6208
Email: doug.olsen@umatillacounty.gov

“(b) Name and address of the petitioner’s attorney, if any[.]”

Petitioner’s attorney’s name, address and additional contact information is:

Wendie L. Kellington, OSB #832589
Kellington Law Group PC
P.O. Box 2209
Lake Oswego, OR 97035
Tel: (503) 636-0069
Email: wk@klgpc.com

“(c) A statement of whether the request is for participation as a party or a limited party, and, if as a limited party, the precise area or areas in which participation is sought[.]”

This request is for participation of Umatilla County as a Party to the contested case proceeding.

“(d) If the petitioner seeks to protect a personal interest in the outcome of the agency’s proceeding, a detailed statement of the petitioner’s interest, economic or otherwise, and how such interest may be affected by the results of the proceeding[.]”

It does not appear that this provision applies. To the extent it does, Umatilla County submits the following: Umatilla County represents the public’s interest in the outcome of this proceeding. The Nolin Hills Wind Power Project is proposed to be sited entirely within Umatilla County. Umatilla County has a strong institutional interest in ensuring that the project complies with the County’s land use regulations, including its requirements for the siting of wind power generation facilities codified at Section 152.616(HHH) of the Umatilla County Development Code (UCDC). This interest is affected by the results of the contested case proceeding because the proceeding will determine whether Umatilla County’s legislative determination by its governing body that wind power generation facilities must comply with particular standards are “applicable substantive criteria” that that state will apply to the proposed Project.

“(e) If the petitioner seeks to represent a public interest in the results of the proceeding, a detailed statement of such public interest, the manner in which such public interest will be affected by the results of the proceeding, and the petitioner’s qualifications to represent such public interest[.]”

The Project is proposed to be sited entirely within Umatilla County. Umatilla County, through its governing body and delegated agents, represents the public interest of the citizens of Umatilla County. Umatilla County’s governing body adopts local legislation to further the health, safety, and welfare of its citizens. Among the legislative regulations that the County governing body adopts are the UCDC (also referred to herein as “Regulations”). The County

governing body has adopted these Regulations pursuant to its authority and responsibility to do so under its Charter, as well as state constitutional and statutory law. The State of Oregon Land Conservation and Development Commission (LCDC) has “acknowledged” that Umatilla County’s Regulations, including the ones at issue, comply with all statewide planning goals. Umatilla County’s Regulations express the County’s public health, safety, and welfare interests on the topics they cover. UCDC 152.002 confirms this and states that its “purpose” is to “promote the health, safety and general welfare” and to “carry out” “the Statewide Planning Goals.”

In the public’s interest, the Umatilla County governing body adopted Regulations specifically governing the siting of wind power generation facilities. These Regulations apply to the Project and are codified at UCDC 152.616(HHH). LCDC has acknowledged that UCDC 152.616(HHH) complies with all statewide planning goals.

Umatilla County has a strong public interest in ensuring that its acknowledged Regulations, to include UCDC 152.616(HHH), are correctly and consistently applied to all applications for land uses within the County. The Proposed Order incorrectly takes the position that UCDC 152.616(HHH) is inapplicable to the Project. Umatilla County has a strong interest in reversing that determination, to ensure that the Project complies with the County’s Regulations and is not exempted from them as the Proposed Order contemplates. This County public interest is directly affected by the results of the contested case proceeding because the proceeding will determine whether Umatilla County’s legislative determinations by its governing body that wind power generation facilities must comply with particular health, safety and welfare standards are “applicable substantive criteria” that that state must apply to the proposed Project.

Umatilla County is qualified to represent this public interest because it is the entity with local planning authority within the County.

“(f) A statement of the reasons why existing parties to the proceeding cannot adequately represent the interest identified in subsection (3)(d) or (e) of this rule.”

Existing parties to the proceeding cannot adequately represent the interests identified in subsections (3)(d) and (e) because no other party has the authority to represent the health, safety, and welfare of the citizens of Umatilla County to include with respect to land use matters in the County. Rather, only the County, through its governing body and its delegated agents, has authority to represent the interest of the citizens of Umatilla County regarding the scope and application of County Regulations to the Project. Further, the Umatilla County governing body adopted the Regulations at issue and is in the best position to interpret them, apply them, to express the public interests at stake and identify and explain the statewide planning goals that the County’s Regulations implement. Finally, only Umatilla County has the institutional knowledge of the County’s land use regulations, their legislative history and how they apply to the Project

OAR 345-015-0016(5)(b): Short and plain statement of issues petitioner desires to raise.

Petitioner Umatilla County desires to raise the issues that (1) the County's acknowledged land use regulations in UCDC 152.616(HHH), specifically UCDC 152.616(HHH)(6)(a)(3) requiring a two-mile setback between wind turbines and rural residences on EFU-zoned land, are "applicable substantive criteria" within the meaning of OAR 345-022-0030(3) that apply to the Project and that the Project does not comply with UCDC 152.616(HHH)(6)(a)(3); and (2) the Project is required to obtain a conditional use permit from the County.

OAR 345-015-0016(5)(c): Reference to petitioner's comments at the public hearing showing that petitioner raised the issues at the public hearing.

Petitioner Umatilla County raised these issues in written comment submitted for the record of the May 26, 2022, public hearing, to include the below:

- Proposed Order on ASC Attachment C: Comments on DPO – Table (Exhibit 1): Comments by Umatilla County Director of Department of Land Use Planning, Robert Walder, May 26, 2022: "Expresses disagreements with the Department's interpretation of applicability of 2-mile setback for EFSC jurisdictional facility; and, requests that EFSC include in a condition a requirement that developer obtain conditional use permit."
- Proposed Order on ASC Attachment C: Comments on DPO – Email from Robert Walder, dated May 26, 2022 (Exhibit 2): County's acknowledged comprehensive plan and land use regulations are "applicable substantive criteria" within meaning of OAR 345-022-0030(3) and UCDC 152.616(HHH)(6)(a)(3) must be applied to the Project; Project requires County conditional use permit.

CONCLUSION

It is respectfully submitted that Umatilla County's request for Party status in the contested case hearing on the Nolin Hills Wind Power Project ASC should be granted.

Very truly yours,



Wendie L. Kellington

WLK:wlk

Enclosures: Exhibits 1 & 2

CC: Kathleen Sloan (kathleen.sloan@energy.oregon.gov)
Doug Olsen (doug.olsen@umatillacounty.gov)

Attachment C: Index/Summary of Comments Received on the Record of the DPO

Date Received	Commenter Name	Organization	Comment Scope/Topic
4/27/22	Samuel J. Ramos	Public; Property owner	Does not support the project, because as represented in the site boundary map, would cross two tax lots, his and the Margaret West/West Family Trust. Indicates comments provide sufficient specificity for the Contested Case proceeding.
5/24/22; 5/26/22; 6/15/22; 6/24/22	Matt Martin, Tim McMahan, Steve Corey	Applicant, Capital Power Corporation	Requests for consideration of all proposed facts and analysis related to the Department's evaluation of the Goal 3 exception request; expresses disagreement with Department applied contingencies to decommissioning estimate. Provides information from Exhibit K (re: goal exception). Provides letter from VP affirming Capital Power is financially responsible and supports development of the project.
5/26/22	Robert Waldher	Director, Umatilla County Department of Land Use Planning (SAG)	Expresses disagreement with Department's interpretation of applicability of 2-mile setback for EFSC jurisdictional facility; and, requests that EFSC include in a condition a requirement that developer obtain conditional use permit.
5/26/22	Council members (K. Howe; H. Jenkins; C. Condon)	EFSC; Vice Chair	Expresses dissatisfaction over site specific reasons analysis for Goal 3 exception request. Requests additional facts/evidence to support conclusion of law for Organizational Expertise standard.
5/26/22	Dixie Echeverria	Public; ELH LLC	Describes that UEC transmission line location/route would negatively impact her farming operation. Asks that the transmission line avoid any property owned by ELH, LLC; requests for utilization of single pole for minimum space requirements of a 230 kV transmission line, anywhere near ELH, LLC property or adjacent properties.

ESTERSON Sarah * ODOE

Subject: Umatilla County Planning Department Comments - Nolin Hills DPO

From: Robert Waldher <robert.waldher@umatillacounty.gov>

Sent: Thursday, May 26, 2022 4:15 PM

To: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Subject: Umatilla County Planning Department Comments - Nolin Hills DPO

Hi Sarah and Kate -

Thank you for the opportunity to do a quick tour of the site today and for the opportunity to provide comments on the DPO. I look forward to working through these comments with your Department as part of the SAG process. Please let me know if you have any questions.

Umatilla County Planning Department, as a reviewing agency for the Nolin Hills Project, provides the following comments related to the Draft Proposed Order (DPO):

Comment Related to Land Use and 2-Mile Setback Requirement

Umatilla County Development Code (UCDC) Section 152.616 (HHH)(6)(a)(3) establishes a required 2-mile setback from a turbine tower to a rural residence. Based on the Planning Department's review, rather than recommending that the Energy Facility Siting Council (Council) find that the proposed facility is required to comply with the local substantive criteria found in UCDC Section 152.616 (HHH)(6)(a)(3), the DPO recommends that the Council find that the proposed facility would nevertheless comply with the applicable statewide planning goals, as allowed by ORS 469.504(1)(b)(8).

Pursuant to OAR 345-022-0030 (3), "applicable substantive criteria" are criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. If the special advisory group (SAG) recommends applicable substantive criteria, as described under OAR 345-021-0050, the Council shall apply them. If the SAG does not recommend applicable substantive criteria, the Council shall decide either to make its own determination of the applicable substantive criteria and apply them or to evaluate the proposed facility against the statewide planning goals.

Umatilla County Planning Department interprets this provision of the Administrative Rule to imply that the local government is required by the statewide planning goals to have an acknowledged comprehensive plan and land use ordinances. These documents are considered the "applicable substantive criteria" that Umatilla County provided to the Oregon Department of Energy (Department) through the SAG process. Therefore, the Council shall apply the applicable substantive criteria (i.e. 2-mile setback), rather than evaluating the proposed facility against the statewide planning goals.

In addition, Umatilla County does not agree that just because the "applicable substantive criteria" (i.e. 2-mile setback requirement) is not explicitly "required" by the statewide planning goals, that the project is compliant with the applicable statewide planning goals. Counties are required, pursuant to state statute, to operate under an acknowledged comprehensive plan and implementing ordinances. A project that is not compliant with the local applicable substantive criteria of the comprehensive plan and implementing ordinances can't be compliant with the statewide planning goals.

Comments Related to Local Land Use Permits

The DPO suggests since the Council is making the land use decision for the proposed Wind Power Generation Facility and Associated Transmission Line that the applicant is not required to obtain the Conditional Use Permit (generation facility) and Land Use Decision Permit (transmission line). This would be contrary to how previous permits have been processed. Past precedence has been for the applicant to still obtain permits, including conditional use permits and land use decisions, through the County Planning Department after the project site certificate has been issued by the Department. Umatilla County Planning Department requests a condition of approval requiring the applicant to obtain local land use permits prior to commencing project construction.

The DPO does not appear to recommend any conditions related to obtaining local land use permits for concrete batch plants and aggregate sources associated with construction of the proposed project. Umatilla County Planning Department requests a condition of approval requiring the applicant to obtain local land use permits prior to establishment of any aggregate site(s) and concrete batch plant(s) associated with the project.

Respectfully -

Robert Waldher, RLA
Director

Umatilla County Department of Land Use Planning

Tel: 541-278-6246 | Fax: 541-278-5480

216 SE 4th Street | Pendleton, OR 97801

<http://www.umatillacounty.gov/planning>



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

5.e.

PAYMENT-IN-LIEU-OF-TAX AGREEMENT

Morrow County, a political subdivision of the State of Oregon (the “County”), and Tower Solar, LLC (the “Company”) hereby enter into this agreement (the “Agreement”).

RECITALS

A. The Company or an affiliate of the Company intends to construct a solar photovoltaic electricity generation facility with an expected potential generating capacity of up to 120 MWac that will be located in the County and outside the boundaries of any incorporated city (the “Project”).

B. Under Section 1, Chapter 571, Oregon Laws 2015 (as amended by Section 1, Chapter 628, Oregon Laws 2019 and Section 1, Chapter 571, Oregon Laws 2021) (the “Legislation”), the governing body of a county and the owner or person in possession or control of a solar project located within the county and outside the boundaries of any incorporated city may enter into an agreement that exempts from property taxes the property constituting the solar project and allows the payment of a fee in lieu of property taxes imposed on the property.

C. The County and the Company would like to enter into a payment-in-lieu-of-tax agreement pursuant to the Legislation.

AGREEMENT

The County and the Company hereby agree as follows:

**ARTICLE 1
EXEMPTION**

1.1 Exempt Property. The property that is exempt from property tax under this Agreement (the “Exempt Property”) shall include all property comprising the Project during the Exemption Period, which property shall include without limitation solar modules, racking, foundations, inverters, transformers, roads and civil construction work, underground or overhead electrical lines and grid interconnection facilities, land, and associated supporting infrastructure and facilities. Unless otherwise specified by the Company pursuant to Section 3.1, the Exempt Property shall include repairs, replacements, repowering, modernization, renovations and remodeling of such property made during the term of this Agreement.

1.2 Exemption. Except as provided in Article 5, the Exempt Property shall be exempt from property taxes for the period including the fifteen consecutive property tax years beginning July 1 (each, a “Tax Year”) beginning with the Tax Year identified in the first notice provided under Section 3.1 and, if the Company delivers written notice of its intent to extend the period on or before December 31 of the 15th Tax Year, the next five consecutive Tax Years after the 15th Tax Year in the period (the “Exemption Period”).

**ARTICLE 2
PILOT PAYMENTS**

2.1 PILOT Payment Options. The Company has developed and permitted the Project to be constructed with or without energy storage facilities as an associated supporting infrastructure. If the Project is constructed and operated without associated energy storage facilities (PV Solar only), the Company will make PILOT Payments pursuant to the provisions of Section 2.2. If the Project is constructed and operated with associated energy storage facilities, the Company will make PILOT Payments pursuant to the provisions of Section 2.3.

2.2 PILOT Payments (PV Solar- Only). On or before March 1 of each Tax Year during the Exemption Period, the Company shall pay to the County Treasurer a fee in lieu of property taxes for the Tax Year equal to \$6,250 per MWac of nameplate capacity of the Project as set forth in the applicable notice for that year, carried to three decimal places (the "PILOT Payments").

2.3 PILOT Payments (PV Solar + Storage). On or before March 1 of each Tax Year during the Exemption Period, the Company shall pay to the County Treasurer a fee in lieu of property taxes for the Tax Year equal to \$7,000 per MWac of nameplate capacity of the Project as set forth in the applicable notice for that year, carried to three decimal places (the "PILOT Payments").

2.4 Credits for Real Property Tax Payments. Should the Company, under any subsequently adopted State or local law or for any other reason, pay for any Tax Year any amounts in the nature of property taxes, general assessments, service charges, or other general governmental charges of a similar nature levied or assessed upon any Exempt Property, the PILOT Payments for the Tax Year shall be reduced by such amounts. The Company shall give the County prior written notice of its intention to claim any credit pursuant to the provisions of this Section 2.2 at least ten days before the applicable PILOT Payment is due.

**ARTICLE 3
NOTICES**

3.1 Company Notices. On or before December 31 before the first Tax Year of the Exemption Period, the Company shall file with the county assessor a copy of this Agreement and a request for computation of the PILOT Payments for the Tax Year, which request shall specify the first Tax Year of the Exemption Period. On or before December 31 before each subsequent Tax Year in the Exemption Period, the Company shall file with the county assessor a request for computation of the PILOT Payments for the Tax Year. Each request for computation of the PILOT Payments shall identify the owner or person in possession or control of the Project, include any information required by the assessor to compute the PILOT Payments, including the nameplate capacity of the Project in MWac, and specify any property in the Project that is not to be treated as Exempt Property. A request for computation that is filed after December 31 must be accompanied by a late fee of \$200.

3.2 County Notices. On or before February 1 of each Tax Year in the Exemption Period, the county assessor shall compute the PILOT Payment for the Project and shall notify the

Company (i) that the PILOT Payment must be paid to the county treasurer on or before March 1 and (ii) of the amount due and of the consequences of late payment or nonpayment.

ARTICLE 4 FAILURES TO MAKE PILOT PAYMENTS

4.1 Temporary Loss of Exemption. If the Company does not timely pay the PILOT Payment for any Tax Year and does not pay the PILOT Payment plus interest at the rate prescribed in ORS 311.505 (2) by the following March 1, the Exempt Property will not be exempt for the next Tax Year and shall be assessed and taxed as other similar property is assessed and taxed. Delinquent fees and interest shall be collected in the manner provided for collection of delinquent property taxes on personal property.

4.2 Disqualification. If the Company fails to pay the PILOT Payments for more than one year during the Exemption Period, the Exempt Property shall be disqualified from the exemption. Property that is disqualified under this subsection shall be assessed and taxed as other similar property is assessed and taxed and shall be assessed a penalty in an amount equal to one year of the PILOT Payments.

ARTICLE 5 ASSIGNMENTS

5.1 Assignments. The Company may sell, transfer, assign, pledge, mortgage, hypothecate, or otherwise dispose of and encumber all or any of its rights, title, and interests in, to, and under this Agreement to any lender as security for the performance of its obligations under any loan agreement with such lender, to any affiliate or other entity formed for the purpose of developing, constructing, owning, or operating the Project, and to any purchaser or lessee of the Project, without the consent of the County, as long as such successor owner assumes and agrees to be bound by this Agreement. In such event, the Company or the Company's assignee, as the case may be, will provide written notice to the other party of such assignment or pledge as promptly as practicable, but not later than 20 days thereafter. The County shall execute and deliver and furnish such consents, documents, certificates, opinions of counsel, and other instruments and information which any lender may reasonably request as a condition to the financing or refinancing of the Project. Except as set forth in this Article 5, neither this Agreement nor any rights under this Agreement, in whole or in part, shall be assignable or otherwise transferable by any party without the express written consent of the other party, and any attempt by any party to assign any of its rights or delegate any of its duties under this Agreement without the prior written consent of the other party, shall be null and void.

ARTICLE 6 MISCELLANEOUS

6.1 Notices. Each notice or other communication provided under this Agreement (i) must be in writing, (ii) must be delivered to the recipient in person, by courier or certified mail, return receipt requested, or by facsimile or other electronic transmission at the addresses set forth below, and (iii) is effective upon receipt by the party receiving it.

If to the County, to:

Morrow County
P.O. Box 247
Heppner, OR 97836
Facsimile No.: (541) 676-5610

If to the Company, to:

Tower Solar, LLC
2701 NW Vaughn Street, Suite 300
Portland, OR 97210
Attention: Contracts Administration

And

Avangrid Renewables, LLC
2701 NW Vaughn Street, Suite 300
Portland, OR 97210
Attention: Tax Department

with a copy to:

Troutman Sanders LLP
100 SW Main Street, Suite 1000
Portland, OR 97204
Attention: Adam C. Kobos

6.2 Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.

6.3 Entire Agreement. This Agreement is the entire agreement between the County and the Company with respect to the subject matter of this Agreement. There is no other oral or written agreement between the County and the Company with respect to the subject matter of this Agreement. There are no representations or warranties made by either the County or the Company, implied or express, other than those contained in this Agreement.

6.4 Severability. If any clause, sentence, or other portion of this Agreement becomes illegal, null, or void for any reason, the remaining portions will remain in full force and effect to the fullest extent permitted by law.

6.5 Amendments. This Agreement may not be amended unless such amendment is in writing and executed by the County and the Company.

6.6 Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon, and venue shall be in the Circuit Court of the State of Oregon for the County of Morrow

6.7 Right to Contest Assessments. Nothing in this Agreement shall limit or restrict the Company from challenging the real market value or assessed value of any property, or the amount that is or would, but for the exemption, be due for property taxes.

The Company and the County have executed this Agreement effective as of the date of the last signature set forth below.

MORROW COUNTY

County Commissioner
Date: _____

County Commissioner
Date: _____

County Commissioner
Date: _____

TOWER SOLAR, LLC.

By: _____
Name: Sara Parsons
Title: Authorized Representative
Date: _____

By: _____
Name: _____
Title: Authorized Representative
Date: _____



Morrow County Sheriff's Office - Monthly Stats 2022

Incident	July	August	Sept	October	Nov	Dec
Alarms	21	9				
Animal Complaint	38	36				
Agency Assist	14	21				
Assaults	4	3				
Burglary	2	5				
CHL	34	43				
Citizen Assist	14	16				
Civil Service	25	79				
County Code Calls	3	11				
Heppner area	0	9				
Irrigon area	2	1				
Bdmn area	1	1				
lone/Lex area	0	0				
Death Investigation	3	2				
Disturbance	11	19				
Dog	65	49				
Driving Complaints	94	89				
Drunk/Impaired Driver	1	0				
EMS	8	16				
Hit & Run	4	7				
Juvenile Complaints	8	13				
Motor Vehicle Crashes	13	11				
RV Code	0	0				
Suicidal	9	2				
Suspicious Activity	23	33				
Theft	14	17				
Trespass	11	13				
Traffic Stops - Cite	80	66				
Total Traffic Stops	256	228				
UUMV-Stolen vehicle	2	1				
Welfare Check	24	17				
Totals	781	806				
Other Misc. Incidents	676	765				
Total # of Incidents	1457	1571				
Felony Arrests	13	7				
Total # of Arrests	37	23				
Total # M-110 Citations	0	0				

**Local Public Safety Coordinating Council
Quarterly Report to
Morrow County Board of County Commissioners**

1. Updates

- a. IMPACTS Grant Award: Morrow and Umatilla County LPSCC's were awarded \$621,328.08 based on my grant application. These funds will be used to assist the population of folks who are high utilizers of both the ER and jail. CCS will be hiring staff this fall to implement the program.
- b. Primary Topics being addressed: The LPSCC continues to discuss housing, the challenges faced by Measure 110, mental health issues in the community, particularly with our youth, and housing shortages.

2. Ongoing Projects

- a. There are several minors participating in our Juvenile Diversion program.
- b. We will get a mental health court up and running as soon as staffing is adequate.
- c. We hope to develop a mentoring program for youth.
- d. Developing inpatient options for those in behavioral health crisis continues to be a main focus. There is finally funding for this type of project coming from the State level, and everyone is very excited to be able to discuss solutions.



Jessica Rose



DHS SHARED SERVICES
Office of Contracts and Procurement



Kate Brown, Governor

635 Capitol Street NE, Suite 350
Salem, OR 97301
Voice: (503) 945-5818
FAX: (503) 378-4324

August 31, 2022

Morrow County
Attn: Darrell Green
100 Court Street
P O Box 788
Heppner, Oregon 97836

Subject: Termination of Agreement # 169202

This letter serves as formal notice of termination of Agreement # 169202 between Morrow County (the "CDDP"), and the State of Oregon, Oregon Department of Human Services; Office of Developmental Disabilities Services, pursuant to Exhibit E "Standard Terms and Conditions", Section 12 "Termination", subsection c "Mutual Termination", as quoted below.

13. Termination

- c. **Mutual Termination.** The Agreement may be terminated immediately upon mutual written consent of the parties or at such other time as the parties may agree in the written consent.

Therefore, effective September 30, 2022, this Agreement is terminated in whole. Payments against this Agreement will not be made for any services provided after September 30, 2022. Should you have any questions, please contact Lesley G. Erickson at (971) 208-4078 or by e-mail: lesley.g.erickson@dhsoha.state.or.us.

Sincerely,

Lesley G Erickson
Oregon Department of Human Services
Office of Contracts and Procurement

cc: Heather M Smith
ODDS Contracts
OFS-Contract INVOICES
DHSOHA InfoEx
File

Wheatridge Renewable Energy Facilities

Commissioning ceremony

You are cordially invited to join NextEra Energy Resources and Portland General Electric as we celebrate the completion of North America's first utility-scale wind, solar and battery storage combined site. Hear from local leaders and representatives from both companies on what this clean energy project means for the community. Light refreshments will be served.

Wednesday, Sept. 28

Please arrive at 9:30 a.m. | Program is 10 -11 a.m.

Event location: 72322 Strawberry Lane, Lexington, OR 97839

Attire: Please wear closed-toe shoes.

Light refreshments will be served.

RSVP by Wednesday, Sept. 21

Alexandra.Seltzercaudill@NEE.com





FUTURESTRUCTURE

California Bans the Sale of New Gas-Powered Cars by 2035

The California Air Resources Board voted unanimously to phase out the sale of new fossil fuel-burning cars in the largest state in the nation, setting the stage for a wider adoption of electric vehicles.

August 25, 2022 • Skip Descant



Shutterstock

California will phase out the sale of new fossil fuel-burning cars by 2035, establishing the state as the most consequential leader in the nation for the advancement of electric

vehicles, and firmly position the car industry toward an electric future.

The California Air Resources Board (CARB) voted unanimously Thursday in favor of the Advanced Clean Cars II regulation, seen as the state's most far-reaching piece of public policy to address climate change, re-orient an entire industry and address air quality in some of the state's most vulnerable communities.

The Clean Cars II rules require that 35 percent of model 2026 new passenger vehicles sold in California will be zero-emission vehicles, increasing to 68 percent by 2030 and 100 percent by 2035.

ADVERTISEMENT

The requirement, a regulatory package years in the making, addresses issues like driving range, charging, battery labeling, battery life and perhaps most significantly — ensuring the access to EVs by low-income or disadvantaged communities.

“This is absolutely historic,” beamed Dean Florez, a member of CARB, and a former California state senator, in his comments prior to the board's vote. “Climate change is the single most generational challenge we are facing today.”

“Today's action creates an absolutely new course,” he added.

ADVERTISEMENT

The move by CARB follows landmark steps taken by the Biden administration to accelerate the adoption of zero-emission cars, first with the bipartisan passage of the **Infrastructure Investment and Jobs Act**, which will help to build out a national network of high-speed charging opportunities; and then with the recent passage of the **Inflation Reduction Act**, a package of initiatives targeting the energy and transportation sectors to address climate change.

In California, the **transportation** sector accounts for about 40 percent of the state's greenhouse gas emissions; however, zero-emission autos continue to gain ground in the state. By the end of the second quarter this year, EVs made up 16.6 percent of new car sales.

Daniel Sperling, a member of CARB, called the move Thursday, "the most important and the most transformative action that CARB has ever taken."

"And it has global implications," he added.

The regulatory agency heard more than two hours of testimony and public comment during its meeting, which struck any number of tones — ranging from the eventual ban of new gas-powered cars is not enough, to, it's a step too far. Business groups tended to urge restraint.

Marcus Gomez, central regional chair for the California Hispanic Chambers of Commerce, described the policy as, "too much, too fast," adding the combination of forces like the COVID-19 pandemic and inflation has its members "struggling to keep their doors open."

Steve Douglas, vice president for energy and the environment at Alliance for Automotive Innovation, said the auto industry has been firmly moving toward electrification, but raised concerns about the affordability of EVs.

"We can build electric vehicles. But can consumers afford them?" said Douglas in his comments during the board meeting. "In short, the success of this regulation depends on a lot more than this regulation."

Price parity between EVs and gas-powered cars is headed in the right direction, said CARB member Hector de La Torre, adding parity will likely be reached between 2025 and 2030. Today, however, EVs are, for the most part, more expensive than their gas-powered counterparts. But with more models being released, prices are trending more competitive and state incentives — like the **Clean Vehicle Rebate program** — combined with federal incentives make EVs a more attractive option.

move by the state follows a **previous regulatory change** in 2020 which will transition

medium- and heavy-duty trucks in California on a path to zero emissions. Starting in 2024, manufacturers will be required to sell a portion of their vehicles as zero emissions, with all new trucks, buses and similar vehicles to be battery electric or hydrogen-electric by 2045.

“This is the appropriate response to the climate emergency,” said CARB member John Balmes. “We have to do this.”

Tags: [Electric Vehicles](#), [Transportation](#), [Policy](#)

Skip Descant

Skip Descant writes about smart cities, the Internet of Things, transportation and other areas. He spent more than 12 years reporting for daily newspapers in Mississippi, Arkansas, Louisiana and California. He lives in downtown Yreka, Calif.

SEE MORE STORIES BY SKIP DESCANT

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Featured Resources



NETWORK

How Can State, Local Gov Help Ensure Sustainable Broadband?

According to industry experts, the answer varies based on each state or community's needs, and some examples include obtaining federal broadband funding, creating long-term plans and anticipating future challenges.

August 25, 2022 • Katya Maruri



With more state and local government agencies prioritizing broadband in the wake of the COVID-19 pandemic, experts say it is important to make sure the work they are doing is

sustainable.

In fact, Merit — an independent nonprofit corporation governed by Michigan's public universities — is hosting an **upcoming webinar** on this very topic, offering insights on state and local coordination efforts, working with state broadband offices and other related issues. The webinar — dubbed "State and Local Coordination Make Broadband Programs More Sustainable" — is free to interested parties and scheduled for Aug. 31.

Before it happens, though, *Government Technology* spoke with industry experts from Merit as well as Next Century Cities, which is partnering on the webinar, to better understand the issue and preview the event.

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WHAT IS SUSTAINABLE BROADBAND?

According to Francella Ochillo, executive director of Next Century Cities, who will present during the webinar, the phrase "sustainable broadband" refers to the long-term plan and execution of providing citizens with a stable and reliable Internet connection.

This concept, however, often tends to be mistaken or misunderstood.

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For example, Ochillo said, "When I talk about sustainable broadband, people say, 'This is going to be amazing, we're gonna do this two-year plan,' and my response is, 'OK, so what happens the following year?'"

Usually, she said, that question does not have an immediate answer. Rather, there's more of a trend of being prescriptive and reactive to current broadband-related issues instead of having long-term plans for stable Internet connectivity. In the most basic sense, sustainable broadband means high-speed Internet that is built to keep users connected perpetuity, not for limited windows.

This, of course, is not always an easy thing to achieve.

WHAT ARE THE CHALLENGES?

There is currently a historic amount of federal money coming down the pipeline for states to expand broadband, which has the potential to create challenges at all levels of government.

“For people that have been in the broadband space, this is kind of a chaotic period, just with that amount of unprecedented funding,” said Charlotte Bewersdorff, Merit’s vice president of community engagement.

One of the reasons why is because of the challenges it presents for state and local coordination. The federal money is going to the states, and in many places, cities must make their case for why they need the money and how much should go to their communities.

“Coordination, I think, is key, and it’s probably one of the biggest challenges,” Bewersdorff said. “Local community stakeholder engagement and coordination of infrastructure investment are hard because it involves a lot of people coordinating, communicating and engaging, and the funding is coming very quickly.”

As a result, further challenges include meeting deadlines to receive federal funding like **BEAD money**, for example, along with workforce shortages, supply chain issues, and coordinating both internally and with local governments, said Pierrette Renée Dagg, Merit’s Director of Technology Impact Research.

To combat this, Bewersdorff explained that state and local governments should focus on preparing for future challenges and educating communities about their connectivity options.

For example, she said, “the most important thing for communities to do right now is to become educated to understand their options, evaluate those options and understand what their particular model may be because there’s a variety of different technologies and ownership models that communities can choose.”

As for future challenges, states should start thinking about what happens after they receive federal funding.

“What’s going to happen for the next tranche of funding? Who’s going to get the community buy-in to be able to support things if we need to add something to the budget where you might have a federal resource dry up? Is there a plan for either a state or even local philanthropy or anything else to be a backstop? I think people don’t always think that far through,” Ochillo said.

Another thing to consider is the ever-changing nature of the digital divide.

“The digital divide as it exists today will be very different in 10 or 15 years from now,” Ochillo said. “In 40 years from now, I imagine that everyone’s going to have to know a baseline of how to code, how to exist in a cashless system, to be able to create something or contribute to a digital ecosystem.”

If these changes come to fruition, she explained, it could greatly impact connectivity down the line, especially if states and local governments aren’t preparing for these changes.

HOW ARE STATES APPROACHING SUSTAINABLE BROADBAND?

For some states, educating citizens is key to creating sustainable broadband. For others, it involves a more boots-on-the-ground approach that involves working directly with residents.

For example, in Colorado, the state made it a point to use its website as a tool to provide residents with information about broadband-related proceedings, PowerPoint presentations, what’s happening with the FCC and who to contact for questions, according to Ochillo.

Meanwhile, in the Bronx, government officials have modeled their broadband efforts after the **Detroit Community Technology Project**, which implements “community technologists to help design, build and facilitate a healthy integration of technology into people’s lives and communities.”

In the Bronx's case, this involves training students to install infrastructure in Spanish, a concept Ochillo says many don't think about.

"One of the things that we don't think about is the fact that we're acknowledging that language is a barrier, and we do very little to make sure that people who speak other languages are included in the solutions," Ochillo said.

Another state that's taking a community-first approach is Vermont.

To expand connectivity, towns within the state have joined together to form **communications union districts** (CUD) to build out a communication infrastructure.

The benefit of this, Ochillo said, is that these districts have worked together to build their own networks in an affordable way that considers geographic challenges presented by the state, such as weather and different terrains.

At the end of the day, Ochillo said, when it comes to state and local coordination, "if we really want this to be a transformational moment, we have to transform the way we think about our solutions. This has to be a moment we introduce new thinking and also have new standards for what we will accept."

If not, she said, state and local governments will still be having the same conversations about broadband for years down the line.

Tags: **Broadband, Digital Equity, Network, State Government, Local Government**

Katya Maruri

Katya Maruri is a staff writer for Government Technology. She has a bachelor's degree in journalism and a master's degree in global strategic communications from Florida International University.

PUBLIC COMMENT PERIOD

Proposed Class 2 Permit Modification for the Waste Encapsulation and Storage Facility

Fact Sheet

**GET
INVOLVED**

Comment Period

July 6 – Sept. 4, 2022

Public Meeting

Aug. 16, 2022, at 5:30 p.m. PT
(see details on page 3)

**Send comments by
Sept. 4, 2022, to**

<https://bit.ly/3NQyFg9>



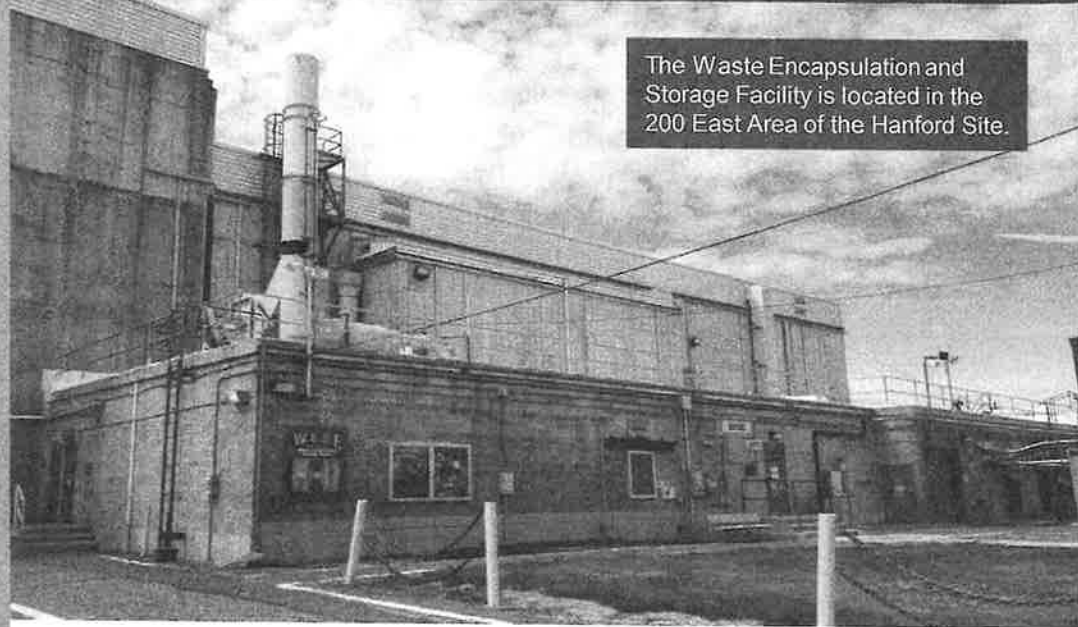
Questions?

Jennifer Colborn, DOE
(509) 376-5840

Jennifer.Colborn@rl.doe.gov

Daina McFadden,
Washington State
Department of Ecology
(509) 372-7950

Hanford@ecy.wa.gov



The Waste Encapsulation and Storage Facility is located in the 200 East Area of the Hanford Site.

The U.S. Department of Energy (DOE) is holding a 60-day public comment period on a proposed Class 2 modification to the Hanford Dangerous Waste Permit. This proposed modification would increase the storage capacity for a radioactive hot cell in the Waste Encapsulation and Storage Facility (WESF) and update the Facility Personnel Training Plan.

Background

The 580-square-mile Hanford Site in southeastern Washington State was created in 1943 as part of the Manhattan Project to produce plutonium for the nation's defense program. Today, Hanford's primary mission is treating tank waste through the Direct-Feed Low-Activity Waste Program and risk reduction on the Central Plateau, while also conducting site operations that enhance the safety of our workforce and the public and reduce environmental risks.

The WESF is in the 200 East Area of the Hanford Site. The facility houses 1,936 radioactive cesium and strontium capsules stored in an underwater basin. While the capsules are currently in safe storage in the basin, work is underway to install a system in WESF to transfer the capsules from the basin into engineered dry casks, and then transport them to a nearby concrete pad for safe interim storage.

Moving the capsules to dry storage not only eliminates a longer-term risk of a radioactive release in the unlikely event of a loss of water from the basin, but also will enable the planned deactivation of the aging WESF building and save as much as \$6 million in annual operating costs.



Public Comment Period for Proposed Class 2 Permit Modification for the Waste Encapsulation and Storage Facility

Overview

The Hanford Dangerous Waste Permit establishes requirements to ensure waste management activities protect human health and the environment. DOE is proposing a Class 2 permit modification pursuant to Washington Administrative Code (WAC) 173-303-830, which requires a 60-day public review process that includes a public meeting, a newspaper advertisement announcing the comment period, and this fact sheet.

Summary of Changes

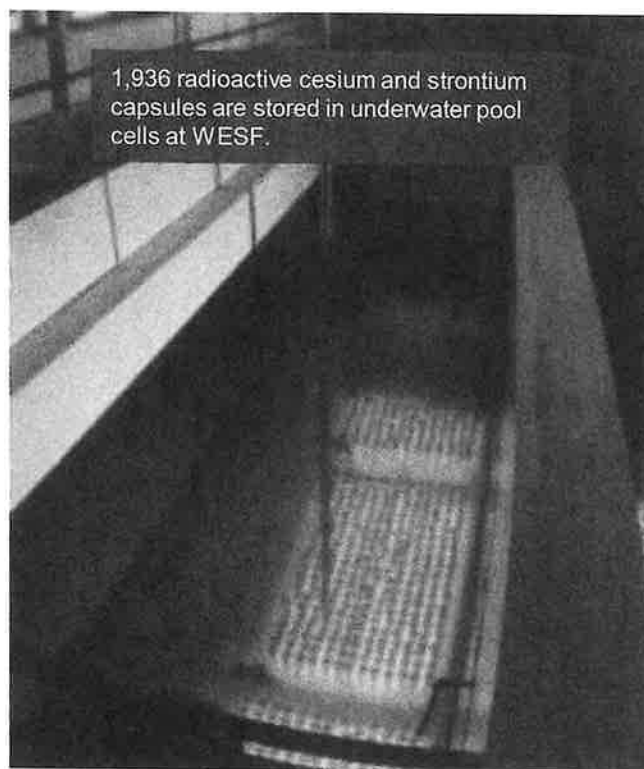
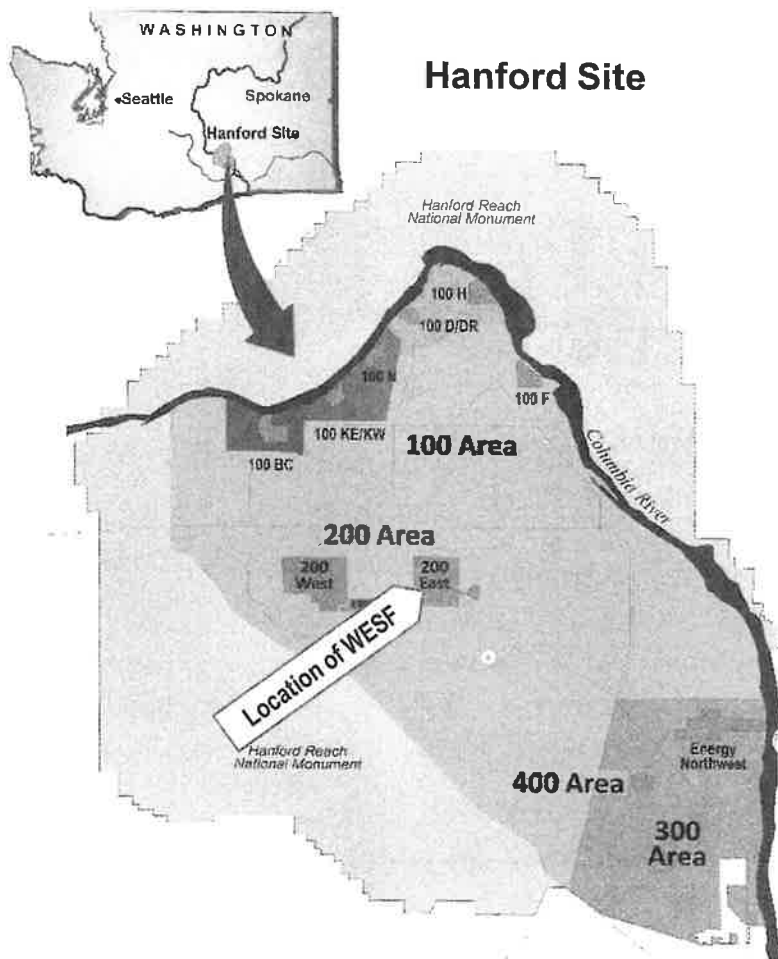
The DOE and contractor Central Plateau Cleanup Company are requesting a Class 2 modification to the WESF chapter of the Hanford Dangerous Waste Permit to increase the storage capacity of G Cell — a radioactive hot cell inside WESF — from nine to 14 capsules.

Transfer of the capsules to the dry casks will go through G Cell. The proposed modification supports the move to dry storage by providing WESF more flexibility to safely manage the capsules during the transfer process.

Other proposed changes include updating permit Addendum G, “Training,” to add a facility personnel position.

A permit modification is required from the Washington State Department of Ecology to allow for these changes.

To learn more about the capsule transfer process, watch the animation video at <https://bit.ly/3FVi346>.



Public Comment Period for Proposed Class 2 Permit Modification for the Waste Encapsulation and Storage Facility

Public Involvement

A 60-day public comment period will be held from July 6 through Sept. 4, 2022. A public meeting will be held at 5:30 p.m. PT on Aug. 16 at the Richland Public Library, 955 Northgate Drive. The meeting will include a virtual option to allow participants to view the presentation, hear the speakers and ask questions. To participate via Microsoft Teams, please follow the instructions below:

Join on your computer or mobile app

[Click here to join the meeting](#)

<https://bit.ly/3FZnwH5>

Join with a video conferencing device

197920091@teams.bjn.vc

Video Conference ID: 114 870 754 6

Or call in (audio only)

[+1 509-931-1284](tel:+15099311284) United States, Spokane

[\(833\) 633-0875](tel:+18336330875) United States (Toll-free)

Phone Conference ID: 512 778 719#

All comments must be submitted by Sept. 4, 2022, in writing by mail or electronically (preferred) to:

Washington State Department of Ecology

3100 Port of Benton Boulevard

Richland, WA 99354

eComments (preferred): <https://bit.ly/3NQyFg9>

At the conclusion of the public comment period, the Washington State Department of Ecology will address public comments and issue a final permit.

Copies of the proposed permit modification and supporting documentation will be available online during the public comment period on the Hanford public involvement website at <https://go.usa.gov/xVmew>, in the Administrative Record at <https://go.usa.gov/xJ8sf>, and in the Hanford Public Information Repositories at <https://go.usa.gov/xVDTS>.

Questions? Please contact Jennifer Colborn, DOE, at Jennifer.Colborn@rl.doe.gov.

The permittee's compliance history during the life of the permit being modified is available from the Washington State Department of Ecology contact person.

To request disability accommodation, please contact Jennifer Colborn at Jennifer.Colborn@rl.doe.gov or (509) 376-5840 at least 10 working days prior to the event. DOE makes every effort to honor disability accommodation requests.



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3100 Port of Benton Boulevard
Richland, WA 99354



**Public Comment Period for Proposed Class 2 Permit
Modification for the Waste Encapsulation and Storage Facility**

Public Involvement Opportunity

We want to hear from you on the proposed changes
to the Hanford Dangerous Waste Permit



Comment Period:

July 6 – Sept. 4, 2022

Public Meeting: Aug. 16, 2022, 5:30 p.m. PT (see page 3 for details)



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