

MORROW COUNTY BOARD OF COMMISSIONERS MEETING AGENDA
Wednesday, March 1, 2017 at 9:00 AM
Bartholomew Building Upper Conference Room
110 N. Court St., Heppner, OR
•AMENDED•

- 1. Call to Order - 9:00 AM**
- 2. Pledge of Allegiance** - I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.
- 3. City and Citizen Comments** – This is the time provided for individuals seeking to address the Board regarding issues that are not already on the agenda.
 - a. Dave DeMayo – Horseshoe Bend Discussion
 - b. Other Comments
- 4. Open Agenda** – This is the time for the Board to introduce subjects that are not already on the agenda.
- 5. Consent Calendar**
 - a. Approve Claims: Accounts Payable dated March 2, 2017
 - b. Review and sign corrected version of Resolution No. R-2017-2 – Amending Policy Regarding the Use of County Vehicles by Commissioners, which contained a minor typographical error
- 6. Business Items**
 - a. Manufactured Structure Intergovernmental Agreement (Mike Gorman, Assessor/Tax Collector)
 - b. Board of Commissioners Office Staffing Request (Jerry Sorte, Administrative Officer)
 - c. Review Invoice – Columbia Development Authority Membership Dues (Jerry Sorte, Administrative Officer)
 - d. Board of Commissioners Title Discussion (Jerry Sorte, Administrative Officer and Justin Nelson, County Counsel)
 - e. Morrow County Code Update Discussion (Jerry Sorte, Administrative Officer and Justin Nelson, County Counsel)
- 7. Department Reports**
 - a. Road Report and Review of Building and Park Maintenance Costs (Burke O'Brien, Public Works Director)
 - b. Administrative Officer Report (Jerry Sorte, Administrative Officer)
- 8. Correspondence**
- 9. Commissioner Reports**
- 10. Adjournment**

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

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

Dave DeMayo

From: "SIPP Craig A" <Craig.A.SIPP@odot.state.or.us>
Date: Wednesday, December 03, 2014 8:32 AM
To: "Dave DeMayo" <ddemayo@centurytel.net>
Cc: "RYNEARSON Timothy W" <Timothy.W.RYNEARSON@odot.state.or.us>
Subject: RE: IRT

Dave,

Thanks for the info – The project is also on our needs list.

Craig

From: Dave DeMayo [mailto:ddemayo@centurytel.net]
Sent: Wednesday, December 03, 2014 8:19 AM
To: SIPP Craig A
Subject: Re: IRT

Craig and Tim,
 Based on experience, when the troops return from Afghanistan and there is a Reduction in Forces(RIF) things will be chaotic for a while. If you can at least get on their list of projects, you will be ahead of the game. Thanks.
 Dave DeMayo

From: [SIPP Craig A](#)
Sent: Tuesday, December 02, 2014 4:51 PM
To: ['Dave DeMayo'](#)
Cc: [RYNEARSON Timothy W](#)
Subject: RE: IRT

Dave,

Thanks for the new contact information. Please remember that this is not a high priority for us and we will continue to look into our options when time permits.

Craig Sipp, PE
 Region 5 Area Manager
 ODOT, La Grande
 Office 541-963-1328

From: Dave DeMayo [mailto:ddemayo@centurytel.net]
Sent: Tuesday, December 02, 2014 3:24 PM
To: SIPP Craig A
Subject: Fw: IRT

As promised.
 Dave D.

From: Cavanaugh, Donald F CPT USARMY NG ORARNG (US)
Sent: Tuesday, December 02, 2014 2:48 PM
To: ddemayo@centurytel.net
Subject: IRT

You need to contact MAJ Michael Heinsch - 1249 Engineer Battalion Operations Officer - at 503-584-2853



This email has been checked for viruses by Avast antivirus software.

www.avast.com



This email has been checked for viruses by Avast antivirus software.

www.avast.com

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www.avast.com

Dave DeMayo

From: "Cavanaugh, Donald F CPT USARMY NG ORARNG (US)" <donald.f.cavanaugh2.mil@mail.mil>
Date: Tuesday, December 02, 2014 2:48 PM
To: <ddemayo@centurytel.net>
Subject: IRT

You need to contact MAJ Michael Heinsch - 1249 Engineer Battalion Operations Officer - at 503-584-2853

Dave DeMayo

From: "SIPP Craig A" <Craig.A.SIPP@odot.state.or.us>
Date: Tuesday, November 04, 2014 10:42 AM
To: "Dave DeMayo" <ddemayo@centurytel.net>
Subject: RE: CPT Cavanaugh-Moving On !

Dave,

I have not received any correspondence from CPT Cavanaugh. We will need a contact as we continue to explore our options.

Thanks,

Craig

From: Dave DeMayo [mailto:ddemayo@centurytel.net]
Sent: Tuesday, November 04, 2014 9:21 AM
To: SIPP Craig A
Subject: CPT Cavanaugh-Moving On !

Craig,
Did you recently receive an e-mail from CPT Cavanaugh telling us that he is moving on, and who he is handing off the Horse Shoe Bend project to? Would you forward me a copy please. Thank you. How are things with you? (I had a copy but lost it electronically).
Dave DeMayo

 This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

Dave DeMayo

From: "Rep Smith G" <rep.gregsmith@state.or.us>
Date: Thursday, October 23, 2014 10:57 PM
To: "Dave DeMayo" <ddemayo@centurytel.net>
Subject: RE: Proposed Project-Highway #74: Horseshoe Bend

Dave,

Thanks for sharing. Your letter is a good reminder.

Greg

Representative Greg Smith
District 57
Post Office Box 215
Heppner, Oregon 97836-0215
541-676-5154 Phone
541-676-5989 Fax

rep.gregsmith@state.or.us

From: Dave DeMayo [ddemayo@centurytel.net]
Sent: Thursday, October 23, 2014 3:21 PM
To: Rep Smith G
Subject: Proposed Project-Highway #74: Horseshoe Bend

Dear Representative Smith,

As a person leaves lone on Highway #74 on the way to Arlington, at about mile marker # 21, near Morgan there is the beginning of a sharp bend in the road, which lasts for a mile and there is a flashing light warning drivers of a sharp, slow turn. Locally it is called "horse shoe bend." A couple of years ago Craig Sipp at ODOT in LaGrande discussed , with the Oregon Army National Guard, myself and others, cutting "the neck" of the curve as a joint project between ODOT and the"Guard." The Guard would use explosives and heavy equipment and cut the neck almost to grade : ODOT would complete the work. The project is on the NEACT project list, but it has been given a low priority. In the long run, the project is viable and a wise use of resources. FYI.

Dave DeMayo

City Manager (Ret.), Heppner



This email is free from viruses and malware because [Microsoft Windows](#) protection is active.

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

1. **TITLE OF AGENDA ITEM:** Sign Corrected Resolution No. R-2017-2 to correct a typographical error.

2. **ISSUES, BACKGROUND, AND DISCUSSION:**

Resolution No. R-2017-2 was approved by the Board of Commissioners on February 15, 2017. That resolution contained a typographical error. In the title section it read "AMMENDING" rather than "AMENDING". The attached resolution corrects that error.

3. **OPTIONS:**

- 1) Approve the corrected Resolution No. R-2017-2; or
- 2) Other.

4. **FISCAL IMPACT:**

N/A

5. **STAFF RECOMMENDATIONS:**

Staff recommends that this corrected resolution be approved.

6. **SUGGESTED ACTION(S) / MOTION(S):**

Move to approve the Consent Calendar and thereby approve the corrected Resolution No. R-2017-2.

- Attach additional background documentation as needed.

Routing: Original or copies of signed contract or document should be sent to the following:

- | | |
|---|---|
| <input type="checkbox"/> Clerk (Original for recording) | <input type="checkbox"/> Finance Department (Copy for file) |
| <input type="checkbox"/> Board of Commissioners (Copy for file) | <input type="checkbox"/> Department – For distribution |
| <input type="checkbox"/> Other _____ | |

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

IN THE MATTER OF AMENDING THE)
MORROW COUNTY PERSONNEL)
POLICIES WITH RESPECT TO VEHICLE) RESOLUTION NO. R-2017-02
USE BY THE BOARD OF)
COMMISSIONERS)

THE MORROW COUNTY BOARD OF COMMISSIONERS FINDS:

WHEREAS, the Morrow County Board of Commissioners has reviewed the Morrow County Personnel Policies and determined that amendments are needed to accommodate the Board's use of County-owned vehicles for business purposes; and

WHEREAS, the Morrow County directed staff to draft amendments to the Morrow County Personnel Policies in order for Commissioners to be assigned vehicles that would be used for business purposes only but that may be parked at their personal residences overnight; and

WHEREAS, the Board of Commissioners considered this matter during their meeting of February 8, 2017. At that meeting, the Board adopted amendments by motion to Article 3, Section 3.5 of the Morrow County Personnel Policies; and

WHEREAS, the Board of Commissioners considered this matter again at their meeting of February 15, 2017 and considered clarifying amendments to Article 3, Section 3.7 of the Personnel Policies; now therefore,

THE MORROW COUNTY BOARD OF COMMISSIONERS RESOLVES:

The Morrow County Personnel Policies shall be amended as depicted on Attachment A.

Dated this 15th day of February, 2017.

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

Melissa Lindsay, Chair

Don Russell, Vice Chair

Jim Doherty, Commissioner

Attest:

Bobbi Childers, County Clerk

Approved as to Form:

Morrow County Counsel

Attachment A to Resolution No. R-2017-2

Amendments to Article 3 of the Morrow County Personnel Policies

Text additions are listed in **bold and double underlined**

Text subtractions are listed in ~~striketrough~~.

SECTION 3.5 TRAVEL

The purpose of this policy is to provide guidelines for the reimbursement of necessary, out-of-pocket expenses incurred in the course of an employee's job performance. Morrow County hereby adopts an "accountable plan" whereby: 1) all expenses must have a business connection, 2) expenses must be substantiated, and 3) unspent amounts must be returned. It is the intent of this policy that travelers will select the lodging, meals and method of transportation most economical to the county.

A. Transportation & Mileage - Travel must be over the most direct and usually traveled route. If an employee travels by an indirect route for personal convenience, or interrupts travel by a direct route, the employee will bear the extra expense. Travel between home and the work place is not reimbursable for employees. Mileage would normally be claimed from an employee's work place. Travel may be requested from an employee's home, rather than from the work place if it is economically beneficial to Morrow County.

If two or more people ride together, only one may be reimbursed for travel mileage.

Travel of employees on official business shall, whenever possible and practical, be by County-owned vehicle. Travel is reimbursed for private auto use on work related matters according to the published IRS Rate with prior Department Head approval. Reimbursement is available for employees (elected and non-elected), and members of various boards and commissions, if travel has been approved and budgeted for by that board or commission. Employees who have a county vehicle available to them, and choose to use their private auto for personal convenience will be reimbursed at 50% of the published IRS rate, with prior Department Head approval. Employees must furnish a record of where, when and why they traveled on business in order to receive the mileage allowance. The employee, or board or commission member will be responsible for ensuring that sufficient accident and injury insurance coverage exists on their private auto to cover the employees' liability for accident or injury.

Use of private or rental airplanes, must be authorized by a member of the ~~County Court~~Board of Commissioners.

Use of other modes of public transportation (commercial airplanes, taxis, buses, rental cars, railways, shuttles, etc.) is reimbursed at actual cost. Employees will select the class of transportation most economical to the county. Receipts must be provided to receive reimbursement.

Employee travel must be authorized by the department head.

Drivers of County-owned vehicles shall obey all traffic and speed laws. No alcoholic beverages shall ever be carried in a County-owned vehicle except as required for evidence by law enforcement officials.

County-owned vehicles shall not be used for private purposes.

B. **Commissioner Vehicle Policy.** A County-owned vehicle may be assigned to each member of the Board of Commissioners. County-owned vehicles that are assigned to individual Commissioners under this Section shall be used for County business purposes only and may be parked overnight at a County-owned facility or at the residence of the assigned Commissioner. If a County-owned vehicle is parked at the residence of a Commissioner, the Commissioner shall sign a written statement acknowledging that the vehicle will be used solely for business purposes. The Commissioner shall keep a record of each vehicle trip that details the date, purpose of the trip, and miles traveled in order to document that the vehicle was used solely for County business purposes.

CB. **Meals** - Receipts for meals are required, and must be attached to the claim for reimbursement.

Gratuities will not be allowed in excess of 15%.

If two or more employees are attending a function outside of Morrow County, one employee can pay for another employee's meal and turn in both for reimbursement. The cost for each meal should be clearly broken out.

An employee's meals while traveling within the County during a normal work schedule shall not be compensated for by the County unless the employees' attendance is required at a meeting where the meal is a part of the scheduled activity.

Alcoholic beverages are not allowable expenses.

DC. **Lodging** - Lodging costs are allowed when county business requires an overnight stay. Receipts for lodging are required, and must be attached to the claim for reimbursement.

ED. **Travel Time** - Employees required to travel away from the home community in the performance of their duties will be compensated for travel time as work time, whether driving or a passenger. The expense and demands on the employee of travel time may be mitigated by flexing a normal work schedule to accommodate travel time.

EE. **Miscellaneous** - Receipts are required for miscellaneous items such as bridge tolls, parking fees, phone calls (for county business), fax charges, etc. Reimbursement is not allowed for entertainment or incidental expenses.

GF. **Elected Officials** - Whenever a person is duly elected to fill the position of a County elected official, but has not yet taken office, their expenses while traveling on authorized County business may be paid or reimbursed by the County in accordance with these policies.

Any exceptions to the travel policy must be approved by the ~~County Court~~ Board of Commissioners.

SECTION 3.7 VEHICLE USE

A. No Personal Use of County Vehicles - Morrow County provides vehicles, either owned or leased by Morrow County, to employees for County business use except as authorized below:

1. When the vehicles are not being used, they must be kept on the employer's premises, except when they are temporarily located elsewhere, such as for repairs, or assigned to a Commissioner under Section 3.5(B), above.
2. Employees may not use the vehicles for personal purposes except for de minimis use.

B. No Personal Use of County Vehicles Required to be Used for Commuting - The Morrow County ~~Court~~ Board of Commissioners hereby requires all of the employees listed below to commute to and from work in the following County vehicles assigned to them:

1. Marked police vehicles assigned to sheriff deputies.
2. Unmarked law enforcement vehicles assigned to the sheriff, undersheriff and detectives.
3. Marked, specially equipped pickups assigned to the public works director and the assistant public works director.
4. Marked, specially equipped pickup assigned to the general maintenance supervisor when, due to inclement weather, the sanding or snow plow equipment is attached.

This policy hereby prohibits the employees listed above from any personal use other than commuting or de minimis personal use.

Roberta Lutcher

From: Justin Nelson
Sent: Monday, February 27, 2017 2:57 PM
To: Roberta Lutcher
Subject: County Counsel Comments- MHODS IGA

TO: Morrow County Board of Commissioners
FROM: Justin Nelson
RE: MHODS IGA

The Morrow County Board of Commissioners signed a similar version of this IGA several weeks ago. Since the signing of that IGA the State has agreed to make some changes to the IGA based upon pushback from other counties. These changes are beneficial for Morrow County, and the State has allowed Morrow County to sign a new IGA that includes these changes.

The primarily change that has been made is that the IGA now allows for “weekly” deposits of money collected. The prior IGA required daily deposits.

Morrow County Assessor Mike Gorman and Morrow County Counsel Justin Nelson request the Board of Commissioners sign this updated IGA.

Thank you for your time,

Justin Nelson

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

INTERGOVERNMENTAL AGREEMENT

Agent Agreement No. 90G000278

This Agent Agreement (“Agreement”) is between the State of Oregon acting by and through its Department of Consumer and Business Services, Building Codes Division (DCBS) and Morrow County (“Local Government”), which is the agent of DCBS for the purposes of this agreement, each a “Party” and, together, the “Parties”.

SECTION 1: AUTHORITY

1.1 This Agreement is authorized by ORS 190.110 and 446.646(3).

1.2 PURPOSE

DCBS has authority under ORS 446.646 to carry out the “duties, functions and powers” of the Manufactured Structure Ownership Records program (“program”) regulated in ORS 446.561 to 446.646. ORS 446.646 provides that a Local Government carrying out functions under ORS 446.566 to ORS 446.646 related to a manufactured home ownership documents and trip permits is an “agent” of DCBS with regard to those functions. Accordingly, DCBS may authorize Local Government to administer portions of the program on behalf of DCBS, including, but not limited to, processing ownership documents, recording security interests and issuing trip permits for manufactured structures. Under this Agreement, Local Government shall function as a vendor processing applications for DCBS and through the DCBS owned and operated system, for a flat fee per processing transaction. Local Government agents for DCBS under this Agreement do not have discretionary powers. Further, Local Government shall not be authorized to administer any portions of the program unless it has entered and maintained participation in this Agreement.

1.3 STATEMENT OF WORK. DCBS shall provide a software system, “Manufactured Home Ownership Document System” (MHODS), with a front end Web site and a backend database that interfaces to a document management system. The front end Web site will be for customers, including but not limited to manufactured structure dealers, lenders, and title companies, to search for information, submit applications, upload documents and pay fees. The back end database will be for participating counties to use for issuing ownership documents and trip permits and for recording interests in manufactured structures. The document management system shall retain information, according to the established document retention schedule, about ownership and security interests in manufactured structures. Local Government, on behalf of DCBS, shall accept and process all MHODS applications from all applicants in Local Government’s county who come directly to Local Government with complete applications from within Local Government’s county and may, at its discretion, accept and process complete MHODS applications from applicants outside the Local Government’s boundaries. Applications from applicants outside the Local Government’s boundaries are accepted and processed under ORS 446.568, 446.571(1)(a), (b)(A) or (C), or 446.636(1), (3) or (4). Local Government agrees to use the MHODS to enter all ownership document transactions and trip permit fields necessary to complete these transactions. Local Government also agrees to scan all associated documents into the MHODS system for the

purposes of creating a record of the transaction. Local Government shall have access to run reports and search for information in the MHODS database.

- 1.4 ORS 446.571 provides that a manufactured structure owner may file an application directly with DCBS “if a Local Government assessor refuses to accept an application in appropriate form as required.” If Local Government finds that an application is incomplete, it can request that the customer provide the missing application materials or supporting documentation required by DCBS in rule. However, under this Agreement, Local Government will process all complete applications that come directly to Local Government and follow administrative rules for administering this program on behalf of DCBS. If Local Government refuses to process an application for a manufactured structure located in its county that is complete under DCBS administrative rules, DCBS will process the application refused by Local Government, but DCBS will consider Local Government’s refusal as a breach of this Agreement and may remove Local Government access to MHODS, as referred to in Section 9.2.4 of this Agreement.

SECTION 2: EFFECTIVE DATE AND DURATION

- 2.1 This Agreement becomes effective on the date at which every party has signed this Agreement and remains effective until June 30, 2020, unless otherwise terminated in accordance with Section 9.

SECTION 3: RESPONSIBILITIES OF EACH PARTY

- 3.1 DCBS shall provide, maintain and upgrade the MHODS software system and document archiving interface. DCBS shall provide a Help Desk to assist manufactured structure dealers, title companies, and escrow companies to navigate the MHODS Web site, and to assist Local Government with MHODS software issues. Local Government shall not be considered to be in breach of this Agreement if it is unable to process an application because of a failure or malfunction of the MHODS software system. DCBS will accept and process public records requests related to MHODS and information created or stored by MHODS.
- 3.2 Local Government shall use MHODS to complete all aspects of transactions for recording manufactured structure ownership and security interests, as well as issuing trip permits.

SECTION 4: FEES AND COMPENSATION

- 4.1 The fees collected for MHODS transaction shall be deposited with the state weekly through one of the following methods: into a state bank account with deposit slips provided by the state; into a state account by credit card through the DCBS secure fax line; into a state account through ACH transfer; or, into a state account by LGIP transfer from Local Government’s account to DCBS’s account, provided that Local Government complies with the Local Government Public Funds Information Requirements detailed in the Local Government section of the Oregon State Treasury website at oregon.gov/treasury. The state shall remit \$35 of each \$55 ownership document application fee, and all of each trip permit application fee, collected by Local Government on behalf of DCBS to Local Government on a monthly basis. Payment for the previous month will be remitted to Local Government by the end of the following month.

- 4.2 Local Government shall accept application fees only for complete applications that result in the issuance of ownership documents. DCBS shall not issue any refunds of MHODS fees to Local Government or to customers for application fees accepted by Local Government. Local Government shall retain all Local Government fees generated outside of this Agreement.

SECTION 5: REPRESENTATIONS AND WARRANTIES

Local Government represents and warrants to DCBS that:

- 5.1 Local Government is a county duly organized and validly existing. Local Government has the power and authority to enter into and perform this Agreement; the making and performance by Local Government of this Agreement (a) have been duly authorized by Local Government, (b) do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or any provision of Local Government's charter or other organizational document and (c) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Local Government is party or by which Local Government may be bound or affected. No authorization, consent, license, approval of, or filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Local Government of this Agreement, other than those that have already been obtained. This Agreement has been duly executed and delivered by Local Government and constitutes a legal, valid and binding obligation of Local Government enforceable in accordance with its terms;
- 5.2 Local Government has the skill and knowledge possessed by well-informed members of the industry, trade or profession most closely involved in providing the services under this Agreement, and Local Government will apply that skill and knowledge with care and diligence to perform its obligations under this Agreement in a professional manner and in accordance with the highest standards prevalent in the related industry, trade or profession;
- 5.3 Local Government shall, at all times during the term of this Agreement, be qualified, professionally competent, and duly licensed to perform its obligations under this Agreement; and
- 5.4 The representations and warranties set forth in this section are in addition to, and not in lieu of, any other representations or warranties provided by Local Government.

DCBS represents and warrants to Local Government that:

- 5.5 DCBS has the power and authority to enter into and perform this Agreement; the making and performance by DCBS of this Agreement (a) have been duly authorized by DCBS, (b) do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or other organizational document and (c) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which DCBS is party or by which DCBS may be bound or affected. No authorization, consent, license, approval of, or filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by DCBS of this Agreement, other than those that have already

been obtained. This Agreement has been duly executed and delivered by DCBS and constitutes a legal, valid and binding obligation of DCBS enforceable in accordance with its terms.

- 5.6 DCBS has the skill and knowledge possessed by well-informed members of the industry, trade or profession most closely involved in providing the services under this Agreement, and DCBS will apply that skill and knowledge with care and diligence to perform its obligations under this Agreement in a professional manner and in accordance with the highest standards prevalent in the related industry, trade or profession;
- 5.7 DCBS shall, at all times during the term of this Agreement, be qualified, professionally competent, and duly licensed to perform its obligations under this Agreement; and,
- 5.8 The representations and warranties set forth in this section are in addition to, and not in lieu of, any other representations or warranties provided by DCBS.

SECTION 6: GOVERNING LAW, CONSENT TO JURISDICTION

- 6.1 This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively “Claim”) between DCBS or any other agency or department of the State of Oregon, or both, and Local Government that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within a Circuit Court of proper jurisdiction for the State of Oregon; provided, however, if a Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, to or from any Claim or from the jurisdiction of any court. The Parties acknowledge that this is a binding and enforceable Agreement and, to the extent permitted by law, expressly waive any defense alleging that either party does not have the right to seek judicial enforcement of this Agreement. THE PARTIES, BY EXECUTION OF THIS AGREEMENT, HEREBY CONSENT TO THE IN PERSONAM JURISDICTION OF SAID COURTS.

SECTION 7: CONTRIBUTION AND INDEMNIFICATION

- 7.1 Pursuant to ORS 446.621(4) DCBS is not liable to any person for issuing an ownership document based upon proof provided under ORS 446.621(3), and such immunity shall be construed to extend to any agent of DCBS.
- 7.2 If any third party makes any tort claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 (a “Third Party Claim”) against a Party (the “Notified Party”) with respect to which the other Party (the “Other Party”) may have liability, the Notified Party shall promptly notify the Other Party in writing of the Third Party Claim and deliver to the Other Party, along with the written notice, a copy of the claim, process and all legal pleadings with respect to the Third Party Claim that have been received by the Notified Party. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with

counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this Section and a meaningful opportunity for the Other Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Party's contribution obligation under this Section 7 with respect to the Third Party Claim.

- 7.3 With respect to a Third Party Claim for which DCBS is jointly liable with Local Government (or would be if joined in the Third Party Claim), DCBS shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Local Government in such proportion as is appropriate to reflect the relative fault of DCBS on the one hand and of Local Government on the other hand in connection with the events that resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of DCBS on the one hand and of Local Government on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. DCBS's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if the State had sole liability in the proceeding.
- 7.4 With respect to a Third Party Claim for which Local Government is jointly liable with DCBS (or would be if joined in the Third Party Claim), Local Government shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by DCBS in such proportion as is appropriate to reflect the relative fault of Local Government on the one hand and of DCBS on the other hand in connection with the events that resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Local Government on the one hand and of DCBS on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Local Government's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.
- 7.5 All Other Claims. For any other claim, suit, class action suit, or proceeding alleging discriminatory or unconstitutional conduct with respect to Local Government's acts or refusal to act under this agreement in Local Government's dealings with persons seeking services under this Agreement,, Local Government shall, subject to Article XI, Section 10 of the Oregon Constitution, indemnify and defend the State or Oregon, DCBS, and their officers and employees from and against all claims, suits, actions, losses, damages, liability, costs and expenses of any nature whatsoever arising out of or relating to the acts or omissions of Local Government or its officers, employees, subcontractors or agents under this Agreement.

For any other claim, suit, class action suit, or proceeding alleging discriminatory or unconstitutional conduct with respect to DCBS's acts or refusal to act under this Agreement in DCBS's dealings with persons seeking services under this Agreement related to the territory within the boundaries of Local Government, DCBS shall indemnify and defend Local Government, and its officers and employees from and against all claims, suits, actions, losses, damages, liability, costs and expenses of any nature whatsoever arising out of or relating to

the acts or omissions of DCBS Government or its officers, employees, subcontractors or agents under this Agreement, up to a maximum of \$500,000.

SECTION 8: DEFAULT

- 8.1** Local Government will be in default under this Agreement upon the occurrence of any of the following events:

Local Government fails to perform, observe or discharge any of its covenants, agreements or obligations under this Agreement; any representation, warranty or statement made by Local Government in this Agreement or in any documents or reports relied upon by DCBS to measure the delivery of services, the expenditure of funds or the performance by Local Government is untrue in any material respect when made; Local Government (a) applies for or consents to the appointment of, or taking of possession by, a receiver, custodian, trustee, or liquidator of itself or all of its property, (b) admits in writing its inability, or is generally unable, to pay its debts as they become due, (c) makes a general assignment for the benefit of its creditors, (d) is adjudicated a bankrupt or insolvent, (e) commences a voluntary case under the Federal Bankruptcy Code (as now or hereafter in effect), (f) files a petition seeking to take advantage of any other law relating to bankruptcy, insolvency, reorganization, winding-up, or composition or adjustment of debts, (g) fails to controvert in a timely and appropriate manner, or acquiesces in writing to, any petition filed against it in an involuntary case under the Bankruptcy Code, or (h) takes any action for the purpose of effecting any of the foregoing; or proceeding or case is commenced, without the application or consent of Local Government, in any court of competent jurisdiction, seeking (a) the liquidation, dissolution or winding-up, or the composition or readjustment of debts of Local Government, (b) the appointment of a trustee, receiver, custodian, liquidator, or the like of Local Government or of all or any substantial part of its assets, or (c) similar relief in respect to Local Government under any law relating to bankruptcy, insolvency, reorganization, winding-up, or composition or adjustment of debts, and such proceeding or case continues undismissed, or an order, judgment, or decree approving or ordering any of the foregoing is entered and continues unstayed and in effect for a period of sixty consecutive days, or an order for relief against Local Government is entered in an involuntary case under the Federal Bankruptcy Code (as now or hereafter in effect).

- 8.2** DCBS will be in default under this Agreement if DCBS fails to perform, or discharge any of its agreements or obligations under this Agreement, or any representation, warranty or statement made by DCBS in this Agreement or in any documents or reports relied upon by Local Government to measure the delivery of services, the expenditure of funds or the performance by DCBS is untrue in any material respect when made.

SECTION 9: TERMINATION

- 9.1** This Agreement may be terminated at any time by mutual written consent of the Parties.
- 9.2** DCBS may terminate this Agreement as follows:

9.2.1 Upon 30 days advance written notice to Local Government;

- 9.2.2** Immediately upon written notice to Local Government, if DCBS fails to receive funding, or appropriations, limitations or other expenditure authority at levels sufficient in DCBS's reasonable administrative discretion, to perform its obligations under this Agreement;
- 9.2.3** Immediately upon written notice to Local Government, if federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that DCBS's performance under this Agreement is prohibited or DCBS is prohibited from paying for such performance from the planned funding source;
- 9.2.4** Immediately upon written notice to Local Government, if Local Government is in default under this Agreement and such default remains uncured 15 days after written notice thereof to Local Government;
- 9.2.5** Immediately upon written notice to Local Government, if Local Government refuses to accept an application for a manufactured structure located within Local Government's borders in appropriate form; or
- 9.2.6** As otherwise expressly provided in this Agreement.

9.3 Local Government may terminate this Agreement as follows:

- 9.3.1** Upon 30 days advance written notice to DCBS;
- 9.3.2** Immediately upon written notice to DCBS, if Local Government fails to receive funding, or appropriations, limitations or other expenditure authority at levels sufficient in Local Government's reasonable administrative discretion, to perform its obligations under this Agreement;
- 9.3.3** Immediately upon written notice to DCBS, if federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that Local Government's performance under this Agreement is prohibited or Local Government is prohibited from paying for such performance from the planned funding source;
- 9.3.4** Immediately upon written notice to DCBS, if DCBS is in default under this Agreement and such default remains uncured 15 days after written notice thereof to DCBS; or
- 9.3.5** As otherwise expressly provided in this Agreement.

9.4 Upon termination of this Agreement, Local Government will immediately cease all activities under this Agreement, unless DCBS expressly directs otherwise in such notice. Upon termination, Local Government will deliver to DCBS all documents, information, works-in-progress, Work Product and other property that are or would be deliverables under the Agreement. And upon DCBS's reasonable request, Local Government will surrender all documents, research or objects or other tangible things needed to complete the work that was to have been performed by Local Government under this Agreement. Upon receiving a notice of termination of this agreement the DCBS shall remove all Local Government access to MHODS immediately.

SECTION 10: NONAPPROPRIATION

DCBS's obligation to pay any amounts and otherwise perform its duties under this Agreement, except for remittance of the amounts described in Section 4 of this agreement, is conditioned upon DCBS receiving funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow DCBS, in the exercise of its reasonable administrative discretion, to meet its obligations under this Agreement. Nothing in this Agreement may be construed as permitting any violation of Article XI, Section 7 of the Oregon Constitution or any other law limiting the activities, liabilities or monetary obligations of DCBS.

SECTION 11: SUBCONTRACTS

Local Government shall not subcontract any of Local Government's obligations or services under this Agreement without DCBS's written authorization. The basis for refusing authorization includes, but is not limited to, DCBS's determination that Local Government's request to subcontract would or could constitute a violation of a Collective Bargaining Agreement to which DCBS is a party.

SECTION 12: AMENDMENTS

The terms of this Agreement may not be altered, modified, supplemented or otherwise amended, except by written agreement of the Parties that is signed by a duly authorized representative of each party, clearly recites the parties' understanding and intent to amend the Agreement, and clearly and with specificity describes the terms to be amended or supplemented.

SECTION 13: NOTICE

Except as otherwise expressly provided in this Agreement, any notices to be given relating to this Agreement must be given in writing by facsimile, personal delivery, or postage prepaid mail, to a Party's authorized representative at the physical address, fax number set forth in this Agreement, or to such other addresses as either Party may indicate pursuant to this Section 13. Any notice so addressed and mailed becomes effective five (5) days after mailing. Any notice given by personal delivery becomes effective when actually delivered. Any notice given by facsimile becomes effective upon electronic confirmation of successful transmission to the designated fax number.

SECTION 14: SURVIVAL

All rights and obligations of the Parties under this Agreement will cease upon termination of this Agreement, other than those rights and obligations that by their express terms survive termination of this Agreement; provided, however, that termination of this Agreement will not prejudice any rights or obligations accrued to the Parties under this Agreement prior to termination.

SECTION 15: SEVERABILITY

The Parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected, and the rights and obligations of the Parties will be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

SECTION 16: COUNTERPARTS

This Agreement may be executed in several counterparts, all of which when taken together shall constitute one agreement, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of the Agreement so executed constitutes an original.

SECTION 17: COMPLIANCE WITH LAW

In connection with their activities under this Agreement, the Parties shall comply with all applicable federal, state and local law.

SECTION 18: INTENDED BENEFICIARIES

DCBS and Local Government are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement provides, is intended to provide, or may be construed to provide any direct or indirect benefit or right to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of this Agreement.

SECTION 19: FORCE MAJEURE

Neither Party is responsible for any failure to perform, or any delay in performance of any obligations under this Agreement caused by fire, civil unrest, labor unrest, natural causes, or war, which is beyond that Party's reasonable control. Each Party shall, however, make all reasonable efforts to remove or eliminate such cause of failure to perform or delay in performance and shall, upon the cessation of the cause, diligently pursue performance of its obligations under this Agreement. Either party may terminate this Agreement upon written notice to the other party after reasonably determining that the failure or delay will likely prevent successful performance of this Agreement.

SECTION 20: ASSIGNMENT AND SUCCESSORS IN INTEREST

Local Government may not assign or transfer its interest in this Agreement without the prior written consent of DCBS and any attempt by Local Government to assign or transfer its interest in this Agreement without such consent will be void and of no force or effect. DCBS's consent to Local Government's assignment or transfer of its interest in this Agreement will not relieve Local Government of any of its duties or obligations under this Agreement. The provisions of this

Agreement will be binding upon and inure to the benefit of the Parties hereto, and their respective successors and permitted assigns.

SECTION 21: TIME IS OF THE ESSENCE

Time is of the essence in each Party's performance of its obligations under this Agreement.

SECTION 22: MERGER, WAIVER

This Agreement and all exhibits and attachments, if any, constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver or consent under this Agreement binds either Party unless in writing and signed by both Parties. Such waiver or consent, if made, is effective only in the specific instance and for the specific purpose given. EACH PARTY, BY SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

SECTION 23: RECORDS MAINTENANCE AND ACCESS

Each Party shall maintain all financial records relating to this Agreement in accordance with generally accepted accounting principles. In addition, each Party shall maintain any other records, books, documents, papers, plans, records of shipments and payments and writings of the Party, whether in paper, electronic or other form, that are pertinent to this Agreement in such a manner as to clearly document the Party's performance. All financial records, other records, books, documents, papers, plans, records of shipments and payments and writings of each Party, whether in paper, electronic or other form, that are pertinent to this Agreement, are collectively referred to as "Records." Each Party acknowledges and agrees that the other Party and the Oregon Secretary of State's Office and the federal government and their duly authorized representatives will have access to all Records to perform examinations and audits and make excerpts and transcripts. Each Party shall retain and keep accessible all Records for a minimum of six (6) years, or such longer period as may be required by applicable law, following termination of this Agreement, or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later. Subject to foregoing minimum records retention requirement, each Party shall maintain Records in accordance with the records retention schedules set forth in OAR Chapter 166.

SECTION 24: HEADINGS

The headings and captions to sections of this Agreement have been inserted for identification and reference purposes only and may not be used to construe the meaning or to interpret this Agreement.

SECTION 25: SIGNATURES

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates set forth below.

Morrow County

_____ Date

(Print Name, Title above)

STATE OF OREGON acting by and through its Department of Consumer and Business Services, Building Codes Division.

_____ Date

Chris Huntington, Deputy Administrator

_____ Date

Nancy A. Cody, Designated Procurement Officer

Reviewed and Approved

_____ Date

Katharine M. Lozano, Sr. Assistant Attorney General



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

Item #
6.c.

This document must be completed for each agenda item submitted for consideration by the Board of Commissioners.

Staff Contact: Jerry Sorte _____ Phone Number (Ext): 5309 _____
 Department: Board of Commissioners _____ Requested Agenda Date: _____
 Person Attending BOC Meeting (*REQUIRED*): Jerry Sorte _____
 Short Title of Agenda Item: Review Invoice - Columbia Development Authority Membership Dues _____

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

<input type="checkbox"/> Order or Resolution	<input type="checkbox"/> Appointments
<input type="checkbox"/> Ordinance/Public Hearing:	<input type="checkbox"/> Update on Project/Committee
<input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading	<input type="checkbox"/> Discussion Only
<input type="checkbox"/> Public Comment Anticipated:	<input checked="" type="checkbox"/> Discussion & Action
Estimated Time	Estimated Time 5 minutes
<input type="checkbox"/> Document Recording Required	<input type="checkbox"/> Department Report
<input type="checkbox"/> Contract/Agreement	<input type="checkbox"/> Other _____

For Contracts and Agreements Only

Contractor/Entity: N/A _____
 Contractor/Entity Address: _____
 Effective Dates – From: _____ Through: _____
 Total Contract Amount: _____ Budget Line: _____
 Does the contract amount exceed \$5,000? Yes No
 If Yes, Attach Purchase Pre-Authorization Request if Applicable

Reviewed By: (Signature and Date Required).

_____	Department Head	Required for all BOC meetings
<i>DATE</i>		
_____	Admin. Officer/BOC Office	Required for all BOC meetings
<i>DATE</i>		
_____	County Counsel	Required for all legal documents
<i>DATE</i>		
_____	Finance Office	Required for all contracts; Other items as appropriate.
<i>DATE</i>		
_____	Human Resources	If appropriate
<i>DATE</i>		

Note: All entities must sign documents before they are presented to the Board of Commissioners. Original documents are preferred. Agenda requests must be received by the Board's office by 4:00 PM on the Thursday prior to the Board of Commissioners Wednesday meeting. This form needs to be completed, including County Counsel and Finance review for all contracts, and submitted to the Board of Commissioners Office by noon on the Monday preceding the Board's Wednesday meeting.

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

1. **TITLE OF AGENDA ITEM:** Review Invoice - Columbia Development Authority Membership Dues

2. **ISSUES, BACKGROUND, AND DISCUSSION:**

The Columbia Development Authority has submitted an invoice for \$1,270.80. Please see attached. The Board of Commissioners currently has \$3,050.00 remaining in the Board's "Registration & Dues" line item: 101-101-5-20-3314 and \$15,000 in the Board's discretionary line item: 101-101-5-20-3720.

3. **OPTIONS:**

- 1) Pay the invoice in full;
- 2) Other

4. **FISCAL IMPACT:**

The full amount for the invoice is \$1,270.80

5. **STAFF RECOMMENDATIONS:**

Staff recommends that the Board of Commissioners direct staff on how to proceed with this invoice.

6. **SUGGESTED ACTION(S) / MOTION(S):**

1. Move to pay the invoice submitted by the Columbia Development Authority in the amount of \$1,270.80;
2. Other

- Attach additional background documentation as needed.

Routing: Original or copies of signed contract or document should be sent to the following:

- | | |
|---|---|
| <input type="checkbox"/> Clerk (Original for recording) | <input type="checkbox"/> Finance Department (Copy for file) |
| <input type="checkbox"/> Board of Commissioners (Copy for file) | <input type="checkbox"/> Department – For distribution |
| <input type="checkbox"/> Other _____ | |



Columbia Development Authority

February 15, 2017

Dear Board Member:

As you will recall, the total approved federal budget for the 2015/2016 fiscal year was \$352,933. The federal grant total expenditures were \$269,309, which means the obligation for the CDA partners total is \$29,924 for the year.

Each member has paid \$4,714 for the fiscal year, we have calculated as of September 30, 2016, (end of the last 3-month period) each entity is due to remit \$1,270.80.

Attached is the year-end report and invoice for your entity's cash match share. Please remit to the Port of Morrow who is currently acting as the CDA fiscal agent.

Best Regards,

Greg Smith, Director
Columbia Development Authority
Two Marine Dr.
P.O. Box 200
Boardman, OR 97818
[541-481-3693](tel:541-481-3693)
columbiadirector@gmail.com

INVOICE

Date: February 15, 2017
Invoice # 2016-2



Port of Morrow (Acting Fiscal
Agent for CDA
PO BOX 200
Boardman, OR 97836

TO Don Russell
County of Morrow
PO BOX 788
Heppner, OR 97836

ITEM	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	Columbia Development Authority cash match For the Department of Defense 2015-2016 OEA Grant Last 3 months of 2015/2016 Grant		\$1,270.80
SUBTOTAL			\$1,270.80
SALES TAX			0
TOTAL			\$1,270.80

Make all checks payable to Port of Morrow (Note -LRA Grant Match]

Thank you!

OEA Budgetary Spreadsheet															
Project Title: Grant CL0009-15-05															
Report Period: October 1, 2015 - September 30, 2016															
Grantee: Port of Morrow															
	Approved Budget			1st Half Expenditures 10/01/2015-03/31/2016			2nd Half Expenditures 04/01/2016 - 09/30/2016			Cumulative Totals			Remaining Balance		
Category	OEA Funds	Match	Total	OEA Funds	Match	Total	OEA Funds	Match	Total	OEA Funds	Match	Total	OEA Funds	Match	Total
Personnel															
Greg Smith-Executive Director	\$ 96,000	\$ -	\$ 96,000	\$ 51,456		\$ 51,456	\$ 52,000		\$ 52,000	\$ 103,456	\$ -	\$ 103,456	\$ (7,456)	\$ -	\$ (7,456)
M.Sandoval/Ina Abercrombie-Administrative	\$ 40,000	\$ -	\$ 40,000	\$ 13,574		\$ 13,574	\$ 20,009		\$ 20,009	\$ 33,583	\$ -	\$ 33,583	\$ 6,417	\$ -	\$ 6,417
Grant/Payroll Management/ Miff Devin (Computer)	\$ 3,000	\$ -	\$ 3,000	\$ 1,203		\$ 1,203	\$ 1,080		\$ 1,080	\$ 2,283	\$ -	\$ 2,283	\$ 717	\$ -	\$ 717
Subtotal	\$ 139,000	\$ -	\$ 139,000	\$ 66,233	\$ -	\$ 66,233	\$ 73,089	\$ -	\$ 73,089	\$ 139,322	\$ -	\$ 139,322	\$ (322)	\$ -	\$ (322)
Fringe Benefits															
Fringe Benefits-All Employees	\$ 58,380	\$ -	\$ 58,380	\$ 27,818		\$ 27,818	\$ 30,697		\$ 30,697	\$ 58,515	\$ -	\$ 58,515	\$ (135)	\$ -	\$ (135)
Subtotal	\$ 58,380	\$ -	\$ 58,380	\$ 27,818	\$ -	\$ 27,818	\$ 30,697	\$ -	\$ 30,697	\$ 58,515	\$ -	\$ 58,515	\$ (135)	\$ -	\$ (135)
Total Salaries + Fringe Benefits	\$ 197,380	\$ -	\$ 197,380	\$ 94,051	\$ -	\$ 94,051	\$ 103,786	\$ -	\$ 103,786	\$ 197,837	\$ -	\$ 197,837	\$ (457)	\$ -	\$ (457)
Travel															
Local Travel-Mileage 57.5 cents per mile / 54 cents	\$ 1,790		\$ 1,790	\$ 1,105		\$ 1,105	\$ 1,361		\$ 1,361	\$ 2,466	\$ -	\$ 2,466	\$ (676)	\$ -	\$ (676)
BRAC Conference Related Expenses/D.C.	\$ 3,304		\$ 3,304	\$ -		\$ -	\$ 3,304		\$ 3,304	\$ 3,304	\$ -	\$ 3,304	\$ -	\$ -	\$ -
Travel to Arlington, VA EDC Negotiations	\$ 1,622		\$ 1,622	\$ -		\$ -	\$ 1,622		\$ 1,622	\$ 1,622	\$ -	\$ 1,622	\$ -	\$ -	\$ -
BRAC Conference Related Expenses	\$ 6,320		\$ 6,320	\$ 1,705		\$ 1,705	\$ 4,615		\$ 4,615	\$ 6,320	\$ -	\$ 6,320	\$ -	\$ -	\$ -
Travel to BRAC (Pueblo, Co)	\$ 1,622		\$ 1,622	\$ -		\$ -	\$ 2,737		\$ 2,737	\$ 2,737	\$ -	\$ 2,737	\$ (1,115)	\$ -	\$ (1,115)
Travel for Economic Dev Workshop	\$ 2,547		\$ 2,547	\$ -		\$ -	\$ 3,921		\$ 3,921	\$ 3,921	\$ -	\$ 3,921	\$ (1,374)	\$ -	\$ (1,374)
Subtotal	\$ 17,205	\$ -	\$ 17,205	\$ 2,810	\$ -	\$ 2,810	\$ 17,580	\$ -	\$ 17,580	\$ 20,370	\$ -	\$ 20,370	\$ (3,185)	\$ -	\$ (3,185)
Contractual															
Legal Support Services	\$ 39,707	\$ 35,293	\$ 75,000		\$ 11,506	\$ 11,506	\$ 1,294	\$ 4,988	\$ 6,282	\$ 1,294	\$ 16,494	\$ 17,788	\$ 38,413	\$ 18,799	\$ 57,212
Environmental Support Services	\$ 25,000		\$ 25,000	\$ 21,386		\$ 21,386	\$ -	\$ -	\$ -	\$ 21,386	\$ 3,614	\$ 25,000	\$ 3,614	\$ (3,614)	\$ -
Subtotal	\$ 64,707	\$ 35,293	\$ 100,000	\$ 21,386	\$ 15,120.00	\$ 36,506	\$ 1,294	\$ 4,988	\$ 6,282	\$ 22,680	\$ 20,108	\$ 42,788	\$ 42,027	\$ 15,185	\$ 57,212
Other															
Office Rent	\$ 29,448		\$ 29,448	\$ 14,724		\$ 14,724	\$ 4,908	\$ 9,816	\$ 14,724	\$ 19,632	\$ 9,816	\$ 29,448	\$ 9,816	\$ (9,816)	\$ -
Office Supplies	\$ 3,500		\$ 3,500	\$ 825		\$ 825	\$ 3,403	\$ -	\$ 3,403	\$ 4,228	\$ -	\$ 4,228	\$ (728)	\$ -	\$ (728)
Communications (Cell and fiber)	\$ 2,600		\$ 2,600	\$ 1,157		\$ 1,157	\$ 960	\$ -	\$ 960	\$ 2,117	\$ -	\$ 2,117	\$ 483	\$ -	\$ 483
Postage and Freight	\$ 500		\$ 500	\$ -		\$ -	\$ 498	\$ -	\$ 498	\$ 498	\$ -	\$ 498	\$ 2	\$ -	\$ 2
Advertising	\$ 800		\$ 800	\$ 338		\$ 338	\$ -	\$ -	\$ -	\$ 338	\$ -	\$ 338	\$ 462	\$ -	\$ 462
Membership Dues	\$ 800		\$ 800	\$ 785		\$ 785	\$ 125	\$ -	\$ 125	\$ 910	\$ -	\$ 910	\$ (110)	\$ -	\$ (110)
Other	\$ 700		\$ 700	\$ -		\$ -	\$ 699	\$ -	\$ 699	\$ 699	\$ -	\$ 699	\$ 1	\$ -	\$ 1
Subtotal	\$ 38,348	\$ -	\$ 38,348	\$ 17,829	\$ -	\$ 17,829	\$ 10,593	\$ 9,816	\$ 20,409	\$ 26,422	\$ 9,816	\$ 38,238	\$ 9,826	\$ (9,816)	\$ 110
Total Direct Costs	\$ 317,640	\$ 35,293	\$ 352,933	\$ 136,076	\$ 15,120	\$ 151,196	\$ 133,233	\$ 14,804	\$ 148,037	\$ 269,309	\$ 29,924	\$ 299,233	\$ 48,331	\$ 5,369	\$ 53,700
Total Indirect Costs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Grand Total	\$ 317,640	\$ 35,293	\$ 352,933	\$ 136,076	\$ 15,120	\$ 151,196	\$ 133,233	\$ 14,804	\$ 148,037	\$ 269,309	\$ 29,924	\$ 299,233	\$ 48,331	\$ 5,369	\$ 53,700



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

Item #
6.e.

This document must be completed for each agenda item submitted for consideration by the Board of Commissioners.

Staff Contact: Jerry Sorte _____ Phone Number (Ext): 5309 _____
 Department: BOC _____ Requested Agenda Date: March 1, 2017 _____
 Person Attending BOC Meeting (REQUIRED): Jerry Sorte _____
 Short Title of Agenda Item: Morrow County Code Update Discussion _____

This Item Involves: (Check all that apply for this meeting.)	
<input type="checkbox"/> Order or Resolution	<input type="checkbox"/> Appointments
<input type="checkbox"/> Ordinance/Public Hearing:	<input checked="" type="checkbox"/> Update on Project/Committee
<input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading	<input type="checkbox"/> Discussion Only
<input type="checkbox"/> Public Comment Anticipated:	<input type="checkbox"/> Discussion & Action
Estimated Time	Estimated Time
<input type="checkbox"/> Document Recording Required	<input type="checkbox"/> Department Report
<input type="checkbox"/> Contract/Agreement	<input type="checkbox"/> Other _____

For Contracts and Agreements Only	
Contractor/Entity: N/A _____	
Contractor/Entity Address: _____	
Effective Dates – From: _____	Through: _____
Total Contract Amount: _____	Budget Line: _____
Does the contract amount exceed \$5,000? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Attach Purchase Pre-Authorization Request if Applicable	

Reviewed By: (Signature and Date Required).

_____	Department Head	Required for all BOC meetings
DATE		
_____	Admin. Officer/BOC Office	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
DATE		

Note: All entities must sign documents before they are presented to the Board of Commissioners. Original documents are preferred. Agenda requests must be received by the Board's office by 4:00 PM on the Thursday prior to the Board of Commissioners Wednesday meeting. This form needs to be completed, including County Counsel and Finance review for all contracts, and submitted to the Board of Commissioners Office by noon on the Monday preceding the Board's Wednesday meeting.

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

1. **TITLE OF AGENDA ITEM:** Morrow County Code Update Discussion

2. **ISSUES, BACKGROUND, AND DISCUSSION:**

In 1986, Morrow County codified the ordinances passed to date and the result was the Morrow County Code. After the Code was created, Morrow County adopted ordinances but did not update the Code. The result is that we now have an outdated Code.

Last Summer, the County hired a temporary employee in the County Court office who began to compile the information needed to update the 1986 Code. My hope is to move forward on this project during the summer. After we have an updated code, future ordinances that change the text of the Code would be incorporated into the Code upon adoption.

This agenda item is intended to update the Board on the project, and to answer any questions, or take any directions that the Board may have.

3. **OPTIONS:**

- 1) Amend the Morrow County Code; or
- 2) Continue to apply the 1986 Code and ordinances passed after 1986 directly as applicable.

4. **FISCAL IMPACT:**

This project will require a commitment of staff time or funds to hire an outside contractor to complete the work. This is currently a lower priority project, but when staff resources are available to move forward, I will update the Board with an estimated fiscal impact and ask for direction from the Board as appropriate.

5. **STAFF RECOMMENDATIONS:**

No recommendations at this time.

6. **SUGGESTED ACTION(S) / MOTION(S):**

No action requested.

- Attach additional background documentation as needed.

Routing: Original or copies of signed contract or document should be sent to the following:

- | | |
|---|---|
| <input type="checkbox"/> Clerk (Original for recording) | <input type="checkbox"/> Finance Department (Copy for file) |
| <input type="checkbox"/> Board of Commissioners (Copy for file) | <input type="checkbox"/> Department – For distribution |
| <input type="checkbox"/> Other _____ | |

Road Report for March 1st 2017

Winter Operations: Crew was out on February 8th and 9th for snow and freezing rain. Some high mountain roads were plowed on February 15th and there was a freezing rain event county wide also on the 15th.

Storm Damage: Melt off has caused substantial damage to paved road ditches and shoulders. We have experienced some frost damage on paved roads causing substantial asphalt breakup and pot holes. Snowmelt, frost and rain has made most gravel roads extremely soft. Cool temperatures in the morning hours has allowed some hauling of rock to begin repairs.

Baseline lane: Two large areas failed in asphalt. Excavated and gravel was installed

Crum road: Rock was hauled and repairs were completed last week.

Brenner canyon: Crew is working on hauling rock and blading. Should be open mid-week.

Howton lane: Still closed due to soft conditions. Possibly open late week.

Smith/Holtz: Repairs were completed last week and both roads are open.

lone-Gooseberry: lone to Olden lane is having asphalt failures.

Strawberry lane: Rock was hauled and repairs were completed last week.

Johnson Grade: Substantial damage. Road conditions won't allow rock to be hauled.

Lloyd road: Substantial damage. Will be closed until reconstruction of road.

Willow Creek: Substantial guard rail damage was done by a motor vehicle accident. Replacement posts and rail was ordered and the crew completed this repair on February 15th and 16th.

Homestead: Pipeline construction and weather conditions is causing damage to the gravel portion. We are working with Port of Morrow, Tapani construction and Ferguson engineering to repair and reconstruct this portion of road by fixing drainage, establishing some road base and proper profile.

Pot holes: Crew has been out repairing pot holes.

Grading: At this time (3) blades are starting to do spring gravel road blading. The fourth will be out by mid-week. Will continue to haul rock and repair damage as weather allows.

February 27, 2017

MEMORANDUM

To: Morrow County Board of Commissioners
Chair; Mellissa Lindsey
Commissioner; Jim Doherty
Commissioner; Don Russell

Re: Maintenance work on Wagon Wheel Loop and West Glen Subdivision

Under ORS 368:031 A County Governing Body shall spend county moneys on the local access roads only if it determines that the work is an emergency or if

- A The County road official recommends the expenditure;
- B The public use of the road justifies the expenditure proposed; and
- C The county governing body enacts and order or resolution authorizing the work and designating the work to be either a single project or a continuing program.

As the County Road Official I recommend a single time grading of Wagon Wheel Loop and West Glen Subdivision roads. The past winter has been very hard on these roads and it will not be a burden to the Morrow County Road Department to do a onetime blading on these roads while in the vicinity doing our other County Roads.

Burke O'Brien
Morrow County Public Works Director

PUBLIC WORKS DEPARTMENT



Airport General Maintenance Road Department Parks Waste Management

365 W. Highway 74

Burke O'Brien

Matt Scrivner

P.O. Box 428

Director

Asst. Road Master

Lexington, OR. 97839

Phone: (541) 989-9500

Sandi Putman

Kirsti Cason

Fax: (541) 989-8352

Management Asst.

Administrative Asst.

Memorandum

To: Morrow County Board of Commissioners

From: Sandi Putman, Public Works Dept.

02.23.2017

It was brought to my attention that the BOC wanted to see monthly charges of the building costs for the County Owned buildings which is included. Also an operations and cost for the County Parks buildings during winter months. Greg Close has provided that and is included.

Any questions or concerns please let me know.

Sandi Putman

Average Monthly charges

BARTHOLOMEW BUILDING		110 N. Court,	
MORTGAGE			?????
Cleaning	Heppner Janitorial	3 days a week	\$1,680.00
Utilities	Power		\$430.00
	Water/Sewer	NOTE: not irrigation	\$110.00
Garbage			\$140.00
Propane			\$600.00
	Elevator Agreement		\$195.00
Maint. Repairs			\$1,270.00
	Landscape labor/equip. , light bulb, repairs		
paper prod.			\$825.00
AVERAGE MONTHLY COST FOR BUILDING			\$5,250.00

COURTHOUSE		100 COURT, HEPPNER	
Cleaning	Heppner Janitorial	3 days a week	\$1,260.00
Utilities	Power		\$725.40
	Monthly Water / sewer billing		\$152.00
Paper Prod.			\$421.00
Garbage			\$80.50
Propane			\$406.74
Maint, Repairs	Elevator Maint.		\$160.00
	Landscaper labor/equip, bulbs repairs		\$604.14
AVERAGE TOTAL MONTHLY BILLS FOR BUILDING			\$3,809.78

LEXINGTON OFFICE		365 W. HWY 74, LEXINGTON	
SHOP included			
THIS IS ALL PAID OUT OF ROAD BUDGET NOT GF			
Cleaning	Heppner Janitorial	1 day a week	\$140.00
Paper Prod			\$125.00
Utilities	Power		\$1,166.60
	Water only		\$166.00
	Garbage		\$90.00
Propane			\$575.00
Repair Maint,			
	Landscape, labor materials repairs.		\$352.00
AVERAGE TOTAL MONTHLY BILLS FOR BUILDING			\$2,614.60

GILLIAM BISBEE		103 E. MAY ST., HEPPNER	
			\$0.00
Utilities	Power		\$757.00
	Water/sewer		\$138.00
Propane			\$1,065.00
Paper Prod.			
	Chairlift Maint.		\$60.00
AVERAGE TOTAL MONTHLY BILLS FOR BUILDING			\$2,020.00

IRRIGON ANNEX		205 N.E. THIRD ST., IRRIGON	
Cleaning	<i>Heppner Janitorial</i>	3 days a week	\$840.00
Utilities	Power		\$287.00
	Water/Sewer		\$220.20
	Garbage		\$18.00
Propane			\$0.00
	Paper Prod.		\$782.00
	Misc. Maint. Labor/Equip		\$1,254.00
			\$3,401.20

SHERIFF/EOC BUILDING		325 Willow View Dr., HEPPNER	
Cleaning	<i>Heppner Janitorial</i>	3 days a week	\$1,225.00
Utilities	Power		\$1,078.00
	Monthly Water / sewer billing		\$223.00
	Garbage		\$92.00
Maint. Repairs / Labor Equip / Mowing			\$1,005.22
Propane			\$726.50
	Paper Prod.		\$575.23
			\$4,924.95

101 NW, Boardman

MC Health Building

?????

MORTGAGE

Cleaning	<i>Heppner Janitorial</i>	3 days a week	\$670.00
	Power		\$153.80
Utilities	Monthly Water / sewer billing		\$42.00
	Billing Monthly		
Propane	Paper Prod.		\$425.00
			\$1,290.80

Irrigon

MC EMERGENCY MNGT.

Cleaning	<i>Heppner Janitorial</i>	3 days a week	\$210.00
	Power		\$321.50
Utilities	Monthly Water / sewer billing		\$150.00
	Billing Monthly		
Propane	Paper Prod.		\$412.00
			\$1,093.50

Anson Wright Park

Anson wright park water is fed from a pump to a water cistern tank on the hill west of the park. Water from this system feeds all of the parks water. At end of the year the system is drained and the pump is shut off. Water lines are drained to all buildings and campsites are drained. The restroom host building including the showers, toilets and all sinks are drained and winterized with RV antifreeze. Propane heater is left on at the lowest setting to help with any pipes in the building that still retain water. The pump house has an electric heater in it to keep the pump from freezing. We closed the park October 31 for the year. But we have some extra cost for the first two weeks of November while we are closing the park that show up on the electric bill and propane use

Cutsforth Park

Cutsforth Park water system is fed from a pump to a water cistern on top of the west hill of the park. Water from this system is what feeds all the water to the park. At the end of the year this system is drained and pump is shut off. Usually restroom and host building, showers, are drained and winterized. Toilets and sinks are winterized with RV antifreeze but this year the building was torn down and a new building is being built. The power bill there is being used for the contractor building the new building.

OHV Park

OHV Park is feed from a well pump that is chlorinated and presser tank. All campground water systems are drained along with restrooms in the cabin area are drained and winterized. The main support building, restrooms between the landing and the landing are heated and working year round. The maintenance area is winterized for water but electricity is on for work in the winter time.

	A	B	C	D	E
1	OHV Park				
2	meter #	location	date	date	description
3	electric		november	December	
4	7815	cabin area restrooms	\$97.94	\$125.25	heat left on just above freezing
5	9364	OHV shop	62.28	93.05	working shop
6	9073	well house/support	128.63	110.22	main and well house
7	9636	restrooms/landing/campsites	\$1,132.32	\$1,054.03	heat is on and working/elect heat
8	5031	campground B	49.03	87.81	basic charges/lights
9	5024	ohv main camp ground	201.1	88.78	
10	5026	meter by sign along 207	29.11	29.82	basic charges
11		totals	\$1,700.41	\$1,588.96	
12	Propane	restroomd/landing	270.14	376.95	
13		refill tank and support	584.6	403.9	
14		cabin restrooms shower	73.7	73.7	
15		shop	70.1	70.11	
16		CABINS	0	0	
17		Wash rack	0	39.78	
18		totals	\$2,698.95	\$2,553.40	
19					
20					
21					
22		Anson wright Park	november	december	description
23	electric				
24	7104	restroom/host building	82.72	44.84	
25	7811	top campsites	78.02	26.36	
26	5304	new campsites south	26	42.54	grader plugged in
27	6890	pump house	105.5	88.25	pump and elec. Heater
28		totals	\$296.74	\$166.79	
29					
30	propane	restroom/host building	147.56	147.56	two months divided by 2
31		totals	\$443.30	\$314.35	
32					
33					
34					
35	elec.	Cutsforth Park	november	December	description
36	9637	restroom/host building	452.12	96.4	host and working on new building
37	6409	pump and sites	57.3	26	
38	6387	4-H building	42.04	39.24	
39		totals	\$551.46	\$161.64	
40					
41	propane		0	0	bulding was torn down NA



PUBLIC WORKS DEPARTMENT

Airport General Maintenance Road Department Parks Waste Management

365 W. Highway 74
P.O. Box 428
Lexington, OR. 97839
Phone: (541) 989-9500
Fax: (541) 989-8352

Burke O'Brien
Director

Matt Scrivner
Asst. Road Master

Sandi Putman
Management Asst.

Kirsti Cason
Administrative Asst.

February 27, 2017

Board of Commissioners

After careful review and clarification on the Surplus Vehicle bids that had been presented for bid opening on February 22, 2017. Morrow County Public works concur that at the time of opening the bids stand as presented.

Vehicle #158 – 1989 Chevy cab and chassis bid for \$1,000.00, Larry Lindsay

Vehicle # 732 – 2003 Chevy Silverado bid for \$2,507.00 to Morrow Co. Soils and Water Dist.

Vehicle # 124 – 1996 Ford Pickup bid for \$800.01 to Josh Henrichs.

Vehicle # 139 – 1989 Chevy 1 Ton bid for \$1200.01 to Josh Henrichs.

Vehicle # 933 – 2005 Crown Vic Car bid for \$600.01 to Josh Henrichs.

Vehicle # 151 – 1996 Chevy Pickup bid for \$1000.00 to Larry Lindsay.

The bidders have been instructed within thirty (30) days to pay for vehicle with Cash, Certified Check or Money order. Take title to DMV and record vehicle in owner's name and then present us with a copy and we will release the vehicle.

Thank you

/S/ Sandi Putman
Management Assistant



ASSESSMENT & TAXATION

P.O. Box 247 • Heppner, Oregon 97836
(541) 676-5607 FAX: (541) 676-5610

MIKE GORMAN
Assessor/Tax Collector

February 24, 2017

To: Taxing Districts

RE: 2017-18 Value Estimate

Enclosed are the 2017-18 district value estimates for budgeting purposes. I have expanded the estimate to include the amount of estimated tax revenue less compression, you will receive. I have also included Community Service Fee amount estimates from SIP projects if you are a district that receives those. I am sure you noticed the decrease in value for the current tax year. That decrease is due to Portland General Electric's construction of a new gas fired power generation plant (Carty Generation Plant) near the Coal Fired Plant, West of Boardman. The Carty Plant is in a Strategic Investment Tax Exemption Program that will last 15 years. All but the first \$25 Million in value will be exempt from property tax. Another component of the decrease is the 2020 closure of the Boardman Coal Plant, as its value is being reduced as we get closer to that closure date.

If any district administrators or board members have questions about the enclosed information or need additional information, feel free to give me a call or I would be more than happy to come to a board meeting.

Respectfully,

A handwritten signature in blue ink, appearing to read "Michael Gorman".

Michael Gorman
Morrow County Assessor/Tax Collector

Morrow County

2017 -18 Property Tax

Tax Rate	Estimated Assessed Value	Estimated Gross Tax Revenue	Estimated Compression	Estimated Net Tax Revenue
0.0041347	\$1,799,379,226	\$7,439,893	-\$235,000	\$7,204,893

2017 SIP Monies (Estimated)

Project	Amount
Echo Winds	\$110,000
Willow Creek Energy	
In Lieu of	\$120,000
Comm. Service Fee	\$40,000
Caithness Shepards Flat	
In Lieu of	\$1,225,000
Comm. Service Fee	\$145,000
Less Est. CREA Pmt.	-\$21,000
PGE Carty 1	\$1,572,111
Less Est. CREA Pmt.	-\$50,000
Total	\$3,141,111

**Estimated Total Property
Tax and SIP Revenue**

\$10,346,004

2/15/2017

	2017		
	Estimated	2016	% Change
	Assessed Value	Assessed Value	
101 MORROW COUNTY	\$ 1,799,379,226	2,256,129,368	-20.2449%
514 IONE SCHOOL BOND	\$ 186,525,984	183,455,396	1.6738%
515 BOARDMAN URBAN RENEWAL	\$ 6,410,855	6,417,297	-0.1004%
516 UMA-MORROW RADIO DIST	\$ 1,799,379,226	2,256,129,368	-20.2449%
519 WEST BOARDMAN URA	\$ 10,980,967	10,239,000	7.2465%
617 HEALTH DIST	\$ 1,799,379,226	2,256,129,368	-20.2449%
618 HEALTH DIST LOCAL OPTION	\$ 1,799,379,226	2,261,711,285	-20.4417%
621 BOARDMAN BOND	\$ 461,041,232	462,285,526	-0.2692%
623 IRRIGON BONDS	\$ 55,052,564	54,013,622	1.9235%
624 LEXNGTON BOND	\$ 11,354,364	11,326,796	0.2434%
625 BOARDMAN PARK BOND	\$ 782,028,412	803,794,462	-2.7079%
628 WILLOW PARK BOND			0.0000%
630 PORT OF MORROW	\$ 1,799,379,226	2,256,129,368	-20.2449%
631 BOARDMAN	\$ 461,041,232	462,285,917	-0.2692%
632 HEPPNER	\$ 53,374,313	53,265,664	0.2040%
633 IONE	\$ 14,945,594	14,668,256	1.8907%
634 IRRIGON	\$ 55,052,564	54,013,622	1.9235%
635 LEXINGTON	\$ 11,354,364	11,326,796	0.2434%
636 BOARDMAN RFD	\$ 1,266,502,465	1,727,151,489	-26.6710%
637 LEXINGTON LOCAL OPTION	\$ 11,354,364	11,326,796	0.2434%
638 HEPPNER RFD	\$ 77,780,208	73,353,986	6.0341%
639 IRRIGON RFD	\$ 138,110,303	134,850,302	2.4175%
640 IONE RFD	\$ 192,696,059	192,364,742	0.1722%
641 S GILLIAM RFD	\$ 347,461	340,648	2.0000%
642 BOARDMAN CEMETERY	\$ 777,565,441	793,552,675	-2.0146%
643 HEPPNER CEMETERY	\$ 110,891,733	109,455,190	1.3124%
644 IONE-LEX CEMETERY	\$ 229,458,415	226,002,557	1.5291%
645 IRRIGON CEMETERY	\$ 198,869,164	195,512,638	1.7168%
646 WILLOW CREEK PARK	\$ 413,529,463	408,299,909	1.2808%
647 BOARDMAN PARK	\$ 782,028,412	798,212,545	-2.0275%
648 IRRIGON PARK	\$ 198,869,164	195,512,638	1.7168%
650 UNIFIED REC DISTRICT	\$ 1,799,379,226	2,256,129,368	-20.2449%
651 WATER CONTROL	\$ 72,671,313	72,236,702	0.6016%
652 MORROW SCHOOL	\$ 1,612,853,241	2,072,673,972	-22.1849%
653 MORROW SCHOOL BONDS	\$ 1,799,379,226	2,256,129,368	-20.2449%
654 INTERMOUNTAIN ESD	\$ 1,799,379,226	2,256,129,368	-20.2449%
655 MORROW SCHOOL LOCAL OPTION	\$ 1,612,853,241	2,078,255,889	-22.3939%
658 BMCC	\$ 1,799,379,226	2,256,129,368	-20.2449%
659 BMCC BOND	\$ 1,799,379,226	2,261,711,285	-20.4417%
660 VECTOR CONTROL	\$ 1,402,209,695	1,846,743,259	-24.0712%
661 VECTOR CONTROL LOCAL OPTION	\$ 1,402,209,695	1,852,325,176	-24.3000%
662 IONE LIBRARY DISTRICT	\$ 185,154,249	182,109,723	1.6718%
663 OREGON TRAIL LIBRARY	\$ 1,521,846,271	1,965,050,510	-22.5543%
683 PILOT ROCK RFD	\$ 1,186,738	1,163,469	2.0000%
684 PILOT ROCK RFD LOCAL OPTION	\$ 1,186,738	1,163,469	2.0000%
688 IONE SCHOOL DISTRICT	\$ 186,525,984	183,455,396	1.6738%
689 HEPPNER RFD BOND	\$ 77,780,208	75353986	3.2198%
690 CITY OF HEPPNER FIRE BOND	\$ 53,374,313	53265664	0.2040%



PLANNING DEPARTMENT

P. O. Box 40 • Irrigon, Oregon 97844
(541) 922-4624 or (541) 676-9061 x 5503
FAX: (541) 922-3472

February 22, 2017

Katie Clifford, Siting Officer
Oregon Department of Energy
550 Capitol Street NE 1st Floor
Salem, Oregon 97301

RE: Boardman Solar Energy Preliminary Application for Site Certificate Comment Letter

Dear Ms. Clifford:

Morrow County would like to be clear that the Board of Commissioners support the development of solar energy in Morrow County. The construction of the Boardman Solar Farm will continue to grow and enhance energy production in Morrow County. These developments bring jobs to Eastern Oregon and reasonably priced electricity to the region.

The specific purpose of this letter is to provide focused comments on various Exhibits included in the Request for Site Certification and will provide comment to and local interpretation of the Oregon Department of Energy (ODOE) Siting Council Standards, local applicable Ordinances and local interpretation and application of both. Most importantly our comments will include Conditions of Approval that we would request be included in the final Proposed Order and Site Certificate.

Exhibit E Permits:

Permits listed in the application accurately reflect the requirements from Morrow County. Not identified in Table E-4 or Exhibit E is a 'Permit to Work in Roadway.' This Morrow County Public Works permit would be required for any improvements along county or public roads in Morrow County. Morrow County would also request that the applicant acknowledge a local review for an oversized load movement permit with Morrow County Public Works.

Exhibit K Land Use:

At the bottom of page K-17 the applicant begins their discussion of Morrow County Zoning Ordinance Article 6 Conditional Uses Section 6.030 General Conditions and includes the text of these provisions. Their analysis, which begins on the bottom of page K-18 and continues on K-19, indicates the applicant views this as "a list of discretionary conditions" and no specific analysis or response is provided. They take a similar stance with similar provisions in the Gilliam County portion of Exhibit K. Morrow County would find that several of these items should be discussed and possibly addressed, including but not limited to signs, project lighting, parking areas, project fencing, and preservation of habitat or other significant natural resources. These items may be addressed elsewhere in the preliminary Application for Site Certificate; providing a reference to those discussions here would be appropriate. It should be noted that if project signs are proposed for the project they would be subject to Morrow County Zoning Ordinance Article 4 Supplementary Provisions Section 4.070 Sign Limitations and Regulations.

Based on this "list of discretionary conditions" Morrow County would ask that: 1) any proposed project signs comply with Morrow County Sign Limitations and Regulations; 2) any project lighting be limited as to not interfere with the night sky, such lighting be shielded and directed downward; 3) any fences installed at or over six feet in height be subject to a Morrow County

Oregon Department of Energy
Boardman Solar Energy LLC
Preliminary Application for Site Certificate
Page 1

Zoning Permit as a structure; and 4) that parking within the project and most importantly at the O&M facility meet building and ADA standards.

On page K-19 the applicant addresses Morrow County Zoning Ordinance Article 6 Conditional Uses Section 6.040 Permit and Improvements Assurance and again identifies it as not being a "substantive standard." It is however the standard relied upon for local projects relative to financial assurances. At a minimum the applicant's response should refer the reader to the State financial assurance measures. Morrow County is willing to acknowledge the state's role in assuring the financial success of this project and are not asking for separate financial assurances, but would appreciate our ability to require such assurances if this was a locally reviewed project.

On July 31, 2016, the recent update of the Economic Element of the Comprehensive Plan became effective (please see attached) and is applicable to this application. Of note within the Economic Element is the identification of the energy sector on Morrow County's economy. There are seven goals with each goal having at least two policies associated with it. Goal 2 Policy 2A, Goal 3, Goal 4 Policy 4B, possibly Goal 5, and Goal 6 Policy 6C could all be applicable and deserve discussion, particularly when exceptions are proposed to Goal 3.

Exhibit K also reviews the facility for compliance with statewide factors including an exception to Goal 3 based on the size of the facility. As part of the response on pages K-45 and K-46 Morrow County would request that the Economic Element discussed above also be considered and believe that it would be supportive of the Goal exception.

Figure K-7 Ownership has some areas wrongly identified.

Exhibit P Fish and Wildlife Habitat:

Morrow County adopted an update to our Code Enforcement Ordinance effective January 2015 and incorporated provisions concerned with weeds, specifically Section 9 Weed Control (see enclosed provisions). Morrow County would request that Boardman Solar address these provisions within their preliminary Application for Site Certificate (pASC), in particular addressing the identified Noxious Weeds and Weeds of Economic Importance, both within the pASC and the Revegetation and Noxious Weed Control Plan. Additionally Morrow County requests consultation with the Morrow County Weed Inspector and that the Weed Inspector be a reviewer of the applicant's Revegetation and Noxious Weed Control Plan. This is also a request for these items to be Conditions of Approval in the Site Certificate.

Exhibit T Recreational Facilities and Opportunities:

As stated in the Morrow County Comprehensive Plan Recreation Element, it is the general goal of Morrow County to satisfy the existing and future recreational needs of the citizens of the county and visitors by providing quality recreation areas, facilities, open space and opportunities. To ensure that this goal is met during the construction process Morrow County is requesting that the applicant develop a substantive plan to ensure continued public access to any impacted recreational facilities within the county. The overall quality of Recreation Facilities in Morrow County should be maintained or improved during and at the completion of the construction process. The County has identified the following facilities as being potentially impacted during the construction process: Willow Creek Wildlife Area and Quesnel Park with continued public access as the leading concern.

Quesnel Park in Table T-1 and in Exhibit T is misrepresented as a 'County Park;' Quesnel Park is managed by the United States Army Corps of Engineers. It is also misspelled in certain locations as Quesna County Park.

Exhibit U Public Services/Socioeconomic Impacts:

Morrow County requests that the applicant identify in Exhibit U that Three Mile Canyon Road is a public access road subject to local standards. Morrow County requests that the 'following practices' identified on page U-16 in section U.4.7 Transportation be incorporated as Conditions of Approval and that the applicant coordinate those 'practices' with the Morrow County Public Works Department. We also reserve the right to request other Conditions of Approval related to traffic and traffic impacts during the review of the Proposed Order.

Exhibit V Waste Minimization:

The Morrow County Solid Waste Ordinance was adopted in 2006 and is applicable to the preliminary Application for Site Certificate. Morrow County would request that the applicant address certain components of the Solid Waste Ordinance (portions of the Ordinance are included at the end of this letter) with particular focus on assuring that recyclables be disposed of in such a way to benefit the Morrow County waste shed through reporting as well as comply with requirements that solid waste be transported either by a franchised hauler or by complying with self-haul requirements. To ensure these requests are met Morrow County requests the following Conditions of Approval assuring the applicants willingness to support Morrow County waste shed reporting and goals as part of the Draft Proposed Order particular to Generation of Solid Waste and Wastewater: 1) the applicant shall report either through a solid waste handler, or directly, solid waste redirected to an approved recycling facility to benefit the Morrow County waste shed, and 2) the applicant use either a Morrow County franchised hauler for solid waste disposal or comply with self haul requirements.

Thank you for the opportunity to comment on the Boardman Solar Generating Facility Request for Preliminary Site Certificate. Should you have any questions about these comments please contact me at 541-922-4624 or by email at cmclane@co.morrow.or.us.

Cordially,



Carla McLane
Planning Director

cc: Morrow County Board of Commissioners
Burke O'Brien, Public Works Director
Dave Pranger, Weed Supervisor

Attachments:

- Morrow County Comprehensive Plan - Economic Element (073116)
- Morrow County Code Enforcement Ordinance Section 9 Weed Control
- Morrow County Solid Waste Ordinance Section 3.000. Purpose and Policy and Section 5.000. Public Responsibilities

ECONOMIC ELEMENT

Introduction

Upon undertaking a substantial update to the Comprehensive Plan (Plan) in 2015 the Planning Commission opined that "economics" is something that should play a role throughout the Plan. The Planning Commission determined that to best understand the role of economics the best place to begin an update was with the Economic Element. Through discussion the Planning Commission hypothesized that four economic sectors should be evaluated - the large industrial sector, agriculture and food processing, energy, and tourism. This Economic Element will provide the foundation for the economic situation in Morrow County in 2015 and will design a program and set forth policies for land use purposes for the next 20 years and beyond.

Over the past couple of years three studies have been completed that will serve as the basis for this Economic Element. They are:

1. Regional Economic Opportunities Analysis: Morrow and Umatilla Counties (Prepared for the Umatilla Army Depot Reuse Authority by Johnson Reid LLC and Angelo Planning Group July 2013)
2. Port of Morrow Strategic Business Plan Strategy and Economic Impact Analysis (Prepared for the Port of Morrow by Berger ABAM and FCS Group October and June 2013)
3. Greater Eastern Oregon Development Corporation (GEODC) Comprehensive Economic Development Strategy (Prepared by staff at GEODC 2014)

These economic studies can assist the Planning Commission and County Court understand the current economic climate and provide insight and opportunity for growth and investment, further informing the Comprehensive Plan.

Another source document assisting the Planning Commission and County Court is Oregon's Statewide Planning Goals and Guidelines, specifically Goal 9 Economic Development. The Goal states the following: "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's Citizens." It is further supported with the following concerning Comprehensive Plans and Policies: "Comprehensive Plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements." These factors will be further addressed throughout this Economic Element.

General Discussion of the Economy

Since Morrow County's first Comprehensive Plan was adopted and acknowledged in the 1980s Morrow County has seen growth and experienced a setback or two. But overall the Morrow County economy has grown and new industries have brought diversification. At the time of acknowledgment by the Land Conservation and Development Commission the Port of Morrow had a vision and had started implementing that vision, but the economic impact of the Port and

its businesses was not yet regionally felt. That is different in 2015 with the Port of Morrow now being the second largest Port in Oregon, behind only the Port of Portland. It serves as a main point for freight distribution, export and value-added production of agricultural products that are primarily grown in Oregon, Washington, Idaho, Montana and Wyoming.

The sawmill just outside of Heppner has closed, creating economic hardship. The Umatilla Army Depot has gone through the Base Realignment and Closure (BRAC) process adding over 1,800 acres of (soon to be) available industrial land for future development. A major motor speedway has been planned and zoned for at the Tower Road interchange adjacent to the Boardman Airport, although the economic downturn of 2007 through 2009 halted development. Technology has brought data centers to the Port of Morrow. The Columbia River Enterprise Zone (a State of Oregon tax abatement program) has provided discretionary financial resources to the community. These represent just some of the changes that have occurred in Morrow County since acknowledgment. All have had an impact on the economy of Morrow County.

Resource Base, Historical Development and Local Perceptions

Morrow County's history is based in agriculture with many early settlers being shepherds. The agricultural sector grew and today, as in decades past, Morrow County continues to rank in the top one-third of Oregon counties for many crops and often rank in the top five counties for select crops. The continuing innovation of crop irrigation and new technologies continue to provide opportunity for new types of crops and the ability to grow multiple crops in a single year. Along with a thriving beef industry, Morrow County has a burgeoning dairy industry as well, which has brought new processing plants to the Port of Morrow.

The timber industry is not what it once was in Morrow County with the closure of the Heppner mill in the late 1990s, but harvest and forest health activities continue in the Blue Mountains of Morrow County. The Greater Eastern Oregon Development Corporation (GEODC) discusses in the 2014 Comprehensive Economic Development Strategy (CEDS) the Forest Sector, outlining differences in the approach from the U.S. Forest Service and the timber industry. With the Blue Mountain National Forest Lands Management Plan still under revision at the time of this update it is unclear what potential outcomes there might be that would be beneficial to Morrow County. If the timber industries harvest plan was implemented both direct and indirect jobs could be added to total Morrow County jobs. Should the U.S. Forest Service harvest plan be implemented there would be little or no change to jobs in Morrow County or the region. During both the development of the CEDS and the ongoing updates to the Forest Lands Management Plan, the County continues to advocate for and participate in forest management and other forest collaborative activities.

Focused Economic Sectors

As stated previously when the Planning Commission undertook this 2015 endeavor the focus was on four specific economic sectors, understanding that the Economic Element needed to address those and the economy in general. Those four sectors are further discussed here.

Large Industrial Activity

Industrial activities or areas are located throughout Morrow County and include the Boardman Industrial Park, the East Beach Industrial Park, the Airport Industrial Park and the South Morrow Industrial Park. Much of the early development at the Boardman Industrial Park was focused on

potato storage and processing, with later investment in energy production. Recently the Sustainable Agriculture and Energy (SAGE) Center was built and just to the north of that location a Recreation Center and Workforce Training Center are being planned and built.

Development of the East Beach Industrial Park began in 2005 with the installation of the first rail loop. Since then a rail siding has been added and plans include additional rail infrastructure. Development of the transportation network includes several new roads and the County's first round-about. Industries siting in this area are diverse and include food processing, ethanol production, reclamation activities, data centers, and warehouse and transfer activities.

Both the Boardman and East Beach Industrial Parks are located at the intersection of three transportation opportunities - Interstate 84 and the nearby Interstate 82, the Columbia River with barge opportunities to the Port of Portland and the Pacific Ocean, and the Union Pacific Railroad connecting the Port to the Pacific Coast and to the east. According to the Regional Economic Opportunities Analysis (July 2013) these "transportation linkages are arguably the region's best asset" and have served the Port of Morrow well.

The Airport Industrial Park is home to the Boardman Airport, owned and managed by the Port, servicing the local agricultural community, charter flights and military activities. There are farm and farm related activities that have historically taken place and will continue into the foreseeable future. A speedway and speedway associated uses has been given land use approval for a portion of this site, but the economic downturn in 2007-2008 idled plans. As the Port sees increased development in the East Beach Industrial Park and management looks to the future the land resource at the Boardman Airport is a site that has been identified for future industrial development investment. Future development could include food processing, light manufacturing and renewable energy development.

Land across Tower Road from the Airport Industrial Park is owned by the City of Boardman and development includes a truck stop near the interchange and agricultural activity south of Kunze Lane. Agricultural activity has moved closer to the interchange with new circle irrigation investment and the development of additional potato storage.

The South Morrow Industrial Park sits mostly idle since the closure of the Kinzua mill in the late 1990s. Flood concerns along the Willow Creek and its upriver tributaries place the lions share of this Industrial Park in the floodplain, hampering development opportunities. Miller Manufacturing remains active and the mill office building on the east side of Highway 207 is occupied by multiple state agencies and the Oregon State University Extension Service. Before additional development can be undertaken at this site issues with the floodplain will need to be addressed. The limitations of this property raise questions as to the viability of this as industrial land to serve south Morrow County. Should other lands be identified to fill the need for industrial lands?

Added to the industrial land inventory in 2013 was approximately 1,800 acres at the Umatilla Army Depot in the southwest corner. The Army Depot was listed both in 1988 and again in 2005 in the Department of Defense Base Realignment and Closure process, first to be realigned for disposal of chemical weapons and then to be closed. Once the property transfers, or is included in a master lease, to the Columbia Development Authority (CDA) these additional acres will be

available to the CDA and the Port of Morrow for development. All 1,800 acres are designated for industrial development and zoned Port Industrial; approximately half of the land has an overlay protecting habitat assets.

Agriculture and Food Processing

The following comes from the 2014-2019 Comprehensive Economic Development Strategy published by the Greater Eastern Oregon Development Corporation: "Morrow County contains more than one million acres of gently rolling plains and broad plateaus. This rich agricultural land can be roughly divided into three occupational zones - increasing amounts of irrigation farming in the north, vast fields of wheat yielding to cattle ranches in the center, and timber products in the south. With the advent of center pivot irrigation technology, Morrow County became one of Oregon's fastest growing areas in terms of population, personal income, and agricultural and industrial development."

The variety of crops grown in Morrow County has changed from the once staple of wheat and, with the advent of irrigation, potatoes and watermelon, to include the following as a sample: alfalfa, beans - lima and green, blue berries, carrots, corn - field and sweet, grass seed, onions and peas. And while the first livestock in the County was sheep, today there are sheep, beef cattle and a growing dairy industry.

An important input to agriculture is water which needs to be mentioned here in the economic element as well as discussed in relation to both Goal 5 Natural Resources and Goal 6 Air, Water and Land Resources Quality. Water quantity and quality have been discussed in the Umatilla Basin for more than five decades with farmers and residents living with designations for both. Cattle ranching and dry land production, taking place mostly in central and southern Morrow County, have smaller water components or needs. Irrigated agriculture in the northern third of the County relies on groundwater and Columbia River water to facilitate the growing and processing of value added products. While an acre foot of water can produce alfalfa, with two or three acre feet of available water crops with a higher value can be grown such as corn, potatoes, various varieties of beans or blueberries.

The Port of Morrow Boardman and East Beach Industrial Parks are home to a number of food processing facilities processing primarily potatoes, onions and milk respectively into hashbrowns and french fries, chopped dehydrated onion and cheese. The various crops that are grown in Morrow County are processed and distributed throughout Oregon, the Pacific Northwest and the world.

Energy Sector

The first Comprehensive Plan identified the vast opportunity available in and to Morrow County relative to energy - it's development, movement and consumption. Installed energy development in Morrow County in 2016 includes the Boardman Coal Fired Power Plant (slated for closure or repurposing in 2020), two gas fired power plants - Coyote Springs and Carty Generating, and wind energy development on both the western and eastern boundaries of the County with numerous other wind and solar projects being proposed. Portland General Electric, with interests in several of these power production facilities, is one of the County's largest employer and largest taxpayer as of this update. The Columbia River on the northern boundary of the

County is home to several dams, both east and west of the County, operated by the Bonneville Power Administration (BPA) which supplies reasonably priced hydro power throughout the Pacific Northwest.

The BPA and PacifiCorp both own and operate major bulk market transmission lines with another proposed by Idaho Power Company. Gas Transmission Northwest operates a large interstate gas line that traverses Morrow County with two lateral lines that serve Coyote Springs and Carty Generating. There are also a number of small energy developments that include small scale hydro and conversion of methane to electricity, an ethanol processing facility, a demonstration facility designed to process cellulosic ethanol, and two small scale power facilities currently not operational (Port of Morrow and Kinzua Mill Site).

Agriculture and food processing are consumers of energy. And with the growth of personal electronic devices the need for data storage has seen the development of data centers in Morrow County which are large consumers of energy. As these industries continue to grow in Morrow County the need to deliver energy within the local service delivery areas of both the Umatilla Electric and Columbia Basin Electric Cooperatives will also grow as is evidenced by the continuing installation of larger voltage service delivery lines.

For purposes of land use planning energy may best be considered in four major categories: generation and related transmission, bulk market transmission, local service delivery and consumption. Comprehensive Plan Goals and Policies, found later in this element, need to outline the benefits of the energy sector and provide mechanisms to maintain and improve energy generation and movement in and through Morrow County.

Tourism Sector

Morrow County, along with Umatilla County, makes up Oregon's Rugged Country, a tourism marketing moniker. Working through the Eastern Oregon Visitor's Association (EOVA) the Boardman and Heppner Chambers work diligently to market Morrow County's variety of tourist opportunities such as the SAGE Center, Heritage Trail, parks along the Columbia River and in the Blue Mountains, various hunting and fishing opportunities, and experiences along the Historic Oregon Trail to name just few.

Morrow County has three parks in the Blue Mountains serving hunters, backpackers, and riders of off highway and all terrain vehicles. The Morrow County Off Highway Vehicle Park, which opened in 2003, has grown to over 9,500 acres with additional land added in Grant County in 2005. Also in the southern portion of the county are several hunting preserves offering both bird and big game hunting opportunities. Bicycling and bicycling tours are an emerging offering with the City of Heppner hosting an annual ride through the Blues. The Blue Mountain Scenic Byway traverses Highway 74 from Interstate 84 to Heppner, then continues on to Ukiah through the Blue Mountains along Willow Creek Road and then the Forest Service Highway also known as the 53 Road. Along the Columbia River two marina parks serve boaters, fishermen and campers. Agriculture and energy in Morrow County are explained and celebrated at the SAGE Center. The United States Forest Service has staff and activities based out of Heppner, serving recreational users and contributing to the employment base of the County.

Tourism was not discussed in the 1980 Comprehensive Plan, but is more fully discussed in this version with the intention of supporting the emerging tourism industry in Morrow County and will include Goals and Policies designed to support current tourism activities and to assure that

future tourism development is supported and encouraged. The Recreation Element, most recently updated in 2011, focuses mostly on the Morrow County parks and has been most recently used to support the Parks Master Plan.

Other County Sectors

Other County sectors are important sources of employment and most have realized significant growth in response to increased County population. The largest sectors include construction, government (county, schools and the Forest Service), health care and manufacturing. Forest lands in the County and the timber industry also contribute to County revenues through payments in lieu of taxes (federal payments on the basis of timber sales). Transportation, trade, finance and service employment have all increased in recent years and improved service in each of these support sectors has in turn benefitted the County's basic industries.

The following table provides the various industrial and commercial use zones and their acreage, including a geographical reference to their location. This is also repeated and then represented graphically on the Industrial Lands Map adopted as part of this Economic Element. It should be noted that there are industrial and commercial lands available within the County near every community. A rezone of land in the Lexington Urban Growth Boundary in 2015 added 20 acres to the available land supply for industrial uses.

Industrial and Commercial Lands Table

	Industrial Lands						Commercial Lands		
	MG	PI	RLI	SAI	AI	RRI*	CG	RSC	TC
Tower Road	7455.3			13839.7	4232.2				50.1
Boardman/Port	629.1	2955.1							
Irrigon	118.6						9.0	8.3	
I-84 South of Irrigon	63.9	1773.3	11.0			48.2			
Ione							1.3		
Lexington			20.5						
Heppner	138.4								
Hardman/Ruggs*								54.5	
Total Acres	8405.3	4728.4	31.5	13839.7	4232.2	48.2	10.3	62.8	50.1
	Industrial Acres: 31,285.3						Commercial Acres: 123.2		

* While identified as Industrial Land no Goal 3 or other exceptions have been taken for this property.

Problems and Opportunities

Water: Mark Twain is attributed with saying that whiskey is for drinking and water is for fighting; there is some truth to that. Here in Morrow County, along with our neighbor Umatilla County, there have been designations affecting water from the perspective of both quantity and quality. There are four Critical Groundwater Areas (CGWA) based on quantity affecting agriculture and other activities in the central and northern portions of Morrow County. Oregon Water Resources

Department manages the following CGWAs: Buttercreek, Ordnance, Ordnance Basalt and Ella Butte (more can be found on the Oregon Water Resources website). Northern Morrow County is also part of the Lower Umatilla Basin Groundwater Management Area (LUB GWMA), a designation by the Oregon Department of Environmental Quality based upon groundwater quality concerns around nitrite and nitrate (more can be found on the Oregon Department of Environmental Quality website). Morrow County has been engaged with many activities over the past 20 or more years with both quantity and quality water concerns.

From 2010 until early 2015 the County was a member of the Umatilla Basin Water Commission working to improve water supplies, but the Commission disbanded. The County is now supporting efforts of the Northeast Oregon Water Association working to develop Columbia River water resources and promoting wise, sustainable water and related natural resource-based economic development in Eastern Oregon. Water depletion of the regions aquifer's is documented, but the efforts of some are showing that we can recover those aquifers if best practices continue, access to Columbia River water is made available, and adequate water storage is developed.

In the early 1990s the Oregon Department of Environmental Quality began the process to quantify the level of nitrite and nitrate in groundwater in the Lower Umatilla Basin. In 1995 the northern portion of Morrow County was designated as part of the LUB GWMA and the County has participated with the Citizen's Advisory Committee since then. The first Action Plan has been completed and a second Action Plan is being developed. Significant changes to agricultural practices have changed based upon the findings of the LUB GWMA, but also based upon the cost of doing business. At this time the trend lines are mostly inconclusive, so work continues with a focus on the following areas identified as potential contributors: agriculture; confined animal feeding operations; small farming and livestock operations under 40 acres; land application of food processing waste water; and management of residential, open and green spaces relative to on-site waste water, application of fertilizers, and pasture management. This work will continue into the foreseeable future.

Both water quantity and quality will be further addressed in Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces and Goal 6 Air, Water, and Land Resources Quality.

Industrial Diversification: In the 1980 Comprehensive Plan concern was outlined that the opportunity for growth and development should become more diversified. While that has taken time diversification away from just an agricultural economic base has been happening. More energy generation projects have been sited in Morrow County and the use of personal computing and other devices has created the need for electronic data storage, or data centers. Two new developments at the Port of Morrow are driven from the need to create cleaner fuels and do less harm to the environment. While diversification has been taking place, it should continue as new opportunities emerge.

Industrial Sites and Port Planning: A concern raised in the 1980 Comprehensive Plan was about the need to assure adequate industrial land into the future and a request that the Port of Morrow complete a master plan. Over the intervening years the Port of Morrow has acquired additional land at the Tower Road interchange, both south and north of Interstate 84; acquired the Kinzua Mill Site just north of Heppner; and will soon have available to them 1,800 acres of industrially zoned land on the former Umatilla Army Depot. All of these locations, along with expansion of the East Beach Industrial Area, assures an adequate supply of industrial land for the current

planning time frame. Planning and infrastructure work will need to continue to ensure that these industrial sites have adequate transportation, energy and utility investment. Floodplain concerns will also need to be addressed at the Kinzua Mill Site north of Heppner to facilitate development opportunities.

As to the request that the Port of Morrow complete a master plan, the Planning Department recognizes that through a variety of planning processes the Port of Morrow has met this requirement, although not directly. The recently updated Port of Morrow Strategic Plan, rail planning activities, and various transportation system planning processes provide the Port of Morrow, along with the City of Boardman and Morrow County, significant information to accomplish the necessary planning to support future growth and development at various Port of Morrow facilities and locations.

Transportation Planning: Since adoption of the 1980 Comprehensive Plan the Oregon Department of Land Conservation, working cooperatively with the Oregon Department of Transportation, have further defined the requirements of cities and counties relative to planning for transportation infrastructure with a guiding principle to maintain functionality of state investment. In 1998 Morrow County adopted its first Transportation System Plan which has had two major updates and a number of minor updates. The County has also adopted a Corridor Refinement Plan for the portion of Highway 730 from Irrigon to the Umatilla County line; and Interchange Area Management Plans for four interchanges: the Port of Morrow Interchange, the Interstate 84/Highway 730 Interchange, the Patterson Ferry Interchange, and the Army Depot Interchange as the access location for the Army Depot industrial land in Morrow County. See the Transportation System Plan and support plans for more information.

It should be noted that in Morrow County there are 922 miles of roads with 593 miles being gravel. Funding to maintain the current road system is limited and those limitations are expected to continue. The Morrow County Public Works Department works with a Road Committee to review potential projects that are then forwarded through the Planning Department for adoption first by the Planning Commission and then the County Court as part of the Transportation System Plan. This process of public involvement assures that those impacted by county decisions concerning roads have multiple opportunities to have their voice heard.

Labor Market Factors: Agriculture has seen many changes as technology and cost saving advancements originally shrunk the necessary work force. But in 2015 the emergence of the organic market is changing workforce needs once again, increasing the need for more farm workers. As the County continues to diversify, additional work force diversity will be needed, such as high skilled employees for work within data centers. Morrow County voters supported a bond in 2014 for a new workforce training center to be owned and operated by Blue Mountain Community College located in Boardman and serving the needs of various industries. A continuum of work force needs is emerging, from unskilled workers, to more skilled workers, culminating in a growing need for highly skilled and professional workers. A major finding of Port management and the Columbia River Enterprise Zone Board is that current residents make better long-term employees than importing new workers. This is also advantageous in keeping the next generation of Morrow County residents close to home.

Needed Housing: Housing will be further discussed in Goal 10 Housing, but for this discussion in the Economic Element it needs to be stated that without adequate housing the County will not experience needed population growth. Specifically there is a need for additions to the housing

inventory for both affordable and workforce housing. There is also a desire to increase housing that would be attractive to those at higher income levels. In the Regional Economic Opportunities Analysis for Morrow and Umatilla Counties (2013) comment from the Industrial Land Forum was summarized as "lack of housing and housing diversity is a threat to regional economic development success."

Efforts are underway to encourage and fund housing opportunities throughout the County. Using discretionary funds from the Columbia River Enterprise Zone grants are available for purchasers of homes, and the City of Boardman has a gap financing program for housing development. During the first year of implementation increases in home ownership have been realized, and new home development is underway.

Most conversations with state agencies or housing advocates often focus on affordable housing, which to some means low income housing. The need in Morrow County, and across eastern Oregon, is for what might be called market housing or workforce housing. While housing needs to be affordable what is needed is housing that is not specifically tied to income levels or poverty guidelines. Needed housing that is affordable is being realized in the community of Lone within the Emert subdivision as the community has worked together to find economic opportunity when developing the infrastructure for the subdivision.

Commute Patterns: Various studies done and reports written between 2005 and 2015 discussing workforce needs, housing and transportation have a common theme - many of the workers in Morrow County live elsewhere. Hermiston and Kennewick, Washington appear to be the communities of choice for these workers. The Regional Economic Opportunities Analysis for Morrow and Umatilla Counties (2013) discusses commute patterns and found linkages, but at a lower rate than initially thought. An interesting conclusion of the analysis is that "communities with greater housing diversity tend to have lower commuting rates."

Poverty: According to the Greater Eastern Oregon Development Corporations 2014 Comprehensive Economic Development Strategy the poverty rate in Morrow County in 2012 was 15.5 percent. This represents the percentage of all people with an income below poverty level for the previous 12 months. The highest rate at 35.4 percent was among families with a single female household with children under the age of 18. This is in contrast to personal income which in Morrow County exceeds the statewide average. Credit is given to recent success at the Port of Morrow, which has placed workers employed in Morrow County as being the fifth highest paid workers in Oregon, a statistic tracked by Business Oregon influencing Enterprise Zone activities.

Another input to poverty is educational attainment, an area that Morrow County could improve in. The 2013 Regional Economic Opportunities Analysis for Umatilla and Morrow Counties discusses the need for an appropriately trained workforce being among the most critical input to successful economic development. Educational attainment is also an important determinate of wage levels. Morrow County needs to increase high school graduation achievement, but most importantly needs to encourage further educational opportunities including college and technical training opportunities.

Communication: In a world where connectivity is becoming a necessity, Morrow County often finds itself lagging. Making a call on a cell phone along Interstate 84, or in Boardman doesn't pose any challenges. But when traveling other regional highways or county roads achieving

connectivity can be problematic. This can be a safety problem for travelers, but also of concern is that business and economic development in the highly technical world of 2016 requires a certain level of connectivity. Without that connectivity businesses cannot reach potential customers. Enhancement of current installations and new installations are needed to provide better cell phone and internet connectivity throughout Morrow County.

Summary

In 1980 the Comprehensive Plan identified that Morrow County's economy has been, is and will continue to be based on its agricultural potential. Thirty five years later that still holds true. Expansion of the County's base economy, diversification in agri-business, new energy generation and new industrial opportunities have and will continue to influence the economy through increased population and through increased trade and services.

Interestingly the 1980 version of the Comprehensive Plan foretold of the growth of the Port of Morrow, starting with a single food processing plant and growing to a major food processing park. Other development has securely placed the Port of Morrow as the second largest port in Oregon and has seen the statement "place the County as one of the most important shipping, processing, manufacturing and distribution centers on the Columbia River" to come to fruition.

Economic Element Goals and Policies

Goal 1: To provide adequate, economical housing facilities, utilities, and services to meet the needs of permanent residents and temporary populations.

Policy 1A: To encourage and facilitate the continued cooperation between those public and private sources who provide funding assistance for such services and utilities.

Policy 1B: To encourage the continued support of educational and other local amenities that make Morrow County a desirable place to live.

Policy 1C: To encourage and facilitate the siting of the necessary infrastructure to increase the availability of the most current communication technologies to residents.

Goal 2: To expand job opportunities and reduce unemployment, reduce out-migration of youth, and accommodate the growth of the County work force.

Policy 2A: To maximize the utilization of the local work force as job opportunities increase.

Policy 2B: To increase the income level of County residents by providing good job training and educational programs in response to employer needs and by encouraging the location of industries in the County which will hire local residents.

Policy 2C: To facilitate and encourage communications and coordination between industry and education to assist in the development and maintenance of a quality work force.

Goal 3: To diversify local businesses, industries and commercial activities and to promote the economic growth and stability of the County.

Policy 3A: To encourage local producers to new markets for local products and to seek out new products that are in demand in the market place and that can be produced locally.

Policy 3B: To develop, maintain and encourage private investment in recreational and tourism activities and facilities.

Goal 4: To encourage the development of compatible land uses throughout the County and to protect areas suitable for industrial development from encroachment of incompatible land uses.

Policy 4A: To limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with industrial and commercial development.

Policy 4B: To utilize appropriate mechanisms in implementing regulations to ensure that any development adjacent to or in the vicinity of the Boardman Airport is a compatible use and will not impede future growth of the airport.

Goal 5: To minimize high noise levels, heavy traffic volumes, and other undesirable effects of heavy commercial and industrial developments.

Policy 5A: To utilize appropriate mechanisms in implementing regulations to reduce undesirable impacts from industrial and commercial developments, including the establishment of buffer zones or other mitigation measures if determined to be necessary.

Policy 5B: To cluster commercial uses intended to meet the business needs of the County residents and highway travelers only in designated areas to prevent the undesirable effects of spot zoning.

Goal 6: To maintain an economic-environmental balance in all resource management and allocation decisions.

Policy 6A: To coordinate all planning programs and decisions concerning economic base resources in the County.

Policy 6B: Participate and collaborate with federal land management agencies, particularly the US Forest Service and Bureau of Land Management in decisions affecting the County's timber resource base.

Policy 6C: To require that development plans be based on the best economic information available, comply with applicable environmental standards, and take into account the effects of the development on the existing economy and available resources, including transportation and work force.

Goal 7: To ensure that the County receives adequate water supplies to meet the needs of all domestic, agricultural, industrial, power and natural resource interests.

Policy 7A: To participate and collaborate with public and private agencies promoting wise, sustainable water use in Eastern Oregon.

Policy 7B: To ensure implementing regulations require the use of best management practices to protect surface and groundwater supplies.

MORROW COUNTY CODE ENFORCEMENT ORDINANCE

Section 9. Weed Control

9.100 Establishment of a Weed Control District

Morrow County is hereby declared a Weed Control District. The Morrow Soil and Water Conservation District shall act as the Weed Advisory Board. The Morrow County Weed Manager shall be the weed inspector and will provide for administration and enforcement of a weed control program as outlined in Oregon Statute.

9.200 Weeds Considered Noxious or of Economic Importance

- A. A weed is a noxious weed if it:
1. Is recognized by the County Court as an imminent and continuous threat to natural resources, watershed health, livestock, wildlife, land, and agricultural products.
 2. Has the potential for widespread infestation.
 3. Is not native to the State of Oregon
- B. The weed inspector shall administer and enforce management and control of noxious weeds and weeds of economic importance, when feasible, with control practices selected and applied to achieve desired weed management objectives in a manner that minimizes risks to human health, non-target organisms, native fish and wildlife, watersheds, and the environment.

9.300 Property Owner Responsibility

- A. Each person, firm, or corporation owning or occupying land within the district shall destroy or prevent the spread or seeding of any noxious weed by the use of the best means at hand and within a time deemed reasonable, except that no weed declared noxious shall be permitted to produce seed.
- B. Any owner or occupant of land identified as have Noxious Weeds (Appendix A) on their property shall submit a Weed Management Plan for their property within 45 days of notification of the existence of such weeks. The Weed Management Plan shall comply with requirements as established by the Morrow County Weed Advisory Board. A Weed Management Plan shall include, but not be limited to, the follow elements:
1. A location map or aerial photo which illustrates:
 - a. the locations of the Noxious Weeds; and
 - b. The land features such as roads, creeks, houses, etc.
 2. Identification of the weeks targeted for control.
 3. The short-term (1 to 3 years) control plan, which shall specify:
 - a. The spray program, including:
 - the type of chemical and rate
 - the timing and frequency of application
 - the follow up and survey plans
 - the date of completion
 - b. The mechanical control plan.
 4. The long-term (3-5 years) control plan, which shall address:
 - a. The designs for increased range health, including:
 - proper grazing
 - range seeding
 - rest
 - pasture rotation

- b. Follow up spray program.
- 5. The method and timing intervals of reports on the status of the plan.
- C. Persons operating or having control of any threshing machinery, clover huller, hay baler, seed cleaning or treating machinery or other machinery shall thoroughly clean it before moving it over any public road or from one farm to another. All hay, straw or other crop residue infested with noxious weeds having partially or fully formed seeds shall not be moved from the land on which it was grown.

9.400 Weed inspector right of entry; service of notice to eradicate weeds; department or district control measures.

- A. The weed inspector shall have access to the land within the district.
- B. When provisions of Oregon Statute are not being complied with, the weed inspector or code enforcement officer shall serve a written notice to the owner or occupant of the land. When the weed inspector or code enforcement officer is unable to serve the notice personally, the notice shall be posted and two (2) copies thereof in three (3) conspicuous places on the land. The notice shall contain:
 - a. The date of service or posting of notice.
 - b. The name of the weed or weeds growing on the land, and a statement setting forth that the weeds must be destroyed or must be prevented from producing seed within a specified time of not less than two (2) days or more than 20 days, to be established by the inspector, from the date of service of the notice.
- C. The service of notice as provided in subsection (B) of this section imposes a requirement on the owner or occupant of the land to destroy or prevent the weeds from seeding or spreading during the continuation of ownership or occupancy of the land or until the district is dissolved. A copy of the notice, together with proof of service indorsed thereon, shall be filed with the county court.
- D. Notwithstanding subsection (B) of this section, with permission of the owner or occupant of land, employees of the State Department of Agriculture, or of designated weed control districts, may enter the land to identify noxious weeds and to implement or provide for the implementation of integrated noxious weed control measures, including but not limited to the application of pesticides to the land. The control or eradication of noxious weeds may be conducted with or without charge to the owner or occupant of the land. A notice as described in subsection (B) of this section is not required for the conduct of activities described in this subsection.

9.500 Procedure for County Disposition of Weeds.

- A. Steps leading to eradication and control of noxious weeds in the county are necessary and the weed control officer shall cooperate with individual landowners in the control and eradication of noxious weed pests.
- B. The weed inspector shall destroy or prevent the spread or seeding of any noxious weed on any land owned by the county or constituted as the right of way for any highway, county road, drainage or irrigation ditch, power or transmission line, or other purposes under their jurisdiction.

- C. If the owner or occupant of the land fails or refuses to immediately destroy or cut the noxious weeds, the weed inspector shall at once notify the County Court, who will take enforcement steps.
1. The county shall authorize the weed inspector to go upon the land or premises and destroy the noxious weeds or control them in such a manner as will destroy all seeds using the most effective and practical method in the judgement of the inspector and with the least injury to the land or crops.
 2. If the weeds are too far advanced for local control procedures the inspector shall notify the County Court which shall request the State Department of Agriculture to immediately quarantine any uncontrolled noxious weed infested farm within the county to prevent the movement of infested crops or livestock and to prevent the spread of the weeds.

9.600 Penalties, Fees and Costs.

- A. Upon completion of work the person so appointed and authorized by the county court shall file an itemized statement of expenses necessarily incurred including wages. A lien shall be docketed upon the lands or premises for the cost of expenses. If the charges and expenses are not paid and the lien discharged by the owner or occupant of such land within 90 days the county may recover the expenses in an action at law.
- B. In addition to other remedies provided by this Ordinance, violation may result in a fine assessed in accordance with Oregon Statute and may incur civil penalties.

Appendix A

NOXIOUS WEEDS

Rush Skeletonweed
 Yellow Starthistle
 Tansy Ragwort
 Dalmation & Yellow Toadflax
 Mediterranean Sage
 Leafy Spurge
 Spikeweed
 Musk Thistle
 Scotch Thistle
 Purple Loosestrife
 Common Crupina
 Whitetop
 Houndstongue

Appendix B

WEEDS OF ECONOMIC IMPORTANCE

Poison Hemlock
 Canada Thistle
 Jointed Goatgrass
 St. Johnswort
 Perennial Sowthistle
 Field Bindweed
 Cereal Rye
 Johnsongrass
 Knapweeds-Russian, Diffuse, Spotted
 Field Dodder
 Water Hemlock
 Medusahead Rye
 Puncturevine
 Kochia
 Perennial Pepperweed
 Myrtle Spurge
 Ventenata

MORROW COUNTY SOLID WASTE ORDINANCE

SECTION 3.000. PURPOSE AND POLICY

To protect the health, safety and welfare of the people of Morrow County, hereafter referred to as the County, and to meet the goals of the Solid Waste Management Plan, it is declared to be the policy of the County to regulate solid waste management by:

1. Following the priorities on managing solid waste provided in Oregon Revised Statute (ORS) 459.015(2);
2. Providing for the safe and sanitary accumulation, storage, collection, transportation and disposal of solid waste;
3. Providing the opportunity to recycle as part of the overall solid waste plan;
4. Providing for public input in solid waste management and recycling through the Solid Waste Advisory Committee; and
5. Prohibiting accumulation of waste or solid waste on private property in such manner as to create a public nuisance, a hazard to health or a condition of unsightliness, and to provide for the abatement of such conditions where found.

SECTION 5.000. PUBLIC RESPONSIBILITIES

Public responsibility requires the citizens of Morrow County comply with items two and five of Section 3.000 Purpose and Policy of this Ordinance.

5.010. Transportation of Solid Waste

No person shall transport or self-haul, as defined in the Solid Waste Management Plan, solid waste on a public road unless such waste or solid waste is covered and secured. "Covered and Secured" includes:

1. Loads which are totally contained within an enclosed vehicle or container;
2. Loads of solid waste contained in garbage cans with tightly fitting lids, tied plastic solid waste disposal bags or similar totally enclosed individual containers that are completely contained within the walls of a vehicle or container, such that no solid waste can reasonably be expected to escape during hauling;
3. Loads of brush, building materials and similar bulky materials which are secured in or on the hauling vehicle or completely contained within the walls of a vehicle or container, such that none can reasonably be expected to escape during hauling; or
4. Loads consisting entirely of rock, concrete, asphalt paving, stumps and similar materials that are completely contained within the walls of a vehicle or container, such that none can reasonably be expected to escape during hauling.

5.020. Accumulation, Littering and Disturbance of Solid Waste Prohibited

No person shall accumulate or store wastes in violation of the Morrow County Nuisance Ordinance or in violation of regulations of the Oregon Littering Provisions (ORS 164.775 - 805).

No unauthorized person shall remove the lid from any solid waste container or collect, disturb or scatter solid waste stored in the container or deposit solid waste into the container.

5.030. Responsibility for Proper Disposal of Hazardous Waste

The owner, operator, or occupant of any premise, business, establishment, or industry shall be responsible for the satisfactory and legal disposal of all hazardous solid waste generated or accumulated by them on the property. All hazardous solid wastes shall be

disposed of at an appropriate solid waste disposal site licensed to receive such waste, or in a manner consistent with Department of Environmental Quality regulations. It shall be unlawful for any person to dump, deposit, bury, or allow the dumping, depositing or burying of any hazardous solid waste onto or under the surface of the ground or into the waters of the state, except at a State permitted solid or hazardous waste disposal site.

5.032. Responsibility for Proper Disposal of Solid Waste

It is the responsibility of the occupant or owner of real property in Morrow County to use satisfactory and legal disposal methods to dispose of their household generated solid wastes as defined in the Solid Waste Management Plan.

5.040. Open Burning

Woody debris, brush, leaves, grass, tumbleweeds, wood and cuttings from trees, lawns, shrubs and gardens (excepting paper, cardboard, or wood containers in commercial quantities) may be burned on private property only if the method of burning is approved by the local fire department and is done in accordance with the rules and regulations of the Oregon Department of Environmental Quality. Agricultural open burning is allowed pursuant to Oregon air pollution laws (ORS 468A.020) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

Open burning of any waste materials, including on agricultural lands, that normally emit dense smoke, noxious odors, or that create a public nuisance is prohibited. These materials include, but are not limited to, household garbage, plastics, wire, insulation, auto bodies, asphalt, waste petroleum products, rubber products, animal remains, and animal or vegetable wastes resulting from the handling, preparation, cooking, or service of food.

February 24, 2017

Governor's Advisory Committee on Energy and Agriculture in the Umatilla Basin

February 24, 2017



February 2017

Dear Governor Brown:

Thank you for establishing the Advisory Committee on Energy and Agriculture in the Umatilla Basin. The committee members have met for over a year to find ways to resolve concerns in the Umatilla Basin regarding energy transmission development and the associated impacts to agriculture. We appreciate the hard work of the committee members and agency staff, and we appreciate the thoughtful discussion to consider ideas for solutions.

Renewable energy developers need transmission lines to get their power to the market. These transmission lines can be many miles from the renewable energy development to the electric grid and must cross a range of landscapes, including highly productive agricultural land. A key next step identified by the Advisory Committee is a pilot project in Morrow County to conduct a community process that would establish an energy corridor that should be considered by future energy developers. This pilot project will require assistance of Department of Land Conservation and Development (DLCD) staff to bring a temporary rule through Land Conservation and Development Commission (LCDC) to allow the pilot project to move forward.

We appreciate your continued support in resolving concerns around energy development and agriculture in our districts through the Morrow County pilot project.

Sincerely,

Senator Bill Hansell

Representative Greg Smith

cc: Committee Members
Jim Rue, DLCD Director
Greg MacPherson, LCDC Chair

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1.0 Background

1.1 Committee Purpose and Scope

The Umatilla Basin region is home to irreplaceable high-value agricultural land. Recent proposed energy development, including generation facilities and associated generation-tie transmission lines, have the potential to take portions of high-value agricultural land out of production. It is important to ensure that as energy projects are constructed to meet the region's energy needs, developers consolidate resources, particularly transmission lines, to avoid, to the maximum extent practicable, any impacts to this land, as well as site future energy substations in locations that avoid cumulative impacts of transmitting energy to and from substation locations. The purpose of this Advisory Committee was to scope out the agricultural and energy generation and electrical transmission needs in the Umatilla Basin and the region, and to determine whether or not any changes in the federal, state or local laws or regulations are necessary and, if so, how they should be pursued to better protect this land.

1.2 Committee Membership

The Advisory Committee includes:

- A representative from the Governor's Office
 - Margi Hoffmann, Energy Policy Advisor (until October 2015)
 - Ruchi Sadhir, Energy Policy Advisor (November 2015 to present)
- A member of the Oregon State Senate
 - Senator Bill Hansell, SD 29
- A member of the Oregon State House of Representatives
 - Representative Greg Smith, HD 57
- A representative of an investor-owned utility
 - Gary Bauer, Northwest Natural
 - Varner Seaman, Portland General Electric
- A representative of the irrigated agricultural community
 - Kent Madison, Madison Ranches
- A representative from a land-owner organization
 - JR Cook, Northeast Oregon Water Association
- A representative from Morrow County
 - Commissioner Leann Rea (until January 9, 2017)
 - Commissioner Melissa Lindsey (January 9, 2017 to present)
- A representative from Umatilla County
 - Commissioner George Murdock, Chair
- A representative from Gilliam County
 - Steve Shaffer, County Judge
- A representative from the local utility
 - Steve Eldridge, Umatilla Electric Cooperative (until April 2016)
 - Robert Echenrode, Umatilla Electric Cooperative (April 2016 to present)
- A representative from the Port of Morrow
 - Gary Neal, General Manager

- A representative from a renewable energy organization
 - Hillary Barbour, Renewable Northwest (until April 2016)
 - Cliff Gilmore, Renewable Northwest (April 2016 – September 2016)
 - Rikki Seguin, Renewable Northwest (October 2016 to present)
 - Johnny Casana, EDP Renewables [member of and representing Renewable Northwest] (October 2016 – January 2017)

Technical support has been provided to the Advisory Committee by:

State Agencies –

- Oregon Department of Energy (ODOE)
 - Michael Kaplan, Director
 - Todd Cornett, Assistant Director for Siting
- Oregon Department of Agriculture
 - Jim Johnson, Land Use and Water Planning Coordinator
- Oregon Department of Land Conservation and Development (DLCDC)
 - Jon Jinings, Community Services Specialist
- Oregon Department of Fish and Wildlife (ODFW)
 - Steve Cherry, District Wildlife Biologist
 - Jon Germond, Habitat Resources Program Manager, Wildlife Division, Tribal Liaison
- Oregon Public Utility Commission (OPUC)
 - Jason Eisdorfer, Utility Director
 - Lori Koho, Administrator of Safety, Reliability, and Security Division

Local Agencies –

- Morrow County
 - Carla McLane, Planning Director
- Umatilla County
 - Tamra Mabbott, Planning Director

Federal Agencies –

- Bonneville Power Administration (BPA)
 - Crystal Ball, Oregon Liaison
 - Brian Altman, Customer Account Executive in Transmission Sales
 - Anders Johnson, Electric Engineer in Long Term Planning

1.3 The Region

This report focuses on an irreplaceable high-value agricultural region, including the Umatilla River Watershed and irrigated regions of West Umatilla County, North Morrow County, and North Gilliam County.

Water is a key resource that supports environmental, economic, social, and cultural values within the Umatilla Basin. Access to sustainable water supplies to support high-value irrigated agriculture is only feasible within 1,000 feet above full pool elevations of the McNary and John Day pools of the Columbia River.

This high-value region provides 200 varieties of agricultural products, driving a more than strong agriculture-based economy that supports hundreds of quality rural jobs and contributes billions of dollars to the state's economy.



Figure 1 Map of the Region

1.4 The Region's Agriculture



Figure 2 Hermiston

Much of the regional economy in the Umatilla Basin is driven by agriculture. Once land has water rights for irrigation, its value increases due to changes in options for agricultural output. For example, dryland wheat, grown without irrigation, produces agricultural output valued at approximately \$100 per acre. Adding one acre-foot of water to irrigate the land increases that value to \$500 per acre. A second acre-foot of irrigated water allows a farmer to grow hay and some vegetables valued to \$1,500 per acre. A third acre-

foot of water allows production of potatoes, onions, and carrots, which increases value to \$5,000 per acre or more after adding processing and international shipment value.

At the same time, there is a threshold where it is no longer economical to pump water for the purpose of irrigation. Based on presentations given to the Columbia River Umatilla Solutions Task Force (CRUST), the three costs that dictate economic feasibility of irrigation projects are (1) the capital cost of the infrastructure, (2) power costs and maintenance, and (3) the cost of obtaining mitigation water from the Columbia River through storage or upstream efficiency projects. These three costs combined must be between \$125 to \$150 per acre-foot for an irrigation project to break even. Additionally, based on the three cost factors above, the economic limit of sustainable Columbia River irrigation projects is 900 feet to 1,000 feet of pumping elevation above the full pool level of the McNary pool and John Day pool. Therefore, there is a strong regional interest to protect previously made and anticipated investments to sustain this irreplaceable irrigated land base. For areas where it is not economical to pump water for irrigation

purposes, there is an interest by dryland agricultural entities to diversify income streams with renewable energy development. For instance, a wind turbine sited on an agricultural field adds economic diversity to an income stream for a parcel by taking a small fraction of an acre out of production but compensating a landowner with lease payments. These payments are often greater than the proportional crop yield and provide an economic buffer against drought and lean years.

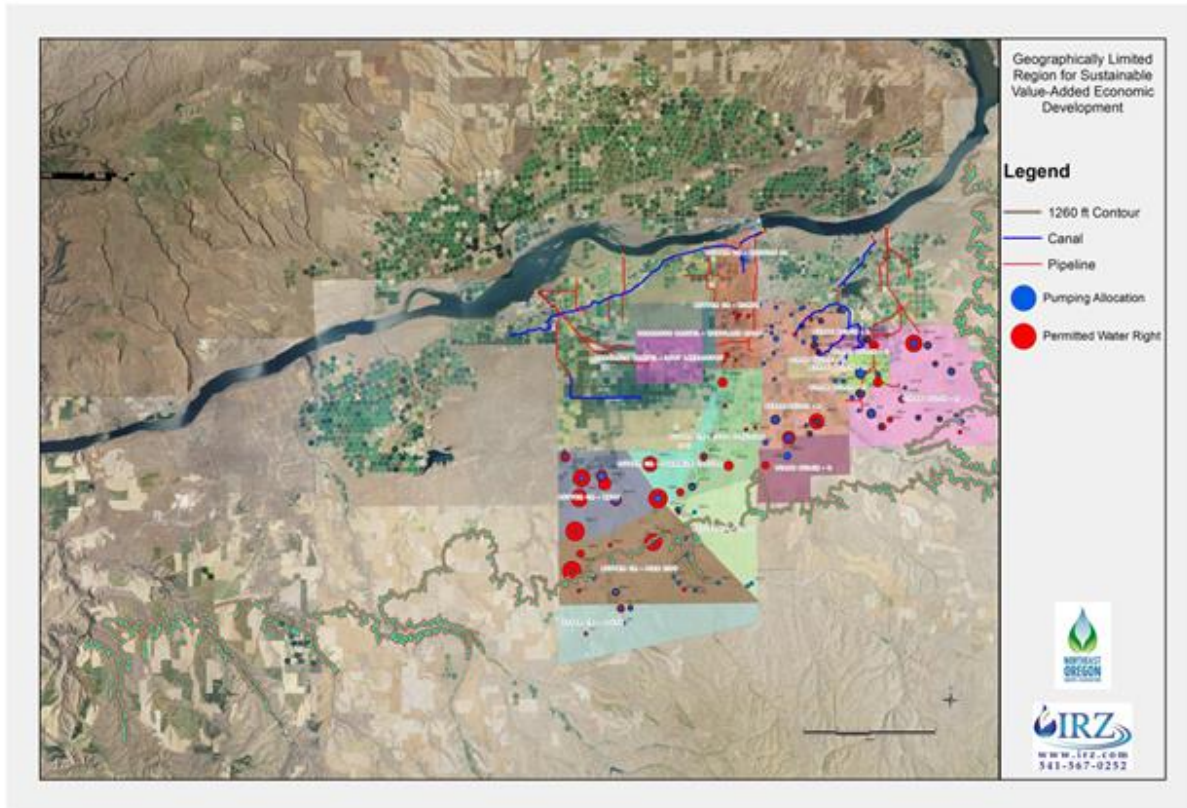


Figure 3: Economic Limit of Columbia River Irrigation

Note that the 1,260 foot contour is equivalent of 1,000 feet of pumping elevation above full pool

1.5 The Region's Energy Production

The Columbia River Basin has long served as an area of large-scale energy development. Dams in the Columbia River and its tributaries began producing hydroelectric power in the late 1930s and now contribute about 40 percent of the electricity used in the Pacific Northwest. The Bonneville Power Administration (BPA) is a federal, nonprofit power marketing administration that was created by Congress in 1937 to market power produced by the federal dams and deliver that power to publicly-owned utilities. Four federal dams, operated by the U.S. Army Corps of Engineers, are located on the Columbia River's segment that comprises Oregon's northern border: Bonneville Dam (constructed 1938 – 1,225 MW¹), The Dalles Dam (constructed 1960 – 2,086 MW), John Day Dam (constructed 1971 – 2,480 MW) and McNary Dam (constructed 1957 – 1,120 MW (Max capacity)). Power produced by the Columbia River system helps drive economic growth throughout the region.



Figure 4: Photo of the John Day Dam

BPA owns and operates more than 15,000 circuit miles of high-voltage transmission lines and nearly 300 substations, which makes up about 75 percent of the electric transmission system in the four-state Pacific Northwest region – Oregon, Washington, Idaho, and Montana. BPA is responsible for moving power from where it is generated to where it is consumed.

Two not-for-profit rural electric cooperatives in the Umatilla Basin, Umatilla Electric Cooperative (UEC) and Columbia Basin Electric Cooperative (CBEC), buy power from BPA under long-term contracts to provide rural electric service to roughly 14,000 households and 4,000 commercial, industrial, and irrigation customers.

BPA substations step down high voltage electricity for delivery to UEC and CBEC. These substations interconnect new generation in the region and step it up to be transmitted on the broader high voltage electrical grid. Existing substations in the area include McNary, Coyote Springs, and Boardman.

In 2016, BPA completed construction of a 230/115 kV substation near Boardman called the Morrow Flat Substation. This new substation, combined with enhancements to existing infrastructure, allows BPA to accommodate the growing demand for electricity in UEC's service territory and the surrounding area while ensuring safety and

¹ MW stands for "megawatt," which is the standard form of measurement for bulk electricity. One megawatt is enough electricity to power about 600 homes.

operational standards are met. The increase in demand for energy comes from existing development and food processing plants as well as development of new data centers. The Morrow Flat Substation is approximately 1.5 miles east of the existing Boardman Substation, along an existing corridor containing three BPA transmission lines – the 230-kV McNary-Boardman, the 230-kV McNary-Jones Canyon, and the 500-kV McNary-Coyote Springs. The McNary-Boardman and McNary-Jones Canyon lines feed through Morrow Flat Substation. Approximately 22 acres of land zoned for industrial use, and formerly used for agricultural production, were developed for the new Morrow Flat Substation. BPA plans to expand the existing Morrow Flat Substation in the 2019-2020 timeframe to accommodate anticipated load growth in the area. BPA is also in the early stages of considering building two additional substations, Longhorn and Stanfield. As proposed, the Longhorn Substation will be a 500kV substation adjacent to the new Morrow Flat Substation. At this time, BPA has not set a formal location or made an attempt to acquire land for the proposed Stanfield Substation. To this end, a rough idea of the location for Stanfield is for study purposes only.

BPA has partnered with Idaho Power and PacifiCorp to fund the permitting phase of the proposed Boardman to Hemingway (B2H) 500 kV transmission line project. This project is a 290 mile, 500 kV transmission line extending from the proposed Longhorn Substation to the Hemingway substation located southwest of Boise, Idaho. Idaho Power is the lead utility in the federal and state permitting processes for this project. The B2H project is intended to meet the energy needs of the partnering utilities and help increase the efficiency, reliability, and resiliency of the electric system in the Pacific Northwest. The B2H project will help create capacity to integrate renewable generation on a regional scale and allow additional energy to be transmitted between the Pacific Northwest and Mountain West regions. The B2H project is currently in the permitting phase and is expected to be in service in 2023 or later.

In addition to renewable energy produced by the Columbia River hydroelectric dams, the presence of transmission, transportation, and natural gas facilities support other forms of utility-scale energy production. The Boardman Plant is a coal-fired facility owned by Portland General Electric (PGE) with a nameplate capacity² of 550 MW. It is scheduled to cease coal-fired operations in 2020. The company is exploring the use of biomass as a future fuel source for the plant or other options for replacement of the coal operations after 2020. Four significant natural gas-fired plants are also located in the area. The Coyote Springs co-generation plant, co-owned by PGE and Avista, is located at the Port of Morrow and has a nameplate capacity of 503 MW. In addition, PGE owns and operates the Carty Generating Station, currently a 440 MW plant south of Boardman that has been approved by the Energy Facility Siting Council to be built up to

² “Nameplate capacity” refers to the full load sustained output of a power plant. Coal fired plants and natural gas fired plant are considered “base load” plants that are dedicated to producing base load supply by consistently and continuously operating at their nameplate capacity. Renewable energy plants such as wind or solar are considered “intermittent energy sources” because they operate at about 30 percent efficiency and are not continuously available. Hydroelectric dam energy output is adjusted up and down to respond to load demand.

900 MW. The Hermiston Power Project, owned by Calpine, and the Hermiston Generating Project are both located near Hermiston, Oregon in Umatilla County and have nameplate capacities of 546 and 474 MW, respectively.



Figure 5: Wind Turbines

Over the last decade much attention has been dedicated to developing new, renewable sources of energy, mostly in the form of wind power. This area has wind projects in all phases of application and development, and several other projects have expressed intent to submit their applications in the near future. Additionally, this region is just beginning to see interest in utility scale³ solar projects, several of which are at the beginning application phase. The region also has potential for new natural gas plants. With retirements of some generating units in the west and changing

river flows impacting hydro-electric operations, there are questions from utility planners on how to reliably meet demand for electricity.

As for broader regional grid considerations, it is worth noting that there is potential for major changes within the next five to ten years in the western transmission system in the form of a potential new multi-state regional system operator (RSO). If an RSO is established, planning around future generation and transmission will likely change.

Currently, transmission rights in the western United States are firm and owned by specific entities who negotiate and establish contracts to move power across transmission lines. In contrast, regional markets in the eastern, mid-western, and southern regions of the U.S. share and optimize transmission rights across the system. An RSO will likely reduce inefficiency and redundancy in the system, reduce the need for new lines, increase use and value of existing lines, and lower the cost of managing variable renewable resources.

In the next few years, the California Independent System Operator (ISO) and the PacifiCorp transmission system may enter into an agreement to integrate into a single RSO, which is being discussed and analyzed in California, Oregon, Washington, Idaho, Wyoming, Nevada, and Utah. If the proposed RSO is created, it would open opportunities for many other regional utilities and balancing authorities to join and benefit from a real-time, day-ahead, and week-ahead market, reducing transmission congestion as well as the inefficient procurement of local reserve capacity through contracts. The proposed RSO would significantly impact how transmission rights and access for future build-out are considered in the northwest. It is important to note that BPA would be unlikely to fully participate in an RSO because of legal constraints on

³ Utility Scale generation can be defined as a generation project directly interconnected to the transmission system or to generation projects intended for a utility. These are usually above a certain MW nameplate capacity, often defined above than 1-10 MW, depending on the market. Alternately, 'utility scale' can mean generation that is not meant for 'behind the meter' uses (i.e. not for on-site use by a specific business or residence).

operation of the federal transmission system; however PacifiCorp, PGE, and Idaho Power, which have transmission in Oregon, have the legal space to more seriously consider joining an RSO.

2.0 Advisory Committee Meetings Summary

This section provides a brief summary of Advisory Committee meetings. Agendas and minutes for each meeting are attached to this report.

2.1 Meeting 1: October 27, 2015 – Boardman, Oregon

The first meeting took place on October 27, 2015 in Boardman, Oregon. The meeting agenda involved discussion of potential cumulative impacts to agricultural land and an overview of energy acquisition needs from UEC, PGE, BPA, and Renewable Northwest. (See Attachment B)

2.2 Meeting 2: November 12, 2015 – Portland, Oregon

The second meeting took place on November 12, 2015 in Portland, Oregon. The meeting agenda involved discussion of energy and agriculture definitions and terms, proposed projects, identification of issues, agency roles and responsibilities, and transmission project processes. (See Attachment C)

2.3 Meeting 3: December 21, 2015 – Boardman, Oregon

The Advisory Committee next met on December 21, 2015 in Boardman, Oregon. The agenda involved an ODOE demonstration of a consolidated map with layers of energy projects and natural resource data and discussion of the problem statement and potential solutions. (See Attachment D)

2.4 Meeting 4: February 5, 2016 – Salem, Oregon

The fourth meeting took place on February 5, 2016 in Salem, Oregon. The agenda covered ODOE's consolidated data map and discussion of state law mechanisms for helping to resolve the issues discussed at the last meeting. (See Attachment E)

2.5 Meeting 5: October 18, 2016 – Boardman, Oregon

The Advisory Committee's final meeting was held on October 18, 2016 where members reviewed the draft report and provided feedback. Additional feedback was provided over email, thus a sixth meeting was not necessary. (See Attachment F)

3.0 Key federal, state, and local laws and regulations

3.1 Federal

Federal Energy Regulatory Commission (FERC):

- All corridor approaches need to be aligned with FERC open access requirements. FERC requires that transmission system owners allow non-discriminatory, fair access to transmission facilities, typically through a transmission queue and, after the necessary studies, an open access tariff.
- As an example, take a scenario where an established transmission corridor and a public utility is providing transmission to new generation that does not have transmission capacity. Query whether the public utility could be required to build new transmission capacity and charge the developer of the new generation. If the public utility that owns the new transmission capacity is a FERC-jurisdictional entity, such as an investor-owned utility, the new capacity would be subject to FERC's open access requirements. If BPA was owner of the new capacity, BPA is not FERC-jurisdictional, but BPA has adopted an open access transmission tariff and could offer the capacity under that tariff. Consumer-owned utilities are generally not FERC-jurisdictional entities, and as such, are generally not required to have an open access transmission tariff or comply with FERC's open access requirements.
- A transmission owner may be required to upgrade a system to interconnect additional generation, if that entity is FERC jurisdictional or if it has a tariff in place that would require it to do so. Whether the generator would be charged for the upgrades depends on the location of the upgrades relative to the point of interconnection. If the transmission provider is otherwise exempt from FERC jurisdiction, then it generally cannot be compelled as part of FERC's open access requirements to upgrade its facilities.

Federal Land Management and the Section 368 West-wide Corridors:

- Section 368 of the Energy Policy Act of 2005 (EPAct) directed the Secretaries of Agriculture, Commerce, Defense, Energy, and Interior to designate, under their respective authorities, corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on federal lands in the 11 contiguous Western States (Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming), to perform any required environmental reviews, and to incorporate the designated corridors into agency land use and resource management plans. Section 368 also directed the agencies to take into account the need for upgraded and new infrastructure and to take actions to improve reliability, relieve congestion, and enhance the capability of the grid to deliver energy.

- In 2009, the United States Bureau of Land Management (BLM) and United States Forest Service (USFS) finalized a record of decision that amended land-use plans and designated 5,000 miles of Section 368-corridors on BLM managed land and 990 miles of Section 368-corridors on USFS managed land. Shortly thereafter, several non profit environmental organizations filed a lawsuit against the corridors.
- In 2012, the court dismissed the case, approving a settlement agreement that set forth five provisions with the objective of ensuring that future Section 368 Corridor revisions, deletions, and additions consider the following principles: Location of Section 368 Corridors in favorable landscapes; facilitation of renewable energy projects where feasible; avoidance of environmentally sensitive areas to the maximum extent practicable; diminution of the proliferation of dispersed rights-of-way crossing the landscape; and improvement of the long-term benefits of reliable and safe transmission.
- In 2014, federal agencies began their review of the corridors with these guiding principles through an Environmental Impact Statement process, which continues today. Simultaneously, federal land managers are processing applications for transmission line right-of-ways on BLM-managed and Forest Service-managed federal lands through the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and National Historic Preservation Act (NHPA) (among many other federal laws and requirements).

3.2 State & Local

Oregon Land Use Planning Law:

- Oregon’s land use planning program is comprised of a combination of state statute, statewide planning goals adopted by the state’s Land Conservation and Development Commission (LCDC), and administrative rules. Over time, court decisions have interpreted state law and shaped various aspects of the program. Oregon’s land use planning program is ultimately administered at the local level through city and county comprehensive plans and adopted ordinances that have been acknowledged to comply with the statewide planning goals.
- Much of Oregon’s open landscape and nearly all of the Umatilla Basin region is characterized by farm and ranch activities. These areas have been inventoried by local comprehensive plans under statewide planning goal 3 and are protected as “agricultural lands.” The agricultural lands designation is implemented by exclusive farm use (EFU) zoning districts subject to the provisions of ORS Chapter 215 and OAR Chapter 660, Division 33.
- Most land use activities that may be considered under EFU zoning are set forth at ORS 215.283(1) & (2). Those uses listed by ORS 215.283(1) have been interpreted to be “uses of right” (see Brentmar v. Jackson County, 321 OR 481, 900 P2d 1030 (1995)). Uses of right may not be limited by criteria in local

ordinances or local plans. Those uses listed by ORS 215.283(2) are generally considered “conditional uses,” which can be denied and may be limited by criteria in local ordinances or local plans. In other words, counties may not impose local criteria on uses of right but they can choose to be more restrictive than state law for conditional uses.

- Transmission Facilities on agricultural land are considered a “utility facility necessary for public service” pursuant to ORS 215.283(1). Therefore, they are considered a use of right and counties may not impose criteria that is more restrictive than state law. However, the Legislature chose to establish ORS 215.274 (“associated transmission lines as defined at ORS Chapter 469) and ORS 215.275 to guide the consideration of facility siting.
- Other features of the Oregon planning program include OAR Chapter 660, Division 4, which interprets statewide planning goal 2 (Land Use Planning) and ORS 197.732 concerning how to convert land from an agricultural designation. Statewide planning goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) as implemented by OAR Chapter 660, Division 23, provides a framework to inventory and protect energy sources.

Local Planning Programs:

- As stated above, city and county planning programs are comprised of comprehensive plans and implementing ordinances that have been acknowledged to be compliant with the statewide planning goals.
- Therefore, Oregon planning law is generally carried out by decision-makers at the local level; however, an exception is energy or energy related projects subject to the jurisdiction of the state’s Energy Facility Siting Council (EFSC).

Energy Facility Siting Council:

- The Governor-appointed and Senate-confirmed seven member Energy Facility Siting Council (Council) has regulatory and siting responsibility for large renewable and non-renewable electric generating facilities, many high voltage transmission lines, some gas pipelines, and radioactive waste disposal sites. The state review consolidates the Council’s 14 general standards, facility specific Council standards, as well as all other applicable state agency requirements and local land use regulations under a single review.
- While jurisdiction remains with the Council, these state agencies and local governments are notified throughout the review to ensure the appropriate standards and requirements are identified and that staff and Council have received input on how to apply those standards and requirements.

- State agencies and local governments are eligible to receive reimbursement to encourage their participation. State-level oversight of energy facilities helps ensure that siting, construction, and operation of energy facilities is accomplished in a manner consistent with protection of public health and safety and in compliance with the energy policy and air, water, solid waste, land use and other environmental protection policies of this state (ORS 469.310). The Council's work is supported by the Oregon Department of Energy's Siting Division staff.
- Two of the key distinctions between state energy siting and local government energy siting are the required studies and landowner consent. State energy siting requires many more resource studies than local government energy siting, and each study is generally required to be conducted at a more in-depth level to prove the corresponding state standard is met. State energy siting allows an applicant to submit an application without all of the underlying landowner's consent, whereas that is prohibited at the local government energy siting level. However, because the Council does not have eminent domain authority, this occurs very infrequently.

State Renewable Energy Laws:

- The electric transmission system that crosses the Umatilla Basin is part of a broad, regional, synchronous grid that serves 17 different states and provinces across the western United States, Canada, and Mexico. Many of these states and provinces, including Oregon, have laws which require renewable electricity (either explicitly via a Renewable Energy Portfolio Standard or implicitly via greenhouse gas reduction policy).
- Furthermore, many of these renewable energy laws are recent. Oregon's corner of that interconnected grid is an essential bridge, and Oregon is in a position to potentially benefit from the economic development of its wind and solar resources as these laws spur the growth of renewable energy demand and opportunity.
- As Oregon utilities and developers assess transmission planning processes and needs, it is important to ensure the outcome works to serve the diverse needs of energy generation and use within the state and throughout the West. Doing so will help set Oregon up for success in renewable energy investment in rural areas and reduced costs and risks in achieving state climate change goals.

Oregon Department of Fish and Wildlife:

- The mission of the Oregon Department of Fish and Wildlife (ODFW) is to protect and enhance Oregon's fish and wildlife and their habitats for the use and enjoyment by present and future generations. For energy projects throughout Oregon, ODFW's role is to provide permitting agencies with recommendations on how to best avoid, minimize, and mitigate the impacts to fish and wildlife and

their habitat (as per the ODFW Fish and Wildlife Habitat Mitigation Policy; OAR Division 415).

- At the county level, ODFW recommendations focus primarily on the Goal 5 Resources identified in the county comprehensive plans. For energy projects permitted at the state level by the Energy Facility Siting Council, the ODFW Fish and Wildlife Habitat Mitigation Policy is incorporated by reference into the Council's Fish and Wildlife Habitat Siting Standard (OAR 345-022-0060). ODFW's role is to provide Oregon Department of Energy with recommendations as well as interpretation of the ODFW Fish and Wildlife Habitat Mitigation Policy so as to meet the Council's standard.

4.0 Ideas for Resolving Issues

The Advisory Committee's meetings built a common understanding of the problem statement. Discussions related to the problem statement also addressed: 1) transmission lines built to interconnect new generation resources, their cumulative impacts, and the potential lack of safety oversight; 2) existing energy project applications such as the Boardman to Hemingway 500 kV transmission line project and the Wheatridge Wind Energy project and whether this Committee can influence their location; and 3) whether to include underground natural gas pipelines in addition to overhead electrical transmission lines in the discussion. To keep the Committee's discussions in line with its purpose and scope, ultimately, the problem statement was limited to ***the best way to establish overhead electrical transmission corridors through highly productive agriculture areas in North Morrow County, Northwest Umatilla County and North Gilliam County that will allow important and needed renewable energy generation to connect to the grid while reducing or mitigating impact to highly productive agricultural land.*** The Advisory Committee discussed the information below as ideas to help resolve this problem statement.

4.1 Idea: County-only corridor approach.

Idea: Counties conduct a stakeholder process to adopt land use plan and ordinance changes to designate corridors. Ordinance changes would be designed to incent developers to use corridors through process streamlining or other means such as enterprise zones.

Discussion:

- Incentives could be provided to encourage developers to use "incentive corridors." For instance, counties could pre-screen the corridors for compliance with other comprehensive plan and zoning ordinance constraints and demonstrate that the corridors provide an easier path toward local permitting. As another example, counties could identify all applicable substantive criteria for projects in the corridor providing greater certainty to developers of any possible constraints. There would likely be interest in a non-mandatory, incentive corridor that results in less conflict and impacts. BPA, utilities, and developers try to minimize conflicts and impacts so that they can avoid protracted project delay costs and mitigation costs.
- Without a corresponding change to state rules or statutes, locally adopted land use ordinances intended to mandate—rather than incent—the siting of a transmission line in a corridor may not be compatible with all LCDC or EFSC authorities. For instance, if the intent was for the county to establish "mandatory corridors," it would likely not be compatible with existing statutory and regulatory frameworks that otherwise authorize "utility facilities necessary for public service" in EFU lands (see, e.g., ORS 215.213(1)(c), ORS 215.274; ORS 215,275; ORS 215.283(1)(c)). Also, for EFSC projects, if the project does not comply with one or more county applicable substantive criteria, such as a county-designated

corridor, the applicant may still meet the EFSC land use standard by demonstrating the project otherwise complies with statewide planning goals (see OAR 345-022-0030(2)(B)).

- Also there may be practical reasons why a mandatory corridor would not work. For example, avoiding all highly productive agricultural lands likely would be difficult because the majority of eastern Oregon is designated as Goal 3 (agriculture) or Goal 4 (forest) land indicating those lands are valued for agriculture. There may be difficulties in anticipating all future developer needs and project locations in determining how and where to establish a corridor.
- Generally, a project requires years of biological studies and siting evaluation by a developer, and it is not financially feasible to pre-identify areas in an entire region with the detail and specificity needed to achieve the ideal of a mandatory corridor.
- However, the discussion of local needs and values is important. Land use planning principles and standards with determined methodologies rather than pre-determined geographic boundaries could allow the values that may create a conflict to be brought into the development process early on. Ultimately this approach keeps the burden and cost on the developer rather than a government entity to prove a project meets a "low-conflict" standard. However, it may be difficult to predict if and where utilities will build the next substation, creating the possibility of a county mandating a "corridor to nowhere." In addition, individual county interests and decisions may result in an unworkable, non-contiguous patchwork of corridors across county lines.
- Finally, there is no guarantee that mandatory corridors will meet all otherwise applicable state and federal siting laws and regulations. In general, this approach and any corridor approach would be unlikely to result in pre-approved, mandatory corridors that developers are required to use; site-specific analysis of local, state, and federal permitting and siting laws and regulations would still be required to mitigate a developer's legal liability.

4.2 Idea: County and State (LCDC) Goal 3 approach

Idea: LCDC adopts a rule implementing Goal 3 and ORS 215.283 that limits transmission lines to corridors sited under a local process, where counties have gone through a specified stakeholder process and designated them by local plan and ordinance amendments. LCDC rule implements Goals 3 and 13.

Discussion:

- Most concerns with the idea of a county-only approach (Section 4.1) also apply to this idea, as conflicts may arise between new LCDC rules and existing state statutes, authorizing transmission lines in EFU lands, the latter of which would prevail if there is a conflict.

- Predicting the location of future wind and solar and the associated transmission lines will likely be difficult. A mandatory corridor may not align with the needs of power producers depending on where generation locations are established. Requiring connection through a pre-established, mandatory corridor could be cost prohibitive based on the economics of their particular projects.
- For projects that go through the state EFSC process, it is difficult to ensure an established mandatory corridor will be able to meet all applicable standards if less than a full evaluation is completed. A full evaluation, which includes field surveys for several standards, can be costly and time consuming. Even if a full evaluation is completed, the information can become stale if there are changes in circumstances on the ground or to applicable laws, rules, and statutes. Therefore, there is no guarantee an application for a generation tie-in line submitted after the original full evaluation would continue to meet all applicable standards.
- The same applies to federal permitting compliance – there is no guarantee that the corridors will meet all otherwise applicable federal siting laws and regulations (e.g. Endangered Species Act, National Historic Preservation Act).
- Conversely, if corridors were non-mandatory and based on analysis showing that there were fewer conflicts, BPA, utilities, and developers would likely consider the corridors when planning future energy infrastructure as they try to minimize the impacts caused by building the facilities since mitigating those impacts have protracted project delay costs and impact mitigation costs. However, other requirements – environmental or operational, for example – may cause BPA, utilities, and developers to decide to build outside of the incentive corridors.
- LCDC's capacity to engage in rulemaking is depended on adequate staffing and may be constrained by budget issues. New rulemaking may also trigger notice requirements under Ballot Measure 56 to be satisfied, adding additional expense.

4.3 Idea: County and State (LCDC) Goal 5 approach

Idea: LCDC adopts a rule implementing Goal 5 and OAR 660-023-019 (Goal 5 Energy Sources) to allow transmission corridors to be designated as a Goal 5 protected resource in Morrow County as a pilot project. Morrow County conducts a stakeholder process to identify corridors and implementing ordinances. Desktop surveys are conducted to determine if transmission corridors will likely meet local and state siting requirements. Morrow County designates corridor(s) in plan and adopts ordinances requiring the use of the corridor(s) unless an applicant can justify it would unreasonably increase the cost of a project or impact its functionality.

Discussion: Similar to Section 4.2 discussion above.

4.4 Idea: State (EFSC) approach

Idea: EFSC adopts a rule preventing developers of transmission from avoiding local ordinances, by applying statewide goals (Goal 3) where an applicable county has gone through a corridor designation process (same as above). This may require an LCDC rule as well, allowing EFSC to limit transmission to corridors, notwithstanding ORS 215.283.

Discussion: Similar to Section 4.2 discussion above.

4.5 Idea: Financial Incentives

Idea: The state could establish a financial incentive to overbuild a transmission line using one or a combination of the following:

- 1) oversizing right-of-way to accommodate a second set of poles and conductors;
- 2) building towers large enough to hang multiple conductors for multiple projects; or
- 3) overbuilding poles and conductors.

For example, at the time a developer is ready to engage in the permitting process for a transmission line project, the state could offer a financial incentive to encourage them to overbuild using one or a combination of the options included above. Payment for the transmission line could be sequenced in the following way:

- Original Applicant(s): Pays the full cost of a single purpose line minus the X% (to be determined) that the state pays to incent them to overbuild the line.
- State: Pays all additional costs associated with overbuilding the line, with the single purpose line cost as the baseline.
- Future Applicants: Pay full cost to the state to tie into the line minus the X% (to be determined) to incent them to tie into that line.

Discussion:

- This approach does not rely on Oregon land-use laws as the prior ideas do, but would require legislation. It would be responsive to projected future market conditions as well as ensuring all legal requirements and standards are met at the time the transmission line is approved.
- In some situations, a transmission line could be constructed to be capable of operating at a higher voltage in the future, which would be helpful since higher voltage lines can generally transmit more power and could therefore accommodate future energy generation. For example, a line could be built to 230 kV design specifications but initially operate at 115 kV or 69 kV until demand grows and other terminal equipment upgrades can be made to enable higher voltage operation.
- However, it is worth noting that such “overbuild” could also create an onerous risk if available “extra” capacity is underutilized for too long, or even indefinitely, in which case the taxpayer-subsidized program would present a substantial and

possibly intractable financial burden on the state. Higher voltage operation requires greater electrical clearance, which would mean additional insulators and phase separation, and so the cost to overbuild can be exorbitant. Also, unnecessarily high voltage could be an impediment to economic development in the region, because it is more expensive to interconnect new energy generation infrastructure at higher voltages, and that difference in interconnection cost can determine the viability of building new wind or solar generation.

- An important factor in this concept is the viability of predicted future need—because even though it can be more expensive to rebuild or expand a line years or decades after it has been built, it can also be incredibly difficult to predict where and when additional capacity is likely to be needed. If such an “overbuild” program were to exist, some entity would need to pay the incremental cost of building in the added capacity up front, capacity which may or may not ultimately be needed in the future. This is why the Public Utility Commission typically will not allow the costs of this type of overbuild to be recovered in a regulated utility’s consumer rates.
- If the state financial incentive makes up the difference of the incremental cost through an incentive, there may be more opportunity for overbuilding the transmission line. In this instance, it would be Oregon taxpayers taking the financial risk rather than utility ratepayers, and in many parts of the state those two groups are one and the same, so the incentive would likely face all the same challenges that a utility would face when attempting to justify an overbuild at the Public Utility Commission or consumer-owned utility board.
- Determining costs is complicated because full transmission project costs include engineering, payment of additional equipment or right of way, construction, operation, and maintenance. Also, the need for capacity can change over time as electricity markets evolve, which means that predictions of future needs face the challenge of “overbuilding” in the wrong places.
- There may be an opportunity to allow rate-based compensation to utilities for building to projected capacity needs, but it would require rigorous scrutiny to ensure the utility can justify the anticipated future need. It is difficult to know in advance where it will be useful to have added capacity on a line, and it is extremely costly to overbuild just in case. In any of these instances, there would likely be concern if the State were to take on the financial risk of subsidies when there is so much uncertainty on how much transmission capacity will be useful at a future date.
- Finally, the state could create a bond fund as a financial incentive. A transmission line is proposed and through the various review processes, a potential need is identified to overbuild the line and place the line into a “corridor” class project that would obligate other transmission users to use the overbuilt line to serve future transmission needs. The proposing entity, such as an IOU, COU, or private developer, would build the larger capacity line, determined through

EFSC, PUC, or county processes, and seek additional funds from the State of Oregon for those costs in excess of the original project scope. Oregon would issue bonds to fund the excess amounts of the project and be reimbursed from revenues generated from the excess capacity of the line as it is used through wheeling rates. The state would have influence in the most efficient use of the transmission resources, determining capacity, routing and sharing the risk. This mechanism likely reduces the financial risk of a project that is overbuilt in order to accommodate future opportunities. To gain access to the bond funds, the project would have to qualify as a corridor project.

5.0 Next Steps

As this Advisory Committee's work comes to a close, the ideas discussed above could be used by local governments, state agencies, and policy makers to help balance energy facility development and protection of natural resources like highly productive agricultural land. However, the approach discussed in Section 4.1 is unlikely to be available without meaningful changes to state statute.

As discussed in this report, the LCDC may not promulgate rules that are inconsistent with state statute. However, the restrictions created by *Brentmar* do not apply to administrative rule proceedings in the same way they limit local government. The courts have recognized that LCDC has been delegated authority to take necessary steps to protect agricultural land. Given the complexities surrounding this subject, including the important questions raised in the ideas discussion above, it may be prudent to limit the timing and extent of a LCDC rulemaking process regarding Goal 3 and/or Goal 5. A "pilot project" could set the stage for conversations and enable local decision makers to make policy choices regarding transmission corridors during an open, public process. Morrow County expressed interest in participating in a pilot project. As a next step, Morrow County is working with DLCD staff to establish a pilot project with regard to Goal 3 and/or Goal 5 as discussed in Section 4.2 and Section 4.3.

Since this pilot project with DLCD and Morrow County is being established, the idea discussed in Section 4.4 is not necessary. The pathways for financial incentives like bonding need more discussion with technical experts and policy makers as discussed in Section 4.5. In addition, representatives of Umatilla County continue to suggest legislative solutions around the following topics: (1) energy generation projects should be evaluated with their associated transmission lines, and (2) generation-tie lines should be evaluated pursuant to ORS 215.283(2) instead of ORS 215.283(1). Finally, LCDC is encouraged to consider an evaluation of statewide planning goal 13 (energy conservation).

6.0 Attachments

- A.** Governor's Framework for the Advisory Committee in Umatilla Basin
- B.** 10.27.15 Meeting Agenda and Minutes
- C.** 11.12.15 Meeting Agenda and Minutes
- D.** 12.21.15 Meeting Agenda and Minutes
- E.** 2.5.16 Meeting Agenda and Minutes
- F.** 10.18.16 Meeting Agenda and Minutes
- G.** HB 2508-1 (2015)
- H.** Associated Transmission Line Check Box
- I.** Cumulative Impact Clarification
- J.** Energy Projects Currently Under Review

ATTACHMENT A. Governor's Framework for the Advisory Committee in Umatilla Basin

Governor's Advisory Committee on Energy & Agriculture Umatilla Basin, Oregon

Purpose

Northeast Oregon is home to irreplaceable high-value agricultural land. Recent proposed energy development, including generation facilities and associated transmission lines, have the potential to take portions of high-value agricultural land out of production. There is a need to ensure that as energy projects are constructed to meet the region's energy needs, developers consolidate resources, particularly transmission lines, to avoid to the maximum extent practicable any impacts to this land, as well as site future energy substations in locations that avoid cumulative impacts of transmitting energy to and from substation locations. The purpose of this Advisory Committee is to scope out the agricultural and energy needs in the Umatilla Basin and the region, and to determine whether or not any changes in the federal, state or local laws or regulations are necessary and if so how they should be pursued to better protect this land.

Scope

The Advisory Committee shall review investor-owned and public utility future energy needs in the region and potential resources to help meet the demand in energy. The Advisory Committee will review federal, state and local laws and regulations to determine the extent to which changes can help encourage transmission line consolidation to avoid future potential impacts to high value agricultural land in the Umatilla Basin.

If the Advisory Committee determines there are changes that need to be made, they will provide those recommendations to the Governor in a report no later than January 15, 2017.

Membership

The Advisory Committee shall include:

- A representative from the Governor's Office
- A member of the Oregon State Senate
- A member of the Oregon State House of Representatives
- A representative of an investor-owned utility
- A representative of the irrigated agricultural community
- A representative from a land-owner organization
- A representative from Morrow County
- A representative from Umatilla County
- A representative from Gilliam County
- A representative from the local utility
- A representative from the Port of Morrow
- A representative from a renewable energy organization

Technical support will be provided to the Advisory Committee by:

- The Oregon Department of Energy
- The Oregon Department of Agriculture
- The Oregon Department of Land Conservation and Development
- The Oregon Public Utility Commission
- The Bonneville Power Administration

ATTACHMENT B. 10.27.15 Meeting Agenda and Minutes

**Governor's Advisory Committee on Energy & Agriculture
Umatilla Basin, Oregon
October 27, 2015**

Location

Port of Morrow, Sand Hollow Room
2 Marine Drive
Boardman, Oregon

888-204-5984
298149

Agenda

Welcome & Introductions	15 minutes
Overview of potential cumulative impacts to ag land	30 minutes
Overview of energy resource acquisition needs	30 minutes
• Umatilla Electric Cooperative	
• Portland General Electric	
• Bonneville Power Administration	
• Renewable Northwest Project	
Discussion, Wrap Up	15 minutes

LOCATION:

2 Marine Drive, Boardman, Oregon | Port of Morrow, Sand Hallow Room

OPENING:

The first meeting of the Governor's Advisory Committee on Energy & Agriculture was called to order at 3:30pm on October 27, 2015 by Margi Hoffman.

MEETING NOTES:

- **High Value Agriculture – J.R. Cook**
 - Restricted by 1260 foot contour – above sea level and too expensive to pump from McNary pool.
 - Restricted by soil type (SE has heavier soil)
 - Restricted by water rights and water restrictions
 - There is a mix of farm size and crop type.
- **Umatilla Electric Coop – Steve Eldridge**
 - Irrigated agriculture, industry, and small amounts of residential.
 - Use existing right of ways or adjoining rights of way.
 - Only 16% is open for development – so much exclusive land like high value agriculture, national forests.
 - Transmission is already built near the Columbia River because of the dams
 - Changes in FERC/NERC oversight of smaller lines
 - Bulk transmission across state/country lines
 - As opposed to BPA lines that serve local areas – local load serving lines
 - There are terminology issues – pathways versus corridors versus proposed projects to build lines
 - East side of bombing range road?
 - Big enough poles for later addition of lines
 - Should not do a “hopefully they will come” line – ratepayers should not pay
 - JR – only concerned about the “free ways” not the local load serving lines.
- **PGE – Varner Seaman**
 - Focused on Carty and RPS compliance (100 aMW of renewable energy/250 MW nameplate capacity)
 - There is a market for eastern Oregon solar
 - Grasslands substation for Carty – yes, additional capacity
- **BPA – Crystal Ball, Brian Altman, Matt**
 - Owns 75% of high voltage transmission in Oregon (500kv and 200kv lines)
 - BPA responds to requests for interconnections
 - Stanfield substation – preliminary site in Hermiston for on-ramp of power
 - 3-5 years for process - \$20,000 - \$50,000 for doing the study
 - Interconnection study
 - Facility Study (land use, real estate)
 - Construction agreement → design → build → electrification
 - More likely to be a developer trying to connect to BPA substation
 - Substation seems to be driver for other development
 - Transcanada and Williams pipeline in the same area as Stanfield
- **Renewable Northwest – Hillary Barbour**
 - \$9.8 Billion – 3350 MW in Oregon - \$158.8 Million for public revenue – from renewable energy projects
 - Project needs:
 - Good resource (sun, wind)
 - Willing land owner
 - Transmission
 - Permits
 - Off-taker/market

- Financing for project
- **Group Discussion:**
 - Need to define cumulative impacts and type of projects and high value in production potential (versus statute definition for soil type)
 - Two products
 - 1- region issue on cumulative impacts
 - 2- work towards framework
- **Next Meeting:** need to get a concrete list of issues and concerns. Try to work on getting a half day meeting to make the travel time worth it.

ATTACHMENT C. 11.12.15 Meeting Agenda and Minutes

**Governor's Advisory Committee on Energy
& Agriculture
November 12, 2015
10:00am – 12:00pm**

Location: Oak Conference Room, 421 SW Oak Street, Suite 770, Portland, OR

Conference Line: 1-888-204-5984; Code: 298149

Agenda

When	What	Who
10:00- 10:15	<ul style="list-style-type: none"> Welcome, meeting goals, and introductions 	All.
10:15 – 10:45	<ul style="list-style-type: none"> Common understanding of definitions/terminology & Q/A Proposed generation and transmission projects in the Umatilla Basin & Q/A 	BPA. Umatilla County, Morrow County, Gilliam County, ODOE.
10:45 – 11:30	<ul style="list-style-type: none"> Identification of issues Problem statement discussion 	Land-owners, Irrigated Agricultural Community, and discussion by All.
11:30-11:45	<i>Break</i>	
<i>11:45-12:45- Workina Lunch</i>		
11:45 – 12:15	<ul style="list-style-type: none"> Oregon state agency process and roles/responsibilities 	Dept. of Energy, Dept. of Land Conservation and Development, Dept. of Fish and Wildlife, Public Utility Commission, Dept. of Agriculture.
12:15-12:45	<ul style="list-style-type: none"> Each County's process and roles/responsibilities 	Morrow County, Umatilla County, Gilliam County.
12:45 – 1:15	<ul style="list-style-type: none"> Developer and Utility roles/responsibilities in generation and transmission development Process for determining size and location of different types of transmission (gen-tie, bulk transmission, etc.) 	Portland General Electric, Umatilla Electric Cooperative, NW Natural, Renewable Northwest.
1:15 – 1:30	<ul style="list-style-type: none"> Interested Party Comment Opportunity 	Any interested parties
1:30 – 2:00	<ul style="list-style-type: none"> Discussion and Next Steps 	All Committee Members

Governor's Advisory Committee on Energy & Agriculture Meeting Minutes

Thursday, November 12, 2015

LOCATION:

421 SW Oak Street, Portland, OR 97204 | Lincoln Building

OPENING:

The second meeting of the Governor's Advisory Committee on Energy & Agriculture was called to order at 10:00am on Thursday, November 12, 2015 by Ruchi Sadhir.

ATTENDANCE:

Advisory Members: Ruchi Sadhir, Bill Hansell, Kent Madison, J.R. Cook, Leann Rea, Steve Shaffer, Steve Eldridge, Gary Bauer, George Murdock, Hillary Barbour

State Agency Staff: Mike Kaplan (ODOE), Art Martin (ODFW), Todd Cornett (ODOE), Robin Freeman (ODOE), Jorge Ordonez (OPUC),

Federal Agency Assistance: Crystal Ball (BPA), Brian Altman (BPA),

Interested Parties: Carla McLane, Don Rice, Mitch Colburn, Anders Johnson, Tamra Mabbott, Brendan McCarthy (for Varner Seaman), Cindy Finlayson,

MEETING NOTES:

Ruchi described agenda for the meeting, asked for committee members to contribute information per the "who" column on the agenda, and asked if there were questions about or suggested additions to the agenda from members.

BPA:

- Crystal provided "Typical Electrical System" document that provides level setting and terms that BPA uses but not everyone is familiar with. Will share the link to NERC for a glossary of terms for members and interested parties.
- Brian Altman gives overview of BPA backbone system and distribution system based on document. There is a difference between "networked" lines and "radial" lines. Some transmission lines are for load-serving customers (consumer-owned utilities), other lines are for point-to-point use (delivering generation to a substation to get on the grid). Also discussed Open Access Transmission Tariff (OATT) requirements by FERC. They can't say no to new applications for using transmission lines, but the costs can go up to be prohibitive.
- Discussion on specific performance requirements and standards.
- Discuss function of a line and infrastructure needs to establishing a corridor, route establishment, and financial responsibility of each invested party.
 - Ruchi identifies two components to the conversation:
 - Risk – what comes first – transmission line or generators?
 - Cost – who is paying (upfront by utility? Generator?)
 - The requester/generator could pay for the whole gen-tie line, or the utility could pay for the line and charge for its use to recoup the costs of building the line.

- JR mentions bombing range as good example of establishing a right of way and parameters and then let energy folk's work within the established parameters.
- Discussed co-investment of substations. Discussed the example of BPA's Slate substation versus the Longhorn station (that may be jointly owned by Idaho Power Company)
 - Discussed utilities being the transmission line builder:
 - Steve/Kent: Utility already has some sort of right of way, may be used for existing service, encourage renewable energy. Counties can opt in/out if they want.
 - Todd: limit the scale to this specific area and issue to avoid limiting the economic success of future projects by creating too many corridors. The types of project applications may shift from wind to solar in the future.

AGENCY

- Todd provided "ODOE – Siting Division Energy Facilities" document that provides state jurisdictional energy facilities with site certificates list and break down, along with a map of projects.

MORROW COUNTY

- Commissioner McLane provided "Wind Projects & Met Towers" map and brief explanation of map.
 - Group discussion on creating a map that includes:
 - T-lines, soil type, planned projects, existing and pending substations, Met towers, water rights, roads, gas t-lines, sage grouse map.
 - Soils, right of ways – Todd & Steve *Steve will send information to Todd | Todd to get Sage Grouse info from ODFW *
 - BPA to pull GIS maps (including PacifiCorp lines), include power lines *Crystal to show Steve Eldridge first*

PROCESSES

- Jorge explains PUC Staff role related to discussion.
 - Utility has an obligation to serve all its customers in their designated service territory and for the utility to forecast needs to serve all its customers. Once a need (like transmission) is identified, the integrated resource planning (IRP) stakeholder process is used to determine how to meet needs with the least cost and least risk to ratepayers.
 - Siting and permitting considerations are not directly part of this analysis. But siting and permitting do effect the timing of a project and may increase the project costs because of the studies and analysis needed for permits. The actual costs of the project would not be put into rates until there is a Rate Case – IRP acknowledgment is not approval.
 - Note that the PUC only deals with Investor-Owned Utilities (PGE, PacifiCorp, and Idaho Power Company). But the governing boards of Consumer-Owned Utilities (like Umatilla Electric Coop) may have similar

processes related to forecasting and fulfilling utility service needs at least cost.

- Brendan McCarthy explains the utility's and the public's role in the IRP.
 - Group discussion about Cascade Crossing to illustrate detail, time line, and depth of IRP process.
- Todd explains role of Energy Facility Siting Council (EFSC)
 - Includes explanation of three part test for a t-line to be an energy facility (exceptions do occur but it is a standards based process)
 - Public process
 - Explains EFSC jurisdiction over all standards, except no jurisdiction over tribes. They are sovereign nations.
- Todd acknowledges this Committee will need a creative evaluation to come to a solution in this region (rather than state-wide solution) and notes JR's concern about one project outweighing another.
- - Local comprehensive plans and land use plans are included as standards (in the EFSC process) at the time of the preliminary application, however state standards can change during the pending application (because those state standards apply consistently statewide).
 - Discussion of Statewide Planning Goal 5, Goal 13, and Goal 12 *potential to work with DCLD *
- Discuss creating an incentive based corridor
 - Kent: make sure it is structured in a way that it's an incentive to use it but no law that states you must use the corridor.

ACTION ITEMS BEFORE NEXT MEETING

- ODOE to create a consolidated map that includes UEC/BPA/PacifiCorp transmission lines, soil types, roads, pending projects/met towers, substations (existing and planned), economic boundaries for water rights, transcanada pipeline, and natural resource sensitives (sage grouse and ground squirrel). *BPA and counties* coordination to help ODOE get transmission line GIS layers and county projects.
- Research potential Statewide Planning Goal changes – any need for legislation? (*Ruchi, ODOE, DLCD, and state agencies*)
- *UEC and Counties*: discuss corridor ideas – potential in both 207 and Boardman
- *UEC and Counties*: Discuss 115 kv line process in counties and whether there is reason for different treatment than larger transmission lines.

NOTE:

- Request: more lead time on the agenda
- Request: materials be sent to Ruchi in advance of meeting so they can be distributed in email with agenda to members/interested parties.
- Stacey to send out email with date/times options for next meeting.

ATTACHMENT D. 12.21.15 Meeting Agenda and Minutes

Governor's Advisory Committee on Energy & Agriculture

December 21, 2015

12:30 PM – 4:00 PM

Location: Port of Morrow, Riverfront Center

Conference Line: 1-888-204-5984; Code: 298149

Agenda

When	What	Who
12:30- 12:45	<ul style="list-style-type: none">• Welcome, meeting goals, and introductions	All Committee Members.
12:45 – 1:30	<ul style="list-style-type: none">• Overview of Consolidated Map• Q/A	ODOE. All Committee Members.
1:30 – 2:15	<ul style="list-style-type: none">• Report out on discussions between UEC, Morrow County, Umatilla County, and landowners.• Q/A	UEC, Morrow County, Umatilla County, and landowners, and Q/A by All Committee Members.
2:15 – 2:45	<i>BREAK</i>	
2:45 – 3:45	<ul style="list-style-type: none">• Discussion of problem statement and potential solutions.	All Committee Members.
3:45 – 4:00	<ul style="list-style-type: none">• Next Steps	All Committee Members

LOCATION:

2 Marine Drive NE, Boardman, OR 97818 | Port of Morrow

OPENING:

The third meeting of the Governor's Advisory Committee on Energy & Agriculture was called to order at 12:30pm on Monday, December 21, 2015 by Ruchi Sadhir.

ATTENDANCE:

Advisory Members: Ruchi Sadhir, Kent Madison, J.R. Cook, Leann Rea, Steve Shaffer, Steve Eldridge, Gary Neal, George Murdock, Hillary Barbour, Rep. Greg Smith, Varner Seaman, Gary Bauer,

State Agency Staff: Mike Kaplan (ODOE), Todd Cornett (ODOE), Steve Cherry (ODFW), Jon Germond (ODFW), Matt Lawyer (ODOE)

Federal Agency Assistance: Crystal Ball (BPA)

Interested Parties: Carla McLane, Don Rice, Mitch Colburn, Tamra Mabbott, Cindy Finlayson, Alan Hickenbottom

MEETING NOTES:

Ruchi opened meeting by describing the intent of the third meeting: to build off of the previous two meetings using the consolidated map created by ODOE and to provide feedback on what should be added and/or removed from the map. In addition, to get a report out on the discussions between the counties, UEC, and landowners about the problem statement and potential solutions.

OVERVIEW OF CONSOLIDATED MAP/Q & A

Todd talked about the different layers of the map created so far emphasizing the map is a working draft only. Invites members to described layers of map.

- ODOE - FSEC facilities
- Umatilla County
- Morrow County
- Yellow dots at bottom are MET Towers
- Red rectangle – bombing range
- Blue bubble – Flight path, no development zone
- Yellow lines and dots – transmission lines
Note: ODOE had a hard time downloading BPA's lines but some were included based on the Platts layer.
- Irrigation lines/Water Rights Boundaries – JR discusses pivots and place of use on map.
- Sage Grouse was removed because it was no applicable to the area.

REPORT OUT ON DISCUSSIONS/ Q & A

Review *Energy Task Force Working Outline* document (produced through side meetings of the counties, UEC, and landowners. Circulated by J.R.

Steve notes the outline provides the group's thoughts on how to propose/manage/coordinate any number of transmission lines that could be sited on farm land.

- Discuss connection of MET towers to Stanfield or Longhorn.
- Can BPA tell how much capacity is left at Longhorn? How does power get from (proposed) Stanfield tower to grid?
 - Crystal: Longhorn - Will inquire about it and report back. States Longhorn is a proposed substation with a three party ownership.
 - Crystal: Stanfield – BPA engineer's state there have not been enough requests for them to study the possibility of a substation for Longhorn and Stanfield.
 - Ruchi asked Crystal to provide total amount of energy requests in queue in Boardman area.
- Tamra provides description of type two land use, sub-one, and sub-two. All transmission lines are sub-one use. The bar is lower and you can meet definitional standards and local government cannot put conditions on a permit. Sub-two is how they permit an energy generation facility (wind farm). EFSC would ask for criteria and go by state standards which are more discretionary.
- Concept idea: County somehow codify predesignated corridors using a process that has legal standing under landuse law.. If private developer doesn't want to use predesignated corridors than they would need to go with a sub-two without incentives. Tamra asks for state legal assistance if asked to come up with a concept.
- Discuss cumulative impacts keeping in mind agriculture and natural resources.
 - Steve Cherry (ODFW) – provides description of agency's process for studying the wildlife movement of the area, specifically Washington ground squirrel, an Oregon endangered species (category 1 habitat). Discusses the avoidance of disturbing a colony.

PROBLEM STATEMENTS & POTENTIAL SOLUTIONS

Ruchi asks for discussion about roles and responsibilities for the next meeting.

- JR: need BPA's constraints on where to site Stanfield substation and whether they need an additional line. Steve and Crystal to talk through BPA questions about the east corridor.
 - Crystal emailed: "There is no set location for Stanfield. The proposed location is just for study purposes. BPA has made no attempt to acquire land. If we move the substation to the east, we would need to build a transmission line to connect it to the system. Building additional miles of transmission line will impact landowners, but we would study that if we ever actually start the realty process for Stanfield. At this point, no one has put up the money for interconnection at Stanfield."
- J.R: send Todd layer with pink line eliminated (central corridor)
- J.R: landowners will reach out to other landowners to start a conversation.

Discuss the use of pre-approved corridors.

Note: Group discussed concern of using term “pre-approved” which sounds definitive. Group agreed on “preferred” as suitable term.

- Kent: Notes the incentive of creating a preferred route sub-one corridor. An initially pre-approved corridor would have the basic ground work completed so if a developer comes in, even if a study is needed later, reducing initial hurdles for the developer. A sub-two corridor would be required if the developer decides to work outside of the preferred route corridor.
- J.R: At next meeting, asked ODOE and Counties what is realistically feasible for preferred route in a corridor? What boxes can be checked that the applicant will need (i.e. how far down the finish line does the preferred route get a developer?).
- Kent: proposes pre-approving/expediting bombing range road (west) corridor. Developer wants to put down power poles *now* if there was a preferred route corridor. Concurs east corridor may never be built.
- Suggestion of minimal fee for using preferred route versus a large fee for using non-preferred route.

Discuss county ordinance to memorialize corridor

- Tamra will need help from agency with land use laws. Ruchi and Todd will find out who she can work with for next meeting.
- Tamra would like a conference call with Todd, Carla, and Ruchi to discuss whether they can establish a county ordinance (for a long-range plan or corridor) under the existing statutory language.
- Ruchi would like a definition of cumulative impacts by statute. J.R. will research and clarified that the cumulative impacts under land use law (ORS 215) are related to farm use, not cumulative impacts associated with environmental, aesthetic or other.

Discuss MOA

- Discuss concept of an MOA between utilities and counties to make clear there is an intent, when a developer would be using a line through a utility, the first choice would have it be run through the corridor. This wouldn't include privately developed transmission lines outside of the utilities.
 - Hillary will discuss with the Renewable Northwest members and provide their perspective at the next meeting.
- Steve Eldrige notes that public safety is a concern when private developers build their own lines. Asks that the state require private developers to adhere to same construction, maintenance, and operational standards as utilities. Discussed writing a recommendation for administrative rule changes to reflect necessary uniform safety standards.
 - Hillary will speak with her members about the public safety aspect to gauge their response.
- Steve discussed receiving email confirmation from other utilities about interest in an MOA.

Discuss the legal mechanism offered by state law without need for legislation.

- Ruchi will talk to Richard Whitman about attending the next meeting.
- Tamra suggests a goal 5 and goal 13 corridor discussion via follow up phone call.

Discuss codification of administration that need to be changed to ensure agency recognition of agreements moving forward.

- MOA with other utilities/counties
- Planning process in place that establishes corridors
- Mechanism for corridors to be recognized under state law and EFSC

Note: Concern was raised about laying this proposal out on a statewide basis. Not all jurisdictions want to come to a consensus that this is a regional effort specific to this project.

ACTION ITEMS BEFORE NEXT MEETING

- Consolidated Map Needs:
 - Washington ground squirrel data from ODFW.
 - Umatilla and UEC for their boundaries – Todd will reach out
 - Potential transmission lines and substations data
 - Natural gas line layer – suggestion by Kent
 - Roadways – Steve Eldridge
 - ODOE has information on U.S. roadways but not local. They will reach out to ODOT. Counties may keep their own roads map. Tamra can get layer to Todd for Umatilla County.
 - Steve & Todd note the concern of building on a road right-of-way including avoiding local jurisdiction and land owners.
 - Steve asks for a map that differentiates, in color, proposed versus existing agriculture development. JR will get those layers to Todd.

- JR will send Todd the place of use boundaries for all of their regional projects. Boundaries of existing water rights data which would cover critical ground area and wells. Historical issues map (Oregon Trail?)
- Before the next meeting:
 - Send requested layers (above) to Todd to add to the consolidated map.
 - Crystal – share information about capacity of Stanfield substation and requests in the queue. Work with Mitch (Idaho Power) for capacity for Longhorn substation.
 - Crystal emailed: “right now the total amount is about 1500 MW around Morrow Flats/Longhorn and about the same around Stanfield.”
 - **Phone Call** with Ruchi / Richard / Tamra (Umatilla County) /Karla (Morrow County) / Todd (ODOE) /Jon Jinings (DLCD) – (1) Discuss type 2 process at county for development of corridor, (2) Help in developing concept for county ordinance (long range plan? Corridor?).
 - Todd – share information about the applicant check-list to help understand how to incentivize corridor use.
 - J.R. – outreach with landowners on corridors idea and location. Research on term “cumulative impacts.”
 - Steve – outreach with Columbia Basin and PacifiCorp on MOA concept to declare intent to use corridors in good faith.
 - Hillary – discuss with RNW members: (1) reaction to use of MOA and use of corridors, (2) private transmission owner requirements to build/maintain/operate transmission lines within public safety rules and who provides oversight?
 - Ruchi – follow up with Richard and DLCD to attend next meeting to discuss state law mechanisms (goal 5 and goal 13?) to “codify” the corridor designations in this region only (not state-wide).

NOTE:

- It was recommended the next meeting be held in Boardman considering that is the affected area. Early on, there had been agreement to share the travel burden by having two meetings in Portland/Salem and two meetings in Boardman. The driving principle should be to have the necessary parties at the table to find solutions. An option of Hood River or The Dalles was suggested as compromise location to accommodate parties coming from the Portland and Boardman area.
- Stacey to send out email with date/times options for next meeting.

ATTACHMENT E. 2.5.16 Meeting Agenda and Minutes

Governor's Advisory Committee on Energy & Agriculture

February 5, 2016

1:00 PM – 4:00 PM

Location: Governor's Conference Room, Salem, OR

Conference Line: 1-888-204-5984; Code: 298149

Agenda

1:00 – 1:15 – Welcome, meeting goals, and introductions

1:15 – 1:45 – ODOE Updates to Consolidated Map

1:45 – 2:15 – Report out on Action Items

- Crystal – share information about capacity of Stanfield substation and requests in the queue. Work with Mitch (Idaho Power) for capacity of Longhorn substation.
 - Crystal emailed: “right now the total amount is about 1500 MW around Morrow Flats/Longhorn and about the same around Stanfield.”
- Ruchi / Richard / Tamra (Umatilla County) /Karla (Morrow County) / Todd (ODOE) /Jon Jinings (DLCD) – (1) Discuss type 2 process at county for development of corridor, (2) Help in developing concept for county ordinance (long range plan? Corridor?).
- Todd – share information about the applicant check-list to help understand how to incentivize corridor use.
- J.R. – outreach with landowners on corridors idea and location. Research on term “cumulative impacts.”
- Steve – outreach with Columbia Basin and PacifiCorp on MOA concept to declare intent to use corridors in good faith.
- Hillary – discuss with RNW members: (1) reaction to use of MOA and use of corridors, (2) private transmission owner requirements to build/maintain/operate transmission lines within public safety rules and who provides oversight?

2:15 – 2:30 – *BREAK*

2:30 – 3:30 – Discussion of state law mechanisms

- County-only approach: Counties adopt land use plan and ordinance changes designating corridors. Design ordinances to incent developers to use corridors through process streamlining or other means (enterprise zones with tax advantages?).
- County and LCDC approach: LCDC adopts a rule implementing Goal 3 and ORS 215.283 that limits transmission lines to corridors sited under a local process, where counties have gone through a specified process and designated them by local plan and ordinance amendments. LCDC rule implements Goals 3 and 13.

- County and EFSC approach: Counties adopt land use plan and ordinance changes designating corridors. EFSC adopts a rule that prevents developers of transmission from avoiding local ordinances, by applying statewide goals ((Goal 3) where applicable county has gone through a process (same as above). May require an LCDC rule as well, allowing EFSC to limit transmission to corridors, notwithstanding ORS 215.283.

3:30 – 4:00 – Next Steps

Governor's Advisory Committee on Energy & Agriculture

Meeting Minutes

Friday, February 5, 2016

Location:

900 Court Street, Salem, OR 97301 | State Capitol Building, Governor's Conference Room

ATTENDANCE:

Advisory Committee Members: Ruchi Sadhir, J.R. Cook, Leann Rea, Steve Eldridge, George Murdock, Hillary Barbour, Senator Bill Hansell, Varner Seaman, Gary Bauer, **State Staff:** Richard Whitman (Governor's Office), Mike Kaplan (ODOE), Todd Cornett (ODOE), (ODFW), Jon Germond (ODFW), Matt Lawyer (ODOE), Lori Koho (OPUC), Jon Jinings (DLCD).

Federal Agency Assistance: Crystal Ball (BPA)

Interested Parties: Carla McLane, Mitch Colburn, Tamra Mabbott, Alan Hickenbottom, Anders Johnson, Tim McMahan, Elaine Albrich.

MEETING NOTES:

Ruchi opened meeting by describing the intent of the fourth meeting: to build off the progress of the last three meetings by reviewing the additional layers of the consolidated map and discuss the feasibility of three strategic proposals for moving forward.

OVERVIEW OF CONSOLIDATED MAP/Q & A

Todd described the additional layers that were added into the map. The purpose of the exercise was to see if there were/are siting constraints and conflicts when including additional layers to the map.

- Washington ground squirrel
 - Jon Germond: because landowners do not want actual data released, the map layer supplied by ODFW doesn't show exactly where the ground squirrel population exists but where they are likely to exist. Listed as state endangered species, not federally.
- Wind projects – proposed, approved, contested wind facilities in Columbia basin (green, blue cream)
- Morrow County facilities – Carla McLane:
 - - Echo is built (part of Echo is in Umatilla County).
 - Butter Creek is permitted but not built.
 - Problems at the Federal level and other developments issues. Construction was stopped. Developers anticipate a reapplication
- Umatilla County Facilities – Tamra Mabbott:
 - Wind facilities: the county just permitted a small wind facility last week. Otherwise, aside from MET towers what is on map is actually constructed.

- Columbia Basin Cooperative/Transmission Lines/Service Territory/Distribution/Substations
 - Ruchi notes this map layer has relevance because existing Bonneville line serves Columbia Basin Cooperative.
- Right of Ways
 - State Right of Ways (from ODOT) were added
- Could not integrate BPA information in this version

Steve Eldridge noted it would be helpful to know which EFSC jurisdictional facilities are existing, planned, and the expected name plate is of development of facilities. *Todd can make that available next time. He'll reach out to Carla and Tamra.*

Review of Action Items:

Ruchi asked everyone who had an action item assignment from the December 21st meeting to provide an update on their respective assignment.

Capacity question of line right now:

Crystal Ball:

- Emailed in real time during the December meeting a response on a capacity question about the 1500 mw at Longhorn and Stanfield stations: “right now the total amount is about 1500 MW around Morrow Flats/Longhorn and about the same around Stanfield.”
- Looked at Calpine and McNary line for capacity. Calpine line was built for 600 mw and McNary was built for 650 mw. 1250 mw is capacity for one element through the grid, otherwise they have to carry more reserve. Mitch & Anders discussed limits of grid and circuits out of each substation.
 - Steve notes and Crystal agrees, 1250 mw is an operational constraint for liability purposes but Crystal adds there is existing infrastructure to integrate wind that is proposed and anything beyond that existing infrastructure they've proposed new facilities such as Stanfield. Example: do not have room for more equipment so they have to build Stanfield.

Overview Type 1/Type 2 Process:

Tamra Mabbott:

- Type 1 is a use allowed outright with permit and a limitation on standards. All transmission lines are permitted as Type 1. Discussion about making it a Type 2, which is a conditional use. Statute does not distinguish between Gen-Tie line for a facility or a large overhead transmission line for a public utility or member owned cooperative.
 - Richard notes: Type 1-3 is a county construct. In order to create a process for development of a corridor and to limit siting of new transmission in that corridor, there may be a way to do it without a change in statute. Normally counties cannot limit Type 1 uses including transmission lines beyond what is in statute.

Three Mechanisms to Resolve Issues (see bullets on agenda):

Richard Whitman explains three proposed concepts for development of corridor:

1) County Only – no state rule would be required

- The county would create incentives for new transmission and apply those incentives only within the corridor. That puts the person who is looking at siting a new transmission facility to make a decision for private reasons to determine whether they want the incentives provided by county.
- It would be up to the county and the efficacy would come down to the strength of the incentives that the counties could bring to the discussion. This is believed to be more of an economic tool than a regulatory tool, but there could be some streamlining on the regulatory side.
- Mechanism would be an ordinance and dependent on a collaborative process. Need to work with landowners, then research in field, and finally go to county with initial work done.
 - Jon Germond: County Only approach may run risk of not qualifying in an EFSC process.

2) State Action Required - LCDC

- Go through land use program directly. LCDC, by rule, would create limitations or conditions (and keep in mind incentives) to push transmission siting into corridors. This would occur only where the corridors are developed in a collaborative way. Possibly a pilot program in a subarea of the state.
 - Jon Germond had spoken with the LCDC and there isn't opposition to the concept but council may need direction or help in taking it on.
 - Note that the process should make sure the proposal goes through a rule advisory committee, right to rule, then to be considered, and finally adopted. LCDC meetings are in March, July, and September.
 - Richard notes that, given the nature of ever evolving energy industry, something to consider is a mechanism to ensure this is revisited at a later date; a possible sunset or expiration. If LCDC adopted a statewide rule, it might be best to look at existing rules and try to design something that fits within it. (Jon Germond mentions Provision 33 Section 130 for modifications)

3) State Action Required – EFSC

- Rule would only apply to EFSC jurisdictional facilities. EFSC would limit the authority of developers to go around local ordinance. EFSC rule would require them to use the local corridor, if established in a collaborative way.
- This would happen via a rule amendment by the Energy Facility Siting Council. EFSC would need to initiate rule making by going through rule advisory committee. The goal is to include the collaborative process as part of the process.
- State rule would set up a process with side board that the county would have to operate within. Balancing would happen at local level.
- This is least developed of three concepts and needs more work.
- Need to explore use of EGA – Energy Generation Area

Applicant Checklist – What incentives could there be to site in a corridor?

Todd refers to page 2 - 3 of the *Associated Transmission Line Check Box* handout. (See Attachment H) This handout gives a sense of what an applicant must submit to meet EFSC standards.

- Standards: Structural standards, Soil Protection, Protected Areas, Fish and Wildlife Habitat, Threatened and Endangered Species, Scenic Resources, Historic, Cultural and Archeological Resources, Recreation, and Public Services.
- Crystal notes that they have a federal process (NEPA) and would want to make sure the corridor meets federal requirements.

Cumulative Impacts:

J.R. provided two documents *Cumulative Impact CL* (See Attachment I) and *Proposed Transmission Lines and existing BPA 010516* (See Attachment J).

- *Cumulative Impact CL* – Cites ORS 215 and headnotes from Land Use Board of Appeals (LUBA) case law pertaining to impacts to agriculture.
- *Proposed Transmission Lines and existing BPA 010516* – map illustrating the POU's for Northeast Oregon Water Association's (NOWA) new water projects as well as existing BPA lines and the corridor areas that may be a start if the state finds a way to acknowledge a pre-planned overhead transmission corridor through or around NEWA's irreplaceable high-value agricultural land.
 - Tamra notes: Cumulative impacts only apply to Type 2 use. So, if for example, LCDC were to adopt rule changes, they could use this other than reinventing a definition.

Columbia Basin and PacifiCorp on MOA:

Steve provided an update on his outreach with PacifiCorp's Pat Reiten and Columbia Basin Electric Co-Op's, Tom Wolf.

- The discussion was positive and both were enthusiastic about the idea of facilitation of generation lines whether they connect to Pacific or Bonneville. They agreed it would be helpful and expressed interest in entering into an MOA. Also noted, although transmission providers would be interested in entering into an MOA he doesn't see why others wouldn't be interested. However, having the right and utilizing it are two different things. Utilities are the ones who have expertise to operate the facilities versus a non-utility. Best for public.
- Question (Ruchi): At what point would an MOA need to be entered into? Timing-wise and sequence-wise?
 - Steve Eldridge believes once the counties have the green light signal they'll work together. They're ready and standing but cannot do it without planning piece.
 - Hillary Barbour states her members are very interested based on her initial reaching out but need more details. Having the three concept options and the MOA helps give more substance to go back to her group with.
 - Steve feels JR can now talk to the landowners

Discussion regarding width of corridors for max capacity build out.

- Eileen would like to consider from a developers perspective how this will work. Question about how power will get to the corridor from the generation facilities.

J.R. notes the advisory committee's focus is to concentrate on high value farmland and developers will have to figure out how to connect power to the corridor, but the corridor gets them to the substation/grid.

- Discuss overbuilding. Steve relays that when utilities receive a request they try to build ahead of demand but states there is a limit. Varner notes there is always a margin and forecasting needs is important but at some point, utilities cannot go outside of limits/bounds.
- Question (Anders): Is there a way to economically build in an optionality?
 - Could consider a second circuit added later to oversized poles – there could be a wheeling charge or prepay/reimburse.

Discuss public safety

- Public safety requirements are already in the statute at PUC.
- Lori Koho: The PUC's authority is to enforce the national safety code.

Off-topic discussion regarding gap in communication between PUC, utilities, counties, and public relating to pole safety. Richard suggests Tamra raise this issue with the AOC or LOC. Tamra to send Lori emails on a specific situation.

Next Steps:

Gain a better shared understanding of three concept options/approaches. More work needs to be done on which approach would be best. The group would like to wait on meeting again until the B2H preferred alternative is released from BLM.

- J.R. and UEC will meet with landowners and Bonneville regarding terminal points but will wait for the preferred alternative for B2H from BLM.
- J.R. will address potential issues with the corridor that were raised through the checklist discussion and will get Todd a map layer on the east side of bombing range road.
- Richard will work with Jon, Todd, and Business Oregon on (1) additional analysis and research on the mechanisms, (2) explore use of energy generation areas, (3) research options for incentives that could be used at the county level.
- Lori will work with a sub-group (including UEC and the counties) regarding pole safety.
- Todd will include EFSC local jurisdictions and get further input on the consolidated map for use at the next meeting.
- Varner will provide Ruchi, via email, an MOA between PGE and two cities as an example MOA for group to consider.

ATTACHMENT F. 10.18.16 Meeting Agenda and Minutes

Governor's Advisory Committee on Energy & Agriculture

October 18th, 2016

12:30 PM – 2:30 PM

Location: Port of Morrow, Sand Hollow Room

Conference Line: 1-888-204-5984; Code: 298149

Agenda

When	What
12:30- 12:45	<ul style="list-style-type: none">• Welcome, meeting goals, and introductions
12:45 – 1:30	<ul style="list-style-type: none">• Walk through the Draft Report
1:30 – 2:15	<ul style="list-style-type: none">• Feedback on Draft Report
2:15 – 2:30	<ul style="list-style-type: none">• Next Steps

Governor's Advisory Committee on Energy & Agriculture

Meeting Minutes

Tuesday, October 18, 2016

LOCATION:

2 Marine Drive NE, Boardman, OR 97818 | Port of Morrow

OPENING:

The fifth meeting of the Governor's Advisory Committee on Energy & Agriculture was called to order at 12:30pm on Tuesday, October 18, 2016 by Ruchi Sadhir.

ATTENDANCE:

Advisory Committee Members: Ruchi Sadhir, J.R. Cook, Leann Rea, Steve Shaffer, Robert Echenrode, Gary Neal, George Murdock, Johnny Casana, Varner Seaman, Gary Bauer.

State Agency Staff: Mike Kaplan (ODOE), Todd Cornett (ODOE), Robin Freeman (ODOE), Nigel Siedel (ODFW), Steve Cherry (ODFW), Jon Jinings (DLCD).

Local Agency Assistance: Tamra Mabbott, Carla McLane

Federal Agency Assistance: Crystal Ball (BPA)

Interested Parties: Don Rice, Mitch Colburn, Cindy Finlayson, Sonja Bogart, Matt Vickery

MEETING NOTES:

Ruchi opened the meeting by describing the intent of the fifth meeting: to review the draft report, provide feedback, and have a discussion to make sure Advisory Committee members, staff, and interested parties are on the same page with the intent that this be the last meeting. The draft report is due by January 2017, so the meeting's purpose is to ensure that the Advisory Committee has all of the necessary information needed to finalize a report that reflects the work of the committee appropriately.

WALK THROUGH DRAFT REPORT:

Ruchi and committee members walked through each section of report with staff and interested parties. Discussed whether there should be additions/revisions made.

Background

- The Region
- The Region's Agriculture
- Umatilla Basin Energy Production
- Committee Purpose and Scope
- Committee Membership

Advisory Committee Meeting Summary

- Meeting 1: October 18, 2015 - Boardman, Oregon
- Meeting 2: November 12, 2015 – Portland, Oregon
- Meeting 3: December 21, 2015 – Boardman, Oregon

- Meeting 4: February 5, 2016 – Salem, Oregon
- Meeting 5: October 18, 2016 – Boardman, Oregon

Ideas for Resolving Issues

- Key federal, state, and local laws and regulations
- Idea: County-only corridor approach
- Idea: County and State (LCDC) Goal 3 approach
- Idea: State (EFSC) approach
- Idea: Incentives

The discussion around the “problem statement” reminded the members, staff, and attendees about the original purpose and intent of the Advisory Committee. There was discussion about the need to include the Boardman to Hemingway transmission line project as important context for the start of the issues this Advisory Committee has been considering, in addition to the purpose of focusing on regionally specific interests of accommodating electric transmission line development while protecting the region’s irreplaceable high-value agricultural land base. The meeting participants discussed the challenges of a dynamic energy industry, on-going changes with conditions on the ground and legal requirements for avoiding/minimizing/mitigating impacts, differences between utility and private developers, and differences in needs/interests of local communities – there is likely not a one-size-fit-all approach to resolving concerns with overhead transmission line siting. There was also substantive discussion regarding how the “menu of ideas” contained in the report could be used: longer-term, broad ideas around the corridor concept compared to more immediate opportunities for a Morrow County Pilot that could build on work around overhead transmission lines on Bombing Range Road and connecting to the Longhorn Substation. Morrow County (Commissioner Leann Rea and Carla McLane) committed to working with DLCD (Jon Jinings) and ODOE (Todd Cornett) on a pilot concept.

Overall, the meeting discussion about the elements of the draft report resulted in agreement on the following action items to complete and finalize the report.

NEXT STEPS

Please provide your action items to Ruchi (ruchi.sadhir@oregon.gov) and Stacey (stacey.oneil@oregon.gov) via email by Monday, December 5, 2016.

- Jon/Todd – Compile all the attachments for the appendix
- J.R. – Suggest language to expand the description of the “region” (page 1)
- Robert – provide numbers for electric service in the area (page 3)
- Crystal – Find out if there is more specific information that could be added for the location of substations (page 4)
- Varner – Add language about currently operating Carty gas plant/Grasslands Substation (page 4)
- Todd/Carla/Tamra – Create a table of projects that are currently in process with application for appendix.
- Varner/Johnny/Todd – suggest language for describing utility scale (MW? Size?) (page 4)

- Varner/Johnny – suggest a short paragraph that describes future project potential (rather than describing by name facilities that may be in the IRP phase). (page 4)
- Mitch – suggest language that puts B2H in context with the region’s energy discussion (section 1.3)
- Jon/Todd – Add local agencies section with Carla and Tamra (page 6)
- Mitch – suggest a sentence that provide context for B2H and cumulative impacts of future transmission lines for the problem statement paragraph (page 8)
- Jon/Todd – change “Port of Morrow” to be West Umatilla County, North Morrow County, and North Gillam County and make problem statement more broad for all types of energy (page 8)
- Jon – Some revisions in Local Planning Programs summary (e.g. include ORS 215.276, requiring consultation) (page 10)
- Todd – Some revisions in the EFSC summary (page 11)
- Steve Cherry – Add summary of ODFW role
- Varner/Johnny – Suggest language for a paragraph about renewable energy growth, including policy drivers like RPS (page 11)
- Jon/Todd – move key federal, state, local laws and regulations section to be its own.
- Jon/Todd/Johnny – Add language about the idea regarding checklist for developers instead of geographic boundaries of a corridor (page 11)
- Jon/Todd – add distinction between state versus local process with required studies and landowner consent (page 11)
- Jon/Todd/Carla/Tamra – Carla agreed that Morrow County would be a good place to work on a pilot, so this sub-group agreed to work on language regarding a potential preferred approach for a pilot from the “menu” of ideas
- Jon/Todd – make clear in definitions/background that significant resource includes energy generation and transmission facility (for these purposes) does not include pipelines.
- Jon/Todd – Clean up language in discussion sections so that the opportunities/challenges regarding corridors are all in one place. Use the state mechanisms and incentives ideas/discussion to keep building menu of options from there.
- Kaplan/Robert/Johnny/Varner – Clean up language and add language in incentives section to potentially list out separately the types of incentives that might work (overbuild, corridor, checklist, monetary incentive from state or west coast infrastructure exchange, note potential issues with IOU/PUC or COU/Board processes)
- Rep. Greg Smith – Ruchi and Mike Kaplan met with Rep. Smith on Monday 10/24/2016 to provide information about the meeting, and Rep. Smith committed to following up with local entities on the meeting and action items.

ATTACHMENT G. HB 2508-1 (2015)

This bill added a new set of review criteria for “Transmission Lines” being sited in an Exclusive Farm Use Zone as a “Utility Facility Necessary for Public Service” under ORS 215.213(1)(c) or 215.283(1)(c). This new set of review criteria, included in ORS 215.274, is intended to evaluate the proposed associated transmission line based on its potential impact to productive farmland.

215.274 Associated transmission lines necessary for public service; criteria; mitigating impact of facility. (1) As used in this section, “associated transmission line” has the meaning given that term in ORS 469.300.

(2) An associated transmission line is necessary for public service if an applicant for approval under ORS 215.213 (1)(c)(B) or 215.283 (1)(c)(B) demonstrates to the governing body of a county or its designee that the associated transmission line meets:

- (a) At least one of the requirements listed in subsection (3) of this section; or
- (b) The requirements described in subsection (4) of this section.

(3) The governing body of a county or its designee shall approve an application under this section if an applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

- (a) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;
- (b) The associated transmission line is co-located with an existing transmission line;
- (c) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
- (d) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

(4)(a) Except as provided in subsection (3) of this section, the governing body of a county or its designee shall approve an application under this section if, after an evaluation of reasonable alternatives, the applicant demonstrates that the entire route of the associated transmission line meets, subject to paragraphs (b) and (c) of this subsection, two or more of the following factors:

- (A) Technical and engineering feasibility;
- (B) The associated transmission line is locationally dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
- (C) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
- (D) Public health and safety; or
- (E) Other requirements of state or federal agencies.

(b) The applicant shall present findings to the governing body of the county or its designee on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

(c) The governing body of a county or its designee may consider costs associated with any of the factors listed in paragraph (a) of this subsection, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service. [2013 c.242 §2]

ATTACHMENT H. Associated Transmission Line Check Box

EFSC's ability to adopt a rule that prevents developers of a transmission line from avoiding locally adopted transmission line corridors.

ODOE response

Current statute (ORS 469.504) and rule (OAR 345-022-0030) allow EFSC to determine an applicant complies with statewide planning goals either through application of the local land use ordinances or by application of the goals directly. The statute and the rule are linked so there is no opportunity to change the rule without changing the statute.

We are still evaluating the opportunity to amend other EFSC rules that would require acknowledgment and use of locally adopted transmission line corridors. However, without a change to statute, there would always be a risk of a challenge to any rule because of the language in the land use standard in OAR 345-022-0030 and its link to ORS 469.504.

469.504 Facility compliance with statewide planning goals; exception; amendment of local plan and land use regulations; conflicts; technical assistance; rules.

(1) A proposed facility shall be found in compliance with the statewide planning goals under ORS 469.503 (4) if:

(a) The facility has received local land use approval under the acknowledged comprehensive plan and land use regulations of the affected local government; or

(b) The Energy Facility Siting Council determines that:

(A) The facility complies with applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and in effect on the date the application is submitted, and with any Land Conservation and Development Commission administrative rules and goals and any land use statutes that apply directly to the facility under ORS 197.646;

(B) For an energy facility or a related or supporting facility that must be evaluated against the applicable substantive criteria pursuant to subsection (5) of this section, that the proposed facility does not comply with one or more of the applicable substantive criteria but does otherwise comply with the applicable statewide planning goals, or that an exception to any applicable statewide planning goal is justified under subsection (2) of this section; or (Emphasis Added)

OAR 345-022-0030 – Land Use

(2)(b)(B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or (Emphasis Added)

(3) As used in this rule, the "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 recommends applicable substantive criteria, as described under OAR 345-021-0050, the Council shall apply them. If the special advisory group 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.

Site Specific Energy Facility Siting Council Standards

An applicant for a state jurisdictional energy facility is obligated to meet all local land use standards or the appropriate land use goals as previously discussed, and all applicable Energy Facility Siting Council (EFSC) standards. Unless a locally adopted transmission line corridor was evaluated against all potentially applicable EFSC standards, there is no guarantee EFSC could approve a transmission line proposed to be sited in the locally adopted transmission line corridor. The following subset of EFSC standards require project specific and site specific evaluations as part of the application process. Each standard requires the applicant to conduct studies of varying distances from the project boundary. See “Study Area” distances below for examples.

Structural Standard – This standard protects public health and safety, including the safety of facility workers, from seismic hazards. The Council requires that the assessment of seismic hazards and non-earthquake related hazards be based on actual physical exploration, not merely on available literature.

Soil Protection - This standard requires the applicant to consider problems of erosion and drainage that could affect land in the surrounding area. The applicant must also consider potential impacts on soils from cooling tower drift and other forms of chemical deposition.

Protected Areas - For proposed facilities near protected areas, the standard ensures that energy facilities located near these areas would have no significant adverse impact. The applicant must address not only direct impacts but also downstream impacts such as air and water quality.

Fish and Wildlife Habitat - This standard requires that the proposed facility comply with the habitat mitigation goals and standards of the Oregon Department of Fish and Wildlife. The Council must determine whether the applicant has done appropriate site-specific studies to characterize the fish and wildlife habitat at the site and nearby. If impacts cannot be avoided, the applicant must provide a habitat mitigation plan.

Threatened and Endangered Species - Through this standard, the Council seeks to avoid harmful impacts to plant and animal species identified as threatened or endangered under state law. The applicant must provide appropriate studies of the site to identify threatened or endangered species that the proposed facility could affect.

Scenic Resources - This standard protects scenic values that identified as significant or important in local or state land use plans, tribal land management plans or federal land management plans identify as significant or important. The preferred site is one where an energy facility would have no adverse impact on identified scenic values, either because of distance or because the facility is inherently low in visual impact.

Historic, Cultural and Archeological Resources - This standard protects the public interest in preserving places that have historic, cultural or archeological significance, including sites of historic or religious importance to Native American Tribes. The standard preserves historic and cultural artifacts and prevents permanent loss of the archaeological record unique to particular sites in the state. The applicant must conduct appropriate surveys at the proposed site to identify and avoid places of historic, cultural or archaeological significance.

Recreation - Under this standard, the Council must decide whether construction or operation of the proposed facility would adversely affect important recreational opportunities at the site or in the surrounding area. The applicant must identify the recreational opportunities and describe the potential impact of the facility.

Public Services - This standard protects the ability of providers in local communities to deliver critical services. The applicant must assess the proposed facility's needs for water and for disposal of wastewater, storm water and solid waste. The applicant must evaluate the expected population increases in local communities resulting from construction and operation of the facility. The applicant should address all permanent and temporary impacts on housing, traffic safety, police and fire protection, health care and schools.

OAR-345-0010 – Definitions – The following definition establishes the distances from the project boundary an applicant must evaluate as part of their Notice of Intent. These could be the same distances an applicant must study as part of the application process or they could be changed based on ODOE's evaluation and state agency, local government and tribal government input.

(59) "Study area" means an area defined in this rule. Except as specified in subsections (f) and (g), the study area is an area that includes all the area within the site boundary and the area within the following distances from the site boundary:

(a) For impacts to threatened and endangered plant and animal species, 5 miles.

(b) For impacts to scenic resources and to public services, 10 miles.

(c) For land use impacts and impacts to fish and wildlife habitat, one-half mile.

(d) For impacts to recreational opportunities, 5 miles.

(e) For impacts to protected areas described in OAR 345-022-0040, 20 miles.

(f) The distance stated in subsection (a) above does not apply to surface facilities related to an underground gas storage reservoir.

(g) The distances stated in subsections (a) and (d) above do not apply to pipelines or transmission lines.

ATTACHMENT I. Cumulative Impact Clarification

Cumulative Impact Clarification for February 5, 2016.

ORS 215.296 provides the meaning behind what is commonly referred to in the past task force discussions as “cumulative impacts.” The statute citation below and the attached headnotes should provide clarity to the discussion that “direct and cumulative impacts” being discussed in this task force relate to impacts on agriculture, not environmental, cultural or other.

Cite:

(1) A use allowed under ORS 215.213 (2) or 215.283 (2) may be approved only where the local governing body or its designee finds that the use will not:

(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(2) An applicant for a use allowed under ORS 215.213 (2) or 215.283 (2) may demonstrate that the standards for approval set forth in subsection (1) of this section will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

(3) A person engaged in farm or forest practices on lands devoted to farm or forest use may file a complaint with the local governing body or its designee alleging:

(a) That a condition imposed pursuant to subsection (2) of this section has been violated;

(b) That the violation has:

(A) Forced a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

(B) Significantly increased the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

required, direct the user to apply for approval within 21 days and warn the user against the commission of further violations. If the user does not apply for approval within 21 days, the local governing body or its designee shall order the suspension of the use until the user applies for and receives approval. If there is a determination pursuant to subsection (4) of this section following the receipt of a complaint that a further violation occurred after approval was granted, the violation shall be deemed a second violation and the local governing body or its designee at a minimum shall assess a fine against the violator.

STANDARDS FOR ALL

CONDITIONAL USES.

The following limitations shall apply to all conditional uses in an EFU zone. Uses may be approved only where such uses:

- (A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- (B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. A county errs in requiring an applicant to apply the ORS 215.296 “significant change/increase” standard to a study of the “surrounding area” that encompasses all agricultural land in the county, on the theory that a proposed conditional use will remove land from agricultural use and require county farmers to shoulder a greater burden of fixed costs in the county’s agricultural economy. The focus of ORS 215.296 is on the impacts of the proposed conditional use on agricultural practices in the proximate surrounding area, not attenuated impacts to the larger economy caused by conversion of the subject property from agricultural use to a conditional non-farm use otherwise allowed under ORS chapter 215. *Hood River Valley PRD v. Hood River County*, 67 Or LUBA 314 (2013).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. The scope of “surroundings lands” to which ORS 215.296 applies is not limited to lands adjacent to the subject property. However, failure to define the outer limits of the study area or to evaluate impacts on non-adjacent farm operations is not necessarily fatal to the application, if the surrounding agricultural area is homogenous, and there is substantial evidence that the conditional use has no significant impacts on farm practices on adjacent farm parcels. *Hood River Valley PRD v. Hood River County*, 67 Or LUBA 314 (2013).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. ORS 215.296(1) does not require a demonstration that a proposed conditional use of an EFU-zoned parcel will not prevent future agricultural use of the soils occupied by the non-farm conditional use. Because ORS chapter 215 authorizes in EFU zones several uses such as mining or solid waste disposal facilities that involve removal or loss of agricultural soil, such a requirement would effectively prohibit uses allowed in EFU zones under ORS chapter 215. *Hood River Valley PRD v. Hood River County*, 67 Or LUBA 314 (2013).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. ORS 215.296(1) requires some description of farm practices on surrounding farm lands, in order to evaluate whether the proposed conditional use will significantly change or increase the costs of such practices. Where the record and planning commission decision includes no such description, on local appeal the governing body could conclude that the planning commission decision approving the conditional use is not supported by substantial evidence. *Hood River Valley PRD v. Hood River County*, 67 Or LUBA 314 (2013).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. A winery that was initially approved as a permitted use under ORS 215.283(1)(n) and 215.452 was not required to consider its impact on farm and forest practices on nearby lands because ORS 215.296(1)(a) and (b) do not apply to such permitted use wineries. However, if that winery is to be expanded later in ways that are not allowed under ORS 215.452, as a “commercial activit[y] that [is] in conjunction with farm use” under ORS 215.283(2)(a), the expanded winery must comply with ORS 215.296(1)(a) and (b), which

apply to “commercial activities that are in conjunction with farm use.” In that circumstance ORS 215.296(1)(a) and (b) apply to the entire winery as expanded, not just the later approved expansion. *Friends of Yamhill County v. Yamhill County*, 66 Or LUBA 212 (2012).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Petitioners’ challenge to a winery expansion presents no basis for remand under the ORS 215.296(1)(a) and (b) significant change/increase standard, where the county’s findings can be read to identify “spraying pesticides, burning fence lines and plowing fields” as accepted farming practices that might be impacted by an expanded winery operation, the county imposes a 200-foot buffer setback requirement on the winery and requires a recorded acknowledgement by the winery owner that nearby farms have a right to continue their accepted farming practices even if they impact the winery, and petitioners offer no direct challenge to the adequacy of those measure to avoid significant changes in or increases in the cost of accepted farming practices. *Friends of Yamhill County v. Yamhill County*, 66 Or LUBA 212 (2012).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. ORS 215.296(2), which provides that an applicant for a conditional use allowed under ORS 215.213(2) or 215.283(2) may demonstrate compliance with the ORS 215.296(1) no significant change/increase standard through imposition of clear and objective conditions, does not impliedly limit conditions to those intended to protect farm and forest uses. Neither does ORS 215.296(2) prohibit counties from adopting additional EFU zone approval standards to address the impacts of wind energy facilities on residential uses or Goal 5 resources. *Cosner v. Umatilla County*, 65 Or LUBA 9 (2012).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. A hearings officer does not err in concluding that a county standard requiring a showing that the proposed “use” will not force a significant change in farm or forest practices or significantly increase costs of farm and forest practices does not apply to a property line adjustment, where the county standard applies to “uses” listed in the county’s EFU zone, and property line adjustments are not listed as a use. *Louks v. Jackson County*, 65 Or LUBA 58 (2012).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Findings are inadequate to explain how a proposed waste water treatment facility on EFU land would either “force a significant change in” the adjacent farming practices or “significantly increase the cost of” an adjacent organic farming operation under ORS 215.296(1) where the findings do not explain what the “significant impacts” to the organic farming operation would be or explain how the potential for spray drift from the proposed facility would either “force a significant change in” the organic farm practices or “significantly increase the cost of” the operation. *Falcon Heights WSD v. Klamath County*, 64 Or LUBA 390 (2011).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. A criterion that requires a local government to find that a proposed dwelling will not

force a significant change in accepted farm practices on surrounding lands does not require the local government to address the indirect and speculative possibility that the owner of the land on which the proposed dwelling will be located may decide in the future not to lease any portions of the subject property that may have been available for leasing for grazing in the past. *Womelsdorf v. Jackson County*, 62 Or LUBA 34 (2010).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. A general statement of concern that a proposed campground would cause “interactions between livestock and people” is insufficient under ORS 197.763(1) to raise the issue of compliance with a local code analogue to the ORS 215.296(1) that requires a finding that the proposed use will not force a significant change in or significantly increase the cost of accepted farm practices on surrounding lands devoted to farm use. *Olstedt v. Clatsop County*, 62 Or LUBA 131 (2010).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Where a petitioner fails to challenge all the reasons a hearings officer gives for finding that a proposed wind turbine facility will not force a significant change in or significantly increase the cost of accepted farm practices on nearby farms, petitioner’s challenge to the adequacy of one of the reasons the hearings officer gave provides no basis for reversal or remand. *Falls v. Marion County*, 61 Or LUBA 39 (2010).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. When a petitioner was required to raise local appeal issues below pursuant to *Miles v. City of Florence*, 190 Or App 500, 79 P3d 382 (2003), raising the issue that approval of a nonfarm dwelling would significantly increase the cost of farming practices is not sufficient to raise any issue concerning impacts on the stability of the overall land use pattern, and the petitioner may not raise the stability standard at LUBA. *Zeitoun v. Yamhill County*, 60 Or LUBA 111 (2009).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. A county does not err in concluding that, as conditioned, a personal use airport will not “significantly” impact a neighboring equine facility, where the only adverse impact identified by the facility owner is that guests are advised to delay mounting or dismounting horses until after planes land or take-off, and conditions of approval limit operations to 20 flights per month. *Johnson v. Marion County*, 58 Or LUBA 459 (2009).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. In analyzing significant changes to or significant increases in cost of farming practices on nearby lands, where a county wishes to disqualify unspecified farm practices that the county believes are not intended to generate a profit, it is incumbent on the county in its findings to identify which practices it has not analyzed for that reason. *Comden v. Coos County*, 56 Or LUBA 214 (2008).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. A county’s error in failing to identify which farm practices on nearby lands are excluded from the significant change/increase analysis because they are part of “hobby

farms” and are not intended to generate a profit is harmless error, where the governing body adopted unchallenged planning commission findings that discuss impacts of the proposed mining on farm practices without distinguishing between “hobby farms” and other farms, and conclude that any impacts on farm practices will be insignificant. *Comden v. Coos County*, 56 Or LUBA 214 (2008).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. A county does not err in failing to define a geographic area of analysis for the impacts of a non-forest use in a forest zone under a code “significant change/increase” standard that does not implement the similar significant change/increase standard applicable to EFU zones and that, unlike the statute, does not require analysis of impacts on “surrounding lands” or any other particular geographic area. *Comden v. Coos County*, 56 Or LUBA 214 (2008).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Findings that describe the only forest practice that adjoining timber operators identified as impacted by proposed mining on forest land are adequate for purposes of a code significant change/increase standard, where the code standard does not implement the statutory significant change/increase standard, and the petitioners do not explain why the code standard requires an exhaustive description of all forest practices on nearby lands. *Comden v. Coos County*, 56 Or LUBA 214 (2008).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. While a county’s failure to describe accepted farming practices on nearby lands would likely require remand under the ORS 215.296(1) significant change/increase standard or a code provision implementing that standard, such a failure is not necessarily reversible error under a similar code significant change/increase standard that does not implement the statute. Any failure to describe accepted farming practices under the code standard is harmless, where the county adopted unchallenged findings, supported by substantial evidence, that the proposed mining will not significantly affect any farm or forest practices. *Comden v. Coos County*, 56 Or LUBA 214 (2008).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. ORS 215.296(1) does not require that a county prevent all impacts on farming practices, only that the proposed use, as conditioned, not force a significant change in accepted farm practices or significantly increase the cost of accepted farm practices. *Rural Thurston Inc. v. Lane County*, 55 Or LUBA 382 (2007).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. A hearings officer’s conclusion that a fence between a public park and grazing land is sufficient to ensure compliance with ORS 215.296(1) is supported by substantial evidence, notwithstanding the possibility that dogs may exit the park through an unfenced boundary and travel across intervening parcels to harass cattle, where there are no reported incidents of trespass across the unfenced boundaries and only speculation to support the possibility. *Rural Thurston Inc. v. Lane County*, 55 Or LUBA 382 (2007).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Remand is necessary where the local government’s approval of an asphalt batch plant fails to address issues raised regarding the impact of emissions on especially sensitive crops grown nearby. *Rickreall Community Water Assoc. v. Polk County*, 53 Or LUBA 76 (2006).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. The scope of “accepted farming or forest practices” that must be evaluated under the no significant change/increase standard is a fact-specific inquiry. A hearings officer does not err in evaluating the scope and intensity of “accepted forest practices” on adjacent lands based on the forest uses currently or recently occurring in the area, and need not assume that forest practices on adjacent parcels will occur at the most intensive level possible. *Central Oregon Landwatch v. Deschutes County*, 53 Or LUBA 290 (2007).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. ORS 215.284(2)(a) requires a demonstration that a proposed nonfarm dwelling or “activities associated with the dwelling” will not force a significant change in or significantly increase the cost of accepted farming practices on nearby lands. Improvements such as driveways, wells and septic systems are not “activities associated with the dwelling.” However, such improvements must be considered part of the proposed dwelling and thus must be considered when determining compliance with ORS 215.284(2)(a). *Wetherell v. Douglas County*, 51 Or LUBA 699 (2006).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. For purposes of determining whether a nonfarm dwelling proposed in the middle of an existing vineyard will force a significant change in or significantly increase the cost of accepted farming practices on “nearby lands,” the county’s determination of the dwelling’s impact on nearby lands must include consideration of the impact of the dwelling on the existing vineyard on the subject property itself. *Wetherell v. Douglas County*, 51 Or LUBA 699 (2006).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. An allegation that the county failed to consider the potential impact of a proposed nonfarm dwelling on wells located on nearby properties that serve *domestic* purposes does not provide a basis to reverse or remand the approval of a nonfarm dwelling, where the applicable approval criterion requires a demonstration of whether the proposal will force a significant change in or significantly increase the cost of accepted *farming practices*. *Wetherell v. Douglas County*, 51 Or LUBA 699 (2006).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Under a code standard requiring that a proposed forest dwelling not significantly change or increase the cost of farm or forest practices on nearby resource lands, the hearings officer’s failure to separately analyze more distant properties in the study area or identify its outer boundaries is not reversible error, where the hearings officer found no significant impacts on parcels adjacent to the subject property and, given the

homogeneity of the surrounding area, significant impacts on non-adjoining parcels are unlikely. *Sisters Forest Planning Comm. v. Deschutes County*, 48 Or LUBA 78 (2004).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Testimony that approval of a non-farm dwelling will increase agricultural land costs because of the parcel’s increased value as a building site is at best indirect evidence of an increase in the cost of “farm practices” within the meaning of ORS 215.296(1). *Frazer v. Jackson County*, 45 Or LUBA 263 (2003).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Findings concluding that adjacent farms do not use pesticides or aerial spraying and will not cause conflicts with proposed nonfarm dwellings are sufficient to show compliance with the no significant change/increase standard, where petitioners do not identify other farm practices or conflicts that the county’s findings fail to address, and do not challenge the findings regarding pesticide use and aerial spraying. *Hanna v. Crook County*, 44 Or LUBA 386 (2003).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Where a party during local proceedings advises the county that an existing or prior farm use on surrounding lands is in the process of being abandoned, and plans for the new farm use are sufficiently developed to allow the new farm use to be described in sufficient detail to allow the farm practices that will be associated with the new farm use to be identified, an applicant for a nonfarm use that is subject to ORS 215.296(1) must address the accepted farming practices that will be associated with that new farm use. *Dierking v. Clackamas County*, 38 Or LUBA 106 (2000).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Organic farming is not properly viewed as either a “farm use” or an “accepted farm practice.” However, organic farmers may employ accepted farming practices that are not normally associated with other types of farming. *Dierking v. Clackamas County*, 38 Or LUBA 106 (2000).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Impacts on “farm families, residents and workers” are not impacts on “accepted farm practices,” that must be considered under ORS 215.296(1). *Dierking v. Clackamas County*, 38 Or LUBA 106 (2000).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. ORS 215.286 does not require a guarantee that aggregate mining on land zoned for exclusive farm use will cause no adverse impacts on the water table on surrounding lands. *Jorgensen v. Union County*, 37 Or LUBA 738 (2000).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Petitioners’ argument that the county used a different definition of “accepted farming practices” than the definition provided in ORS 215.203(2)(c) does not provide a basis for reversal or remand, where petitioners do not demonstrate that the county’s definition is inconsistent with the statutory definition, or that application of the county’s

definition supports a different result than would application of the statutory definition. *Wilbur Residents v. Douglas County*, 37 Or LUBA 156 (1999).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. It is inconsistent with ORS 215.296(1) to arbitrarily limit the scope of analysis to properties within 500 feet of the subject property, where doing so results in failure to consider substantial evidence in the record of significant impacts from the proposed use to accepted farming practices on lands beyond 500 feet. However, where petitioners fail to challenge a finding that there are no significant impacts within 500 feet, and an extrapolation of that finding to lands beyond 500 feet, the county's error does not provide a basis for reversal or remand. *Wilbur Residents v. Douglas County*, 37 Or LUBA 156 (1999).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Petitioners' argument at LUBA that using agricultural land for a golf course buffer violates the ORS 215.296(1) prohibition against forcing a significant change in farm practices on surrounding lands devoted to farm use was waived, where petitioners' arguments during the local proceedings concerning the proposed buffers were not sufficient for the decision maker to understand and respond to that issue. *DLCD v. Jackson County*, 36 Or LUBA 88 (1999).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. A local provision requiring compatibility between a proposed use and development of abutting properties by outright permitted uses does not require an exhaustive listing and discussion of every subcategory of use permitted in the area. A county's general description of permitted uses and explanation why the proposed use is compatible with types of permitted uses is adequate. *Thomas v. Wasco County*, 35 Or LUBA 173 (1998).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Adequate findings of compliance with a local standard requiring that proposed nonresource uses not significantly increase the cost of accepted farm and forest practices must identify the farm and forest practices in the area, even if the local standard does not implement and thus need not be consistent with the similar statutory standard. *Thomas v. Wasco County*, 35 Or LUBA 173 (1998).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. In applying a local provision based on the no significant change/increased cost standard, the local government is not required to perform the impossible task of proving a negative or to quantify how much imposed conditions will reduce conflicts with farm uses below a certain threshold. It need only affirmatively consider the impacts of a proposed use on farm or forest practices, and in so doing, consider whether the use will force a significant change or significantly increase the cost of those practices. *Gutoski v. Lane County*, 34 Or LUBA 219 (1998).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Under ORS 215.296(1), the applicant bears the burden to demonstrate that the proposed use will force no significant change in accepted farming practices or their cost,

and the local government's findings must affirmatively explain why it believes there are no such significant adverse impacts. *Just v. Linn County*, 32 Or LUBA 325 (1997).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. In order to demonstrate compliance with ORS 215.296(1), county findings must: (1) describe the farm and forest practices on surrounding lands devoted to farm or forest use; (2) explain why the proposed use will not force a significant change in those practices; and (3) explain why the proposed use will not significantly increase the cost of those practices. *Brown v. Union County*, 32 Or LUBA 168 (1996).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Under ORS 215.296(1), the county may not assume from an absence of information in the record that there are no adverse farm impacts. The burden is on the county to identify and explain why it believes there are no significant adverse impacts and why it believes the cost of accepted farm practices would not be increased. *Brown v. Union County*, 32 Or LUBA 168 (1996).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Where the only use approved by the challenged decision is mineral and aggregate extraction on a 186-acre site, and no uses on the remainder of intervenor's 490-acre parcel are subject to review under ORS 215.296, the county's findings correctly limit the evaluation of compliance with ORS 215.296 to the 186-acre area of mineral and aggregate extraction. *Mission Bottom Assoc. v. Marion County*, 32 Or LUBA 56 (1996).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. ORS 215.296(1) does not require of the local government the impossible task of proving a negative; rather, the local government must affirmatively consider the impacts of a proposed use on farm or forest practices, and in consideration of those impacts, consider whether the use will force a significant change or significantly increase the cost of those practices. *Mission Bottom Assoc. v. Marion County*, 32 Or LUBA 56 (1996).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Where the local code requires that a proposed use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding land, the applicant has the burden of identifying the relevant accepted farm and forest practices and producing evidence showing those practices will not be significantly changed or their costs significantly increased. *Lyon v. Linn County*, 28 Or LUBA 402 (1994).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Findings of fact stating that accepted farm practices which occurred on adjoining properties have continued after a golf course was constructed do not constitute an improper interpretation of ORS 215.296(1) as being met simply because those past accepted farm practices have continued. *Von Lubken v. Hood River County*, 28 Or LUBA 362 (1994).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Findings that it is possible to apply agricultural sprays with little or no drift if label restrictions are followed do not constitute findings that spray drift is not an accepted farm practice. *Von Lubken v. Hood River County*, 28 Or LUBA 362 (1994).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Where impacts on an individual accepted farm practice are such that they almost force a significant change in that practice, additional impacts on other accepted farm practices may lead to a conclusion that there is a cumulative significant change in accepted farm practices, but such is not necessarily the case. *Von Lubken v. Hood River County*, 28 Or LUBA 362 (1994).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. An applicant may not construct a golf course, prior to receipt of a decision approving such construction that is sustained on appeal, and thereafter rely on the fact that construction has already occurred to avoid showing that the impacts on accepted farm practices and the costs thereof during construction of the golf course are not significant. *Von Lubken v. Hood River County*, 28 Or LUBA 362 (1994).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Findings that an orchard's accepted farming practices have not been significantly affected by trespassing golf balls are supported by substantial evidence where the evidence shows no orchard employees have been hit by golf balls, tree buffers are effective in deflecting golf balls and petitioner's testimony was discredited by video tape of petitioner collecting golf balls on the golf course property. *Von Lubken v. Hood River County*, 28 Or LUBA 362 (1994).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Where there is conflicting evidence concerning the effectiveness of a condition requiring golf course closures during spraying operations to avoid significant effects on or cost increases in such spraying, a finding that the condition has been effective is supported by substantial evidence. *Von Lubken v. Hood River County*, 28 Or LUBA 362 (1994).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Where the aerial spray applicator formerly used by an orchard will not spray orchards surrounded by a golf course and the only sprayer who will charges 2000 dollars more to do so, the county's findings must explain why this cost increase, viewed cumulatively with any other cost increases attributable to the golf course, is not significant. *Von Lubken v. Hood River County*, 28 Or LUBA 362 (1994).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Petitioner's argument that the county failed to address evidence that escaped dogs can cause great damage in rural areas provides no basis for reversal or remand, where the county found the proposed kennel will comply with a code standard requiring no significant increase in the cost of accepted farm and forest practices because the design of

the kennel will result in no dogs escaping from the facility. *Larry Kelly Farms, Inc. v. Marion County*, 26 Or LUBA 401 (1994).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Where testimony below does not refer to ORS 215.296 by its statutory citation, title or any recognized abbreviation for either, and does not employ any of the operative terms of the statute, a reasonable local decision maker would not have understood that compliance with ORS 215.296 was raised below, and petitioner may not raise this issue before LUBA. *Spiering v. Yamhill County*, 25 Or LUBA 695 (1993).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Where a golf course adjoining an orchard will force alterations in accepted farming practices and increase the costs associated with such practices, the relevant question under ORS 215.296(1) is whether such alterations and increased costs will be *significant*. Where there is evidence in the whole record that would allow a local government decision maker to answer that question either way, LUBA is required by ORS 197.835(7)(a)(C) to defer to the local government's judgment. *Von Lubken v. Hood River County*, 24 Or LUBA 271 (1992).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Where there is evidence in the local government record that the number of golf balls claimed to have landed in adjoining orchards is exaggerated, a decision approving a golf course and imposing a condition requiring the planting of trees to contain golf balls on-site and installation of a fence and screen to prevent golfers and golf balls from entering adjoining orchard property, is supported by substantial evidence. *Von Lubken v. Hood River County*, 24 Or LUBA 271 (1992).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Where the aerial application of chemicals on an orchard adjoining a proposed golf course will be rendered more difficult, although possible, in that at least one aerial sprayer indicates he would be willing to spray the affected orchard, and the decision approving the golf course requires the operator to close the golf course to facilitate such spraying, there is substantial evidence in the record that the golf course will not force a significant change in or significantly increase the cost of aerial spraying of the adjoining orchard. *Von Lubken v. Hood River County*, 24 Or LUBA 271 (1992).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. A decision that a golf course will not significantly change or increase the cost of ground spraying of an adjoining orchard is supported by substantial evidence, where there is conflicting evidence concerning the magnitude of ground spraying drift expected to travel onto adjoining properties, and the decision imposes a condition requiring that the golf course operator provide monitors to prevent golfers from coming into contact with ground spray drift. *Von Lubken v. Hood River County*, 24 Or LUBA 271 (1992).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Where petitioners do not specifically challenge county findings which (1) identify a

specific area surrounding a proposed golf course as the "surrounding lands" to be considered in determining compliance with ORS 215.296(1) and identical local code provisions, and (2) explain how the area was chosen, but rather assert a larger area should have been chosen, LUBA will uphold the county's identification of "surrounding lands." *Schellenberg v. Polk County*, 22 Or LUBA 673 (1992).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. ORS 215.296(1), and identical local code provisions, require that a county consider the impacts of a proposed nonfarm use on *all* "surrounding lands devoted to farm or forest use," whether that use is commercial or noncommercial. *Schellenberg v. Polk County*, 22 Or LUBA 673 (1992).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. A county may properly base its identification of "accepted farm or forest practices," as those terms are used in ORS 215.296(1), on the definition of "accepted farming practice" in ORS 215.203(2)(c). *Schellenberg v. Polk County*, 22 Or LUBA 673 (1992).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Where the evidence establishes a reasonable farmer would not significantly change the manner in which the farm is managed due to a proposed golf course, and the opponents' evidence shows only that there is a remote possibility that there could be some impacts from such proposed golf course, the county's determinations that the proposed golf course will not seriously interfere with, force a significant change in, or significantly increase the cost of accepting farming practices in the area, are supported by substantial evidence. *Washington Co. Farm Bureau v. Washington County*, 22 Or LUBA 540 (1992).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Under ORS 215.296(1), the burden is on the applicant to show a proposed golf center will force no significant change in accepted farming practices or their cost, and on the county to so find. *Berg v. Linn County*, 22 Or LUBA 507 (1992).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Findings which fail to identify the farm practices employed on surrounding properties devoted to farm use cannot explain why the proposed use will not cause a significant change in or increase the cost of such practices, and are inadequate to comply with ORS 215.296(1). *Berg v. Linn County*, 22 Or LUBA 507 (1992).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Although the EFU zoning statutes do not establish specific approval standards for golf courses in EFU zones, ORS 215.296(1) establishes standards applicable to nonfarm uses in EFU zones generally, and requires that approval of such uses not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands. *Von Lubken v. Hood River County*, 22 Or LUBA 307 (1991).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Under ORS 215.296(1) and similar local code provisions, the burden is on the applicant to show the proposed use will force no significant change in accepted farming practices or their cost, and on the county to so find. *Schellenberg v. Polk County*, 21 Or LUBA 425 (1991).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. ORS 215.296(1) and similar local code provisions require a county to consider all issues relevant to whether the proposed use will force a significant change in accepted farm or forest practices on surrounding lands or significantly increase the cost of such practices. *Schellenberg v. Polk County*, 21 Or LUBA 425 (1991).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. In order to demonstrate compliance with ORS 215.296(1) and similar code standards, county findings must (1) describe the farm and forest practices on surrounding lands devoted to farm or forest use, (2) explain why the proposed use will not force a significant change in those practices, and (3) explain why the proposed use will not significantly increase the cost of those practices. *Schellenberg v. Polk County*, 21 Or LUBA 425 (1991).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Without an adequate identification of the accepted farming practices on surrounding lands, the county's findings cannot explain why the proposed use will not cause a significant change in or increase the cost of such practices, as required by ORS 215.296(1) and the local code. *Schellenberg v. Polk County*, 21 Or LUBA 425 (1991).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Findings of compliance with a standard that a proposed golf course will not "force a significant change in," or "significantly increase the cost of," accepted farm or forest practices on surrounding lands do not necessarily satisfy a standard that the proposed golf course will not "interfere seriously" with accepted farming practices. *Washington Co. Farm Bureau v. Washington Co.*, 21 Or LUBA 51 (1991).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. The requirement that conditions imposed to ensure that a proposed nonfarm use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands "be clear and objective," does not necessarily require a local government to adopt *findings* explaining why conditions imposed for this purpose are clear and objective. *Washington Co. Farm Bureau v. Washington Co.*, 21 Or LUBA 51 (1991).

3.3.8 EFU Statute/Ordinances – Nonfarm Uses – No Significant Change/Increase Std. Whether a proposed dwelling (1) is permitted outright in an EFU zone, (2) is "accessory" to an underlying nonconforming use, and (3) complies with ORS 215.296(1), are determinations which require "interpretation or the exercise of factual, policy or legal

judgment" within the meaning of ORS 197.015(10)(b)(A) and (C). *Komning v. Grant County*, 20 Or LUBA 481 (1990).

ATTACHMENT J. Energy Projects Currently Under Review

Name	Location	Facility Description	Jurisdiction	Applicant	Status
Boardman to Hemingway	Morrow, Umatilla, Union, Baker, Malheur, Owyhee (Idaho) counties	500 kV Transmission Line (300 miles)	State	Idaho Power	Expect applicant to submit amended preliminary application in 2 nd qtr. of 2017.
Boardman Solar Energy	Morrow and Gilliam Counties	75 MW (600 acres) solar PV facility	State	Boardman Solar Energy, LLC a subsidiary of Invenergy	Request for expedited review was approved. Expect preliminary application in Dec 2016.
Carty Generating Station	Morrow County	<p><u>Approved:</u> 900 MW natural gas facility consisting of two units.</p> <p><u>Operating:</u> Unit 1 (440 MW)</p> <p><u>Amendment Request:</u></p> <p>-Extend construction start deadline for Unit 2 by two years and increase capacity from 450 to 530 MW</p> <p>-increase site boundary area from 2,400 to 2,918 acres</p>	State	Portland General Electric	Received amendment request in Sept. 2016. Applicant ask to suspend review. Expect to receive request to resume in Dec. 2016.

		-add new 330 MW natural gas unit -add a 50-MW (300+ acre) solar PV facility			
Wheatridge Wind Energy Facility	Morrow and Umatilla Counties	500 MW Wind Energy Facility	State	Wheatridge Wind Energy, LLC, a subsidiary of Swaggart Wind Power, LLC	In contested case phase.
PacifiCorp Wallula to McNary	Umatilla County, City of Umatilla	230 kV Transmission Line (22 miles)	County, City of Umatilla	PacifiCorp	Approved Final Decision Dec 2015, valid to December 2017. Will need amendment to add parcels.
Pacific Northwest Generating Co-op (PNGC) Solar Project	Umatilla County	3 MW solar facility (30 acres)	Umatilla County	PNGC	Expect revised application in Dec 2016. Local hearing set for Jan 2017.
Orchard Wind	Morrow County	40 MW Wind Energy Facility	Morrow County	Oregon Wind	Approved in December 2017. Appeal period still pending
N/A	Morrow County	20 MW Wind	Morrow County	N/A	Application not yet submitted
N/A	Morrow County	20 MW Solar	Morrow County	N/A	Application not yet submitted

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AGENDA
MORROW COUNTY BOARD OF COMMISSIONERS
WORK SESSION
Wednesday, March 1, 2017 at 1:30 PM
Bartholomew Building Upper Conference Room
110 N. Court St., Heppner, OR

- 1. Call to Order**
- 2. Discussion on the Treasurer's Office and Finance Department's Financial Processes**
- 3. Other**

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

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Board may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend. If you have any questions about items listed on the agenda, please contact Jerry Sorte, Administrative Officer at (541) 676-2529.