

**MORROW COUNTY BOARD OF COMMISSIONERS MEETING AGENDA**  
**Wednesday, August 16, 2017 at 9:00 AM**  
**Port of Morrow Riverfront Center, Wells Springs Room**  
**2 Marine Drive, Boardman, OR**

- 1. Call to Order - 9:00 AM**
- 2. Pledge of Allegiance**
- 3. City and Citizen Comments** – This is the time provided for individuals wishing to address the Board regarding issues that are not already on the agenda.
- 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 August 17<sup>th</sup>
- 6. Public Hearing**
  - a. AZ-113-17 Site Development Review Text Amendment (Morrow County Zoning Ordinance)
- 7. Business Items**
  - a. Local Public Safety Coordinating Council Bylaws (Shelley Ena, LPSCC Coordinator)
  - b. Intergovernmental Agreement with Oregon Water Resources Department (Justin Nelson, County Counsel)
  - c. Interim Administrative Officer Recruitment Update
  - d. Veterans Services Office Additional Funding Update (Jerry Sorte, Administrative Officer; Linda Skendzel, Veterans Services Officer)
- 8. Department Reports**
  - a. Juvenile Department Quarterly Report (Tom Meier, Juvenile Department Director)
- 9. Correspondence**
- 10. Commissioner Reports**
- 11. Executive Session:** Pursuant to ORS 192.660(2)(g) – To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations, and Pursuant to ORS 192.660(2)(f) - To consider information or records that are exempt by law from public inspection.
- 12. Adjournment**

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

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

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Board may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend. Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media. The Board may recess for lunch depending on the anticipated length of the meeting and

the topics on the agenda. If you have anything that needs to be on the agenda, please notify the Board office before noon of the preceding Friday. If something urgent comes up after this publication deadline, please notify the office as soon as possible. If you have any questions about items listed on the agenda, please contact Jerry Sorte, Administrative Officer at (541) 676-2529.



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 1 of 3)

Item #
6a

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

Staff Contact: Carla McLane Phone Number (Ext): 541-922-4624 or 5505
Department: Planning Requested Agenda Date: August 16, 2017
Person Attending: Carla McLane
Short Title of Agenda Item: Site Development Review Public Hearing

This Item Involves: (Check all that apply for this meeting.)
Order or Resolution
Ordinance/Public Hearing
1st Reading 2nd Reading
Public Comment Anticipated:
Estimated Time: Less than 30 Minutes
Document Recording Required
Contract/Agreement
Appointments
Update on Project/Committee
Discussion Only
Discussion & Action
Estimated Time:
Department Report
Other:

N/A For Contracts and Agreements Only
Contractor/Entity: Oregon Health Authority
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:
Carla McLane 8/14/17 Department Head Required for all BOC meetings
Admin. Officer/BOC Office Required for all BOC meetings
County Counsel Required for all legal documents
Finance Office Required for all contracts; Other items as appropriate.
Human Resources If appropriate

Note: All entities must sign documents before they are presented to the Board of Commissioners. Original documents are preferred. Agenda requests, including this completed form and supporting documents, must be received by the Board's office by Noon on the Friday prior to the Board of Commissioners Wednesday meeting. County Counsel and Finance review is required for all contracts.

**AGENDA ITEM COVER SHEET**  
**Morrow County Board of Commissioners**  
**(Page 2 of 3)**

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1. TITLE OF AGENDA ITEM: Site Development Review Public Hearing.
  
2. ISSUES, BACKGROUND, AND DISCUSSION: This public hearing is set to consider the application by the Port of Morrow to relocate the Site Development Review criteria currently found in Article 4 Supplementary Provisions Section 4.170 to Article 3 Use Zones Section 3.130 Speedway Limited Use Overlay Zone. The decision packet was mailed to the Board of Commissioners on Wednesday, July 26, 2017 and included a cover memorandum, the Planning Commission Final Findings of Fact (with attachments), Article 4 Supplementary Provisions, and Article 3 Use Zones Section 3.130 Speedway Limited Use Overlay Zone. Those are again provided as part of this Agenda Cover Sheet.

During the Planning Commission public hearings process a letter of opposition was received from Teresa Penninger of the Oregon Department of Transportation. Both Planning staff and the Port of Morrow provided additional input to the record to address the comments of Ms. Penninger and to provide a better understanding that the traffic and transportation concerns raised by ODOT are addressed within other provisions found in the Morrow County Zoning Ordinance. In talking with Ms. Penninger this morning, Monday, August 14, she has indicated that ODOT is no longer taking an opposition position and has indicated a letter stating so will be forthcoming.

3. OPTIONS: There are three options at the conclusion of the public hearing:
  - A. Continue the public hearing if more information is needed or a party requests it.
  - B. Accept the Planning Commission's recommendation and adopt as presented.
  - C. Modify the Planning Commission's decision and adopt as modified.
  - D. Deny the request, making findings to support the denial.
  
4. FISCAL IMPACT: None. The Port of Morrow paid an application fee for this process.
  
5. STAFF RECOMMENDATIONS: To accept the Planning Commission's recommendation and adopt as presented.
  
6. SUGGESTED ACTION(S) / MOTION(S): The following represent the four options above:
  - A. I move that we continue the public hearing to [insert date, time and location] and direct staff to [include information as to what additional information is needed to come to a decision].
  - B. I move to accept the Planning Commission recommendation moving the Site Development Review criteria from Article 4 Supplementary Provisions Section 4.170 to Article 3 Use Zones Section 3.130 Speedway Limited Use Overlay Zone, and direct staff to prepare the necessary adoption documents.
  - C. I move to modify the Planning Commission recommendation [insert information as to how the request should be modified], direct staff to incorporate the following findings into the final



**AGENDA ITEM COVER SHEET**  
**Morrow County Board of Commissioners**  
**(Page 3 of 3)**

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decision documents [provide findings to support modifications], and direct staff to prepare the necessary adoption documents.

D. I move to deny the request based on the following findings [insert findings] and direct staff to prepare the necessary denial documents.

- Attached is the following:
  - Memorandum dated July 26, 2017
  - Planning Commission Final Findings of Fact signed and dated June 30, 2017 (with attachments)
  - Article 4 Supplementary Provisions (with Site Development Review shown as struck through)
  - Article 3 Use Zones Section 3.130 Speedway Limited Use Overlay Zone (with Site Development Review incorporated)

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 _____                            |   |



## PLANNING DEPARTMENT

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

### MEMORANDUM

To: Morrow County Board of Commissioner's and Interested Parties  
From: Carla McLane, Morrow County Planning Director  
Date: July 26, 2017  
RE: Morrow County Zoning Ordinance - Site Development Review  
Public Hearing, Enclosed Findings and Attachments

This memorandum provides notice and a summary of the upcoming Public Hearing scheduled for Wednesday, August 16, to start at 9:00 a.m. at the Port of Morrow Riverfront Center in Boardman, Oregon. The request is to amend the Morrow County Zoning Ordinance removing Article 4 Supplementary Provisions Section 4.170 Site Development Review (SDR) and inserting it, with minor text changes, into Article 3 Use Zones Section 3.130 Speedway Limited Use Overlay Zone. The effect of relocating the SDR requirements will be to make them only applicable to activities related to the siting of a major motor speedway, which is why they were originally created when adopted in 2002.

Attached are the Planning Commission Final Findings of Fact, with attachments, that outlines the request submitted by the Port of Morrow. There are four attachments immediately following the Findings and vicinity map that include a letter of opposition from the Oregon Department of Transportation (ODOT). Included just prior to the ODOT letter (in date order) is a memorandum from myself to a previous County Court concerning the limiting nature of Site Development Review and a request to consider amendment, which the County Court at that time supported. Lack of staff resources kept that work from being done at the time. The final two items attached at this location are responses to the ODOT letter: one from myself and another from Gary Neal, POM General Manager.

The last two attachments, which are larger documents, include Article 4 showing Section 4.170 Site Development Review as struck through and Article 3 Use Zones Section 3.130 Speedway Limited Use Overlay Zone showing Site Development Review incorporated with some minor text changes. You will find the changes within both of these documents near the end, with much of the text unchanged.

If approved and adopted it has come to Planning staff's attention that there will be other Zoning Ordinance clean up work needed to fully remove the SDR impacts from other use zones. Over time SDR was identified as a needed step for certain developments and incorporated into various use zones throughout the Zoning Ordinance.

Please do not hesitate to contact me should you have any questions at 541-922-4624 or by email at [cmclane@co.morrow.or.us](mailto:cmclane@co.morrow.or.us).



**Planning Commission Final Findings of Fact  
Site Development Review Text Amendment  
AZ-113-17**

**REQUEST:** The proposal is to amend the Morrow County Zoning Ordinance (MCZO) removing Article 4 Supplementary Provisions Section 4.170 Site Development Review (SDR) and inserting it, with minor text changes, into Article 3 Use Zones Section 3.130 Speedway Limited Use Overlay Zone. The effect of relocating the SDR requirements will be to make them only applicable to activities related to the siting of a major motor speedway, which is why they were originally created when adopted in 2002.

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**APPLICANT AND OWNER:** Port of Morrow  
Post Office Box 200  
Boardman, OR 97818

**PROPERTY DESCRIPTION:** Assessor's Map 4N 24 Tax Lot 110, Zoned Air Light Industrial with the Speedway Limited Use Overlay Zone applied to it.

**PROPERTY LOCATION:** South of Interstate 84 and west of Tower Road

**I SUMMARY OF APPLICATION AND PROCESS:**

Morrow County accepted an application for a major motor speedway development in late 2001 and over the next several years various actions were accomplished to approve a site and uses to allow such development. As part of that process application was made to include SDR as part of the Morrow County Zoning Ordinance which was approved in 2002. At the time of adoption a 100 acre threshold was incorporated subjecting any number of developments on commercial or industrial land to the SDR process and criteria. Over the past decade there have been numerous discussions concerning the negative impact the public process required by SDR can have on otherwise outright use applications at the Port of Morrow. In 2014 then County Court members supported removal or amendment of the SDR provisions, but staff time constraints worked against initiating changes by Planning Department staff. This current request is based upon an application submitted by the Port of Morrow.

**II SUMMARY OF APPLICABLE CRITERIA**

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

1. **Address the Criteria found in the Morrow County Zoning Ordinance Article 8 Amendments; and**
2. **Show how the request complies with the relevant statewide land use planning Goals. Include evidence of coordination and compliance with State agencies regarding the statewide planning Goals. (MC OR-1-2013)**

The Morrow County Zoning Ordinance criteria follow with the necessary analysis. No goals, beyond Goal 1 Citizen Involvement, are directly impacted by this amendment. The Department of Land Conservation and Development (DLCD) was sent the required 35-day notice on Tuesday, May 23, which then triggered notice to other potentially

interested agencies and parties. Because this proposal affects both DLCD and the Oregon Department of Transportation (ODOT), both involved with the speedway proceedings, they will receive notice of the public hearing and will be provided with these preliminary Findings of Fact as well as other mailings (or emailings) associated with this request.

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

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

During the review and approval of changes to the Comprehensive Plan, Transportation System Plan and Zoning Ordinance to approve development of a major motor speedway the provisions currently found at Article 4 Supplementary Provisions Section 4.170 Site Development Review were proposed and adopted. An outcome of the adoption process made them applicable to any development in the commercial or industrial use zones. The applicant has stated that these provisions, because of the public hearings and review process, have hindered larger lot developments within the Port of Morrow. Planning staff have witnessed this with land partitions and subsequent developments on parcels or lots just under 100 acres. There has been a negative impact to large lot development based on the public nature of the process, not necessarily the requirement for certain development requirements. Planning staff inquired if the better approach would be to change the process or relocate the requirements into the Speedway Limited Use Overlay zone; the applicant's decision and application indicates a relocation of the requirements is the preferred outcome.

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

**1. Amendments to the zoning ordinance or zone changes which significantly affect a transportation facility shall assure that land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**

- a. **Limiting allowed land uses to be consistent with the planned function of the transportation facility or roadway;**
- b. **Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,**
- c. **Altering land use designations, densities, or design requirements to reduce demand for automobile travel to meet needs through other modes.**

No land use designations are changing. Impacts to transportation facilities were fully explored during the review and approval process for the proposed major motor speedway. Planning staff would find these criteria met.

2. **A plan or land use regulation amendment significantly affects a transportation facility if it:**
  - a. **Changes the functional classification of an existing or planned transportation facility;**
  - b. **Changes standards implementing a functional classification;**
  - c. **Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or**
  - d. **Would reduce the level of service of the facility below the minimal acceptable level identified in the Transportation System Plan. (MC-C-8-98)**

See above analysis.

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

Planning staff would find that the proposed changes are not in conflict with this criterion based upon the complex analysis done during the adoption process for a major motor speedway.

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

Planning staff have not identified any concerns with public health or welfare. This would not change any of the provisions adopted as part of the review for a major motor speedway.

III **DLCD 35 DAY NOTICE:** May 23, 2017

IV **PROPERTY OWNER NOTICE:** June 7 and July 26, 2017

V **LEGAL NOTICE:** Heppner Gazette Times and East-Oregonian  
June 7 and July 26, 2017

VI **AGENCIES NOTIFIED:** Tabatha Hoge, Scott Edelman and Jon Jinnings, Department of Land Conservation and Development; Teresa Penninger and Marilyn Holt, Oregon Department of Transportation; Mike Gorman, Morrow County Assessor's Office; Burke O'Brien and Matt Scrivner, Morrow County Public Works Department

VII **HEARING DATES:**

Planning Commission  
June 27, 2017  
Port of Morrow Riverfront Center  
Boardman, Oregon

Board of Commissioners  
August 16, 2017  
Port of Morrow Riverfront Center  
Boardman, Oregon

**IX RECOMMENDATION:** The Planning Department recommends that the Planning Commission forward the proposal to the Morrow County Board of Commissioners with a recommendation to adopt the changes to both Article 4 Supplementary Provisions and Article 3 Use Zones Section 3.130 Speedway Limited Use Overlay Zone, more specifically moving the Site Development Review provisions, with minor text changes, from Article 4 to Article 3 Section 3.130.

  
Jeff Wenzholz, Chair

  
Date

Attachments:

Vicinity Map

Correspondence with the Morrow County Court, December 2011

Letter from Teresa Penninger, ODOT, June 26, 2017

Memorandum from Carla McLane, June 27, 2017

Letter from Gary Neal, Port of Morrow, June 27, 2017

Article 4 Supplementary Provisions (showing SDR text as strikethrough)

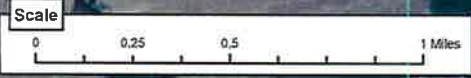
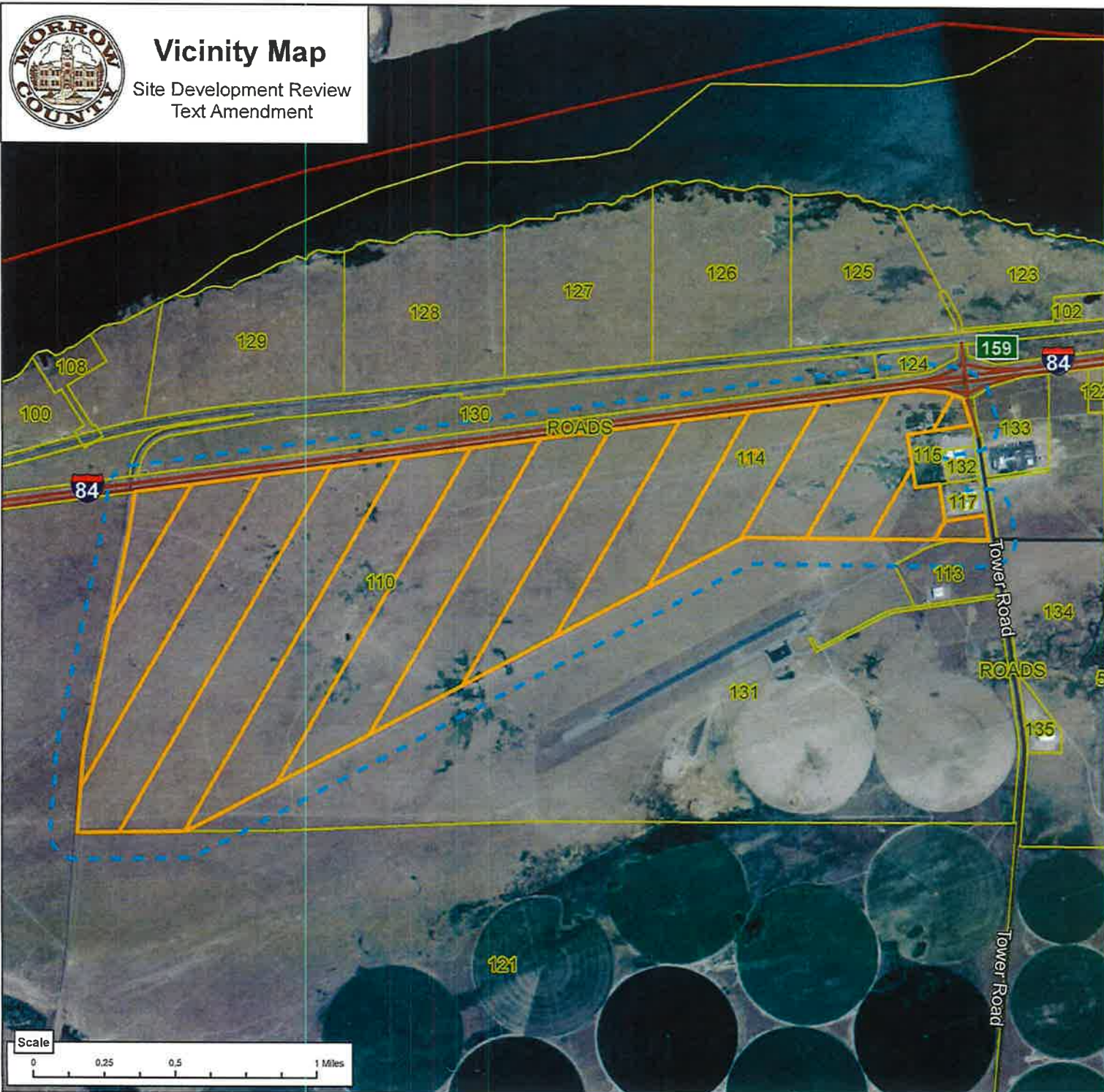
Article 3 Use Zones Section 3.130 Speedway Limited Use Overlay Zone (showing text, as amended, underlined)





# Vicinity Map

Site Development Review  
Text Amendment



**Morrow County**

**Legend**

County Boundary	City Limits
County Seat	Highway
City	Arterial/Collector

Coordinate System: NAD 1983 NRSR2007 StatePlane Oregon North FIPS 3601 ft Intl  
Projection: Lambert Conformal Conic  
Datum: NAD 1983 NRSR2007

Cartography By: Stephen Wirecsics  
Date Saved: 5/25/2017  
Morrow County Planning Department

This map (or data product) is for planning purposes only. It is not intended to be used for description, conveyance, authoritative definition of legal boundary, or property title. This is not a survey product. Users are encouraged to examine the documentation or metadata associated with the data for which this map is based on for information related to its accuracy, currency, and limitations.

Service Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community  
Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community  
USGS The National Map; National Boundaries Dataset, National Elevation Dataset, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset;

**Map Elements**

- Speedway Overlay Zone
- 500' Buffer
- Tax Lot

**Map Elements**



## PLANNING DEPARTMENT

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(541) 922-4624 or (541) 676-9061 x 5503  
FAX: (541) 922-3472

### MEMORANDUM

To: County Court  
From: Carla McLane, Planning Director  
Date: December 12, 2011  
RE: Site Development Review (MCZO Article 4 Section 4.170)  
Definition of Major Developments

During the land use process for the speedway the County adopted Site Development Review standards and require it for all major developments in industrial and commercial zones. At the time a threshold was established of 100 acres to delineate between regular development and "major" development. Now that the requirements have been in place it is becoming clear that a more reasoned approach is necessary to the threshold of 100 acres. The issues outlined and reviewed as part of Site Development Review are more focused on certain types of development, less so on development defined by its acreage.

My intent in asking for your time is to initiate a conversation about a more appropriate type of threshold and your approval to move forward with the Planning Commission to determine better clear and objective standards for implementation of these requirements.

I need to be clear. Planning staff do not have a specific recommendation and would work with the Planning Commission, the Port of Morrow and potential developers affected by these requirements to establish a more thoughtful approach.

Your support is appreciated.

*Do move forward.*



(design modification). Design modifications are reviewed and approved by Morrow County Public Works Department staff. If upon mutual agreement it is determined that an alternate design standard cannot be met, an application for a design variance will be required, subject to review and approval by the Morrow County Planning Commission.

#### **SECTION 4.170 SITE DEVELOPMENT REVIEW (MC-C-1-02)**

A. Purpose. The purposes of site development review are to encourage site planning in advance of development that is permitted under Morrow County's Comprehensive Plan and land use regulations; assure that development is supported with appropriate types and levels of transportation improvements and public facilities and services; and implement the Morrow County Comprehensive Plan and land use regulations with respect to development standards and policies.

B. Preapplication review. Prior to filing its application for site development review, the applicant shall confer with the Planning Director, who shall identify and explain the relevant review procedures and standards.

C. When required.

1. Site development review shall be required for all major developments in industrial and commercial zones. As used in this Section, a "major development" is an industrial development utilizing 100 or more acres of real property. When development is proposed in phases, site development review shall apply to each phase of the development, whether or not the phase meets the site development review threshold.

2. Site development review also shall apply when required by the Planning Commission as a condition of approval of a land use decision not otherwise subject to site development review; provided that, in a condition imposing such a requirement, the Planning Commission may waive one or more site development review information requirements and/or approval standards that the Planning Commission finds the application already has fulfilled or are not relevant or otherwise are not warranted.

3. No building permit shall be issued prior to site development review approval whenever site development review is required by this section. Site development review shall not alter the type and category of uses permitted in affected zoning districts.

4. As used in this Section, "development" means any man-made change to improved or unimproved real property in the County, including but not limited to construction or installation of a building or other structure; major site alterations such as those due to grading; paving; and improvements for use as parking. However, site development review shall not apply to any interior remodeling of any existing building or structure or any modification to an existing building or structure that does not substantially change its exterior appearance.

D. Plans required. A complete application for site development review shall be submitted. The application shall include the following plans and information:

1. A site plan or plans, drawn to scale, containing the following information:



# Oregon

Kate Brown, Governor

Department of Transportation

Region 5

3012 Island Avenue

LaGrande, OR 97850

June 26, 2017

Carla McLane, Planning Director  
Morrow County  
PO Box 40  
Irrigon, OR, 97844

Subject: Amend Zoning Ordinance (MCZO) Article 4 Supplementary Provisions removing Section 4.170 Site Development Review; Amend Article 3 Use Zones Section 3.130 Speedway Overlay Zone to add at #69 the Site Development Review provisions with modifications only applicable to Speedway Overlay Zone

The Oregon Department of Transportation (ODOT) has reviewed the proposed change. ODOT has an interest in assuring the proposed change in the vicinity of the Tower Road/I-84 Interchange is consistent with the identified function, capacity and performance standards. Protecting the function of the interchange, to provide safe and efficient operation, and to minimize the need for major improvements of the Tower Road/I-84 Interchange is critical.

We concur with the application of the full site review criteria to speedway facilities. However, in recognition of the importance of interstate freeway interchanges, ODOT requests that site plan review requirements for Provision 9 (page 23) and E1n (page 26) remain and be applied to all development proposals over 100 acres.

ODOT has concerns that this change would eliminate key provisions to review the traffic impacts for large development proposals, in order to make decisions about significant impact. In particular, these include:

1. Provision 9 - that requires a Traffic Impact Study for those developments expected to generate more than 400 or more vehicle trips and a traffic management plan.

When development activities concentrate near a freeway interchange, the mobility and future function of the interchange requires careful planning to ensure the development will not reduce the effectiveness or place the future mobility function of the interchange at risk. Unless access is carefully controlled, new development pressure could result in safety and operational problems that could impair the function of the Tower Road/I-84 Interchange Area.

2. Provision E 1 n – a determination that the transportation system shall be adequate to accommodate the proposed or permitted level of development and provides for transportation development standards (roadway improvements and sidewalks.)

Carla McLane  
Page 2  
June 26, 2017

Accordingly to reflect long-term changes with appropriate improvements, balancing access and circulation management require context sensitive designs aimed to respond to growth. As this area develops, street connectivity, frontage improvements and street design standards should be constructed as necessary to provide travel choices and to be consistent with adopted local Transportation System Plans (TSP), ODOT and ADA standards.

Providing for a network of streets and future connections to abutting developable properties is an essential component of managing the transportation system. Funding limitations affect the County and ODOT's ability to meet the needs of the transportation system. Affected parties need to work collaboratively to best achieve compliance with the Morrow County TSP and the Oregon Highway Plan policy objectives. These elements should be addressed with emphasis on development contributing to implement the improvements.

ODOT is committed to assuring coordinated transportation decisions efficiently protect the interchange and public infrastructure investments. Thank you for the opportunity to review and comment on the proposed change.



Teresa Penninger  
Planning and Business Manager

CJS

cc: Marilyn Holt, District 12 Manager  
Jeff Wise, PE, Region 5 Traffic Engineer  
John Jinings, DLCD  
Scott Edelman, DLCD



## PLANNING DEPARTMENT

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### MEMORANDUM

To: Planning Commission and Interested Parties  
From: Carla McLane, Planning Director  
Date: June 27, 2017  
RE: Site Development Review Amendment  
Oregon Department of Transportation Letter Dates June 26, 2017

The letter received from the Oregon Department of Transportation (ODOT) is requesting that two provisions from Site Development Review (SDR) be retained and continue to be applicable to the Tower Road/Interstate 84 Interchange. Planning staff have asked the Port of Morrow (POM) to provide a written response to the ODOT letter in addition to the testimony that they are planning to provide during the public hearing.

While the POM is the applicant for this particular amendment, Planning staff have previously considered pursuing this amendment with the support of a previous County Court. Relocating or removing the SDR criteria does not limit transportation requirements or eliminate an applicant or action being subject to the Transportation System Plan (TSP). Planning staff will attempt to address both concerns identified in the ODOT letter below:

1. *Provision 9 - that requires a Traffic Impact Study for those developments expected to generate more than 400 or more vehicle trips and a traffic management plan.*

Almost every use zone within the Morrow County Zoning Ordinance have a requirement to evaluate transportation impacts with the requirement for a Traffic Impact Analysis when the 400 automobile trips per day threshold is triggered. Specifically in the Tower Road Interchange influence area the Air Industrial, Airport Light Industrial and Space Age Industrial use zones all have specific language related to transportation analysis. The newer Tourist Commercial use zone requires compliance more broadly with Article 4 which includes more specificity related to access, parking and traffic management.

Not long after the Speedway request was originally approved Morrow County made application to the ODOT for support to do an Interchange Area Management Plan (IAMP) at the Tower Road Interchange. Completion of an IAMP would have further addressed the comments of the ODOT, however Planning staff feel that current provisions elsewhere within Article 4 when couple with the 400 automobile trip threshold is adequate given the current zoning of the land within the Tower Road Interchange influence area. Additional development outside of the Boardman Airport area will most likely require a change in zoning, which would require additional transportation analysis based on amendment criteria.

2. *Provision E 1 n - a determination that the transportation system shall be adequate to accommodate the proposed or permitted level of development and provides for transportation development standards (roadway improvements and sidewalks.)*

Development within the Tower Road Interchange influence area on land zoned for industrial use with 400 or more automobile trips per day will continue to trigger the Traffic

Impact Analysis requirements (see above narrative). Additionally all developments are subject to applicable requirements based upon the type of development within Article 4 including Section 4.010 Access, Section 4.020 Sight Distance, Section 4.035 Permit Requirements for Land Use Development, Section 4.040 Off-Street Vehicle Parking Requirements, Section 4.045 Bicycle Parking Requirements, Section 4.050 Off-Street Parking and Loading and Section 4.060 Design and Improvement Standards - Parking Lots.

Planning staff would encourage the Planning Commission to weigh these issues against the letter from ODOT and move the request forward, as presented, to the Board of Commissioners with a 'do adopt' recommendation. The ODOT letter, this memorandum, and any testimony from the POM should be included as attachments to the Planning Commission Final Findings of Fact.





June 27, 2017

Carla McLane, Morrow County Planning Director  
PO Box 40  
Irrigon, Oregon 97844

RE: ODOT Letter dated June 26, 2017

Dear Carla: I read the letter sent to you from Teresa Penninger regarding the Zoning Ordinance Article 4 Supplementary Provisions removing Section 4.170 Site Development Review. Teresa (ODOT representative) mentioned 2 concerns relating to the proposed amendment, one concern regarding Provision 9 that requires a Traffic impact Analysis for developments more than 400 or more vehicle trips per day. The second concern concerns activities near a Freeway Interchange and planning associated mobility function of the Interchange to mitigate risk of that mobility.

In response to those items, The Port of Morrow already follows the Transportation System plan and the Transportation Planning Rules adopted by Morrow County that are outlined in the TSP policy in sections 2.5, 2.6, 3.1, 5.11, 5.12, 8.1, 8.2, and 8.6. The Land Use Development permit requirements are outlined in Table 6.5 of the T.S.P. which conditions a Traffic Impact Analysis for projects that generate over 400 trips regardless of the size of the Development Site under the Industrial Zone. The Planning Department has already addressed the first concern raised. The second Concern raised is identified in the IAMP's that were developed at the 730-I-84 Interchange Area Management Plan, the Port of Morrow Interchange Area Management Plan and the Tower Road Interchange Area Management Plan. The IAMP's listed above have pre-programmed improvements that address the continued mobility necessary within the interchange areas as developments are considered.

We respectfully ask that the Morrow County Planning Commission proceed with the approval process to Amend the Zoning Ordinance (MCZO) Article 4 Supplementary Provisions removing Section 4.170 Site Development Review, Amend Article 3 Use Zones Section 3.130 Speedway Overlay Zone to add #69 the Site Development Review Provisions with modification only applicable to Speedway Overlay Zone as the concerns raised by ODOT are already addressed elsewhere in the TSP and TPR's already in place.

Sincerely  
Gary Neal

  
General Manager  
Port of Morrow

## ARTICLE 4. SUPPLEMENTARY PROVISIONS

**SECTION 4.010. ACCESS.** Intent and Purpose: The intent of this ordinance is to manage access to land development while preserving the flow of traffic in terms of safety, capacity, functional classification, and level of service.

Major roadways, including highways, arterials, and collectors serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and have served as the focus for commercial and residential development. If access points are not properly designed, these roadways will be unable to accommodate the needs of development and retain their primary transportation function. This ordinance balances the right of reasonable access to private property with the right of the citizens of Morrow County and the State of Oregon to safe and efficient travel.

This ordinance shall apply to all public roadways under the jurisdiction of Morrow County and to application for development for any property that abuts these roadways.

This ordinance is adopted to implement the land access and access management policies of Morrow County as set forth in the Transportation System Plan. Access shall be provided based upon the requirements below:

A. Minimum Lot Frontage Requirement. Every lot shall abut a street, other than an alley, for at least 50 feet, except on cul-de-sacs where the frontage may be reduced to 30 feet.

B. Access Permit Requirement. Where access to or construction on a county road is needed, an access permit or right-of-way permit from Morrow County Public Works department is required subject to the requirements in this Ordinance. Where access to a state highway is needed, an access permit from ODOT is required as part of the land use application. Where access is needed to a road managed by the Forest Service or other entity, an access permit or other authorization from the appropriate entity shall be required as part of the land use application.

C. Emergency Vehicle Access. It is the responsibility of the landowner to provide appropriate access for emergency vehicles at the time of development. A dead-end private street exceeding one hundred-fifty (150) feet in length shall have an adequate turn around facility approved by the appropriate Fire Marshal or, if the Fire Marshal fails to review the private street, approval by the Building Official or his designee.

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

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

E. Access Spacing Requirements for Development Accessing State Highways. Applications for development with access onto state highways shall be provided to ODOT for review, to

ensure consistency with adopted ODOT Access Management Standards shown in Table 4.010-1. These standards apply only to unsignalized access points. Where a right of access exists, a property shall be allowed to have access onto a state highway at less than adopted access spacing requirements only if all the following conditions are met:

1. The property does not have reasonable access via an alternative to the state highway;
2. There are no other possible access options along the parcel's highway frontage; and
3. The access spacing standards cannot be accomplished.

When a proposed access onto a state highway does not meet the access spacing standards in Table 4.010-1, a deviation from standard will be considered by the ODOT Region Manager, subject to requirements in OAR 734-051-0135.

TABLE 4.010-1  
ACCESS MANAGEMENT STANDARDS FOR MORROW COUNTY  
NON-INTERSTATE HIGHWAYS

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

REFERENCE: OREGON ADMINISTRATIVE RULES SECTION 734-051 (2004)

F. Access within the Influence Area of an Interchange Access within the influence area of existing or proposed state highway interchanges is regulated by standards in OAR 734-051, which are included as Appendix F of the 2005 Morrow County Transportation System Plan Update. These standards do not retroactively apply to interchanges existing prior to adoption of the 1999 Oregon Highway Plan, except or until any redevelopment, change of use, or highway construction, reconstruction or modernization project affecting these existing interchanges occurs. It is the goal at that time to meet the appropriate spacing standards, if possible, but, at the very least, to improve the current conditions by moving in the direction of the spacing standard.

G. Signalized Intersection Spacing on State Facilities. New traffic signals proposed for state facilities, whether the intersecting facility is a public or private road, shall meet the requirements for installation of a traffic signal on a state highway in OAR 734-020-0400. New traffic signals on state facilities must be approved by the State Traffic Engineer. For approval of a new traffic signal on a County facility as part of a condition of development approval, the applicant shall be required to show, through analysis prepared by a qualified professional engineer registered in the State of Oregon, that the signal is warranted to improve traffic operations, address safety deficiencies, or a combination, based upon traffic signal warrants in the current version of the *Manual on Uniform Traffic Control Devices*.



H. Access Spacing Requirements for Development Accessing County Facilities. All developments shall have legal access to a County or public road. Except for interim access as provided in Section 4.010 H [Interim Access], access onto any County road in the unincorporated or incorporated urban area shall be permitted only upon issuance of an access permit upon demonstration of compliance with the provisions of the County road standards and the standards of Section 4.010.

For County roadways designated as major collector or arterial in the Transportation System Plan, the standards in Table 4.010-2 apply for intersections created by a new public roadway, new private roadway or new private driveway. For County roadways designated as minor collectors or local access roads, intersections created by a new public roadway, new private roadway or new private driveway shall meet minimum County traffic safety and operational requirements, including sight distance, as determined by the County Engineer.

TABLE 4.010-2  
ACCESS MANAGEMENT STANDARDS FOR MORROW COUNTY ROADWAYS

Classification	Access Spacing Standards for Public or Private Access (ft)		
	Public Roadway	Private Roadway	Private Driveway <sup>a</sup>
Arterial	600	600	300
Collector	300	300	100
Local	200	200	Access to each lot

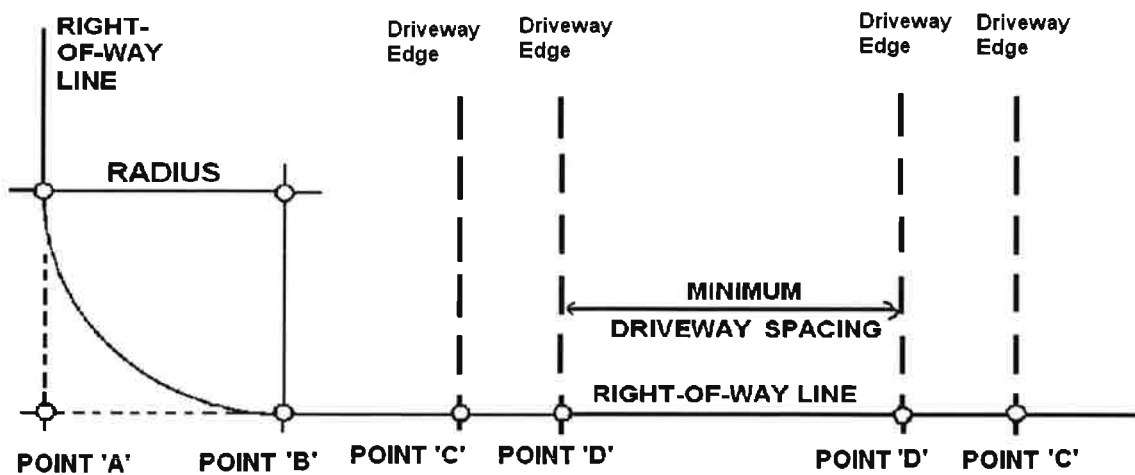
a. For most roadways, at-grade crossings are appropriate. Also, allowed moves and spacing requirements may be more restrictive than those shown to optimize capacity and safety. Any access to a state highway requires a permit from the district office of ODOT and is subject to the access spacing standards in Table 4.010-1 in this section.

No use will be permitted to have direct access to a street or road except as specified below, or as provided in Section 4.010.H (Interim Access). Access spacing shall be measured from existing or approved accesses on either side of a street or road. Measurements shall be made from easement or right-of-way line to easement or right-of-way line. (See following access diagram where R/W = Right-of-Way; P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines, and 'C' and 'D' = each side of adjacent accesses to private property.

1. All minimum distances stated in the following sections shall be governed by sight distance requirements according to this Ordinance and applicable County Road Standards.
2. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.
3. The minimum curb radius shown in the diagram below (i.e., distance from Point "A" to Point "B") shall be 15 feet. In areas zoned for industrial uses, the minimum curb radius shall be 30 feet. At intersections between facilities classified as major collector, arterial or highway, any new or modified intersection shall be designed to accommodate a WB-50 Semitrailer Design Vehicle. If either route is designated by the County as a truck route, the intersection shall be designed to accommodate a WB-65 Interstate Semitrailer Design Vehicle. The curb alignment shall be designed

so that the design vehicle can complete a right turn without entering a lane used by opposing traffic.

4. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
5. Minimum spacing between driveways shall be measured from Point "D" to Point "D" as shown below (i.e., the edges of adjacent driveways closest to each other).
6. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. Additionally, access shall be located beyond the back of any left turn refuge either existing on the affected road or required to accommodate the proposed development. This requirement may result in an access spacing greater than one hundred (100) feet in the case of a collector, or 300 feet in the case of an arterial.
7. Access onto local roads will not be permitted within ten (10) feet of Point "B" as shown below. If no radius exists, access will not be permitted within twenty-five (25) feet of Point "A".
8. Access onto collector roads will not be permitted within fifty (50) feet of Point "B" as shown below. If no radius exists, access will not be permitted within sixty-five (65) feet of Point "A". Where a common or shared access is available it shall be used, provided that such use will not result in operational or safety problems. Minimum spacing between driveways shall be one-hundred (100) feet.
9. Direct access to an arterial will be permitted provided that Point 'C' of such access is more than three hundred (300) feet from any intersection Point 'A' or other access to that minor arterial.



**I. Interim Access onto County Facilities.** No development with sole access onto a County arterial or major collector shall be denied based only on an inability to provide an access that meets applicable access spacing standards. In such an event, the use may be issued an interim access permit which shall expire when access as required under this Ordinance becomes available. An interim access permit may be granted based upon the following:

1. The site is situated such that adequate access cannot otherwise be provided in accord with the access spacing requirements of this Code.
2. The interim access shall meet minimum County traffic safety and operational requirements, including sight distance.
3. Alternate access shall **not** be deemed adequate and connections to alternate access shall **not** be required if the resulting route of access would require a trip in excess of one (1) block or five-hundred (500) feet out of direction (whichever is less).
4. The property owner signs a consent to participate agreement for the formation of a Local Improvement District or similar financing mechanism for the primary purpose of constructing a public road or right-of-way providing access to the arterial or collector road; such access shall meet the minimum applicable County standard.
5. The property owner records an agreement to participate in any project that would consolidate access points where such project would not result in new or more severe traffic operation or safety problems.
6. The property owner records an agreement to abandon use of the existing private access way when an adequate alternative access becomes available.

**SECTION 4.020. SIGHT DISTANCE.** In all zones, adequate sight distance shall be maintained at the intersection of two roads (public or private), a road intersecting a private driveway, or a road crossing a railroad.

A. Sight Distance Requirements for New Accesses. It is the intent of this section to ensure that each new access point or each new lot or parcel created or development in the County will have a safe access to a public road, with the exception of development actions listed in Section 4.020.B. but are subject to improvements to maximize sight distance to the extent practicable by the County Operations Division through an Access Permit or Right-of-way Permit:

1. Existing access points that do not satisfy the sight distance standards and are on property included with a development action which will not add any additional vehicle trips to that access, are exempt from this Section. Improvements at these existing access points may be required of the applicant to maximize sight distance to the extent practicable through an Access Permit application.
2. The minimum intersectional sight distance shall be based on the vehicular speeds of the road. The vehicular speeds for the purpose of determining intersectional sight distance shall be the greater of the following, to be selected by the County Engineer or designee.
  - a. Design Speed - A speed selected by a registered engineer (Oregon) for purposes of design and correlation of those features of a road, such as curvature, superelevation, and sight distance, upon which the safe operation of vehicles is dependent.
  - b. Posted Speed - That speed which has been established by the Oregon State Speed Control Board and is posted by the County.

- c. Eighty-fifth Percentile Speed - That speed as certified by a registered engineer (Oregon) below which 85 percent of all traffic units travel, and above which 15 percent travel. The eighty-fifth percentile speed shall be measured at the point where the sight restriction occurs.
3. The intersectional sight distance shall:
- a. Be based on an eye height of 3.5 feet and an object height of 4.25 feet above the road; and
  - b. Be assumed to be 10 feet from the near edge of pavement or the extended curb line or the near edge of the graveled surface of a gravel road to the front of a stopped vehicle.
4. Minimum intersectional sight distance shall be equal to ten (10) times the vehicular speed of the road such as in the table below.

<b>INTERSECTIONAL SIGHT DISTANCE</b>	
MPH	DISTANCE ALONG CROSSROAD (FT)
25	250
30	300
35	350
40	400
45	450
50	500
55	550

5. Intersectional sight distance values shall conform to (3) above. For significant road improvement projects, the above intersectional standards shall be met in addition to the applicable AASHTO roadway sight distance standards.
6. In those instances where there are no access locations available to the site that meet or can meet the sight distance requirements, a written request for modification may be submitted to the County Engineer or designee. The request for modification of the sight distance requirements shall be subject to the following requirements:
- a. Submitted and certified by a registered engineer (Oregon);
  - b. Nationally accepted specifications or standards are documented and referenced;
  - c. Certification that the modification will not compromise safety or the intent of the County's transportation standards;
  - d. Agreement that the cost of any modifications agreed to must be borne by the applicant; and
  - e. Statement that there is no location available to provide an alternative access location which currently meets the sight distance requirements, or which can

be altered to meet the sight distance requirements. Alterations needed to provide adequate sight distance include but are not limited to grading and the removal of vegetation. For the purpose of this subsection alternative access location means:

- i. Any location on the proposed development site which meets or can meet the sight distance requirements; or
- ii. Any location off the proposed development site which can provide access to the site by an existing access easement or through an access easement which will be provided to the site as part of the development application. Such an off-site access must be shown to meet or be able to meet sight distance requirements.

**B. Accesses Exempt from Sight Distance Requirements.** Accesses for the following development actions are exempt from the Sight Distance standards (Section 4.020.A), but are subject to improvements to maximize sight distance to the extent practicable by the County Operations Division through an Access Permit or Right-of-way Permit:

- 1. Replacement dwellings;
- 2. Nonbuildable parcels;
- 3. Applications for one dwelling on an existing vacant parcel;
- 4. Home Occupation applications in the EFU, FU, SF-40, FR-2 and RR-1 zones; or
- 5. Applications which will not add additional vehicle trips to an existing access which does not meet the sight distance standards.

**SECTION 4.035 PERMIT REQUIREMENTS FOR LAND USE DEVELOPMENT.** Except where otherwise noted, all proposed projects should meet the following Plot Plan Requirements as described in Table 4.035-1 below. A common threshold for a TIA (traffic impact analysis) applying to all types of development is 400 daily trips (e.g., 40 houses). Trip generation should be estimated using the current edition of ***Trip Generation*** by the Institute of Transportation Engineers, other similar published resources, or actual driveway counts of similar land uses. The County Planning Commission, County Planning Director or County Public Works Director or designee may require a TIA for any level of development. TIA requirements are described in the Appendix.

TABLE 4.035-1  
PERMIT REQUIREMENTS BY TYPE OF LAND USE DEVELOPMENT

Permit Type	Plot Plan Requirements		Conditions				Review/Approval Type	
	<u>Footprint (setbacks)</u>	<u>Access*</u>	<u>Transportation Improvements</u>	<u>DEQ Site Suitability</u>	<u>Parking</u>	<u>Sign</u>	<u>Review</u>	<u>Action</u>
<b>Zoning Permit</b>								
Residential	Yes	Designated access.	Frontage improvements.	Yes	N/A	N/A	Staff	Bldg. permits Road approach permit
Commercial	Yes	Legal	Under 400 trips:		Yes	Yes	Staff	Bldg. permits

TABLE 4.035-1  
 PERMIT REQUIREMENTS BY TYPE OF LAND USE DEVELOPMENT

Permit Type	Plot Plan Requirements	Conditions	Review/Approval Type				
Industrial	Yes	access via r/w or easement. Legal access via r/w or easement.	Frontage improvements. Over 400 trips: TIA. Under 400 trips: Frontage improvements. Over 400 trips: TIA.	Yes	Yes	Staff	Road approach permit Bldg. permits Road approach permit
Farm Exempt	Yes	Yes	N/A	N/A	N/A	N/A	Staff County issues a Farm Agriculture Bldg Exemption Certificate
<b>Land Partition</b>							
1 to 3 Lots		Legal access via r/w or easement.	Frontage improvements.			Planning Comm.	Approval Road Approach permit
<b>Subdivision</b>							
4 to 39 lots		Legal access via r/w.	Frontage improvements.			Planning Comm.	Approval Road Approach Permit
40 or more lots		Legal access via r/w.	Frontage improvements, TIA.			Planning Comm.	Approval Road Approach Permit
<b>Conditional Use Permit</b>							
	Yes	Legal access via r/w or easement.	Under 400 trips: frontage improvements. Over 400 trips: TIA.	Review	Review	Planning Comm.	Approval, Bldg. permit Road Approach

\*1000' or less, 20' easement; 1000' or more 40' easement; 3 or more lots (current or potential), 60' easement.

r/w = Right-of-way.

TIA = Traffic Impact Analysis.

N/A = not applicable.

**A. Consent to Participate Agreement Required.** For those Local roads which are not improved in accordance with Morrow County Road Standards or maintained by the County, and which abut the property owner's proposed development or which do not abut the development but provide direct access to the development, the property owner shall sign a consent to participate agreement for the potential formation of a local improvement district or other mechanism to improve and maintain these roads to County standards, per the Morrow County standard Consent to Participate Agreement. Applications for property line adjustments, nonbuildable parcels, temporary housing permits, land partitions in resource zones, and one dwelling on an existing vacant parcel, are not subject to this requirement.

For those Arterial and Collector roads which are not improved in accordance with Morrow County Road Standards and which abut the development site or those roads which do not abut the development site but provide access to the site, the property owner shall sign a

consent to participate agreement for the potential formation of a local improvement district or other mechanism to improve the base facility of this road(s) to County standards, per the Morrow County standard Consent to Participate Agreement. Applications for property line adjustments, nonbuildable parcels, temporary housing permits, land partitions in resource zones, and one dwelling on an existing vacant parcel, are not subject to this requirement.

**SECTION 4.040. OFF-STREET VEHICLE PARKING REQUIREMENTS.** Because vehicle parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. At the time of construction, reconstruction, or enlargement of a structure, or at the time a use is changed in any zone, off-street parking space shall be provided as follows unless greater requirements are otherwise established. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area. The County may allow credit for “on-street parking”, as provided in Section 4.050. For uses not specified in Table 4.040-1, parking requirements shall be determined by the use in Table 4.040-1 found to be most similar in terms of parking needs.

TABLE 4.040-1

MINIMUM PARKING REQUIREMENTS

USE	MINIMUM VEHICLE PARKING REQUIREMENTS
A. Residential 1. One, two, and three family dwelling 2. Residential use containing four or more dwelling units 3. Rooming or boarding house	Two spaces per dwelling unit One and one-half spaces per dwelling unit One space per guest room
B. Commercial Residential 1. Hotel or Motel	One space per guest room, plus one space for the manager
C. Public and Institutional Uses 1. Welfare or correctional institution 2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged 3. Hospital 4. Church	One space per six beds One space per four beds Two spaces per bed One space per four seats at maximum occupancy
5. Library, reading room 6. Daycare, pre-school or kindergarten 7. Elementary or junior high school 8. High school, college, commercial school for adults	One space per 400 gross square feet Two spaces per FTE staff One and one-half spaces per classroom or one space per four seats or eight feet of bench length in the auditorium or assembly room whichever is greater. One and one-half spaces per classroom plus one space for each 10 students the school is designed to accommodate, or one space for four seats or eight feet of bench length in the main auditorium or assembly room, whichever is greater.

**MINIMUM PARKING REQUIREMENTS**

<b>USE</b>	<b>MINIMUM VEHICLE PARKING REQUIREMENTS</b>
9. Other auditorium or meeting room	One space per six seats or 12 feet of bench length, whichever is greater, or one space for each 75 gross square feet of assembly room not containing fixed seats.
D. Commercial Amusement 1. Stadium, arena, theater  2. Bowling Alley 3. Dance hall, skating rink	One space per four seats or eight feet of bench length, whichever is greater. Five spaces per alley One space per 100 gross square feet
E. Commercial 1. Retail store except as provided in subsection (f)(2) of this section 2. Service or repair shop, retail store handling exclusively bulky merchandise, such as automobiles and furniture 3. Bank, office (except medical and dental) 4. Medical and dental clinic 5. Eating or drinking establishment  6. Mortuaries	One space per 350 gross square feet One space per 750 gross square feet  One space per 350 gross square feet One space per 300 gross square feet One space per 100 gross square feet or one space per four seats, whichever is less. One space per six seats or eight feet of bench length in chapels
F. Industrial 1. Storage warehouse, manufacturing establishment, rail or trucking freight terminal 2. Wholesale establishment	One space per employee on the largest shift.  One space per employee on the largest shift plus one space per 700 square feet of patron-serving area.

**SECTION 4.045. BICYCLE PARKING REQUIREMENT.**

This chapter also provides standards for bicycle parking, because children as well as adults need safe and adequate spaces to park their bicycles throughout the community. All uses subject to Design Review that are located within an Urban Growth Boundary shall provide bicycle parking in conformance with the following guidelines. Uses outside an Urban Growth Boundary are encouraged to provide bicycle parking based on these guidelines.

A. Number of Parking Spaces. A minimum of two bicycle parking spaces is recommended for each use with greater than 10 vehicle parking spaces. The following additional standards apply to uses within an Urban Growth Boundary, and are recommended for other areas of the County:

1. Multi-family residences: At least one sheltered bicycle space per four dwelling units, for uses of four or more units. Bicycle spaces may be located within a garage, storage shed, basement, utility room, or other similar area. If a residential development use has no such protected areas, bicycle parking spaces can be located under an eave, overhang or similar cover to be protected from rain and sun.



2. **Parking Lots:** At least one bicycle parking space for every ten vehicle spaces at commercial and public parking lots.
  3. **Schools:** One bicycle parking space for every 10 vehicle spaces, at public or private elementary and middle schools. High schools should provide one bicycle space for every five students.
  4. **Colleges and trade schools:** One bicycle space for every 10 motor vehicle spaces. At least half of the spaces should be sheltered under an eave, overhang or similar cover.
  5. **Multiple Uses:** For buildings with multiple uses, such as a commercial building or mixed use development, one bicycle space for every 10 motor vehicle spaces is recommended.
- B. **Exemptions.** This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than 10 vehicle parking spaces.
  - C. **Location and Design.** Bicycle parking should be conveniently located no farther away than the closest parking space.
  - D. **Visibility and Security.** Bicycle parking should be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
  - E. **Options for Storage.** Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
  - F. **Lighting.** Bicycle parking should be least as well lit as vehicle parking for security.
  - G. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards in Section 4.020.

**SECTION 4.050. OFF-STREET PARKING AND LOADING.** Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to handle adequately the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs. General provisions are as follows:

- A. The provisions and maintenance of off-street parking and loading space is a continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be a violation of this Ordinance to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.
- B. Requirements for types of buildings and uses not specifically listed in this Ordinance shall be determined by the Planning Commission based upon the requirements for comparable use listed.

C. In the event multiple uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of each use computed separately.

D. Owners of two or more uses, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the County in the form of deeds, leases, or contracts to establish the joint use.

E. Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces for residential uses shall be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.

F. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

G. Parking designated exclusively for people with disabilities shall be provided in conformance with the Americans with Disabilities Act.

H. The Director may, upon request, allow a reduction in the number of required off-street parking spaces in housing developments for elderly or disabled persons if such reduction is deemed appropriate after analysis of the size and location of the development, resident auto ownership, number of employees, possible future conversion to other residential uses and other similar relevant factors.

#### **SECTION 4.060. DESIGN AND IMPROVEMENT STANDARDS - Parking Lots**

A. Except for single-family and duplex dwellings, areas used for parking for more than two vehicles shall have durable and dustless surfaces adequately maintained.

B. Except for parking in connection with single-family and duplex dwellings, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling shall be designed to minimize disturbance to residents by the erection between the uses of a sight-obscuring fence or planted screen of not less than six (6) feet in height except where vision clearance is required.

C. Parking spaces along the outer boundaries of a parking lot shall maintain a minimum setback from the property line of five feet, unless a greater setback is specified for a structure in the zoning district, and shall be contained by a bumper rail or by a curb which is at least four inches high.

D. Artificial lighting which may be provided shall not shine or create glare in any residential zone or on any adjacent dwelling.

E. Access aisles shall be a minimum of 24 feet wide for two-way traffic. The minimum aisle width for emergency vehicle access (with one-way traffic) is 20 feet.

F. Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

G. Service drives to off-street parking areas shall be a minimum of 24 feet wide for two-way traffic flow, and 20 feet wide for one-way traffic flow. The number of service drives shall be limited to the minimum that will accommodate anticipated traffic.

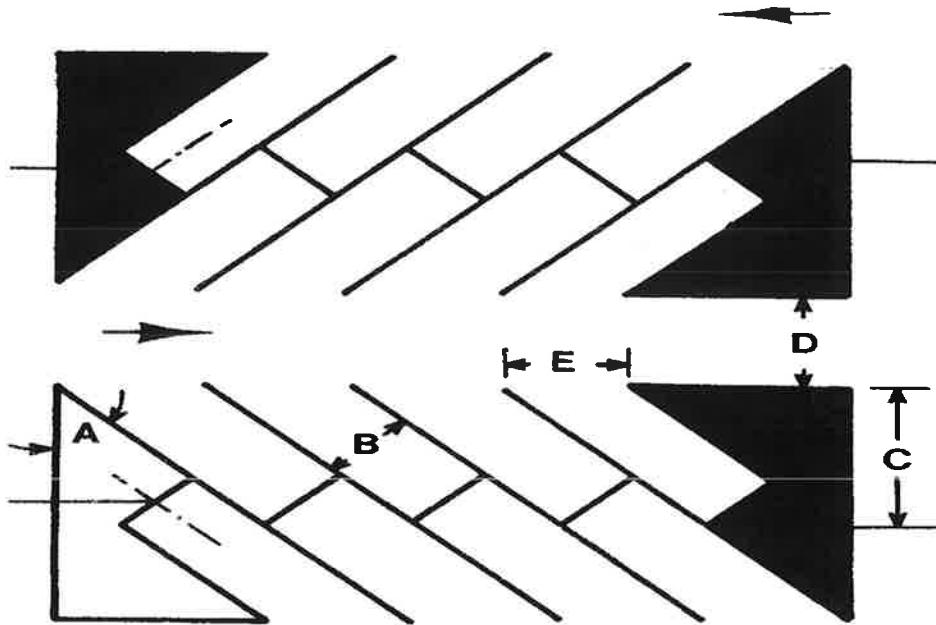
H. Driveways shall maintain minimum sight distance per the standards of Section 4.020 of this Ordinance.

I. The standards set forth in the table below shall be the minimum for parking lots approved under this Ordinance (all figures are in feet except as noted). The letters in the first row of the table correspond to the letters in the following diagram.

TABLE 4.060-1  
OFF-STREET PARKING DESIGN STANDARDS

A	B	C	D	E
parking angle degree	stall width	stall to curb (19' long stall)	aisle width	curb length per car
0	8.5	8.5	12.0	23.0
45	8.5	19.4	12.0	12.0
60	8.5	20.0	15.0	9.8
75	8.5	19.6	24.0*	8.8
90	8.5	19.0	24.0*	8.5

\*Two-way circulation



**SECTION 4.070. SIGN LIMITATIONS AND REGULATIONS.** In addition to sign limitations and regulations set forth in a specific zone, the following limitations and regulations shall apply to any sign hereafter erected, moved or structurally altered within the jurisdiction of the County.

In addition to the standards and limitations set forth in this Ordinance, signs shall be installed in accordance with applicable regulations of state and federal agencies. No sign will hereafter be erected, moved or structurally altered without being in conformity with the provisions of this Ordinance. Official traffic control signs and instruments of the state, county or municipality are exempt from all provisions of this Ordinance.

A. All outdoor advertising signs shall be in compliance with the provisions of this Ordinance and the provisions of ORS Chapter 377 when applicable.

B. No outdoor advertising sign permitted by ORS Chapter 377 shall be erected within 300 feet of a residential dwelling without written consent of the owner and/or occupant of said dwelling.

C. No sign shall be placed so as to interfere with visibility or effectiveness of any permanent traffic control device.

D. No sign shall be placed so as to impede the sight distance triangle at any access point or intersection as specified in Section 4.020 of this Ordinance.

E. No sign shall cause glare, distraction or other driving hazards within a street or road right-of-way.

F. No sign shall shine directly upon a residential dwelling or otherwise create a nuisance.

G. In addition to the limitations on signs as provided by (1) through (5) above, additional sign restrictions may be required as determined by the Planning Commission in approving conditional uses, as provided by Article 6.

H. Signs erected along Scenic Byways or other roads with similar designations must meet applicable criteria for sign placement.

I. Residents may request specific cautionary signage for individual resident(s) to be installed within County right-of-way. All costs including materials, installation, maintenance, and removal, shall be borne by the requestor, and shall otherwise conform with Morrow County Policy M-43674.

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

**SECTION 4.110. MINIMUM STANDARDS FOR A MANUFACTURED HOME ON INDIVIDUAL LOTS OR PARCELS AS A SINGLE-FAMILY DWELLING.** (Amended 10/28/06 MC-05-2006)

A. Manufactured Homes in a Farm or Forest Use Zone: A manufactured home permitted to be sited as a single-family dwelling on an individual lot or parcel in farm and forest use zones shall be in compliance with the following standards and regulations as a minimum. If the manufactured home is placed within one half mile of a residential zone (Rural Residential, Farm Residential or Suburban Residential) the standards of subsection B of this section shall apply. The distance of one-half mile will be measured from the site of the home to the boundary of the residential zone in a direct line and not specifically along roads or streets.

1. The manufactured home shall be a 14-foot single-wide, at a minimum, or a multi-sectional unit and shall contain at least 745 square feet of space as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device.

2. The manufactured home unit shall be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department and bear the Oregon Department of Commerce 'Insignia of Compliance.' All pre-owned and pre-occupied units (i.e. used) shall be inspected by a certified Building Official prior to installation and occupancy to insure compliance with applicable standards required for the 'Insignia of Compliance' and to insure that such units are in such a condition as to not be detrimental to the public health, safety and general welfare or to adjoining properties.

3. The manufactured home shall be installed according to the specifications outlined in the Oregon Manufactured Dwelling and Park Specialty Code in effect at the time of installation and as utilized by the Morrow County Building Official. (See ORS 446 and OAR 918 Division 500.)

4. All manufactured home accessory buildings and structures shall comply with state and local construction and installation standards. Roofing and siding materials shall be of similar material and color and complementary to the existing manufactured home unit. Manufactured home accessory structures include porches and steps, awnings, cabanas, or any other structure or addition that depends in part on the manufactured home for its structural support, or in any manner is immediately adjacent to or attached to the manufactured home. Such structures or additions shall not total more than 40 % of the total living space of the manufactured home. Garages and carports, either attached or detached, are not counted in this percentage. Ramadas, as defined in ORS 446, shall not be permitted.

5. When removing a manufactured home the owner of the property shall remove the foundation and all accessory structures and additions to the manufactured home and permanently disconnect sewer, water and other utilities if the manufactured home is removed from its foundation unless otherwise authorized by the County. In the event the owner fails to accomplish said work within 30-days from the day on which the manufactured home is moved from its foundation, the County may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the manufactured home is replaced on the original foundation, or on the original foundation as modified, or by another approved manufactured home within 30-days of the original unit's removal. Said lien may be initiated by the County Court.

**B. Manufactured Homes in a Rural Residential Zone:** A manufactured home permitted as a single-family dwelling on an individual lot or parcel in a residential zone (Rural Residential, Farm Residential or Suburban Residential) shall be in compliance with the following standards and regulations as a minimum.

1. Be multi-sectional (double-wide or larger); be a minimum of 1000 square feet; and be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department.

2. Placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
3. Have a pitched roof with a nominal slope of at least three feet in height for each 12 feet in width.
4. Certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code.
5. Have exterior siding and roofing materials which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Planning Department.
6. Have a garage or carport sited on the same lot or parcel of at least 180 square feet in size of like materials constructed before occupancy.
7. All manufactured home accessory buildings and structures shall comply with state and local construction and installation standards. Roofing and siding materials shall be of similar material and color and complementary to the existing manufactured home unit. Manufactured home accessory structures include porches and steps, awnings, cabanas, or any other structure or addition that depends in part on the manufactured home for its structural support, or in any manner is immediately adjacent to or attached to the manufactured home. Such structures or additions shall not total more than 40% of the total living space of the manufactured home. Garages or carports, either attached or detached, are not counted in this percentage. Ramadas, as defined in ORS 446, shall not be permitted.
8. When removing a manufactured home the owner of the property shall remove the foundation and all accessory structures and additions to the manufactured home and permanently disconnect sewer, water and other utilities if the manufactured home is removed from its foundation unless otherwise authorized by the County. In the event the owner fails to accomplish said work within 30-days from the day on which the manufactured home is moved from its foundation, the County may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the manufactured home is replaced on the original foundation, or on the original foundation as modified, or by another approved manufactured home within 30-days of the original unit's removal. Said lien may be initiated by the County Court.

C. Manufactured Homes and other uses: Manufactured homes are to only be used as single-family dwellings as stated in ORS 446.245. Any changes to a use of a manufactured home requires approval of the Planning Commission and compliance with ORS 446.245.

**SECTION 4.160 STANDARDS FOR TRANSPORTATION IMPROVEMENTS.** The intent of these provisions is to provide clear directions and guidelines when considering installation of transportation facilities in Morrow County.

A. Although some zone designations may address certain uses listed below, these provisions generally apply to all zones in the County. Thus, except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright:

1. Normal operation, maintenance, repair, and preservation of existing transportation facilities (roadways, bridges, etc.) including the use of stockpile sites in support of operation, maintenance, repair and preservation. (MC OR-1-2013)
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Acquisition of the right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except those that are located in exclusive farm use or forest zones.
7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.
8. Establishment or continuation of no spray zones on private property.
9. Cattle guards to be installed per Morrow County Court Policy M-43673.
10. Pavement aprons to be installed at intersections of gravel roads or driveways with paved roads per Morrow County Court Resolution R-29-2000.
11. Any excavation within Morrow County right-of-way shall conform to Morrow County Ordinance MC-PW-1-81, the Road and Street Excavation Ordinance.

**B. Uses Permitted by Conditional Use Permit.**

1. Construction, major reconstruction, or widening of highways, roads, bridges, or other transportation projects that are not designed and constructed as part of a subdivision or planned development shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
  - a. The project is designed to be compatible with existing land use patterns, noise generation, safety, and zoning.
  - b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

- c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
  - d. The project includes provision for bicycle and pedestrian circulation as consistent with the Transportation Element of the Comprehensive Plan and other requirements of this Ordinance.
2. Construction of rest areas, weigh stations, temporary aggregate storage, and aggregate processing sites.
  3. If review under this Section indicates that the use or activity is inconsistent with the Transportation Element of the Comprehensive Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional use permit review.

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

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

#### **SECTION 4.165 SITE PLAN REVIEW**

Site Plan Review is a non-discretionary or “ministerial” review conducted without a public hearing by the County Planning Director or designee. Site Plan Review is for less complex



developments and land uses that do not require site development or conditional use review and approval through a public hearing.

A. Purpose. The purpose of Site Plan Review (ministerial review) is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions. Site Plan review also addresses conformity to floodplain regulations, consistency with the Transportation System Plan, and other standards identified below.

B. Pre-application review. Prior to filing its application for site plan review, the applicant shall confer with the County Planning Director or designee, who shall identify and explain the relevant review procedures and standards.

C. Applicability. Site Plan Review shall be required for all land use actions requiring a Zoning Permit as defined in Section 1.050 of this Ordinance. The approval shall lapse, and a new application shall be required, if a building permit has not been issued within one year of Site Review approval, or if development of the site is in violation of the approved plan or other applicable codes.

D. Review Criteria.

1. The lot area shall be adequate to meet the needs of the establishment.
2. The proposed land use is permitted by the underlying land use district.
3. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any sub-district(s) are met.
4. Development in flood plains shall comply with Section 3.100 Flood Hazard Overlay Zone of the Ordinance.
5. Development in hazard areas identified in the Morrow County Comprehensive Plan shall safely accommodate and not exacerbate the hazard and shall not create new hazards.
6. Off-street parking and loading-unloading facilities shall be provided as required in Section 4.040 and 4.050 of the Morrow County Zoning Ordinance. Safe and convenient pedestrian access to off-street parking areas also shall be provided as applicable.
7. County transportation facilities shall be located, designed and constructed in accordance with the design and access standards in the Morrow County Transportation System Plan.
8. Site planning, including the siting of structures, roadways and utility easements, shall provide, wherever practicable, for the protection of trees eight inch caliper or greater measured four feet from ground level, with the exception of noxious or invasive species, such as Russian olive trees.
9. Development shall comply with Section 3.200 Significant Resources Overlay Zone or 3.300 Historic Buildings and Sites protecting inventoried significant natural and historic resources.

10. The applicant shall determine if compliance is required with Oregon Water Resources Department water quantity and/or Oregon Department of Environmental Quality water quality designations.
11. The applicant shall determine if previous Code Enforcement violations have been cleared as applicable.
12. The applicant shall determine the method of disposal for solid waste, with staff providing information to the applicant about recycling opportunities.
13. The applicant shall obtain the necessary access permit through the Public Works Department as required by Morrow County Resolution R-29-2000.

E. Submittal Requirements. A site plan shall be submitted including all of the following information except for specific items determined at the pre-application review not to be applicable. All site plans shall have dimensions clearly indicated. An applicant may provide the information on separate sheets, if necessary or desirable for clarity.

1. North arrow and scale.
2. Location of property boundaries, including adjacent public or private streets and rights of way.
3. Location of existing structures and natural features.
4. Areas affected by the proposed development with slopes in excess of 10 percent.
5. Location of utilities and facilities, or proposed locations (sewer, water, fire hydrants, septic system, storm water facilities, etc.).
6. Proposed landscaping.
7. Exterior lighting.
8. Circulation plan for vehicles, pedestrians, and bicyclists, including existing and proposed points of access and sidewalks.
9. Parking lot layout, with circulation plan and striping details.
10. Sign location and details.

F. Application Completeness/Request for Additional Information. The County Planning Director or designee shall determine the application to be complete based on the above standard criteria within 14 days of the application submittal. If the application is found to be incomplete or additional information is needed it may be requested from the applicant. A request for additional information beyond the standard review criteria cannot be used to rule an application incomplete.

G. Minimum Standards for Roadway Design Plans Submitted for County Review. Any transportation facility or transportation improvement to be constructed as part of a private development and subsequently dedicated to the County must first receive design approval by the Morrow County Public Works Department, based on applicable design criteria and

the rationale for establishing the criteria to be provided by the County. Design approval shall also include all other pertinent issues related to roadway construction and operations, including but not limited to drainage, maintenance, serviceability, and pavement design. Street design plans submitted for County approval shall be stamped by a registered professional engineer with appropriate experience.

H. Conditions Requiring Variance Application. In the case of transportation improvement plans that do not meet the above minimum standards, the Morrow County Public Works Department may work with the applicant to determine whether an alternate design standard is appropriate (design modification). Design modifications are reviewed and approved by Morrow County Public Works Department staff. If upon mutual agreement it is determined that an alternate design standard cannot be met, an application for a design variance will be required, subject to review and approval by the Morrow County Planning Commission.

#### **~~SECTION 4.170 SITE DEVELOPMENT REVIEW (MC-C-1-02)~~**

~~A. Purpose. The purposes of site development review are to encourage site planning in advance of development that is permitted under Morrow County's Comprehensive Plan and land use regulations; assure that development is supported with appropriate types and levels of transportation improvements and public facilities and services; and implement the Morrow County Comprehensive Plan and land use regulations with respect to development standards and policies.~~

~~B. Preapplication review. Prior to filing its application for site development review, the applicant shall confer with the Planning Director, who shall identify and explain the relevant review procedures and standards.~~

~~C. When required.~~

~~1. Site development review shall be required for all major developments in industrial and commercial zones. As used in this Section, a "major development" is an industrial development utilizing 100 or more acres of real property. When development is proposed in phases, site development review shall apply to each phase of the development, whether or not the phase meets the site development review threshold.~~

~~2. Site development review also shall apply when required by the Planning Commission as a condition of approval of a land use decision not otherwise subject to site development review; provided that, in a condition imposing such a requirement, the Planning Commission may waive one or more site development review information requirements and/or approval standards that the Planning Commission finds the application already has fulfilled or are not relevant or otherwise are not warranted.~~

~~3. No building permit shall be issued prior to site development review approval whenever site development review is required by this section. Site development review shall not alter the type and category of uses permitted in affected zoning districts.~~

~~4. As used in this Section, "development" means any man-made change to improved or unimproved real property in the County, including but not limited to construction or installation of a building or other structure; major site alterations such as those due to grading; paving; and improvements for use as parking. However, site development review shall not apply to any interior remodelling of any existing building or structure or any~~



~~modification to an existing building or structure that does not substantially change its exterior appearance.~~

~~D. Plans required. A complete application for site development review shall be submitted. The application shall include the following plans and information:~~

~~1. A site plan or plans, drawn to scale, containing the following information:~~

~~a. A vicinity map covering an area 250 feet from the boundary of the development site and showing general information about the location, dimensions and names of all existing and proposed streets, County roadways and state highways, access points on both sides of the road when applicable, sidewalks, bicycle routes, and easements and utility locations. The map also shall indicate distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on all sides of the property.~~

~~b. The site size, dimensions, and zoning, including dimensions and gross area of the lot(s) or parcel(s) and tax map and tax lot number(s) for the development site.~~

~~c. Contour lines at two-foot contour intervals for grades 0 to 10 percent, and five-foot intervals for grades over 10 percent.~~

~~d. The location of the following hazard areas on and within 100 feet of the boundaries of the site:~~

~~i. Areas indicated on National Flood Insurance Rate maps as being within the 100-year floodplain;~~

~~ii. Areas subject to erosion as identified in the Morrow County Comprehensive Plan;~~

~~iii. Other hazard areas identified in the Morrow County Comprehensive Plan.~~

~~e. The location of inventoried significant natural resource areas on and within 100 feet of the boundaries of the site, including big game habitat areas, fish and riparian habitat areas, mineral and aggregate resource areas, significant natural areas, wetlands, water resources, and historic resources. As used in this Section, "significant inventoried" means a resource area identified as significant in Morrow County's acknowledged inventory of Goal 5 resource sites.~~

~~f. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within 25 feet of the site, and the current and proposed uses of the structures.~~

~~g. The location, dimensions, square footage and setback distances of proposed structures, improvements, and utilities, and the proposed uses of the structures by square footage.~~

~~h. The location, dimension and names, as appropriate, of all existing and proposed streets, other public ways, sidewalks and easements on and within the development site.~~



- ~~i. All motor vehicle parking, circulation, loading and servicing areas.~~
  - ~~j. Site access points for automobiles and pedestrians.~~
  - ~~k. On-site pedestrian circulation.~~
  - ~~l. Outdoor areas proposed as open space.~~
- ~~2. A landscaping plan, drawn to scale, showing the location and types of existing trees (eight inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacing of trees and plant materials to be planted on the site, the proposed types and locations of irrigation systems to maintain plant materials, and other pertinent landscape features.~~
- ~~3. Architectural elevations and floor plans for all proposed structures, drawn to scale, with elevations accurately reflected to grade.~~
- ~~4. A description of materials, referenced to UBC class codes, to be used on proposed structures.~~
- ~~5. An erosion control and grading plan.~~
- ~~6. A drainage plan, developed in accordance with County standards or with Oregon Department of Environmental Quality standards if no County standards have been adopted. The drainage plan shall identify the location of drainage patterns and drainage courses on and within 100 feet of the boundaries of the site.~~
- ~~7. An exterior lighting plan, drawn to scale, showing type, height, and lighting levels on and at the edge of the site.~~
- ~~8. A written statement identifying:
  - ~~a. The nature of the proposed use(s).~~
  - ~~b. Plans for the treatment and disposal of sewage and industrial wastes and any on-site disposal of wastes.~~
  - ~~c. Plans for handling traffic, noise, glare, air pollution, fire, or safety hazard.~~~~
- ~~9. The following technical reports:
  - ~~a. For developments expected to generate 400 or more vehicle trips on a single day, a traffic report, prepared by a licensed traffic engineer, demonstrating the ability of affected transportation facilities including highways, roads and intersections to accommodate the anticipated amount of traffic that would be generated by the proposed development over 20 years. The report shall identify existing traffic conditions and the safety and capacity improvements that are needed to accommodate the anticipated traffic, including facility reconstructions, modifications or widenings, additional travel or passing lanes, intersection or interchange improvements, realignments, channelization improvements, or other needed facility improvements;~~~~



including possible new transportation facilities. The analysis shall demonstrate consistency with the applicable performance standards of the affected facilities. The Morrow County Transportation System Plan provides the applicable standards for county transportation facilities. The Oregon Highway Plan provides the applicable standards for state transportation facilities.

When a traffic management plan is required by the Morrow County Transportation System Plan, the application shall not be deemed complete until the applicant has filed with the Planning Director a traffic management plan (TMP) including transportation system management (TSM) and transportation demand management (TDM) measures that have been coordinated with and address the reasonable concerns of affected transportation providers (e.g., Morrow County, affected cities, Oregon Department of Transportation, Federal Highway Administration) and traffic safety and emergency service providers (e.g. County sheriff, State Police, fire district, ambulance). The TMP shall be prepared by a licensed traffic engineer with established experience in the type of event for which the TMP is being developed. Unless otherwise agreed to by affected local governments or agencies, the costs of paying for necessary transportation improvements and implementation of the TMP shall be borne by the developer or its successors.

The TMP shall include, but not be limited to: ingress and egress from parking areas; deployment of personnel at ramps, intersections and highway locations; plans for rerouting of traffic in the event of accident or other cause of traffic delay; coordination with state police, County sheriff and emergency service providers; use of temporary signage, reader boards and similar visual aids; estimates of numbers and types of personnel to be employed; and other appropriate information.

b. If located within 5000 feet of a runway or approach surface of a public use airport, a technical report explaining how the development is compatible with customary aviation-related activities, including airport takeoffs and landings. The report shall explain how the proposed uses, including measures to minimize conflicts, do not cause emissions of smoke, dust or steam that would obscure visibility within airport approach surfaces; project light directly onto existing airport runways or taxiways; or interfere with airport radio, radiotelephone, television and electrical transmissions.

10. Within 14 working days following receipt of a site development review application, the Planning Director may waive the submission of information for specific provisions of this Section or may require information in addition to that required by a specific provision of this Section, as follows:

a. The Planning Director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the Planning Director shall, in the staff recommendation, identify the waived requirement and briefly explain the reasons for the waiver.

b. The Planning Director may require information in addition to that required by a specific provision of this Section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance. If additional information is required, the Planning



Director shall, in the decision, briefly explain the reasons for requiring the additional information.

~~E.—Standards.~~

~~1. All development shall comply with the following standards:~~

~~a. Retaining walls shall be provided and designed consistent with Uniform Building Code requirements. Grading and contouring shall take place with particular attention to minimizing the possible adverse effects of grading and contouring on the natural vegetation and physical appearance of the site.~~

~~b. Development in flood plains shall not increase the flood plain elevation unless the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain elevation. Development in hazard areas identified in the Morrow County Comprehensive Plan shall safely accommodate and not exacerbate the hazard and shall not create new hazards.~~

~~c. Drainage shall be provided in accordance with Oregon Department of Environmental Quality standards. The Planning Commission may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality.~~

~~d. Off-street parking and loading-unloading facilities shall be provided as required in Article IV of the Morrow County Zoning Ordinance. Safe and convenient pedestrian access to off-street parking areas also shall be provided.~~

~~e. County transportation facilities shall be located, designed and constructed in accordance with the design and access standards in the Morrow County Transportation System Plan.~~

~~f. Circulation provided by public streets and by private streets, accessways and maneuvering areas within the boundary of the site shall facilitate safe and convenient motor vehicle and pedestrian access. Access for emergency services (fire, ambulance and police) shall be provided consistent with the requirements of the Fire Marshal and emergency service providers.~~

~~g. Illumination resulting from outdoor lighting shall not exceed one foot-candle at the property line.~~

~~h. Site planning, including the siting of structures, roadways and utility easements, shall provide, wherever practicable, for the protection of trees eight inch caliper or greater measured four feet from ground level.~~

~~i. Development shall comply with applicable County regulations protecting inventoried significant natural and historic resources.~~

~~j. Development shall maintain continuous compliance with applicable federal, state and County air and water quality standards. Prior to issuance of a building permit, the Building Official may require submission of evidence of compliance with such standards from the applicable federal or state agencies or the receipt of the necessary permits for the development from these agencies.~~



~~k.—Development shall be designed to comply with applicable Oregon Department of Environmental Quality noise standards.~~

~~l.—Sewer, water and storm drainage facilities shall be adequate to serve the proposed or permitted level of development. For uses like a speedway that engage in activities that on occasion attract unusually large numbers of people to the site, the development may rely on temporary sewer (e.g., portapotties, lagoon storage) and water facilities to accommodate the excess demand. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. All facilities shall be designed to comply with applicable state and local standards.~~

~~m. Law enforcement, public safety and security measures shall be adequate to serve the proposed or permitted level of development. For land uses involving activities that may attract many thousands of visitors to a site at one time on an occasional or episodic basis, adequate safety, law enforcement and security measures may include, but are not limited to, the use of on-site security service personnel and availability of police, fire and emergency medical services. For such uses, the Planning Commission may require the applicant to develop a public safety and security plan, which shall be coordinated with appropriate local and state public safety providers.~~

~~n. The transportation system shall be adequate to accommodate the proposed or permitted level of development.~~

~~i. Rights-of-way and roadway and sidewalk improvements shall be provided consistent with applicable County or State design, access management and highway performance standards, including applicable Oregon Highway Plan standards. Access points to County roadways and state highways shall be properly placed in relation to sight distance, driveway spacing and other related considerations including opportunities for joint and cross access. Any application that involves access to or significantly impacts the state highway system shall be reviewed by the Oregon Department of Transportation. Such applications shall demonstrate compliance with the Oregon Highway Plan and shall be conditioned on state issuance of access permits where required.~~

~~ii. In determining the adequacy of the transportation system to accommodate the proposed development, consideration shall be given to the need for roadway reconstructions, modifications or widenings, additional travel or passing lanes, intersection or interchange improvements, road realignments, channelization improvements, or other needed roadway improvements, including possible new roads. Consideration also shall be given to the need for right-of-way improvements such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation. For uses necessitating preparation of a transportation management plan, a decision approving a site development review application shall include a condition requiring implementation of the transportation system management measures and transportation demand management measures that are determined to be needed to accommodate the traffic generated by the development and to comply with the Oregon Highway~~



~~Plan. Unless otherwise agreed to by affected local governments or agencies or limited by constitutional constraints, the costs of paying for necessary transportation improvements and implementation of the traffic management plan shall be borne by the developer or its successors.~~

~~iii. Nothing in this or any other provision of this Chapter shall be construed to replace, alter or otherwise affect the applicability of the Transportation Planning Rule, OAR 660, Division 12, to any development or action that would otherwise be subject to that Rule.~~

~~o. Access and facilities for physically handicapped people shall be incorporated into the site and building design, consistent with applicable federal and state requirements.~~

~~p. Development located within 5000 feet of a runway or approach surface of a public use airport shall not cause emissions of smoke, dust or steam that would obscure visibility within airport approach surfaces; project light directly onto existing airport runways or taxiways; or interfere with airport radio, radiotelephone, television or electrical transmissions.~~

~~q. Uses and improvements, including all land uses and improvements, including but not limited to traffic management plans, proposed on exception lands shall be consistent with the acknowledged goal exceptions taken for those lands.~~

~~2. The Planning Commission may impose such conditions as deemed necessary to ensure compliance with these standards:~~

~~a. When a transportation management plan is required, the Planning Commission may impose conditions providing for monitoring and reporting on the effectiveness of the traffic management measures and providing opportunity for a hearing to consider modifications to the TMP if deemed appropriate by the Planning Commission following its implementation. Any hearing that is held to consider TMP modifications shall be noticed and processed in the manner set out in Section VI.A of this Chapter and shall include notice to the Oregon Department of Transportation and Federal Highway Administration.~~

~~b. Required road dedications and other exactions shall comply with constitutional limitations.~~

~~c. To ensure compliance with this Section, the Planning Commission may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the County's legal counsel.~~

#### ~~F. Review and Enforcement.~~

~~1. Applications for site development review shall be reviewed by the Planning Commission in the manner provided by ORS Chapter 197 for land use decisions following review and recommendation by the Planning Director. Public notice and an opportunity for hearing shall be provided in the manner provided by ORS Chapter 197 for land use decisions.~~



a. In addition to the public notice described above, timely notice of public hearing also shall be mailed to ODOT and the Federal Highway Administration if the Planning Director determines that the use may impact state or federal transportation facilities, and to the Oregon Department of Aviation and Federal Aviation Administration if the use is located within 5000 feet of a runway or approach surface of a public-use airport.

b. The decision of the Planning Commission may be appealed to the County Court in the manner provided in Article 9, Section 9.030 of the Morrow County Zoning Ordinance.

2. The County building official may issue a certificate of occupancy only after the Planning Director has determined that the improvements required by site development review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the County and by ODOT for required improvements to the state highway system.

a. Implementation of traffic management, public safety and/or security plans, when required, shall be made ongoing conditions of approval of the use, and failure to substantially comply with those plans may be a basis for the Planning Director or Building Official to suspend or revoke the occupancy permit and for the County, DLCD or ODOT (when a state Transportation Facility is affected) to petition a court of competent jurisdiction to issue a temporary restraining order and permanent injunction against further use of the property for the purposes approved in the site development review.

b. Prior to or concurrent with the suspension of any site development review permit, the County shall provide the permittee with notice and an opportunity to be heard in accordance with the process set out in Morrow County Ordinance No. MC-C-7-92.

#### G. Expiration and Extension of Permit.

1. A site development review permit shall expire automatically two (2) years from the date of issuance unless one of the following occurs first:

a. The development has commenced; or

b. An application for an extension is filed as provided in this section; or

c. The permit is appealed to a body of competent jurisdiction following final approval by the County, in which case the two-year period shall be tolled until a final, unappealed or unappealable decision is made by a court or other body of competent jurisdiction.

2. As used in subsection 1 of this Section, a development has "commenced" when:

a. The permit holder has physically altered the land or structure or changed the use thereof through actions such as preliminary grading for roads, driveways or building sites, installation of utilities, construction of required off-site improvements or construction of buildings, and

b. The alteration or change is directed toward completion of the development; and

~~c.—The permit holder has spent at least \$50,000 in expenditures related to completion of the development.—Expenditures that could apply to various other uses of the land or structure shall be excluded including the cost of purchasing land.~~

~~d.—The provisions of subsection 1 of this Section shall apply independently to each discrete phase of a phased development.—The commencement requirement for a subsequent phase cannot be satisfied by commencement activities conducted under an approval for an earlier phase of the development.~~

~~3. If an extension is desired, the holder of the site development review permit must file an application for an extension prior to the expiration of the permit.—The application shall be filed in writing with the Planning Director.—A maximum of two extensions are permitted.—Unless approved, the extension does not extend the expiration date.—The Planning Director shall grant an initial two year extension upon the timely filing of the extension application.—Following notice and hearing, the Planning Commission shall grant a second two-year extension only upon demonstration by the permit holder that:~~

~~a. In terms of time, labor or money the permit holder has been making a good faith effort to commence the development or has been precluded from doing so for reasons beyond the permit holder's reasonable control;~~

~~b. Commencement of the development is likely during the second two year extension; and~~

~~c. There has been no change in circumstance or the law likely to necessitate significant modification of the development approval or conditions of approval. —(MC-C-1-02)~~

### Section 3.130 Speedway Limited Use Overlay Zone (SO)

**Purpose:** The purpose of the Speedway Overlay Zone is to provide guidance concerning the development of speedways and associated uses on property approved for speedway development. This section provides the requirements to be followed relative to any speedway development, including but not limited to, transportation improvements, a variety of event plans, and associated and related uses.

1. A speedway and the related and associated speedway uses and facilities identified in the goal exception are permitted uses at the Boardman airport property as provided in the goal exception subject to a demonstration of compliance with the site development review requirements of the Morrow County Zoning Ordinance. A speedway and its related and associated uses and facilities, hereafter referred to collectively in these conditions as "a speedway", shall not exceed the size, scale or nature of use authorized in the goal exception and this Ordinance without first obtaining a new goal exception. The capacity of a speedway grandstand seating shall not exceed 145,000.
2. A speedway shall hold no more than two events per year that attract more than 100,000 persons to a speedway site on a single day.
3. The associated racing related uses identified in Paragraph A.4 of the findings shall be designed and located in a manner that makes them an integral part of a speedway development. so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.
4. A speedway may include office space, so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.
5. A speedway may include a restaurant, so long as it is primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.
6. A speedway may include a gift shop, so long as it is primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public. These uses may be approved without regard to the limitations on size or occupancy of speedway related and accessory uses and facilities specified in the previous findings and decisions.
7. A major motor speedway may include "high-end" speedway lodging not to exceed 250 rooms. The speedway lodging shall be operated as an integral part of the speedway, so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.
8. A speedway may include an industrial park, so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public. Any use that, as part of its regular operations, would cause emissions of smoke, dust or steam that would obscure visibility within airport approach corridors shall be prohibited.



9. Development of improved RV and unimproved camper/tent/RV spaces may be approved so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.

10. A speedway may include a multi-purpose recreational facility so long as it is primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public..

11. A speedway may include outdoor recreational facilities, such as a BMX bicycle track, a go cart track, a miniature golf course, and athletic fields and courts., so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.

12. A speedway may include one gasoline service station with attached convenience store not exceeding eight bays (24 pumps), so long as it is primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.

13. Major motor speedways and racetracks authorized in the previous findings and decision may be developed without taking further exception to the statewide land use planning goals relating to agricultural lands, public facilities and services and urbanization and without regard to the specific sizes and configurations of the tracks specified in the previous findings and decision.

14. An Emergency Management Plan shall be developed for a speedway. In preparing the Emergency Management Plan, the speedway owner or operator shall coordinate at a minimum with the Boardman Rural Fire Protection District, Morrow County Emergency Services, Morrow County Public Works, the Morrow County Sheriff's Department and the Umatilla Electric Cooperative. The Emergency Management Plan shall ensure that there are adequate fire fighting personnel and equipment to protect attendees at the speedway during all racing events, and that emergency services are adequate to accommodate the needs of area residents, racing team members and visitors to the speedway during all racing events. The Emergency Management Plan shall incorporate utilization of medical facilities at the speedway and helicopter transport capability for serious medical or other emergency conditions. A demonstration of adequate public safety measures is required to obtain site development review approval. If additional personnel or equipment are required beyond the resources of fire districts or emergency service providers in order to provide an adequate level of protection for the speedway complex and its attendees, then the speedway owner or operator shall provide funds to pay for the additional personnel and equipment, including a new fire station (subject to land use approval) and equipment at or near the speedway if required. The Emergency Management Plan shall be reviewed annually and revised and updated as appropriate. The Emergency Management Plan shall be subject to approval by the Morrow County Emergency Management Director, who may appoint a committee to assist in review of the plan.

15. A Security Plan shall be developed for a speedway. In preparing the Security Plan, the speedway owner or operator shall coordinate with affected law enforcement personnel serving the area, including but not limited to the Morrow County Sheriff, the City of Boardman Police Department and the Oregon State Police. The Security Plan shall address speedway safety and security on-site and at points of access adjoining the

speedway. The plan shall ensure that law enforcement and public safety and security services are adequate to accommodate the needs of area residents and speedway visitors during all racing events. A demonstration of adequate law enforcement and public safety and security measures is required to obtain site development review approval. The speedway owner or operator shall be responsible for payment of the additional costs incurred by law enforcement, public safety and emergency service providers associated with servicing a racing event at the speedway. The Security Plan shall be reviewed annually and revised and updated as appropriate. The Security Plan shall be subject to approval by the Morrow County Sheriff, who may appoint a committee to assist in review of the plan.

16. Prior to a major motor speedway being used for sanctioned, high speed automobile racing, the speedway owner or operator shall prepare and submit a Litter Control Plan, acceptable to the Morrow County Planning Department, demonstrating how litter and trash will be controlled and cleaned up following speedway racing events. The Litter Control Plan shall encourage the collection, reuse and recycling of solid waste. The speedway owner or operator shall construct a fence around the perimeter of any major motor speedway prior to the major motor speedway being used for premier, high speed automobile racing both to control litter and to provide separation from I-84 and from the exercise of customary and usual aviation activities at the Boardman airport.

17. The speedway owner or operator shall obtain all required state agency permits, including but not limited to DEQ water quality permits, permits for wastewater, stormwater and air contaminants and, if required, hazardous materials permits, and such permits as may be required by the Oregon Health Department and Oregon Water Resources Department. All required agency permits shall be obtained prior to occupancy of a facility.

18. The speedway owner or operator shall identify water storage improvements needed to maintain an adequate on-site water supply for drinking, domestic and fire fighting purposes during speedway events and for other speedway uses.

19. To protect water quality, a speedway development shall apply best management practices when constructing a speedway, including its related and associated uses, and when constructing the road improvements identified in the application.

20. The speedway owner or operator shall pay all costs associated with relocating utility facilities, should that prove necessary as a result of required roadway improvements.

21. Outdoor lighting at a speedway shall be aimed to prevent light from projecting directly onto existing runways or taxiways at the Boardman airport or into existing airport approach corridors. The speedway owner or operator shall coordinate with the Oregon Department of Aviation to avoid the creation of potential safety problems through radio, radiotelephone or television transmission facilities or electrical transmission lines that might be placed at the speedway. Development of a speedway shall be in compliance with the Airport Planning Rule.

22. The speedway developer shall not construct any open water impoundment in a manner that would create a potential safety hazard to the airport by increasing bird flight or wildlife activity across runways or approach corridors. Should the speedway

developer desire to construct an open water impoundment at a speedway, including lagoons to facility sanitary sewer service, then prior to constructing the water impoundment, the speedway developer shall coordinate with the Oregon Department of Aviation and shall comply with any conditions required by the Department of Aviation to prevent an increase in the level of air navigational hazard. Any new water impoundment constructed at a speedway shall be consistent with and not violate any contractual obligations between the Port of Morrow and the Federal Aviation Administration, and shall be consistent with the Airport Planning Rule.

23. The speedway developer shall be prohibited from constructing accessory uses identified in Paragraph A.4 of the findings prior to commencement of construction of a speedway and speedway related uses identified in Paragraph A. 3 of the findings, provided that the speedway developer may first commence construction of a portion of the RV park in order to accommodate workers involved in the construction of a speedway and its related uses. The speedway developer may, in conjunction with the development of a major motor speedway, commence construction on 250 road course garage units and 100 units of transient lodging with associated restaurant.

24. Except with respect to the RV Park, 250 road course garage units and 100 units of transient lodging with associated restaurant, Morrow County shall not issue occupancy permits for any of the uses identified in Paragraph A.4 prior to the completion of a major motor speedway and a grandstand seating capacity of 20,000 or more persons.

25. No permanent housing shall be allowed at a speedway. No temporary housing shall be allowed at the speedway other than at the 250 room speedway lodging facility, the 100 units of transient lodging with associated restaurant and public facilities necessary to support those uses and at areas designated as RV and tent camping areas.

26. A speedway may utilize signage on the site and on and within viewing distance of I-84 or I-82 advertising the presence and location of the speedway. Signage shall be in compliance with Zoning Ordinance Section 4.070 (Sign Limitations and Regulations) and OAR Chapter 734.

27. In the event that a speedway ceases operations, all accessory uses to that speedway, other than industrial uses at the industrial park shall also cease operation at the same time.

28. The Morrow County Public Works Director and Engineer shall develop a roadway design standard for Tower Road that is appropriate for construction of a five lane roadway.

29. Prior to a major motor speedway being used for premier, high speed automobile racing expected to attract 60,000 or more persons, the owner or operator of the speedway shall demonstrate that Umatilla County has amended its transportation system plan to authorize roadway improvements within that county's jurisdictional boundaries, including merge/diverge lanes and ramp improvements associated with the I-84/I-82 interchange, that are necessary to accommodate a 60,000 person event at the speedway.

30. Transportation Improvements. To ensure that the proposed land uses are in compliance with the functions, capacities and performance standards of affected transportation facilities, a major motor speedway owner or operator shall construct the following roadway improvements:

- A. Modifications to the I-84/Tower Road Interchange, including two-lane ramps for all ramps of the interchange, a four-lane bridge across I-84, and improved turning radiuses at the beginnings and ends of the on/off ramps. These modifications will be further defined in a refinement study to be completed prior to completion of the Final Environmental Assessment (EA) or Environmental Impact Statement (EIS) required by the National Environmental Policy Act
- B. Stacking and merge lanes extending approximately 1.5 miles in each direction from the I-84/Tower Road Interchange, the precise length to be defined in a refinement study
- C. Widening of Tower Road to five lanes between I-84 and the southernmost entrance to a speedway on Tower Road.
- D. A new Speedway Interchange on I-84 located east of PGE's north/south rail spur crossing of I-84 and including two-lane on and off ramps and a four lane bridge over I-84
- E. Stacking or merge lanes extending approximately 1.5 miles in each direction from the I-84/Speedway Interchange
- F. A third travel lane on I-84, both eastbound and westbound, extending from the new Speedway Interchange to the Oregon Highway 730 Interchange, and also extending both eastbound and westbound from approximately 1200 meters west of the Army Depot Interchange to the I-82/I-84 Interchange, the precise length to be defined in a refinement study to be completed prior to the issuance of the Final EA or EIS. A length of 1200 meters west of the Army Depot Interchange shall be required for both east and westbound I-84 unless a shorter length is agreed to by ODOT during the refinement study process.
- G. Bridge widening or modifications as necessary along I-84
- H. Modifications to the off-ramp connecting I-82 southbound to I-84 westbound and the on-ramp connecting I-84 eastbound to I-82 northbound to provide two-lane ramps
- I. Construction of a four-lane speedway circulatory road within and encircling the perimeter of a speedway
- J. Relocation and realignment of the Kunze Lane connection with Tower Road to meet Division 51 spacing standards (so that the intersection is no less than 1320 feet from the ramp terminus of the I-84/Tower Road ramps)
- K. Improvements to the I-84/Army Depot Interchange to facilitate I-82/I-84 merge/diverge lanes

31. Transportation improvements identified in Paragraph 30 of these approval conditions shall be permanent structural improvements and shall be constructed to meet all applicable design standards. No listed improvements shall be provided for through temporary, non-structural means, such as traffic management techniques.



32. Phased Development. The transportation improvements required in Paragraph 30 of these approval conditions shall be constructed and operational prior to the holding of races or other events at a speedway that are open to the general public, except as follows:

A. Interim Racing Events. If authorized pursuant to Paragraph E of this condition:

1. Prior to the construction of any of the roadway improvements required by Paragraph 30, racing events may be held at a speedway that attract fans in numbers not exceeding 3,000 people in attendance.
2. Following completion of the widening of Tower Road to five lanes and construction of all required improvements to the Tower Road Interchange and ramps as provided in this decision, and following completion of the realignment of Kunze Lane and making safety improvements to Kunze Lane as provided for in this decision, but prior to the completion of the other roadway improvements identified in Paragraph 30, racing events may be held at a speedway that attract fans in numbers not exceeding 23,000 in attendance; provided, however, that the 23,000 person attendance figure may be adjusted upward or downward as provided under Paragraph C of this condition. Such events shall be accompanied by event management measures provided on the day of the race that are intended to attract traffic to the speedway prior to the main racing event over a period of at least four hours.

B. Rate of Exiting Traffic. Except as otherwise permitted under Paragraph 36, for all racing events authorized under Paragraphs A or C of this condition, the speedway owner or operator shall control the rate of traffic leaving the speedway to ensure that traffic volumes of 3750 vehicles per hour are not exceeded.

C. Interim Traffic Monitoring Plan. For all racing events authorized under this condition, the speedway owner or operator shall monitor the flow of traffic to and from the racing events in coordination with ODOT Region 5 and the Morrow County Public Works Director. For events authorized under Paragraph A.2 of this condition, if event experience indicates that a somewhat larger event can be held that would be consistent with ODOT and Morrow County roadway performance standards, then upon agreement by ODOT's Region 5 Manager and the Morrow County Public Works Director, the Morrow County Public Works Director may authorize a larger racing event, not to exceed 30,000 people in attendance. If event experience indicates that a smaller sized racing event is required to ensure consistency with ODOT and Morrow County roadway performance standards, then the Morrow County Public Works Director shall reduce the maximum attendance size of the event to an appropriate number.

1. Prior to the scheduling of any races authorized under this condition, the speedway owner or operator shall develop an Interim Traffic Monitoring Plan in coordination with ODOT Region 5 and Morrow County. The Interim Traffic Monitoring Plan shall be reviewed and approved by the Morrow County Public Works Director and ODOT's Region 5 Manager and shall be applied to all races held pursuant to this condition as stated in the monitoring plan. The Interim Traffic Monitoring Plan shall provide for the timely gathering and submittal of information to ODOT and Morrow County, including advance notification of events that are subject to this condition.
2. Unless ODOT's Region 5 Manager and the speedway owner or operator agree otherwise, the Interim Traffic Monitoring Plan shall require, at a minimum, vehicle counts calculated on an hourly basis on the day or days of any events expected or likely to attract 2,500 or more people to the facility under Paragraph A.1 of this condition or 10,000 or more people under Paragraphs A.2 or C of this condition. These vehicle counts shall be taken consistent with the Interim Traffic Monitoring Plan developed in Paragraph C.1 of this condition, which shall include the following unless otherwise agreed to by ODOT's Region 5 Manager and the speedway owner or operator:
  - a. For events under Paragraph A.1, vehicle counts taken at all speedway entrances off of and exits onto Tower Road.
  - b. For events under Paragraphs A.2 and C, vehicle counts taken at the I-84/Tower Road Interchange (all ramps) and at all speedway entrances off of and exits onto Tower Road.
3. The vehicle counts taken pursuant to Paragraph C.2 of this Condition shall be provided by the speedway owner or operator to ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, within two weeks following the day of the counts. The speedway owner or operator concurrently shall provide ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, with attendance figures for each racing event held on the days for which counts are taken.
4. The speedway owner or operator shall be responsible for payment of all expenses incurred in preparing and executing the Interim Traffic Monitoring Plan. This does not include costs for agency staffs and other parties to participate in the development, modification or updating of the Interim Traffic Monitoring Plan.
5. The Interim Traffic Monitoring Plan shall provide for the discontinuation of traffic monitoring for racing events authorized under Paragraph A.1 of this condition if after two consecutive events subject to monitoring, the traffic monitoring indicates that

the racing events are meeting both the 3,750 vehicle/hour standard in Paragraph B of this condition and ODOT and Morrow County roadway performance standards. The Interim Traffic Monitoring Plan also shall provide for the discontinuation of traffic monitoring for racing events authorized under Paragraph A.2 and under Paragraph C of this condition if, after two monitored events under each of those paragraphs, the traffic monitoring indicates that such racing events are meeting both the 3,750 vehicle/hour standard and ODOT and Morrow County roadway performance standards. In the event that racing events authorized under Paragraphs A.1, A.2 or C are not meeting the 3,750 vehicle/hour standard and ODOT and Morrow County roadway performance standards, then traffic monitoring shall continue for racing events under the relevant paragraph until these standards are met for two consecutive racing events.

6. The Interim Traffic Monitoring Plan shall provide criteria upon which traffic monitoring of speedway racing events authorized under this condition may be resumed. Should resumed traffic monitoring indicate that the 3,750 vehicle/hour standard or ODOT or Morrow County roadway performance standards are being exceeded, then traffic monitoring shall continue on an event by event basis until the racing events again are shown to be meeting the 3,750 vehicle/hour standard and ODOT and Morrow County roadway performance standards.

D. Interim Traffic and Event Management Plan. Prior to a speedway being used for sanctioned, premier, high speed automobile racing an Interim Traffic and Event Management Plan shall be developed that is designed to comply with both the 3,750 vehicle/hour standard and ODOT and Morrow County roadway performance standards. The Interim Traffic and Event Management Plan shall be developed in coordination with and obtain the concurrence of ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees. The Interim Traffic and Event Management Plan shall be updated and modified as necessary during the course of the racing season to ensure compliance with ODOT and Morrow County performance standards. Plan updates and modifications shall be prepared by a licensed engineering firm experienced in speedway events, in coordination with ODOT Region 5 and Morrow County.

E. Completion of NEPA and Site Development Review and Agency Approval.

1. Prior to the improvement of any Federal or State traffic facility, the owner or operator of a speedway shall complete the NEPA process and the issuance of a final land use decision approving site development review for the speedway; and

2. Prior to a speedway being used for sanctioned, premier high speed automobile racing, a speedway owner or operator shall obtain advance approval from ODOT and the Federal Highway Administration.
33. Prior to operation of speedway for events other than those permitted under Condition 32, all mitigation required as a condition of the site development review process shall be completed.
34. The Port of Morrow or its designee shall be responsible for the completion of a refinement plan as defined in OAR 660-012-0025. The refinement plan shall address the following infrastructure needs: deviation from the spacing standards related to the Speedway Interchange, which shall include the types and levels of information necessary to obtain Oregon Transportation Commission approval of a major deviation study; modifications to the Tower Road interchange and the length of stacking and merge lanes serving that interchange; and the precise length of the third lane on I-84, both eastbound and westbound, in the vicinity of the Army Depot Interchange. The refinement plan shall be completed and adopted as an amendment to the Morrow County Transportation System Plan prior to issuance of a final Environmental Assessment or Environmental Impact Statement.
35. In coordination with ODOT Region 5 and the Federal Highway Administration, the Port shall study alternative roadway improvements to a new Speedway Interchange as required by the National Environmental Policy Act. If Port acquisition of land for new roadways identified during that analysis proves feasible and reasonable; and if such roadways would better meet ODOT's needs and ODOT exhibits a strong preference for those roadways; and if identified roadway alternatives are demonstrated to comply with all relevant requirements of the Transportation Planning Rule, including OAR 660-012-0070, then the Port shall apply to Morrow County for transportation system plan amendments to authorize those improvements in lieu of improvements approved by this decision that would no longer be required.
36. The speedway owner or operator shall manage the outbound flow of traffic from a speedway in a manner that ensures that outbound traffic does not exceed a volume of 3750 vehicles per hour; provided, however, that higher outbound volumes may be allowed if the speedway owner or operator and ODOT Region 5 Manager agree that the volume of background traffic permits higher rates of traffic to leave a speedway consistent with ODOT performance standards. This condition is intended to recognize that the 3750 figure is based on traffic impacts in the year 2020, and that the level of background traffic in that year will be higher than in prior years leading up to 2020. Agreements between ODOT's Region 5 Manager and the speedway owner or operator shall be filed with the Planning Director and shall specify the volume of traffic that may exit a speedway per hour during any given year. The speedway owner or operator shall manage the inbound and outbound flow of traffic from a speedway for events of any size so that the relevant performance standards are not exceeded for any state or county facility.
37. When the speedway owner or operator contracts for a premier racing event expected to attract 60,000 attendees on a single day, the owner or operator shall hold preliminary speedway events on prior days and shall utilize event management techniques, including but not limited to ticket packaging, in a manner that is likely to

attract at least 35 percent of those attending the 60,000 person event to a speedway at least one day in advance of that race. For premier racing events expected to attract 100,000 or more people to a speedway in a single day, the speedway owner or operator shall hold preliminary speedway events and engage in event management that is likely to attract 50 to 60 percent of fans to the speedway at least one day prior to the peak event. As used in these conditions, "premier" racing events are large and mid-size racing events, including but not limited to NASCAR sanctioned races, Indy car races, Super Sport Motorcycle races, GT Championships, and CART and NHRA races, that are expected to attract 20,000 or more attendees on the day of the racing event. As used in these conditions, "preliminary speedway events" includes smaller premier events, time trials, and other activities that are expected to attract fans in numbers sufficient to comply with this condition.

38. Traffic Management Plan. Prior to holding sanctioned, premier, high speed automobile racing events open to the general public at a speedway, the speedway owner or operator shall prepare a detailed Traffic Management Plan identifying traffic management measures proposed for implementation during speedway racing events and providing for traffic monitoring as described in condition 40.

- A. The Traffic Management Plan shall be a graduated plan covering a spectrum of different event sizes.
- B. The Traffic Management Plan shall identify traffic management needs and address how these needs will be implemented. The Traffic Management Plan shall be designed to maintain compliance with ODOT and Morrow County roadway performance standards as described in these findings, and shall address, among other things, parking and circulation within the speedway; access routes to the site and detour routes for through traffic; point control with police officers; the availability and location of tow trucks and emergency vehicles along access routes to the speedway; the use of variable message signs; traffic coordination from helicopters; closure of RV and camping areas for up to the first four hours following a premier event; traffic route map and traffic/parking information mailed with race tickets; and the use of nonstructural techniques to improve and facilitate speedway access and roadway mobility.
- C. The Traffic Management Plan shall be prepared by a licensed traffic engineering firm experienced in speedway events, in coordination with ODOT Region 5, the Washington Department of Transportation, the Morrow County Public Works, Planning and Emergency Management Directors, the Umatilla County Public Works Director, and representatives of the cities of Boardman, Umatilla and Irrigon and the Port of Morrow. The Traffic Management Plan also shall be subject to review and comment by other affected state and local agencies, local governments, and stakeholders such as PGE, Threemile Canyon Farms and Umatilla Electric Cooperative, whose identity shall be determined jointly by the speedway owner or operator and the Morrow County Planning Director.

- D. The Traffic Management Plan shall be updated on an annual basis and modified as necessary during the course of the racing season. Plan updates and modifications shall be prepared by a licensed engineering firm experienced in speedway events, in coordination with ODOT Region 5, Morrow County and other affected agencies and local governments.
- E. The Traffic Management Plan, and updates and modifications to that plan, shall be reviewed and approved by the Morrow County Public Works Director, Emergency Management Director and Planning Director and the ODOT Region 5 Manager, or their designees. The speedway owner or operator shall reimburse Morrow County for the cost of a traffic engineer to assist in evaluation of the Traffic Management Plan. The initial Traffic Management Plan shall be submitted to Morrow County prior to a speedway being used for sanctioned, premier, high speed automobile racing.

39. Event Management Plan. Prior to holding sanctioned, premier, high speed automobile racing events open to the general public at a speedway, the speedway owner or operator shall prepare a detailed Event Management Plan identifying event management measures proposed for implementation during racing events.

- A. The Event Management Plan shall be a graduated plan covering a spectrum of different event sizes.
- B. The Event Management Plan shall identify, among other things, the types of activities and events that the speedway could hold and that would be appropriate to attract persons attending larger racing events to the speedway in advance of those events, and shall provide strategies for holding such events and activities to achieve that result. These events shall include smaller races held earlier during the week whenever a race attracting 60,000 or more fans is held at the speedway. The plan shall address how the strategies will be implemented.
- C. The Event Management Plan shall be reviewed on an annual basis and updated as necessary. The plan shall include provisions addressing when plan updates are required. The Event Management Plan, and updates or modifications to that plan, shall be reviewed and approved by the Morrow County Public Works Director, Emergency Management Director and Planning Director and the ODOT Region 5 Manager, or their designees. The initial Event Management Plan shall be submitted to Morrow County prior to a major motor speedway being used for sanctioned, premier, high speed automobile racing.

40. Traffic Monitoring of Premier Events. Following completion of construction of the roadway improvements identified in Paragraph 30, the major motor speedway owner or operator shall monitor the flow of traffic to and from premier racing events as provided for in this condition.

- A. Rate of Exiting Traffic. Except as otherwise permitted under Condition 36, the speedway owner or operator shall control the volume of traffic leaving the speedway to ensure that traffic volumes of 3750 vehicles per hour are not exceeded.
- B. Traffic Monitoring Plan. The speedway owner or operator shall prepare a detailed Traffic Monitoring Plan to monitor the effectiveness of the Traffic Management Plan and the Event Management Plan to maintain consistency with both the 3,750 vehicle/hour standard in Paragraph A of this condition and ODOT and Morrow County roadway performance standards during premier racing events at the speedway. The Traffic Monitoring Plan shall be developed in coordination with ODOT Region 5 and the Morrow County Public Works Director and shall have the approval of ODOT's Region 5 Manager or his/her designee. The Traffic Monitoring Plan shall be submitted to the County prior to a speedway being used for sanctioned, premier, high speed automobile racing.
- C. The Traffic Monitoring Plan shall provide for traffic monitoring during premier racing event weekends when single day attendances of 20,000 or more are expected. The Traffic Monitoring Plan shall provide for the timely gathering and submittal of information to ODOT Region 5 and Morrow County, including advance notification of events that are subject to this condition, and shall provide for the following:
  - 1. During the first year following completion of all transportation improvements required by Paragraph 30, traffic monitoring of all premier racing events. If only one premier event is held during that first year, then traffic monitoring also shall be required for the next premier racing event held at a speedway.
  - 2. Traffic monitoring of the first two premier racing events expected or likely to attract 60,000 people to a speedway on a single day.
  - 3. Traffic monitoring of the first two premier racing events expected or likely to attract 100,000 or more people to a speedway on a single day.
  - 4. Traffic monitoring of additional 60,000 or 100,000 person events, if attendance at these events falls short respectively of 60,000 or 100,000 people by more than 5 percent.
- D. Unless ODOT's Region 5 Manager and the speedway owner or operator agree otherwise, the Traffic Monitoring Plan shall require, at a minimum, vehicle counts calculated on an hourly basis on the following days: the days when premier racing events are held; the day prior to the holding of the first premier racing event of the weekend; and the day following the holding of the final premier racing event of the weekend. These vehicle counts shall be taken consistent with the Traffic Monitoring Plan developed under this condition, which shall include the following unless otherwise agreed to by ODOT's Region 5 Manager and the speedway owner or operator:

1. Vehicle counts taken at all speedway entrances off of and exits onto Tower Road and on Kunze Lane immediately east of Tower Road.
  2. Vehicle counts taken at the following interchanges: I-84/Speedway Interchange (all ramps); I-84/Tower Road Interchange (all ramps); I-84/Highway 97 Interchange (SB 97 to EB I-84 and WB I-84 to NB 97 ramps); I-84/I-82 Interchange (SB I-82 to WB I-84 and EB I-84 to NB I-82 ramps); and I-82/Highway 730 Interchange (SB I-82 to SB 730 and NB 730 to NB I-82 ramps).
  3. Vehicle counts taken on the main line of I-84, I-82 and Highway 730 in both directions at the following locations: on I-84 west of the Speedway Interchange; on I-84 east of the Tower Road Interchange; on I-84 west of the I-84/I-82 Interchange; on I-82 north of the I-84/I-82 Interchange; and on Highway 730 just northeast of I-84.
- E. The vehicle counts taken pursuant to Paragraph D of this condition shall be provided to ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, within two weeks following the final day of the counts. The speedway owner or operator concurrently shall provide ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, with attendance figures for each racing event held on the days for which counts are taken.
- F. The Traffic Monitoring Plan shall provide for the discontinuation of traffic monitoring for events identified in Paragraphs C.1, C.2 and/or C.3 of this condition if the traffic monitoring required by Paragraph C of this condition indicates that events at those attendance levels are meeting the 3750 vehicle/hour standard (or alternative Condition 36 standard) and ODOT and Morrow County roadway performance standards.
- G. The Traffic Monitoring Plan shall provide criteria upon which the monitoring of speedway events identified in Paragraphs C.1, C.2 or C.3 of this condition may be resumed. This may include a provision requiring the monitoring of certain racing events at periodic intervals (e.g., every five years). Should resumed monitoring indicate that the 3750 vehicle/hour standard (or Condition 36 alternative) or ODOT or Morrow County roadway performance standards are being exceeded for events at those attendance levels, then traffic monitoring shall continue for such events until the racing events again are shown to be meeting the 3750 vehicle/hour standard (or Condition 36 alternative) and ODOT and Morrow County roadway performance standards, unless otherwise provided for in the Traffic Monitoring Plan.



H. The speedway owner or operator shall be responsible for payment of all expenses incurred in preparing and executing the Traffic Monitoring Plan. This does not include costs for agency staffs and other parties to participate in the development, modification or updating of the Traffic Monitoring Plan.

41. The speedway owner or operator and any successors in interest shall work cooperatively with emergency service providers and affected state and local governments and agencies, including ODOT Region 5, Morrow County and the Oregon State Police, in developing one or more interagency agreements to prepare and implement the Traffic Management Plan required by Condition 38. The interagency agreement shall be submitted prior to a speedway being used for sanctioned, premier, high speed automobile racing.

42. Unless otherwise agreed to by ODOT and the Federal Highway Administration for state highways, or by Morrow County for County roadways, the speedway owner or operator, or any successors in interest, shall be responsible for payment of all construction costs of the transportation improvements required in Paragraph 30 of this decision.

43. Unless otherwise agreed to by federal, state or local transportation providers, the speedway owner or operator, or any successors in interest, shall be responsible for payment of all expenses incurred in executing the Traffic Management Plan and the Event Management Plan for the speedway, including costs incurred for emergency services required for speedway events. This does not include costs for agency staffs and other parties to participate in the development, modification or updating of the Traffic Management and Event Management Plans.

44. Implementation of the required Traffic Management, Event Management and Traffic Monitoring Plans shall be an ongoing condition of approval for a speedway. Failure by the speedway owner or operator to substantially comply with those plans, including the 3750 vehicle per hour standard in Paragraph 40.A of these conditions and the ODOT and Morrow County roadway performance standards that those plans are intended to achieve, or to pay the costs of executing those plans shall be a basis for enjoining operation of the speedway. Morrow County agrees in good faith to diligently enforce these plans and all other conditions of this decision.

45. Prior to staging any racing event at a speedway, the owner or operator of the speedway shall obtain all permits from ODOT and Morrow County that are required to implement the Traffic Management Plan for the speedway. Renewal of such permits may be required on an annual basis. This condition anticipates that Morrow County may adopt an annual permitting process for the use.

46. Unless otherwise agreed to by a representative of the Washington Department of Transportation during development or revision of the traffic management plan, the speedway owner or operator, as part of that plan, shall provide for the placement of signage on eastbound I-82 in Washington in advance of Oregon Highway 730 and for the use of uniformed officers to provide traffic control at the I-82/Highway 730 ramp terminal and at Brownell Avenue on a sanctioned, premier, high speed automobile racing event day. The plan also shall provide that the speedway owner or operator maintain a towing service/incident response team to monitor the bridge and other major

roadways serving a speedway on sanctioned, premier, high speed automobile racing event days.

47. Only informational or directional signage will be allowed on state highways. Any such signage shall conform with the Manual of Uniform Traffic Control Devices.

48. Unless ODOT or the Federal Highway Administration require otherwise, the rest area facilities located on I-84 a few miles east of Tower Road shall remain open during premier speedway racing events to serve both speedway generated traffic and others traveling on I-84.

49. In addition to the attendance requirements required in Conditions 32 and 40, the speedway owner or operator shall maintain daily counts of all persons attending all other speedway events involving the use of the racetracks. The monitoring system shall provide that the owner or operator submit attendance count information to ODOT Region 5 and the Morrow County Public Works Director on at least a quarterly basis.

50. The speedway owner or operator shall provide for monitoring and analysis of the effectiveness of traffic management measures that were utilized during each racing event weekend requiring traffic management measures. The analysis shall occur promptly following the weekend. Where racing events are held on two or more consecutive days over a weekend, review and appropriate revisions to the Traffic Management Plan to minimize adverse traffic impacts are encouraged after each racing day. A professional traffic engineer shall oversee implementation of the Traffic Management Plan and coordinate the traffic monitoring and analysis that occurs following racing events. To the extent feasible and practical, review and revision of the Traffic Management Plan shall involve ODOT Region 5, the Oregon State Police, the Morrow County Sheriff's Department and affected local law enforcement agencies.

51. A full traffic analysis shall be provided for all event size traffic, to enable ODOT to issue final approvals and permits and to gain approval from the Federal Highway Administration for interchange modifications. The traffic study shall be prepared in accordance with OAR Chapter 734, Division 51 and federal requirements for interchange modifications contained in the Federal Register.

52. The speedway owner or operator shall provide either an irrevocable letter of credit or a bond in favor of ODOT that shall provide adequate funding to construct all of the transportation improvements to state transportation facilities required by this decision. Additionally, the speedway owner or operator shall provide either an irrevocable letter of credit or a bond in favor of Morrow County that shall provide adequate funding to construct all of the transportation improvements to county transportation facilities required by this decision. All bonds or letters of credit required by this condition shall be in place prior to the scheduling or holding of any sanctioned, premier, high speed automobile racing events at a speedway and prior to commencement of construction of the transportation improvements required by Condition 30. These security instruments in favor of ODOT and Morrow County shall be maintained, respectively, until all construction required by Condition 30 to state or county roadway facilities is completed.

53. The applicant shall demonstrate compliance with the conditions set out in this approval either during or as a condition of site development review.

54. Applications to modify these conditions shall require review and approval by Morrow County following public notice and opportunity for hearing. Notice of any proposed amendments to conditions shall be mailed in a timely manner to ODOT's Region 5 Manager and to DLCD.

55. All speedway and speedway related uses authorized by this decision shall be constructed entirely within the subject site. Should land on adjoining properties not currently owned by a speedway owner or operator or the Port of Morrow become available to a speedway owner or operator or the Port, and should the speedway owner or operator or the Port desire the use of those lands for speedway related parking, RV sites or similar uses, then the speedway owner or operator or the Port shall apply to Morrow County for comprehensive plan amendments to utilize those properties for speedway uses. This may require additional goal exceptions and/or master planning.

56. During site development review, a speedway developer shall demonstrate that the proposed site plan provides for safe and convenient pedestrian access connecting the parking lots, RV and camping areas with the racetrack and the other authorized speedway related uses.

57. In addition to service of notice on those persons required by law to receive written notice of a land use application, written notice of the application for site development review for a speedway shall be served on ODOT's Region 5 Manager, DLCD, DEQ, Oregon Department of Aviation, the City of Boardman, and the Umatilla Electric Cooperative.

58. A speedway developer shall coordinate with the Morrow County Road Department to identify and provide safety improvements to Kunze Lane between Tower Road and Toms Camp Road in the form of shoulder and lane widening and associated paving. The improvements shall be made at the developer's expense.

59. Prior to issuance of a building permit, a speedway owner or operator or the Port shall submit the appropriate paperwork and obtain the necessary approvals from the Federal Aviation Administration, as required of all development within 20,000 feet of a runway.

60. A land partition application shall be filed and approved by the Planning Commission before the land owner may sell or deed speedway property as a separate parcel (ORS 92.010, MCSO 5.010).

61. The Tri-Oval Super Speedway, Asphalt Road Course, Asphalt Oval, Drag Strip and Dirt Track all shall be located a minimum of 2.4 miles from the location of the nearest residential dwelling as identified in the Daly-Standlee & Associates report dated November 12, 2001 and entitled "Noise Study for a Proposed International Raceway Facility in Morrow County."

62. A speedway shall include water storage capacity in an amount deemed appropriate by the Oregon Water Resources Department. Initial on-site storage capacity shall not be less than one million (1,000,000) gallons. A storage facility containing a minimum storage capacity of two million (2,000,000) gallons shall be provided on site

prior to the holding of any event attracting more than 75,000 people to the site on a single day.

63. The speedway owner or operator shall cooperate with the Bureau of Reclamation and the West Extension Irrigation District regarding impacts to irrigation easements and facilities that might be impacted by speedway related transportation improvements on Kunze Lane.

64. Morrow County retains authority to enforce conditions of this land use decision utilizing resources including but not limited to the Code Enforcement Officer and associated enforcement ordinances. This enforcement authority shall apply to all uses at a speedway.

65. In the event a speedway is constructed in whole or in part and then abandoned, the use of speedway related and associated uses shall cease, except as otherwise provided for in these findings or authorized by new goal exceptions.

66. The speedway owner or operator shall coordinate with the Bonneville Power Administration (BPA) with regard to the power line easements on the property prior to submitting an application for site development review. As part of its site development review application, the speedway owner or operator shall show evidence that the proposed site plan is acceptable to the BPA given the terms of the existing easement.

67. Morrow County reserves the right to review and require changes to the traffic management, event management and security plans at any time in the future to ensure continued compliance with Morrow County performance standards.

68. These conditions are intended to ensure consistency with ODOT and Morrow County roadway performance standards based on a 20 year traffic analysis extending through the year 2021. These conditions are not intended to require the applicant to make structural improvements to the state or county roadway systems based on increases in traffic volumes beyond currently estimated year 2021 levels. Increases in background traffic volumes beyond currently estimated year 2021 levels shall not provide a basis for enjoining activities at the speedway under Condition 44 or any other Condition, provided that the speedway owner or operator continues to implement traffic, event and security management measures and traffic monitoring as required by this decision.

#### 69. SITE DEVELOPMENT REVIEW

A. Purpose. The purpose of site development review is to encourage site planning in support of development that is permitted under Morrow County's Comprehensive Plan and land use regulations for speedway development; assure that speedway development is supported with appropriate types and levels of transportation improvements and public facilities and services; and implement the Morrow County Comprehensive Plan and land use regulations with respect to development standards and policies.

B. Preapplication review. Prior to filing its application for site development review, the applicant shall confer with the Planning Director, who shall identify and explain the relevant review procedures and standards.

C. When required.

1. Site development review shall be required for all aspects of speedway development in the Speedway Overlay Zone. When development is proposed in phases, site development review shall apply to each phase of the development.

2. No building permit shall be issued prior to site development review approval. Site development review shall not alter the type and category of uses permitted.

3. As used in this Section, "development" means any man-made change to improved or unimproved real property associated with a speedway, including but not limited to construction or installation of a building or other structure; major site alterations such as those due to grading, paving, and improvements for use as parking. However, site development review shall not apply to any interior remodeling of any existing building or structure or any modification to an existing building or structure that does not substantially change its exterior appearance.

D. Plans required. A complete application for site development review shall be submitted. The application shall include the following plans and information:

1. A site plan or plans, drawn to scale, containing the following information:

a. A vicinity map covering an area 250 feet from the boundary of the development site and showing general information about the location, dimensions and names of all existing and proposed streets, County roadways and state highways, access points on both sides of the road when applicable, sidewalks, bicycle routes, and easements and utility locations. The map also shall indicate distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on all sides of the property.

b. The site size, dimensions, and zoning, including dimensions and gross area of the lot(s) or parcel(s) and tax map and tax lot number(s) for the development site.

c. Contour lines at two foot contour intervals for grades 0 to 10 percent, and five-foot intervals for grades over 10 percent.



- d. The location of the following hazard areas on and within 100 feet of the boundaries of the site:
    - i. Areas indicated on National Flood Insurance Rate maps as being within the 100-year floodplain;
    - ii. Areas subject to erosion as identified in the Morrow County Comprehensive Plan.
    - iii. Other hazard areas identified in the Morrow County Comprehensive Plan.
  - e. The location of inventoried significant natural resource areas on and within 100 feet of the boundaries of the site, including big game habitat areas, fish and riparian habitat areas, mineral and aggregate resource areas, significant natural areas, wetlands, water resources, and historic resources. As used in this Section, "significant inventoried" means a resource area identified as significant in Morrow County's acknowledged inventory of Goal 5 resource sites.
  - f. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within 25 feet of the site, and the current and proposed uses of the structures.
  - g. The location, dimensions, square footage and setback distances of proposed structures, improvements, and utilities, and the proposed uses of the structures by square footage.
  - h. The location, dimension and names, as appropriate, of all existing and proposed streets, other public ways, sidewalks and easements on and within the development site.
  - i. All motor vehicle parking, circulation, loading and servicing areas.
  - j. Site access points for automobiles and pedestrians.
  - k. On-site pedestrian circulation.
  - l. Outdoor areas proposed as open space.
2. A landscaping plan, drawn to scale, showing the location and types of existing trees (eight inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of

landscaped areas, the varieties, sizes and spacing of trees and plant materials to be planted on the site, the proposed types and locations of irrigation systems to maintain plant materials, and other pertinent landscape features.

3. Architectural elevations and floor plans for all proposed structures, drawn to scale, with elevations accurately reflected to grade.
4. A description of materials, referenced to UBC class codes, to be used on proposed structures.
5. An erosion control and grading plan.
6. A drainage plan, developed in accordance with County standards or with Oregon Department of Environmental Quality standards if no County standards have been adopted. The drainage plan shall identify the location of drainage patterns and drainage courses on and within 100 feet of the boundaries of the site.
7. An exterior lighting plan, drawn to scale, showing type, height, and lighting levels on and at the edge of the site.
8. A written statement identifying:
  - a. The nature of the proposed use(s).
  - b. Plans for the treatment and disposal of sewage and industrial wastes and any on-site disposal of wastes.
  - c. Plans for handling traffic, noise, glare, air pollution, fire, or safety hazard.
9. The following technical reports:
  - a. For developments expected to generate 400 or more vehicle trips on a single day, a traffic report, prepared by a licensed traffic engineer, demonstrating the ability of affected transportation facilities including highways, roads and intersections to accommodate the anticipated amount of traffic that would be generated by the proposed development over 20 years. The report shall identify existing traffic conditions and the safety and capacity improvements that are needed to accommodate the anticipated traffic, including facility reconstructions, modifications or widenings, additional travel or passing lanes, intersection or interchange improvements, realignments, channelization improvements, or other needed facility improvements, including possible new transportation facilities. The analysis shall demonstrate consistency with the applicable performance standards of the affected facilities. The Morrow County Transportation



System Plan provides the applicable standards for county transportation facilities. The Oregon Highway Plan provides the applicable standards for state transportation facilities.

When a traffic management plan is required by the Morrow County Transportation System Plan, the application shall not be deemed complete until the applicant has filed with the Planning Director a traffic management plan (TMP) including transportation system management (TSM) and transportation demand management (TDM) measures that have been coordinated with and address the reasonable concerns of affected transportation providers (e.g., Morrow County, affected cities, Oregon Department of Transportation, Federal Highway Administration) and traffic safety and emergency service providers (e.g. County sheriff, State Police, fire district, ambulance). The TMP shall be prepared by a licensed traffic engineer with established experience in the type of event for which the TMP is being developed. Unless otherwise agreed to by affected local governments or agencies, the costs of paying for necessary transportation improvements and implementation of the TMP shall be borne by the developer or its successors.

The TMP shall include, but not be limited to: ingress and egress from parking areas; deployment of personnel at ramps, intersections and highway locations; plans for rerouting of traffic in the event of accident or other cause of traffic delay; coordination with state police, County sheriff and emergency service providers; use of temporary signage, reader boards and similar visual aids; estimates of numbers and types of personnel to be employed; and other appropriate information.

- b. If located within 5000 feet of a runway or approach surface of a public use airport, a technical report explaining how the development is compatible with customary aviation-related activities, including airport takeoffs and landings. The report shall explain how the proposed uses, including measures to minimize conflicts, do not: cause emissions of smoke, dust or steam that would obscure visibility within airport approach surfaces; project light directly onto existing airport runways or taxiways; or interfere with airport radio, radiotelephone, television and electrical transmissions.

10. Within 14 working days following receipt of a site development review application, the Planning Director may waive the submission of information for specific provisions of this Section or may require



information in addition to that required by a specific provision of this Section, as follows:

- a. The Planning Director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the Planning Director shall, in the staff recommendation, identify the waived requirement and briefly explain the reasons for the waiver.
- b. The Planning Director may require information in addition to that required by a specific provision of this Section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance. If additional information is required, the Planning Director shall, in the decision, briefly explain the reasons for requiring the additional information.

E. Standards.

- 1. All development shall comply with the following standards:
  - a. Retaining walls shall be provided and designed consistent with Uniform Building Code requirements. Grading and contouring shall take place with particular attention to minimizing the possible adverse effects of grading and contouring on the natural vegetation and physical appearance of the site.
  - b. Development in flood plains shall not increase the flood plain elevation unless the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain elevation. Development in hazard areas identified in the Morrow County Comprehensive Plan shall safely accommodate and not exacerbate the hazard and shall not create new hazards.
  - c. Drainage shall be provided in accordance with Oregon Department of Environmental Quality standards. The Planning Commission may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality.
  - d. Off-street parking and loading-unloading facilities shall be provided as required in Article IV of the Morrow County Zoning Ordinance. Safe and convenient pedestrian access to off-street parking areas also shall be provided.

- e. County transportation facilities shall be located, designed and constructed in accordance with the design and access standards in the Morrow County Transportation System Plan.
- f. Circulation provided by public streets and by private streets, accessways and maneuvering areas within the boundary of the site shall facilitate safe and convenient motor vehicle and pedestrian access. Access for emergency services (fire, ambulance and police) shall be provided consistent with the requirements of the Fire Marshal and emergency service providers.
- g. Illumination resulting from outdoor lighting shall not exceed one foot-candle at the property line.
- h. Site planning, including the siting of structures, roadways and utility easements, shall provide, wherever practicable, for the protection of trees eight inch caliper or greater measured four feet from ground level.
- i. Development shall comply with applicable County regulations protecting inventoried significant natural and historic resources.
- j. Development shall maintain continuous compliance with applicable federal, state and County air and water quality standards. Prior to issuance of a building permit, the Building Official may require submission of evidence of compliance with such standards from the applicable federal or state agencies or the receipt of the necessary permits for the development from these agencies.
- k. Development shall be designed to comply with applicable Oregon Department of Environmental Quality noise standards.
- l. Sewer, water and storm drainage facilities shall be adequate to serve the proposed or permitted level of development. For uses like a speedway that engage in activities that on occasion attract unusually large numbers of people to the site, the development may rely on temporary sewer (e.g., portapotties, lagoon storage) and water facilities to accommodate the excess demand. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. All facilities shall be designed to comply with applicable state and local standards.



m. Law enforcement, public safety and security measures shall be adequate to serve the proposed or permitted level of development. For land uses involving activities that may attract many thousands of visitors to a site at one time on an occasional or episodic basis, adequate safety, law enforcement and security measures may include, but are not limited to, the use of on-site security service personnel and availability of police, fire and emergency medical services. For such uses, the Planning Commission may require the applicant to develop a public safety and security plan, which shall be coordinated with appropriate local and state public safety providers.

n. The transportation system shall be adequate to accommodate the proposed or permitted level of development.

i. Rights-of-way and roadway and sidewalk improvements shall be provided consistent with applicable County or State design, access management and highway performance standards, including applicable Oregon Highway Plan standards. Access points to County roadways and state highways shall be properly placed in relation to sight distance, driveway spacing and other related considerations including opportunities for joint and cross access. Any application that involves access to or significantly impacts the state highway system shall be reviewed by the Oregon Department of Transportation. Such applications shall demonstrate compliance with the Oregon Highway Plan and shall be conditioned on state issuance of access permits where required.

ii. In determining the adequacy of the transportation system to accommodate the proposed development, consideration shall be given to the need for roadway reconstructions, modifications or widenings, additional travel or passing lanes, intersection or interchange improvements, road realignments, channelization improvements, or other needed roadway improvements, including possible new roads. Consideration also shall be given to the need for right-of-way improvements such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation. For uses necessitating preparation of a transportation management plan, a

decision approving a site development review application shall include a condition requiring implementation of the transportation system management measures and transportation demand management measures that are determined to be needed to accommodate the traffic generated by the development and to comply with the Oregon Highway Plan. Unless otherwise agreed to by affected local governments or agencies or limited by constitutional constraints, the costs of paying for necessary transportation improvements and implementation of the traffic management plan shall be borne by the developer or its successors.

iii. Nothing in this or any other provision of this Chapter shall be construed to replace, alter or otherwise affect the applicability of the Transportation Planning Rule, OAR 660, Division 12, to any development or action that would otherwise be subject to that Rule.

o. Access and facilities for physically handicapped people shall be incorporated into the site and building design, consistent with applicable federal and state requirements.

p. Development located within 5000 feet of a runway or approach surface of a public use airport shall not cause emissions of smoke, dust or steam that would obscure visibility within airport approach surfaces; project light directly onto existing airport runways or taxiways; or interfere with airport radio, radiotelephone, television or electrical transmissions.

q. Uses and improvements, including all land uses and improvements, including but not limited to traffic management plans, proposed on exception lands shall be consistent with the acknowledged goal exceptions taken for those lands.

2. The Planning Commission may impose such conditions as deemed necessary to ensure compliance with these standards.

a. When a transportation management plan is required, the Planning Commission may impose conditions providing for monitoring and reporting on the effectiveness of the traffic management measures and providing opportunity for a hearing to consider modifications to the TMP if deemed appropriate by the Planning Commission following its implementation. Any hearing that is held to consider TMP modifications shall be noticed and processed in the manner set out in Section VI.A of this Chapter and shall



include notice to the Oregon Department of Transportation and Federal Highway Administration.

- b. Required road dedications and other exactions shall comply with constitutional limitations.
- c. To ensure compliance with this Section, the Planning Commission may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the County's legal counsel.

F. Review and Enforcement.

1. Applications for site development review shall be reviewed by the Planning Commission in the manner provided by ORS Chapter 197 for land use decisions following review and recommendation by the Planning Director. Public notice and an opportunity for hearing shall be provided in the manner provided by ORS Chapter 197 for land use decisions.

a. In addition to the public notice described above, timely notice of public hearing also shall be mailed to ODOT and the Federal Highway Administration if the Planning Director determines that the use may impact state or federal transportation facilities, and to the Oregon Department of Aviation and Federal Aviation Administration if the use is located within 5000 feet of a runway or approach surface of a public use airport.

b. The decision of the Planning Commission may be appealed to the County Court in the manner provided in Article 9, Section 9.030 of the Morrow County Zoning Ordinance.

2. The County building official may issue a certificate of occupancy only after the Planning Director has determined that the improvements required by site development review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the County and by ODOT for required improvements to the state highway system.

a. Implementation of traffic management, public safety and/or security plans, when required, shall be made ongoing conditions of approval of the use, and failure to substantially comply with those plans may be a basis for the Planning Director or Building Official to suspend or revoke the occupancy permit and for the County, DLCD or ODOT (when a state Transportation Facility is affected) to petition a court of competent jurisdiction to issue a



temporary restraining order and permanent injunction against further use of the property for the purposes approved in the site development review.

- b. Prior to or concurrent with the suspension of any site development review permit, the County shall provide the permittee with notice and an opportunity to be heard in accordance with the process set out in Morrow County Ordinance No. MC-C-7-92.

G. Expiration and Extension of Permit.

- 1. A site development review permit shall expire automatically two (2) years from the date of issuance unless one of the following occurs first:

- a. The development has commenced; or
- b. An application for an extension is filed as provided in this section; or
- c. The permit is appealed to a body of competent jurisdiction following final approval by the County, in which case the two-year period shall be tolled until a final, unappealed or unappealable decision is made by a court or other body of competent jurisdiction.

- 2. As used in subsection 1 of this Section, a development has "commenced" when:

- a. The permit holder has physically altered the land or structure or changed the use thereof through actions such as preliminary grading for roads, driveways or building sites, installation of utilities, construction of required off-site improvements or construction of buildings, and
- b. The alteration or change is directed toward completion of the development; and
- c. The permit holder has spent at least \$50,000 in expenditures related to completion of the development. Expenditures that could apply to various other uses of the land or structure shall be excluded including the cost of purchasing land.
- d. The provisions of subsection 1 of this Section shall apply independently to each discrete phase of a phased development. The commencement requirement for a subsequent phase cannot be satisfied by commencement activities conducted under an approval for an earlier phase of the development.

3. If an extension is desired, the holder of the site development review permit must file an application for an extension prior to the expiration of the permit. The application shall be filed in writing with the Planning Director. A maximum of two extensions are permitted. Unless approved, the extension does not extend the expiration date. The Planning Director shall grant an initial two year extension upon the timely filing of the extension application. Following notice and hearing, the Planning Commission shall grant a second two-year extension only upon demonstration by the permit holder that:
  - a. In terms of time, labor or money the permit holder has been making a good faith effort to commence the development or has been precluded from doing so for reasons beyond the permit holder's reasonable control;
  - b. Commencement of the development is likely during the second two year extension; and
  - c. There has been no change in circumstance or the law likely to necessitate significant modification of the development approval or conditions of approval.

**BY LAWS OF THE MORROW COUNTY  
LOCAL PUBLIC SAFETY COORDINATING COUNCIL  
Amended **May 23, 2017****

I. FORMATION

The Morrow County Local Public Safety Coordinating Council (Council) is formed pursuant to Oregon Revised Statutes 423.560 and 423.565. Effective January 10, 2011, Morrow County separated its community corrections program from the services provided by Umatilla County and formed its own local community corrections program as provided in statute.

II. PURPOSE

- A. Consistent with statute (ORS 423.560(3)(a), ORS 423.565(1)) the Council shall develop a comprehensive prevention and corrections plan to serve juveniles and adults in Morrow County using both state and county resources. Upon development of the plan, the Council shall recommend the adoption of the plan by the Morrow County Board of Commissioners.
- B. Consistent with statute (ORS 423.560(3)(b), ORS 423.565(2)) the Council shall coordinate local criminal justice policy among affected criminal entities and juvenile justice policy among justice entities serving the adults and juveniles of Morrow County.
- C. Consistent with statute (ORS 423.565(3)) the Council shall work to develop and recommend to the Morrow County Board of Commissioners a plan designed to prevent criminal involvement by youth. The plan will provide for coordination of community-wide services involving treatment, education, employment and intervention strategies for crime prevention.

III. MEMBERSHIP

- A. The Council shall include but not be limited to the following as provided in statute (ORS 423.560(1)):
  - (a) A police chief selected by the police chiefs in the county; (1)
  - (b) The sheriff of the county; (1)
  - (c) The district attorney of the county; (1)
  - (d) A state court judge, and a public defender or defense attorney, both appointed by the presiding judge of the judicial district in which the county is located; (2)
  - (e) A director of community corrections, a county commissioner, a juvenile department director, a health director, a mental health director and at least one lay citizen, all appointed by the Morrow County Board of Commissioners; (6)

- (f) A city councilor or mayor and a city manager or other city representative, both selected by the cities in the county; (2)
  - (g) A representative of the Oregon State Police, who is a nonvoting member of the council, selected by the Superintendent of State Police; and (1)
  - (h) A representative of the Oregon Youth Authority, who is a nonvoting member of the council, selected by the Director of the Oregon Youth Authority. (1)
- B. In addition, the Superintendents of the Morrow County School District and Ione Schools are appointed by the Morrow County Board of Commissioners to the Council. (2)
- C. Any other member of the public who is a resident of Morrow County or who provides justice services to the adult or juvenile residents of the County (ie., Domestic Violence Services, Inc.) may be a member of the Council with the approval of a majority of the voting members of the Council.
- D. To encourage broad participation, if a member by virtue of their position is unable to participate regularly, they may assign a representative who will participate in the Council in their stead and speak for that member during the term of their membership.

#### IV. TERMS OF OFFICE

- A. Members occupying positions, by virtue of their position, shall serve until they no longer hold the relevant public office. These positions are the Sheriff, the District Attorney, the Juvenile Director, the Health Director, the Mental Health Director, and the County's School Superintendents.
- B. Members appointed to the Council by the Morrow County Board of Commissioners, by the cities in the county or by the presiding judge of the Circuit Court shall serve at the pleasure of their appointing authorities or until they no longer hold the public office described, whichever occurs first. However, the appointing authority shall conduct at least a biennial review of the appointment.
- C. Persons whose membership is approved under Section 3(C) above shall serve for a period of two years, after which the Council shall review, and may approve, their continued participation not less than every two years.

#### V. OFFICERS

- A. All officers of the Council shall also be members of the Council. The officers shall be a Chair and a Vice-Chair. The Vice-Chair shall also serve as Chair-Elect. The officers shall be elected for a term of two (2) years, beginning the first of July each even numbered year. The chair shall:
- (a) preside at meetings;
  - (b) subject to Article IX, form subcommittees and task forces, appoint members to serve on the committees; and
  - (c) perform all other duties as necessary or incidental to the office.



- B. The Vice-Chair shall perform the Chair's duties if the Chair is absent or otherwise unable to act. Upon completion of the term of office, the Vice-Chair shall assume the Chair for the following term and a new Vice-Chair shall be elected from among the members.
- C. In the absence of the Chair and Vice-Chair, the remaining members shall elect a member to act as temporary Chair for that meeting. If the office of Chair becomes vacant in mid-term, the Vice-Chair shall assume the office of Chair for the remainder of the term. If the office of Vice-Chair becomes vacant in midterm, the remaining members shall elect a successor to complete the unexpired term.
- D. A member of the Council selected by majority vote of the Council shall act as the Secretary of the Council or a secretary may be provided by agencies represented on the Council. Minutes of the preceding meeting and proposed agenda of the next meeting will be emailed to the members during the preceding business week.

VI. REMOVAL FROM OFFICE

Council members may recommend removal of any person as a member of the Council for good cause. Removal requires a 2/3 majority vote of the full Council. Good cause may include, but is not limited to, non-attendance at scheduled meetings. The recommendation shall be forwarded to the appointing authority and the Council shall request that the appointing authority appoint a replacement within three months (ORS 423.560(6)).

VII. MEETINGS

Meetings shall be held on a schedule to be established by the membership. Special meetings may be called by the Chair or by a majority of the full membership.

The Council is subject to, and shall comply with, the requirements of Oregon's Public Meetings Law (ORS 192.610ff). Roberts Rules of Order (revised) shall govern any point of parliamentary procedure not contained in these by-laws.

VIII. QUORUM

A quorum for the transaction of official business shall consist of at least eight (8) of the participating members of the Council. The member must be present or represented by proxy at the meeting to be counted as part of the quorum. Action may be taken by the Council by an affirmative vote of a majority of the quorum (ORS 423.560(5)).

IX. VOTING RIGHTS

All Council members in attendance at meetings shall have the right to vote, with the exception of the Oregon State Police representative and the Oregon Youth Authority representative, as provided by law.

Each voting member present at a meeting for which a quorum of the membership is in attendance shall have the right to call for a vote on any official action or recommendation



of the Council. All matters requiring a vote shall be decided by majority vote of those present, with the exception of a vote for removal from office as provided for in Article VI herein and amendment of the by-laws as provided for in Article XI herein. All votes shall be recorded in the minutes of the meeting.

Voting by temporary proxy shall be allowed.

X. SUBCOMMITTEES

- A. The Council or the Chair may create subcommittees and task forces to perform such tasks as the Council or Chair may designate. Membership of the subcommittees shall be approved by the Council or Chair. In case of a dispute the Council shall have final appointing authority.
- B. If any public agency informs the Council of their intent to establish a facility pursuant to the terms of ORS 169.690 a subcommittee shall be created as described in ORS 423.565(4). The subcommittee shall consist of:
  - (a) The affected law enforcement officer described in ORS 423.560 (1)(a) or (b);
  - (b) A district attorney;
  - (c) A mental health director;
  - (d) A designee of the city council or Morrow County Board of Commissioners, whichever is affected;
  - (e) A representative of an organization that advocates on behalf of persons with mental illness; and
  - (f) A consumer (person who has received or is receiving mental health or addiction services) as defined in ORS 430.073.

XI. ADOPTION AND AMENDMENT

The by-laws shall be adopted by a majority vote of the full Council. Amendments to the by-laws may be adopted only by a majority vote of the full Council. Written notice shall be given to the full membership of the Council at least five (5) days prior to a vote as to any amendment of the by-laws.

Adopted this 23<sup>rd</sup> day of May, 2017.

  
Chair

## **Justice Reinvestment Grant**

**2017-2019**

The Morrow County Commissioners approve and support the  
2017-2019 Justice Reinvestment Grant application

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Morrow County Commissioners



# Cover Sheet

Created: 07/10/2017 • Last updated: 07/19/2017

**Amount: \$139513**

**County**

Morrow

## Local Public Safety Coordinating Council (LPSCC) Chair Contact

Name:	Kimberly Lindsey
E-mail:	<a href="mailto:kimberly.lindsay@gobhi.net">kimberly.lindsay@gobhi.net</a>
Phone:	541-976-9161

## Primary Applicant Contact

Name:	Dan Robbins
Organization:	Morrow County Parole and Probation
Title:	Director Lt. Dan Robbins
Address:	204 NE 3rd PO Box 130
City:	Irrigon
Zip:	97844
E-mail:	<a href="mailto:dan.l.robbins@cc.doc.state.or.us">dan.l.robbins@cc.doc.state.or.us</a>
Phone:	541-314-5222

## Fiscal Contact

Name:	Dan Robbins
Legal Name of Organization for Payment:	Morrow County Parole and Probation
State EIN:	02920450
Payment Remittance Address:	PO Box 159
City:	Heppner
Zip:	97836
E-mail:	<a href="mailto:dan.l.robbins@cc.doc.state.or.us">dan.l.robbins@cc.doc.state.or.us</a>
Phone:	541-314-5222
Fax:	541-922-5944

**Do you have any Unspent 15-17 Justice Reinvestment Funds?** Yes

**Would you like ACH payment processing (direct deposit)?** No



## Narrative

**County**

MORROW

**Indicate how your LPSCC intends to meet the evaluation portion of your proposal.**

County remits 3% of awarded funds to the CJC's statewide evaluation budget





# Program Budget(s)

Created: 07/10/2017 • Last updated: 07/26/2017

**To begin your Budget, click "Next".**

## Proposed Program Budget

County:	Morrow
Program #1 Title:	Probation Officer

## Description of Program Expenses

Budget Amount Outlined for Program #1: \$121376.31

Please do not use commas when entering dollar amounts.

## Personnel

	Description	Amount
1	Probation Officer	121376
2		
3		
4		
5		
6		
7		
8		
Total		121376.0

**Total Personnel Budget**

121376

**Contractual Services**

	Description	Amount
Contractor #1		
Contractor #2		
Contractor #3		
Contractor #4		
Total		0

**Total Contractual Budget** (No response)

**Rent & Utilities**

	Description	Amount
1		
2		
3		
4		
Total		0

**Total Rent & Utilities Budget** 0

**Supplies**

	Description	Amount
1		
2		
3		
4		
5		
6		
Total		0

**Total Supplies Budget** 0

**Travel/Conferences/Training**

	Description	Amount
1		
2		
3		
4		
Total		0

**Total Travel/Conferences/Training** 0**Equipment**

	Description	Amount
1		
2		
Total		0

**Total Equipment Budget** 0**Administrative**

	Description	Amount
1		
2		
Total		0

**Total Administrative Budget** 0

**Other**

	Description	Amount
1		
2		
3		
4		
5		
6		
Total		0

**Total Other Budget** 0

**Total Budget Requested:** 121376

**Add another budget?** No





# Program Narrative(s)

Created: 07/10/2017 • Last updated: 08/02/2017

## Narrative Page 1.

**Total Budget Amount: \$139513**

To begin, click "Next".

## Narrative Page 2.

### **Program Narrative(s)**

Use up to 87 percent of Justice Reinvestment grant amount.

Applicants are encouraged to consolidate multiple activities for which funding is requested into a single program entry, as appropriate. For additional information regarding application questions please see Request for Grant Proposal. **Please do not use commas when entering budget amounts.**

**Total Budget Amount: \$139513.0**

**87% of Total Amount: \$121376.31**

**County**

Morrow

### **Program #1**

Name	Probation Officer
Narrative	Morrow County Parole and Probation used the 2015-2017 Grant money to hire an additional Probation Officer position. We now have a Director who serves three duties, administrator, probation officer and support staff, a full time certified probation officer, a non-certified probation officer (we have hired three employees since starting this program up. The employees we had hired for this position and were in the training phase of their employment were hired from our agency to go to work for other local Law Enforcement agencies. We currently have an uncertified female officer hired and she is going to the Probation and Parole Academy the end of July 2017. Her class will be completed September

1, 2017). She will be sent to additional LS/CMI training when it is available. She is a very welcome asset to our program. We also have on our staff a retired deputy working full time that runs our work crew program. Our Officers conduct random checks on the work crew location and conduct random UA's on offenders at the work crew work site. Our work crew supervisor takes offenders that have court ordered hours, offenders working off fines and fees, or offenders that have been given a work crew sanction for probation or Post-Prison Supervision violations. The work crew supervisor teaches good work skills and leads by example. The grant money will be used for the Probation Officer position; the grant money will not cover for a full time officer of this position the other portion will come from our state funding for Parole and Probation. The Officer Position that the Justice Reinvestment Grant is funding has reduced the current amount of offenders on each caseload. Our caseloads were approx. 55 before we hired the new position. The caseloads per officer are now approx. 36 It has enhanced public safety by allowing more offender contacts in the community and in the office. It has allowed more work crew sanctions instead of jail sanctions (work crew also helps teach offenders good work ethics).

Budget

121376

Target Population

The target population for this program is for any male or female offenders that are on supervised Probation, Post-Prison Supervision or on a Conditional Discharge. Offender must also be on supervised supervision for a property or drug conviction. Offenders must have a risk level that is either Hi or Medium using the PSC or LSCMI risk assessment tool.

Evidence-based practices/services and research

We will be using the grant money to keep the second full time officer. Hiring the second officer has reduced offenders on officers caseloads,(from approx.55 down to approx.36) allowed more home visits and increased supervision on the offenders. It has also allowed officers to hold more offenders accountable for their actions by discovering violations of the offender's supervision in a timely manner. If Offenders violate their supervision they could get a verbal warning, an intervention, be placed on electronic monitoring, a work crew sanction or be given a jail sanction. When all resources have been used and all sanction units are depleted the offender could be sent back to court on a probation violation. The courts could then revoke their supervision and give them a jail sentence and then place them on Post-Prison Supervision Local Control. This position has also allowed us to give offenders rides to treatment, check in with P and P deputy and any court dates that they do not have transportation to. This in essence takes away there excuses for missing appointments for treatment and for court dates for not having a ride to get there.

Metrics tracked locally to evaluate progress	Our program will be evaluated by tracking the number of sanctions, probation violations that Offenders are given. by the amount of prison beds used. The program will also be tracked on successful completion of treatment
Would you like to add another activity?	No

**Total Amount Requested:** 121376

Narrative Page 3.

**Four Goals of Justice Reinvestment**

**It is REQUIRED that applicants use the county-specific data found on the CJC dashboards to complete this section.**

Responses in this section should reflect the applicant’s Justice Reinvestment program **as a whole**. This includes all proposed grant-funded activities, as well as local policy changes or collaborative efforts that support the county's progress toward meeting the four goals of Justice Reinvestment. For additional information regarding application questions please see Request for Grant Proposal.

**Reduce recidivism through evidence-based practices**

Use the CJC recidivism dashboards to contextualize the county’s current recidivism rates and explain how the proposed program will decrease these rates. Describe efforts to reduce recidivism during the past biennium in which the county has received Justice Reinvestment funding and how the proposed program will change or continue those efforts.

1. Reduce Recidivism: Our program (keeping the officer position we had for the 2015-2017 biennium) will reduce recidivism by more offender contacts in the field and in the office. Having more contact with offenders will build a rapport and will be a support for the offender. This will help keep the offender on track with supervision conditions, treatment and with any pending court cases. By keeping the offender in treatment to completion will give the offender the valuable tools for their successful future in fighting their addictions so they can have a normal/crime free life. Our recidivism rates from the CJC dash board for property, drug, or driving offenses, 2015/1st. Any arrest 26.1%, conviction Felon/Misdemeanor 8.7%, Incarceration Felony 4.3 % for the State 2015/1st . The state percentages for 2015/1st are any arrest 36%, conviction Felon/Misdemeanor 25.6% and Felon incarceration 6.9%. Our program hopes to reduce those percentages even more as we progress through the next biennium. We will continue to operate our program as we did in the 2015-2017 biennium.

## **Reduce prison populations for property, drug, and driving offenses**

Identify how the proposed program will reduce county prison usage for property, drug, and driving offenses. Use the [CJC Justice Reinvestment Prison Usage dashboards](#) to respond to county prison usage data trends. If prison use has increased or remained above the baseline average during the 2015-17 biennium, address the usage and how the proposed program will contribute to progress toward meeting this goal. If the county's prison use has been below the baseline average, the applicant should address the decreased usage and how the proposed program will continue this progress.

*Applicants are encouraged to incorporate data specific to the county's prison intakes, revocations, length of stay, and relationship to the statewide rates when discussing past, present, and projected prison usage.*

2. Reduce Prison Population: On July 2015 when our program started by hiring our new officer. We did not get our officer hired for the first quarter. Prison months used by Morrow County have steadily decreased from the start of our program in 2015. Our high for prison months was in October 2015 176.5 months to our low at 27 months in October 2016. As of May 2017 we are currently at 35.8 months. With our new officer we can supervise more offenders on STTL (Short Term Trans Leave) which will help reduce the prison population by letting offenders out of prison up to 120 days early.

## **Female property, drug, and driving offenses**

Respond to [CJC Dashboard data](#) regarding county prison usage specific to female property, drug and driving offenses and describe local efforts to address this population.

Morrow County currently has twelve females on our case load for property, drug and driving offenses. Morrow County adult female offender population would fall under the same program description. Officer position would benefit the female population, by having more contacts in field as well as more contacts in office. Morrow County is a small county with a population of approximately 12,000 people. When looking at the Data on the CJC Dashboard the data shows big variances our highs were still below the base line and are on the decline for 2017

## **Increase public safety**

Describe how the proposed program will increase public safety while successfully meeting the other three goals of Justice Reinvestment. Reference the [CJC Uniform Crime Report \(UCR\) dashboard](#), noting if the county does not have full UCR reporting.

3. Increase Public Safety: By keeping our officer this will increase public safety by the officer having more offender contacts in the field and in the office. By this department transporting offenders to treatment when they do not have a ride will help the community by getting the offenders the tools to fight their addictions and help prevent future crimes. By getting the offenders to any court proceedings that they have when they do not have a ride to court will help reduce the courts time also. Using the CJC dash board it shows on the Uniform Crime Report that Morrow County rates have dropped for Behavioral and Property crimes 2015-2016

## **Hold offenders accountable**

Explain how offenders will be held accountable during implementation of the county's Justice Reinvestment program. Identify relevant examples of how members of the local criminal justice system work together to ensure offender accountability. This can include tracking service, treatment and restitution completion, as well as sharing information about supervision conditions, jail capacity and usage, and sanctioning and revocation practices.

4. Holding Offenders Accountable: By keeping our officer it will reduce the offenders on officers caseloads. By reducing caseloads will give officers more one on one time with offenders. Officers will be able to address violations of supervision conditions and apply appropriate interventions or sanctions to the offender. When an offender is in violation of their supervision conditions they could receive a verbal reprimand, increased reporting, an intervention, electronic monitoring, a work crew sanction or a jail sanction. Our local Law Enforcement agencies work well with Morrow County Parole and Probation. If Law Enforcement has any contact with offenders we will either get a call from the officer or we will get a LEDs hit from the offender's probation record that is entered in to the Law Enforcement Data System

## **Evidence of Collaboration in Planning and Implementation**

Effective collaboration within the LPSCC is expected in the development, submission, and monitoring of the county's Justice Reinvestment grant. Describe the collaborative partnerships in place that will support the county's performance and progress toward the four goals of Justice Reinvestment. List relevant public safety system partners and community partners that support the program. Additionally, describe any Justice Reinvestment technical assistance the LPSCC would be interested in receiving.

Discussions about current program effectiveness, challenges and opportunities have taken place at bi-monthly LPSCC meetings and Data Analysis Workgroup sub-committee meetings. It was decided by the LPSCC to maintain focus and support for the two programs: P&P officer and DVS, Inc. Advocate and Outreach for this application cycle (2017-19) while paying close attention to outcomes and results.

The County Sheriff, City and State Police, Juvenile dept., DHS, Community Counseling Solutions, Morrow County Board of Commissioners, District Attorney's office, Veteran's Services, Schools, State Courts and Judges have all provided input, guidance and advice in this process. LPSCC is looking at a process to be developed that will keep all apprised of both the challenges and successes of both programs in the future. Technical assistance from the CJC would be appreciated in the development of a template of relevant data elements that would be relatively simple to track. Also, it is important that these JRI programs utilize the relationships and resources that our collaborative partners have available to support their justice involved clients, which will mean that increased communications between programs and LPSCC partners occur.





## Racial/Ethnic Impact

### **Racial/Ethnic Impact Statement**

Pursuant to Section 4, Chapter 600, Oregon Laws 2013, grant applicants are required to complete this racial and ethnic impact statement. The statement provides information as to the disproportionate or unique impact of the proposed policies or programs on minority persons in the State of Oregon.

“Minority persons” are defined in SB 463 (2013 Regular Session) as women, persons with disabilities (as defined in ORS 174.107), African-Americans, Hispanics, Asians or Pacific Islanders, American Indians, and Alaskan Natives.

**The proposed grant project policies or programs:**

Will have no disproportionate or unique impact on minority persons.



# Signature Page

Created: 07/17/2017 • Last updated: 08/02/2017

**This form will total all your requested amounts. Click "Next" to continue.**

**Total amount allocated by the CJC:**

\$139513

**Total amount for Program(s):** 121376.0

(maximum 87% of total funds) =  
\$121376.31

**Total amount for the Victim** 13952.0

**Services 10%:**

(minimum 10% of total funds) =  
\$13951.3

**Total amount for Evaluation 3%:** 0

(minimum 3% of total funds) = \$4185.39

**Signature of Primary Contact**

I HEREBY CERTIFY that the information contained within this application and any attachment is complete and accurate to the best of my knowledge.

**Name** Dan Robbins

**Date** 2017/08/02



**County**

Morrow

Total Amount of Unspent 15-17 Justice Reinvestment Funds	13368
Explanation of Unspent Funds	This carry over is from not having a probation officer hired for the position for the first quarter of the 2015-2017. The carryover will be used to help fund the 2017-2019 biennium program.

**Applicant understands that all 15-17 funds carried into the 17-19 biennium must be spent according to the 15-17 approved application unless otherwise approved by the Criminal Justice Commission.** Yes



# Victim Services 10%

Created: 07/12/2017 • Last updated: 07/26/2017

## Victim Program 1

### Victim Services Narrative

At least 10% of Justice Reinvestment grant funds must be allocated to community-based nonprofit victim services providers. **Each** victim services provider must complete a **separate** Victim Services 10% Narrative and Budget.

10% of Total Amount: \$13951.3

**Program Title:** Morrow County Domestic and Sexual Violence Program

### Victim Services Contact

Name:	Kathryn Chaney
Organization:	Domestic Violence Services, Inc.
Title:	Executive Director
Email:	<a href="mailto:kathryn@dvs-or.org">kathryn@dvs-or.org</a>
Phone:	541-276-3322

### Describe proposed community-based non-profit victim services:

Domestic Violence Services, Inc. (DVS) provides comprehensive services to victims of domestic, sexual, dating violence and stalking in Morrow County. This is our fortieth year of providing services to survivors twenty-four hours a day. We provide crisis response and shelter every day, around the clock. We offer safety planning and case management to survivors whether they come into shelter or to an office for assistance.

DVS proposes to continue enhanced staffing and to devote additional resources in order to provide expanded direct services in Morrow County for victims of domestic violence, dating violence, sexual assault and stalking.

Services proposed:

DVS proposes to provide additional direct advocate services to survivors in Morrow County. The advocate will travel to all parts of Morrow County to respond to crisis needs, advocate in court proceedings, provide life skills or parenting classes distribute materials and make residents aware of the services

offered for victims of domestic violence and sexual assault.

DVS will respond to crisis, provide support groups and/or one-on-one support for victims. We will participate in Morrow County community groups, exchanging information and engaging in collaborations as we expand services.

Staff will provide safety planning, case management and advocacy. We will assist with solutions for housing, employment, benefit acquisition and skill development. DVS will provide transportation for clients in crisis and for goal related activities. We will provide accompaniment to court or to and from hospital or other needed medical services.

We will also staff the Boardman and Heppner offices to be a presence for survivors or community members in Morrow County. Services for Morrow County residents will also be provided as needed in Umatilla County if, for instance, if the survivor is in one of our shelters. A Morrow County survivor might also be served at another DVS Advocacy Center if needed.

DVS will use our office space in Boardman at City Hall in order to offer direct services. This office is staffed by a DVS Advocate Thursday afternoons. DVS now has office space in Heppner and we will staff the office a minimum of one day each week, supplementing additional hours with interns. We have some space available in a church in Heppner where we can hold group and educational classes when scheduled.

Expanded victim services will provide additional support and safety for Morrow County survivors.

Three advocates are bi-lingual and bi-cultural. We also have volunteers who are bi-lingual and bi-cultural. All services are available in Spanish as well as English. DVS will serve survivors by accompanying them to court when needed and will provide translation services (Spanish/English).

DVS Advocates will provide assistance in English and Spanish for case management, support groups, life skills classes and restraining or protective orders. Life Skills programs include Job Readiness, Job Retention, Budgeting, Nutrition and Cooking, Tenant Rights and Responsibilities and Stress Management. We believe that these programs empower the survivor to achieve a life free of violence.

One of the DVS Advocates is a certified instructor for the Abriendo Puertas parenting curriculum. A volunteer, also trained in that parenting program is bi-lingual, bi-cultural.



**Demonstrate the need for the proposed services in the community to be served with an emphasis on targeted marginalized and underserved populations:**

Victims of domestic violence and sexual assault who reside in Morrow County face isolation and challenges accessing services. Long distances often stand between victims and assistance. The need for services is indicated by numbers of known incidents including DVS' response to victims of domestic or sexual violence.

DVS services for Morrow County in 2016: DVS provided 90 unduplicated survivors with a variety of services. Also the Morrow County Sheriff's office provided statistics related to domestic violence incidents for 2015 and 2016. In 2015 there were 56 domestic violence incidents and/or arrests and in 2016, Morrow County Sheriff's office noted 53 such occurrences. From those incidents, 26 males and 9 females were arrested in 2015. In 2016, 31 males and one female were arrested. Sexual assault is occurring in Morrow County and the need for services is revealed in the statistics produced by the Sheriff's office. In 2015, Morrow County referred to the Morrow County District Attorney's office, 10 charges of rape. In 2016, the Sheriff's office referred 8 rape charges to the District Attorney. In addition, in 2015, fourteen sex crimes were referred to the District Attorney and in 2016; they referred six sex crimes to the District Attorney's office.

These numbers reveal a problem and a need for services provided by Domestic Violence Services, Inc. in the county. Our services are offered to all including oppressed, marginalized and underserved groups. Due to the frontier status of Morrow County, the survivors in need of services are isolated and underserved. Many of the survivors are marginalized including monolingual Spanish speakers. DVS has three bi-lingual, bi-cultural advocates and one of them often assists survivors in court hearings in Morrow County, including those who speak only Spanish.

We also have a number of individuals needing services that are farm workers and marginalized and underserved as a result. Some survivors have an immigrant status and are often subjected to threats and and abuse from an intimate partner. DVS staff has knowledge of immigrant rights and the situations pertaining to that status and provides quality assistance to this population.

DVS has an association and partnership with agencies in Oregon that collaborate with us to provide appropriate services to immigrant survivors.

**Describe how proposed services will address access and local barriers, such as but not limited to language, literacy, disability, transportation and cultural practices:**

For the larger community, DVS engages in research and training to gain knowledge that guides services for survivors of identified groups.

As with all assessment, advocates invite the survivor to tell them the story of the abusive situation. This is a process that is appropriate for marginalized, oppressed and tribal communities so we hear the situation and needs of the unique individual we are helping. This helps both the survivor and the advocate to understand and begin to develop a plan and identify specific needs. We help the survivor identify their strengths and challenges as we develop a safety plan that is based on individual circumstances.

DVS staff have devoted considerable research and effort toward developing, updating and refining our curricula for domestic violence and sexual assault group for shelter and community survivors. The curricula are kept in totes that are portable so that outreach advocates can facilitate service delivery in communities in outreach areas. We focus on assuring that we have appropriate materials for under-served, marginalized, oppressed communities.

We have several vibrant communities of Spanish speaking persons. It is clear that we need to have material and services available in Spanish. We meet the need in several ways. We have staff who are fluent in English and Spanish and who are bi-cultural as well. We will provide written materials in Spanish for group and individual support activities. We also offer referral material in Spanish and we network with local providers that also have Spanish speaking staff.

For this population concerns around immigration status and the changing environment for that issue is of great concern. DVS assists the survivors and we collaborate with groups like Catholic Charities to provide specific services pertaining to these challenges.

DVS translates flyers into Spanish and posts them in locations that serve the immigrant population including stores and restaurants that cater to Spanish speakers in Morrow County.

Transportation is a significant consideration for access to services. DVS works on transportation concerns when safety planning and assisting survivors in other ways. DVS provides transportation for survivors as needed for crisis or goal related activities.

For survivors living with mental illness we recognize the need for treatment and support for recovery. We will engage community partners to assist these survivors. For our part, we will use our training that includes Mental Health First Aid and various suicide prevention programs to help the client move into a more secure future. DVS staff will listen to the person non-judgmentally to understand the challenge presented by the illness. We will, if permitted by a release from the client, refer to mental health providers in the community and work with the survivor and treatment provider together.

**Identify how the proposed services will increase capacity in areas difficult to access.**

DVS is dedicated to assuring access to our agency's programs and services. In the last year we have escalated the outreach to remote and isolated communities to make them aware of domestic violence and sexual assault services available through our agency.

We will increase our capacity in several ways:

Our crisis line is answered twenty-four hours a day by volunteers and staff. In addition, on a weekly basis, two staff serve as "back-up" for the crisis line so that any survivor needing assistance will be served right away. One staff person designated as back-up for the crisis line serves Morrow County. That might mean providing information and referral, shelter, transportation, response to medical facility, or simply supportive telephone contact.

All of our contact with clients or potential clients involve safety planning. Our specific response will be appropriate to the survivor's needs. On a twenty-four hour basis, if the survivor needs and is appropriate for shelter, the staff person will meet the individual in a safe place. The survivor can be placed into shelter at any time around the clock.

We will reach out to the underserved rural and remote places in Morrow County to establish advocacy centers and to communicate our availability for survivors who need services. We now have an office in Heppner as well as Boardman, allowing survivors to participate in group, life skills or one-on-one support at a regular, accessible and in the Heppner office, a private location.

We will work with the JOBS program through Blue Mountain Community College to secure an intern for the outreach program. We will train the person on the forty-hour domestic violence/sexual assault curriculum so that they are able to assist persons who may contact our Heppner office during the week even when the DVS Advocate is not present. DVS has received a grant to supplement the JRF grant and will allow purchase of furniture and supplies for the new office. We will increase capacity through collaboration and partnerships with Morrow County community partners.

## **Describe trauma-informed interventions and services provided.**

DVS provides all services with a trauma informed focus. We treat our clients with sensitivity around trauma and we treat our staff and volunteers with the same sensitivity. Our advocates are trained to support victims of domestic and sexual violence. They offer victims information, emotional support, validation and assist with all aspects of the client's needs and concerns.

An individual's experience of trauma impacts every area of their functioning — physical, mental, behavioral, social, and spiritual. DVS recognizes the existence of past and current trauma. We seek to empower the victim and assist with progress toward self-sufficiency and resilience.

The Adverse Childhood Experiences Study (ACES) investigated the association between childhood maltreatment and later life health and well-being. The study revealed the economic costs of untreated trauma-related problems like alcohol and drug abuse. Beyond the economic costs the human costs are incalculable. At DVS, we work with parents with an understanding of how these adverse childhood experiences affect them and their children. We want to provide guidance on parenting without shaming the adult survivor regarding the current circumstances for them and their children. At DVS we believe in resilience and try to assist our clients in visualizing success in their lives.

We ask about trauma in the course of our work with survivors of violence. Trauma is shrouded in secrecy and denial and is often ignored. It's important to ask about trauma in our interactions with survivors of domestic and sexual abuse so we can effectively provide appropriate and compassionate services and provide assistance with accessing other services such as behavioral healthcare. Staff is trained to work with our clients in a way that recognizes the impact of trauma so that we don't exacerbate their pain. For instance, DVS staff and some of our volunteers have been trained in Mental Health First Aid by our Executive Director who is a certified instructor. This gives them a basic understanding of issues related to mental health and substance abuse, contributing to better and more effective service delivery for clients experiencing this type of trauma.

We believe awareness and sensitivity to this topic is key to creating a safe, trauma informed organization.

DVS understands that staff and volunteers are sometimes impacted by vicarious trauma. Talking openly and increasing awareness of trauma is important as is offering trauma impact processing. DVS provides this processing daily with the volunteers or staff as they report calls they may have received on the crisis line. Also staff processes the traumatic situations encountered by staff when working directly with clients receiving shelter or one-on-one services.

The debriefing sessions combat burn out with staff and volunteers alike.

## Description of Program Expenses

Please do not use commas when entering your budget amounts.

**Personnel**

	Description	Amount
1	Umatilla Outreach Coordinator	7946
2		
3		
4		
5		
6		
7		
8		
Total		7946.0

**Total Personnel Budget**                      7946

**Contractual Services**

(Provide all detailed expense categories for each contractor receiving grant funds. This section can be expanded to accommodate space for multiple contractors. Do not simply list lump sum amounts for contractors).

	Description	Amount
Contractor #1		
Contractor #2		
Contractor #3		
Contractor #4		
Total		0

**Total Contractual Services**                      0



## Rent & Utilities

	Description	Amount
1		
2		
3		
4		
Total		0

**Total Rent & Utilities Budget**            0

## Supplies

	Description	Amount
1	resource materials for DV/SA	100
2	communication	586
3		
4		
5		
6		
Total		686.0

**Total Supplies Budget**                    686

## Travel/Conferences/Training

	Description	Amount
1	travel by Advocates for Morrow County Outreach program	5320
2		
3		
4		
Total		5320.0

**Total Travel/Conferences/Training** 5320

**Budget**

**Equipment**

	Description	Amount
1		
2		
Total		0

**Total Equipment Budget** 0

**Administrative**

	Description	Amount
1		
2		
Total		0

**Total Administrative Budget** 0

**Other**

	Description	Amount
1		
2		
3		
4		
5		
6		
Total		0

**Total Other Budget** 0

**Total Budget Requested:**

13952.0

**Do you have another victim services program to enter?**

No



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

Item #  
7b

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

Staff Contact: Jerry Sorte, Administrative Officer      Phone Number (Ext): 541-676-2529  
 Department: Board of Commissioners      Requested Agenda Date: August 16, 2017  
 Person Attending BOC Meeting (Required): Jerry Sorte, Administrative Officer; Richard Tovey, County Counsel  
 Short Title of Agenda Item: Intergovernmental Agreement with Oregon Water Resources Department

<b>This Item Involves:</b> (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 type="checkbox"/> Discussion & Action
Estimated Time:	Estimated Time:
<input type="checkbox"/> Document Recording Required	<input type="checkbox"/> Department Report
<input checked="" type="checkbox"/> Contract/Agreement	<input type="checkbox"/> Other:

<input type="checkbox"/> N/A	<b>For Contracts and Agreements Only</b>
Contractor/Entity: Oregon Water Resources Department	
Contractor/Entity Address: 725 Summer Street NE, Suite A, Salem, OR 97301-1271	
Effective Dates – From: July 1, 2017	Through: June 30, 2018
Total Contract Amount: \$12,200	Budget Line: 101-199-5-50-5166
Does the contract amount exceed \$5,000? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Attach Purchase Pre-Authorization Request if Applicable	

Reviewed By:

_____	Department Head	Required for all BOC meetings
<i>DATE</i>		
<i>JS 8-14</i>	Admin. Officer/BOC Office	Required for all BOC meetings
<i>DATE</i>		
<i>email from Rich Tovey 8-14-17</i>	County Counsel	Required for all legal documents
<i>DATE</i>		
<i>email from Kate Knop 8-4-17</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, including this completed form and supporting documents, must be received by the Board's office by Noon on the Friday prior to the Board of Commissioners Wednesday meeting. County Counsel and Finance review is required for all contracts.**

# AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

- 
1. TITLE OF AGENDA ITEM: Intergovernmental Agreement (IGA) with Oregon Water Resources Department
  2. ISSUES, BACKGROUND, AND DISCUSSION: Included in the Fiscal Year 2017-2018 budget is \$12,217 for watermaster services provided by the Oregon Water Resources Department (OWRD). OWRD drafted the attached Intergovernmental agreement that would specify the scope and terms for the provision of those services.
  3. OPTIONS: Options available to the Board of Commissioners include adopting the attached IGA, amending the IGA (specify), or not signing the IGA.
  4. FISCAL IMPACT: The \$12,200 contract amount is included in the FY 2017-2018 budget.
  5. SUGGESTED ACTION(S) / MOTION(S):
    - A. Move to adopt the Intergovernmental Agreement between the Oregon Water Resources Department and Morrow County for watermaster services; or
    - B. Other

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 _____                            |   |



## INTERGOVERNMENTAL AGREEMENT

This agreement is between the **Oregon Water Resources Department**, (hereafter called the "Department") and **Morrow County**, (hereafter called the "County"). The purpose of this Agreement is to fund the costs of one Assistant Watermaster to perform work in that portion of Morrow County that is in the Umatilla Basin. These costs include but are not limited to salary, benefits and other payroll expenses (OPE), supplies, and I/T services. There is a **separate agreement with Umatilla County so they can cover its portions of the program-related costs for the same period.**

1. Term of Agreement

The period of this agreement shall be from **July 1, 2017** to June 30, **2018**.

2. Statement of Work

The Department agrees to provide watermaster services, hereby referred to as Work and generally described in ORS Chapter 540.045 and related Oregon Administrative Rules which services are specifically provided by the Assistant Watermaster for the Umatilla River basin.

3. Consideration

The Department shall bill County a total amount of **\$12,200** for performance of this agreement. Invoicing and payment details are specified in Exhibit A.

4. Subcontracts

The Department may enter into subcontracts for any of the work scheduled under this agreement without obtaining prior written approval from the County.

5. Amendments

The terms of this agreement shall not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by both parties.

6. Termination

A. This agreement may be terminated by mutual consent of both parties.

B. The Department may terminate this agreement effective upon delivery of

written notice to the County, or at such other date as may be established by the Department under any of the following conditions:

1. If the Department funding is not secured and continued at levels sufficient to allow for the continuation of the assistant watermaster program, when possible, and when agreed upon, the contract may be modified to accommodate a reduction in funds.
2. If federal or state regulations or guidelines are modified or changed in such a way that the services are no longer allowable or appropriate for purchase under the agreement.
3. If the County fails to provide funds as specified herein, or so fails to comply with other provisions of this agreement to endanger performance of this agreement in accordance with its terms, and after receipt of written notice from the Department, fails to correct such failures within thirty (30) days or such longer period as the Department may authorize.

7. Funds Available and Authorized

The County certifies at the time the agreement is approved that sufficient funds are available and authorized for expenditure to finance costs of this Agreement with the County's current appropriation and limitation.

8. Captions

The captions or headings in this agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions of this agreement.

9. Representations and Warranties

Department has the skill and knowledge possessed by well-informed members of its industry, trade and profession and Department will apply that skill and knowledge with care and diligence to perform Services in a professional manner and in accordance with standards prevalent in Department's industry, trade or profession.

10. Indemnity

EACH PARTY SHALL DEFEND, SAVE, HOLD HARMLESS, AND INDEMNIFY THE OTHER PARTY AND THE OTHER PARTY'S AGENCIES, SUBDIVISIONS, OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS FROM AND AGAINST ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, LIABILITIES, COSTS AND EXPENSES OF ANY NATURE WHATSOEVER ("CLAIMS"), INCLUDING ATTORNEY FEES, RESULTING FROM, ARISING OUT OF, OR RELATING TO THE ACTS OR OMISSIONS OF THE INDEMNIFYING PARTY'S OFFICERS, EMPLOYEES, SUBCONTRACTORS, OR AGENTS UNDER THIS AGREEMENT. ANY INDEMNITY BY THE DEPARTMENT UNDER THIS SECTION SHALL BE SUBJECT TO THE LIMITATIONS OF ARTICLE XI, SECTION 7, OF THE OREGON CONSTITUTION AND THE OREGON TORT CLAIMS ACT, ORS 30.260 TO 30.300. ANY INDEMNITY BY THE COUNTY UNDER THIS SECTION SHALL BE SUBJECT TO THE LIMITATIONS OF ARTICLE XI, SECTION 10, OF THE OREGON CONSTITUTION AND THE OREGON TORT CLAIMS ACT, ORS 30.260 TO 30.300.

11. Access to Records

The Department, the Secretary of State's Office of the State of Oregon, the Federal Government, and their duly authorized representatives shall have access to the books, documents, papers, and records not otherwise privileged under law which are directly pertinent to the specific agreement for the purpose of making audit, examination, excerpts, and transcript.

12. Nondiscrimination

The parties each agree to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

13. Merger Clause

This agreement constitutes the entire agreement between the parties. No waiver, consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified wherein regarding this agreement. The county, by the signature below of its authorized representative, hereby acknowledges to have read this agreement, understands it and agrees to be bound by its terms and conditions.

14. County Data

Project Officer: County Administrator  
Organization: Morrow County  
Address: P.O. Box 788  
Heppner, OR 97836  
Phone: 541-676-2529

15. Department Data

Project Officer: **Mike Ladd**  
Organization: Oregon Water Resources Department  
Address: 116 SE Dorion Ave  
Pendleton, OR 97801  
Phone: 541- 278-5456

16. Signatures

County: \_\_\_\_\_  
Signature Date

Title: Chair, Morrow County Board of Commissioners  
Address: P.O. Box 788  
Heppner, OR 97836

Department: \_\_\_\_\_  
Signature Date

**Lisa Snyder**, Interim Administrator  
Administrative Services Division  
Oregon Water Resources Department  
725 Summer Street NE  
Suite A  
Salem, OR 97301-1271

## EXHIBIT A

County: Morrow County,

- a. Payment for all work performed under this contract shall be subject to the provisions of ORS 293.462 and shall not exceed the maximum sum of \$12,200 including any travel and other expense reimbursement.

Both parties acknowledge that other agreements may exist under the Assistant Watermaster program but such agreements are separate to this Agreement.

- b. Department

The Department shall perform work that includes:

1. Research and interpret water rights; court decrees; well logs; Oregon Revised Statutes; Oregon Administrative Rules; legal descriptions for ownership records; and historical hydrologic data for public, private agencies, water users and governmental groups such as tribal, local, state and federal agencies to facilitate water resource management activities in Watermaster District 5 to assure compliance with Oregon State water law.
2. Perform field flow measurements (wading, cable way, bridge crane) of waterways including streams, rivers, irrigation canals and ditches, utilizing hydrologic data instruments such as Flow Trackers, AA Price or Pygmy Current meters to calculate the amount of water and to establish the relationship between flow elevation and quantity.
3. Conduct maintenance and operation of waterway gaging stations. Examine and record electronic and manual gaging equipment data to provide a continuous record of water availability at specific sites for daily and emergency management and distribution of water resources.
4. Utilize flow measurements and gaging station data to determine water availability for development and promotion of water management actions. Read flow meters and perform static water level measurements in wells.
5. Resolve problems associated with water distribution, dam safety and well construction sometimes under emergency, hostile and/or dangerous conditions.
6. Interact with and inform agencies, groups and individuals in a public forum, to

promote public relations and beneficial water management practices using Oregon Revised Statutes and WRD policies and programs.

7. Distribute available water during times of shortage according to relative priority dates of water right holders, Water Resource Department (WRD) policies and procedures.
8. Daily documentation of activities and violations observed in the field and initiate appropriate enforcement action in compliance with Oregon State Water Laws.
9. Testify during legal proceedings in support of enforcement or other water related issues.
10. Conduct water development loan, dam safety, and well construction inspections.
11. Conduct surveys of surface and groundwater measurement devices to monitor water use and availability. Enforce appropriate state statutes to ensure compliance.
12. Compile and organize data in report form for the public and/or governmental agencies.
13. Assist in updating and development of water management plans.
14. Responsible for maintenance and updating records of water rights and well logs.
15. Select sites, assist in and supervise the construction of headgates, flow meters and measurement devices.
16. Send invoice for the total agreement amount of \$12,200.00 to the County.

c. **Morrow County**

County shall fund the Assistant Watermaster for the Umatilla Basin. Upon receiving an invoice from the Department, County shall pay such invoice within 90 days. The Department shall perform the work as described above.

d. **Deliverables**

By March 5, 2018, the Department shall present a summary of the activities and accomplishments during the period of July 1, 2017 to April 30, 2018.





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

Item #

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

Staff Contact: Jerry Sorte, Administrative Officer                      Phone Number (Ext): 541-676-2529  
 Department: Board of Commissioners                                      Requested Agenda Date: August 16, 2017  
 Person Attending BOC Meeting (Required): Jerry Sorte, Administrative Officer; Linda Skendzel, Veterans Service Officer  
 Short Title of Agenda Item: Veterans Services Office Additional Funding Update

<b>This Item Involves:</b> (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: <b>15 minutes</b>
<input type="checkbox"/> Document Recording Required	<input type="checkbox"/> Department Report
<input type="checkbox"/> Contract/Agreement	<input type="checkbox"/> Other:

<input checked="" type="checkbox"/> N/A	<b>For Contracts and Agreements Only</b>
Contractor/Entity:	
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:

<i>DATE</i>	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

**Note: All entities must sign documents before they are presented to the Board of Commissioners. Original documents are preferred. Agenda requests, including this completed form and supporting documents, must be received by the Board’s office by Noon on the Friday prior to the Board of Commissioners Wednesday meeting. County Counsel and Finance review is required for all contracts.**

# AGENDA ITEM COVER SHEET

## Morrow County Board of Commissioners

(Page 2 of 2)

1. TITLE OF AGENDA ITEM: Veterans Services Office Additional Funding Update

2. ISSUES, BACKGROUND, AND DISCUSSION: The passage of Ballot Measure 96 in 2016 will increase the state revenue available to Morrow County for Veterans services. The amount of state grant revenue currently included in the FY 17-18 budget is \$35,751. The amount anticipated to be available this fiscal year as a result of the passage of Ballot Measure 96 is \$76,172. See Attachment A. This is an increase of \$40,421. Due to this increase in state funding, the Oregon Department of Veterans' Affairs has granted counties until September 8 to submit their annual application for funds. This is an extension from August 15. The application requires that the County provide a brief summary of the planned use of the additional funds.

In order to spend the additional state funds, the County will need to adopt a supplemental budget resolution to appropriate the approximately \$40,421. These funds may only be used as provided in ORS 406.310, and ORS 403.450 through ORS 403.460 and as specified in OAR 275-030.

As described in ORS 406.450, the Veterans Services program conducts outreach and provides veterans, spouses and dependents of veterans or survivors of veterans with information regarding veterans' benefit programs and other benefit programs. The Veterans Services Officer provides assistance in applying for all federal and state veterans' benefits and aid to which veterans, spouses and dependents of veterans or survivors of veterans may be entitled on account of the veterans' military service and in appealing any denial of veterans' benefits or aid.

In conversations with our Veteran's Services Officer, she provided her recommendations of how funds would best be allocated in order to provide services to veterans. See Attachment B. My recommendation is that a supplemental budget allocate \$35,000 of the additional \$40,421 to personnel services in the Veterans Services Office. This would allow for the hire of temporary assistance that would be able to provide additional services to veterans. I recommend that the balance of \$5,421 be allocated to materials and services. This would allow additional opportunities for training and providing outreach materials. If needed, these allocations within the Veterans Services organization unit could be changed during the fiscal year.

3. OPTIONS:

A. Direct staff to prepare a supplemental budget to appropriate the anticipated additional \$40,421 that will be received by the Veterans Services Office; as described above. A supplemental budget could be prepared for adoption at the Board of Commissioners meeting scheduled for August 23, 2017.

B. Other

4. FISCAL IMPACT:

The passage of Ballot Measure 96 will provide Morrow County with an estimated \$40,421 more than is currently included in the FY 17-18 budget. The funds must be used to provide services to Veterans.

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 _____                            |   |

Attachment A

**Legislative Pass-Through Funding in Support of County Veteran Service Offices**

Note: No longer any need to separately track "Expansion and Enhancement" funding.

Biennial County Funding (2017-19) 8,709,722  
 Annual County Funding 4,354,861

Counties	9/30/2016 Vet Pop	Annual (2017-18)			Estimated Quarterly Payments
		55% Base	45% Population	Total	
BAKER	1,918	69,678	11,704	81,382	20,345.54
BENTON	5,814	69,678	35,488	105,166	26,291.50
CLACKAMAS	34,735	69,678	212,003	281,680	70,420.11
CLATSOP	4,257	69,678	25,985	95,662	23,915.57
COLUMBIA	5,954	69,678	36,339	106,017	26,504.17
COOS	8,192	69,678	50,001	119,679	29,919.68
CROOK	2,553	69,678	15,585	85,263	21,315.71
CURRY	2,880	69,678	17,580	87,258	21,814.55
DESCHUTES	15,163	69,678	92,545	162,223	40,555.78
DOUGLAS	13,149	69,678	80,253	149,930	37,482.59
GILLIAM	236	31,936	1,438	33,374	8,343.38
GRANT	733	69,678	4,477	74,154	18,538.60
HARNEY	890	69,678	5,431	75,109	18,777.15
HOOD RIVER	1,665	69,678	10,160	79,838	19,959.41
JACKSON	20,347	69,678	124,185	193,863	48,465.77
JEFFERSON	2,205	69,678	13,457	83,135	20,783.68
JOSEPHINE	9,404	69,678	57,395	127,073	31,768.28
KLAMATH	6,764	69,678	41,282	110,960	27,740.04
LAKE	883	69,678	5,390	75,068	18,767.05
LANE	29,452	69,678	179,760	249,437	62,359.32
LINCOLN	5,144	69,678	31,394	101,072	25,268.04
LINN	12,072	69,678	73,682	143,360	35,839.97
MALHEUR	2,416	69,678	14,743	84,421	21,105.30
MARION	24,148	69,678	147,388	217,065	54,266.34
MORROW	1,064	69,678	6,494	76,172	19,043.02
MULTNOMAH	41,935	69,678	255,948	325,625	81,406.34
POLK	7,381	69,678	45,052	114,730	28,682.43
SHERMAN	277	31,936	1,693	33,629	8,407.23
TILLAMOOK	2,389	69,678	14,583	84,261	21,065.17
UMATILLA	5,943	69,678	36,271	105,949	26,487.32
UNION	2,470	69,678	15,078	84,755	21,188.85
WALLOWA	850	69,678	5,185	74,863	18,715.69
WASCO	2,993	69,678	18,266	87,944	21,985.89
WASHINGTON	34,944	69,678	213,278	282,956	70,738.95
WHEELER	216	31,936	1,318	33,254	8,313.39
YAMHILL	<u>9,643</u>	69,678	58,856	128,534	32,133.43

## Attachment B

### Legislative Pass Through Funding in Support of County Veteran Service Officers

Oregon Measure 96, a Constitutional Amendment, was placed on the ballot after 100 percent of Oregon's voting legislators approved House Joint Resolution 202. The measure passed voter approval at 84%. The amendment allocated 1.5 percent of the State Lottery's net proceeds to Veteran Services, including assistance with accessing state and federal benefits, reintegration, employment, education, housing, health care, and additional treatment programs.

Morrow County past funding totaled \$35,751 annually. \*

The new State funding for Morrow County Veterans Services will be \$76,172.00, an **increase of \$40,421.00** for 2017-2018.

The state no longer separates the funding. \*See attachments

The new funds are to provide essential ongoing support for County Veterans Service programs across the state.

Morrow County Veterans Services goals are aligned with State and Federal objectives:

- Offer quality and timely service to Veterans and Veteran families.

- Increased services to Veterans and Veterans families.

- Increase the number of Veterans (and their families) served.

To reach the aforementioned goals, my recommendation for best utilizing the pass through funds, is to focus on office efficiency through modernization of office practices and procedures.

Hiring a part time staff member with skills and competency to handle documentation, prepare and manage correspondence, reports and documents, implement and maintain office filing systems, maintain databases and record keeping would improve workflow and minimize opportunity for errors.

An additional trained staff member would allow the Veterans Service Officer to perform core operational functions with minimal distractions.

The office currently operates with one Veterans Service Officer, leaving the office vacant should the Service Officer take time off for a vacation or experience an extended illness.

The current budget included an additional \$2,000.00 for the Veterans Service Department to hire temporary part time help. The new funds offer an opportunity to expand services. Costs of position to be discussed with HR.

The new funds would cover costs to attend advanced training at the National Association of County Veterans Service Officers Conference in June 2018. Approximate cost \$1,800.00

Future Office Needs:

Multi-function color copier to replace black & white multi- function machine which was purchased in 2010. Discussion and quote to follow at a later date.

New office furniture once the new north Morrow County offices are available. Discussion and quote at a later date.

\*\$10,440 Aid to Counties (also known as old money), and \$25,311 from SB1100 funds (Enhancement and Outreach funds) – have been replaced with new funding.



# Oregon

Kate Brown, Governor

Department of Veterans' Affairs

700 Summer St NE

Salem, OR 97301-1285

800-828-8801 | 503-373-2085

[www.oregon.gov/odva](http://www.oregon.gov/odva)

July 20, 2017

Melissa Lindsay  
Chair, Morrow County Commissioners  
100 S Court St  
Heppner, OR 97836

RE: 2017-18 ODVA Distribution of Funds to Counties

Dear Chair Lindsay:

The Oregon Department of Veterans' Affairs (ODVA) is proud of our strong partnership with Oregon counties and the excellent work of the County Veteran Service Officers (CVSOs). The CVSOs not only file claims, but also work closely with veterans and their families to help them access and use all the federal, state and local benefits and resources that are available to them. Our shared efforts have had an immense economic impact with the draw-down of Federal VA funds to our veterans, and the impact of this important work for veterans, their families and the community is immeasurable.

This year the state has significantly increased its pass through funding for CVSOs. Last November, Oregonians approved Ballot Measure 96 passed by a resounding 84% and now 1.5% of net lottery revenues are dedicated to better serve veterans and their families. As a result of this broad citizen support and the bipartisan leadership of the Governor and Legislature this past legislative session, Oregon is making historic investments in local and statewide veteran services. We are proud this year to double the current service level funding to the counties for the CVSOs.

We are also pleased that the 2017 Legislature appropriated the county CVSO funds in a way that allows us to streamline county and state accounting processes. All pass-through funds will now be considered as one funding source; we will no longer use the terms "Aid to County" funds and "Enhancement and Expansion" funds. We will simply consider all funds as county pass-through funds. Therefore, separate tracking of fund distributions and expense is no longer necessary. To continue to support a statewide network and impact the greatest number of veterans, 55% of this total funding will be a base allocation shared across all counties and 45% will be divided among the counties according to veteran population figures.

The legislative intent with this funding is that it expands and enhances the local resources that counties already invest in their Veteran Service Offices. The use of the funds by the counties is flexible and allows counties to determine how to best invest in veteran services. For example, a county may decide to hire another CVSO or an assistant; upgrade its IT systems and equipment; or expand office hours, locations, and outreach. The language in Ballot Measure 96 amends the Oregon Constitution and requires that these funds may only be spent on veteran services.

With the signing of ODVA's budget, the time is upon us to renew the agreements between ODVA and our county partners to pass through this legislatively appropriated funding for local veteran services programs. The enclosed spreadsheet shows the distribution of \$4.35 million in annual pass-through funds to the counties.

**County Application for ODVA Funds is Due August 15, 2017**

Please fill out the enclosed “County Application for ODVA Funds, FY: July 1, 2017 to June 30, 2018” to receive funds for the fiscal year. Please refer to the enclosed spreadsheet that provides the annual dollar amounts available to each county.

**Please complete and submit the following documents to ODVA at [CVSO-NSOFunding@ODVA.state.or.us](mailto:CVSO-NSOFunding@ODVA.state.or.us) no later than August 15, 2017:**

- Application, signed by the County Commissioner or County Judge.
- A copy of the approved budget for the county veteran service office for the fiscal year 2017-18, including any unspent funds carried forward from fiscal year 2016-17.
- A copy of the actual revenue and expenditures for the prior fiscal year if changes have been made since submitting it with the fourth quarter report from 2016-17.
- A brief summary of the anticipated use of the new funds.
- If the county contracts for the provision of veteran services, a signed copy of the contract (see section on contracting below).

Fund distributions are made quarterly, based on the “County Revenue and Expense Reports” submitted no later than the last business day of the month following the end of the quarter. All forms must be signed by an individual authorized by the county. Please note that the Activities Report has been updated and a new form is attached.

County Contracting for Veteran Services. A county may contract for veteran services. The written contract must include specific deliverables that meet the criteria in ORS 406.450 and ORS 408. 410. A county may only use state pass through funding for a purpose listed in statute. Any such contract must be sent to ODVA within 30 days of its execution.

**Contact Information**

Sue Farkash, Statewide Veteran Services, will be assisting the counties with this process. Please feel free to contact Sue at (503) 373 -2090 or at [farkas@odva.or.us](mailto:farkas@odva.or.us) .

We are so pleased with the significant efforts the counties have made in recent years and we thank you for the services you provide to Oregon’s veterans and their families. We look forward to working with you. Please do not hesitate to let me and our team know how we can continue to improve our shared efforts going forward.

Sincerely,



Mitch Sparks  
Director, Statewide Veteran Services

Enclosures  
2017-18 CVSO Pass Through  
County Application for ODVA Funds FY: July 1, 2017 to June 30, 2018  
County Veterans Services Program Quarterly Report of Activities  
County Veterans Services Program Quarterly Report of Expenditures





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

Item #
ga

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

Staff Contact: Tom Meier Phone Number 541 676-5642
Department: Juvenile Requested Agenda Date: July 19, 2017
Person Attending BOC Meeting: Tom Meier
Short Title of Agenda Item: Juvenile Department Quarterly Report

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

N/A For Contracts and Agreements Only
Contractor/Entity:
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:
Tom Meier 7/12/17 Department Head Required for all BOC meetings
JSIR 7-17-17 Admin. Officer/BOC Office Required for all BOC meetings
County Counsel Required for all legal documents
Finance Office Required for all contracts; Other items as appropriate.
Human Resources If appropriate

Note: All entities must sign documents before they are presented to the Board of Commissioners. Original documents are preferred. Agenda requests, including this completed form and supporting documents, must be received by the Board's office by Noon on the Friday prior to the Board of Commissioners Wednesday meeting. County Counsel and Finance review is required for all contracts.

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

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1. TITLE OF AGENDA ITEM: Juvenile Department Quarterly Report
  2. ISSUES, BACKGROUND, AND DISCUSSION: A brief overview of Juvenile Department statistics, news, notes for the fourth quarter of the fiscal year 2016-17 (April 1-June 30 2017).
  3. OPTIONS: NA
  4. FISCAL IMPACT: NA
  5. STAFF RECOMMENDATIONS: NA
  6. SUGGESTED ACTION(S) / MOTION(S): NA
- 
- 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 _____                            |   |

# Juvenile Department Quarterly Report to the Board of County Commissioners (Quarter 4, 2016-2017)

Year: 2016-17      Last Quarter: 4th (April 1-June 30, 2017)  
 Director: Tom Meier      Report Date: July 19, 2017

**Referral Stats:**                      (Youth/Referrals)

<b>Quarter: #4</b>	<b>Kids</b>	<b>12</b>	<b>Referrals</b>	<b>12</b>	<b>6 SRO</b>
Quarter: #3	Kids	16	Referrals	17	
Quarter: #2	Kids	15	Referrals	16	
Quarter: #1	Kids	11	Referrals	16	
<b>Year (7/1/16-6/30/17)</b>	<b>Kids</b>	<b>54</b>	<b>Referrals</b>	<b>61</b>	<b><u>Record low</u></b>
Year (7/1/15-6/30/16)	Kids	86	Referrals	96	
Year (7/1/14-6/30/15)	Kids	62	Referrals	78	
Year (7/1/13-6/30/14)	Kids	68	Referrals	85	
Year (7/1/12-6/30/13)	Kids	71	Referrals	79	
Year (7/1/11-6/30/12)	Kids	91	Referrals	116	
Year (7/1/10-6/30/11)	Kids	96	Referrals	123	

**Detention Stats:**

@ 165.00 per day starting 7/1/2016

<b>Quarter #4</b>	<b>New Admits</b>	<b>0</b>	<b>New Law</b>	<b>0</b>	<b>PV/CR 0</b>
Quarter #3	New Admits	1	New Law	1	PV/CR 0
Quarter #2	New Admits	3	New Law	2	PV/CR 2
Quarter #1	New Admits	6	New Law	4	PV/CR 2

**Total Detention Admissions (All Reasons)**

<b>2016-2017</b>	<b>10</b>	<b><u>Record low</u></b>
2015-2016	13	
2014-2015	15	
2013-2014	16	
2012-2013	15	
2011-2012	14	
2010-2011	30	
2009-2010	16	
2008-2009	19	
2007-2008	24	

## 00058a - Referral Report by Referral Received Date

Original Referral County: **Morrow**  
 Start Date: **04/01/2017**  
 End Date: **06/30/2017**

Crime Group	Total	% of Grand Total	Gender			Age @ Referral			Race/Ethnicity					
			Females	Males	Unknown	12 and Younger	13 - 15	16 and Older	African American	Asian	Hispanic	Native American	Other/Unknown	White
<b><u>Criminal</u></b>														
<b>Alcohol</b>														
Prohibitions	1		1	0	0	0	1	0	0	0	0	0	1	0
<b>Total</b>	<b>1</b>		<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Contr Substance; Drugs</b>														
Penalties	1		0	1	0	0	1	0	0	0	0	0	0	1
<b>Total</b>	<b>1</b>		<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Person</b>														
Assault	1		0	1	0	0	0	1	0	0	1	0	0	0
<b>Total</b>	<b>1</b>		<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Property</b>														
Criminal Mischief	1		0	1	0	0	1	0	0	0	0	0	1	0
Criminal Trespass	3		1	2	0	0	2	1	0	0	0	0	0	3
<b>Total</b>	<b>4</b>		<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>
<b>Public Order/Firearm/Weapons/Racketeering</b>														
Disorderly Conduct	1		0	1	0	1	0	0	0	0	1	0	0	0
Harassment	1		0	1	0	1	0	0	0	0	0	0	0	1
<b>Total</b>	<b>2</b>		<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b><u>Total Criminal</u></b>	<b>9</b>		<b>2</b>	<b>7</b>	<b>0</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>5</b>
%		<b>75.0%</b>	<b>22.2%</b>	<b>77.8</b>	<b>0.0</b>	<b>22.2</b>	<b>55.6</b>	<b>22.2</b>	<b>0.0</b>	<b>0.0</b>	<b>22.2</b>	<b>0.0</b>	<b>22.2</b>	<b>55.6</b>
<b><u>Non-Criminal</u></b>														
<b>Alcohol</b>														
Prohibitions	1		0	1	0	1	0	0	0	0	1	0	0	0
<b>Total</b>	<b>1</b>		<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Contr Substance; Drugs</b>														
Penalties	1		0	1	0	0	1	0	0	0	1	0	0	0
<b>Total</b>	<b>1</b>		<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Driving Privileges, Licenses and Permits</b>														
Requirement	1		0	1	0	0	1	0	0	0	0	0	0	1
<b>Total</b>	<b>1</b>		<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b><u>Total Non-Criminal</u></b>	<b>3</b>		<b>0</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>
%		<b>25.0%</b>	<b>0.0%</b>	<b>100.0</b>	<b>0.0</b>	<b>33.3</b>	<b>66.7</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>66.7</b>	<b>0.0</b>	<b>0.0</b>	<b>33.3</b>

Crime Group	Total	% of Grand Total	Gender			Age @ Referral			Race/Ethnicity					
			Females	Males	Unknown	12 and Younger	13 - 15	16 and Older	African American	Asian	Hispanic	Native American	Other/Unknown	White
<b>Totals Referrals</b>	12		2	10	0	3	7	2	0	0	4	0	2	6
<b>%</b>			16.7%	83.3	0.0	25.0	58.3	16.7	0.0	0.0	33.3	0.0	16.7	50.0

**Unduplicated Count of Youth** 12

Crime Group	Total	% of Grand Total	Gender			Age @ Referral			Race/Ethnicity				
			Females	Males	Unknown	12 and Younger	13 - 15	16 and Older	African American	Asian	Hispanic	Native American	Other/Unknown

**ORS Type Code by ORS Class Code**

	A	B	C	Total Referrals
<b>Misdemeanor</b>	3	2	4	9
<b>Violation</b>	0	3	0	3
<b>Total Referrals</b>	3	5	4	12

~~Q~~ Felony



Crime Group	Total	% of Grand Total	Gender			Age @ Referral			Race/Ethnicity				
			Females	Males	Unknown	12 and Younger	13 - 15	16 and Older	African American	Asian	Hispanic	Native American	Other/Unknown

**ORS Chapter by ORS Type Code**

	Misdemeanor	Violation	Total Referrals
Alcohol	1	1	2
Contr Substance; Drugs	1	1	2
Driving Privileges, Licenses and Permits	0	1	1
Person	1	0	1
Property	4	0	4
Public Order/Firearm/Weapons/Racketeering	2	0	2
<b>Total Referrals</b>	<b>9</b>	<b>3</b>	<b>12</b>

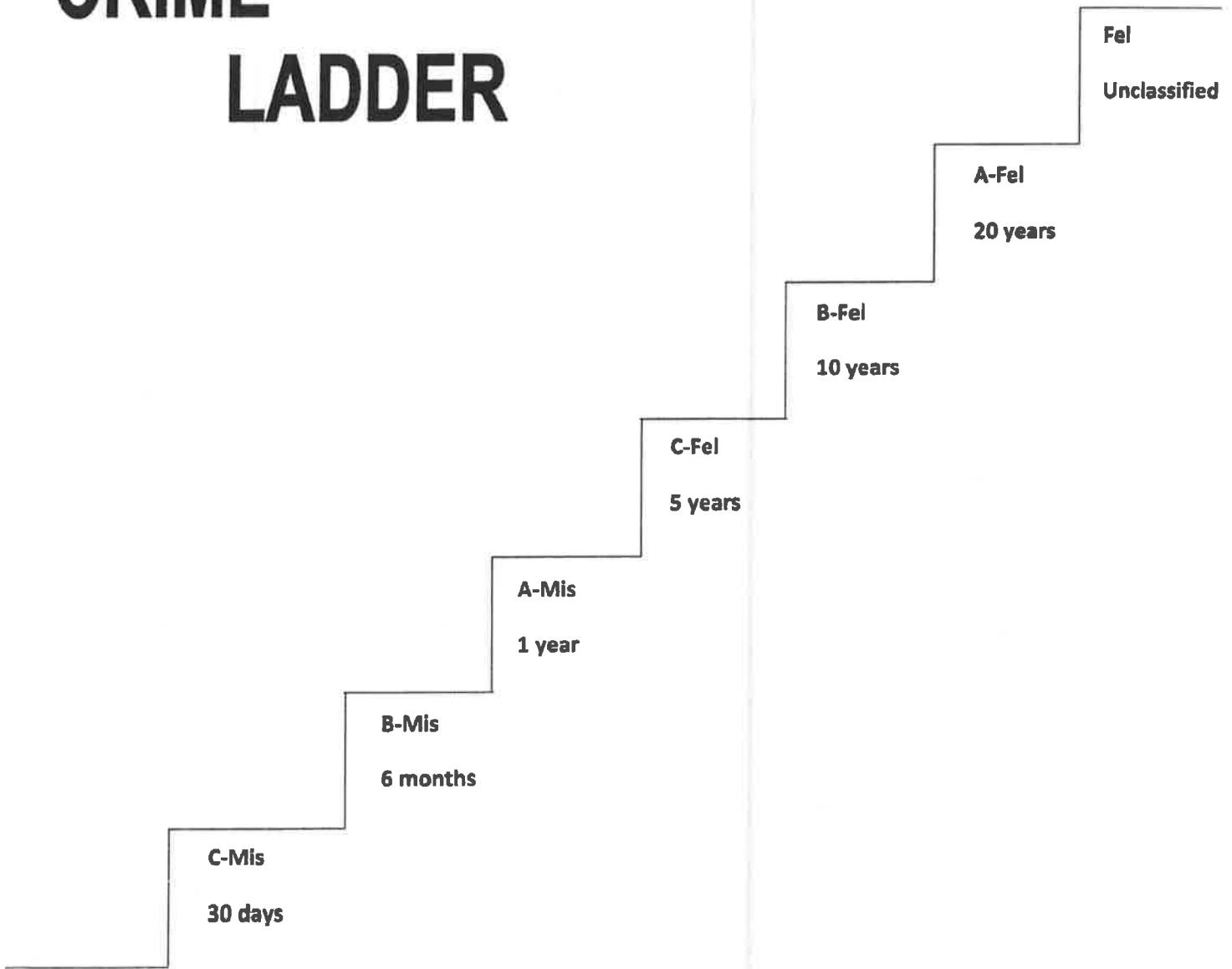
**Dependency Status Offenses:** Not all counties enter dependency status referrals.

Search Page: Pop. Groups

Rows: 6

JJIS #	County	Age	DOB	Sex	Sub-Category	Start Date	End Date	Primary Worker Name	Location	Category	Added by	Race	Ethnicity
00477817	Morrow	12	09/03/2004	Male	School Resource	04/18/2017		Meier, Tom		Morrow County SRO	McCabe, John	White	Hispanic
00474548	Morrow	12	09/25/2004	Male	School Resource	08/09/2017		Meier, Tom		Morrow County SRO	McCabe, John	White	
00478248	Morrow	13	07/28/2003	Male	School Resource	06/09/2017		Meier, Tom		Morrow County SRO	McCabe, John	White	
00473441	Morrow	14	11/09/2002	Male	School Resource	04/08/2017		Meier, Tom		Morrow County SRO	McCabe, John	White	
00478559	Morrow	12	08/08/2004	Male	School Resource	08/22/2017		Meier, Tom		Morrow County SRO	McCabe, John		Hispanic
00478580	Morrow	13	01/07/2004	Female	School Resource	05/22/2017		Meier, Tom		Morrow County SRO	McCabe, John		

# CRIME LADDER



Vio/status

Commissioners,

The attached Public Notice is concerned with the current Request for Amendment for the Columbia Ethanol Project at the Port of Morrow. They obtained their original Site Certificate in 2007, and after a number of facility modifications, it became apparent an Amendment was needed. Planning has been following the process and did not engage other than to provide the various land use approvals granted to Pacific Ethanol over the past 10 years, indicating that the uses are allowed from a land use perspective. I have reviewed the Proposed Order and would not recommend any comment.

Let me know if you have any questions or would like to discuss this as part of your regularly scheduled meeting.

Thanks,  
Carla

**From:** ESTERSON Sarah \* ODOE [<mailto:Sarah.Esterson@oregon.gov>]

**Sent:** Tuesday, August 08, 2017 5:11 PM

**To:** Carla McLane <[cmclane@co.morrow.or.us](mailto:cmclane@co.morrow.or.us)>

**Cc:** CORNETT Todd \* ODOE <[Todd.Cornett@oregon.gov](mailto:Todd.Cornett@oregon.gov)>; RATCLIFFE Jesse D <[Jesse.D.RATCLIFFE@state.or.us](mailto:Jesse.D.RATCLIFFE@state.or.us)>; WOODS Maxwell \* ODOE <[Maxwell.Woods@oregon.gov](mailto:Maxwell.Woods@oregon.gov)>

**Subject:** Public Notice on Proposed Order on Amendment 1 of the Columbia Ethanol Project Site Certificate

Good afternoon,

On August 8, 2017, the Oregon Department of Energy (ODOE) issued a proposed order regarding a site certificate amendment request for the Columbia Ethanol Project. The Columbia Ethanol Project is an ethanol plant capable of producing 35 million gallons per year (MMgy) of ethanol located on a 25-acre parcel leased from the Port of Morrow in the Boardman Industrial Park, Port of Morrow, Morrow County, Oregon. Attached to this email is the public notice announcing the availability of the proposed order and the opening of the comment period. The proposed order recommends that the Energy Facility Siting Council approve the amendment request, subject to the recommended amended and new conditions in the proposed order.

Additional details regarding the facility and amendment request can be found in the proposed order and amendment request documentation. All documents can be downloaded from the ODOE website at: <http://www.oregon.gov/energy/facilities-safety/facilities/Pages/CEP.aspx>

#### **Comment Deadline**

Should you choose to comment, all comments and/or requests for contested case must be submitted in writing to ODOE. Please email, mail, fax, or hand-deliver comments on the proposed order to Sarah Esterson at [CEP.comments@oregon.gov](mailto:CEP.comments@oregon.gov)

All comments must be **received by September 7, 2017 at 5 p.m.** Please see the attached public notice and the ODOE website for additional information. Again, the proposed order can be downloaded from the ODOE website at <http://www.oregon.gov/energy/facilities-safety/facilities/Pages/CEP.aspx>.

Thank you, and please do not hesitate to contact me with any questions.

#### **Sarah T. Esterson**

Energy Facility Siting Analyst  
Oregon Department of Energy  
550 Capitol St NE, 1<sup>st</sup> Floor  
Salem, OR 97301  
P:(503) 373-7945  
C: (503) 385-6128  
[Oregon.gov/energy](http://Oregon.gov/energy)

# PUBLIC NOTICE

## Columbia Ethanol Project



### Proposed Order Issued on Request for Amendment 1

Date Notice Issued: August 8, 2017

Request: Amendment of the Site Certificate to authorize: construction and operation of a corn oil extraction system, sugar addition system, and carbon dioxide capture infrastructure. The request also seeks approval for a change in feedstock to allow corn and granulated sugar for use in ethanol production, and an increase in the volume of annual ethanol production from 35 to 44 million gallons per year (MMgy). The amendment request also seeks approval for amendment of site certificate conditions IV.C.2 and IV.C.4, which were imposed to ensure compliance with the Council's Retirement and Financial Assurance standard.

Location: Boardman Industrial Park, Morrow County, Oregon

Deadline for Comments or Requests for a Contested Case: September 7, 2017 (5:00 p.m.)

#### Introduction

The Oregon Department of Energy (ODOE), staff to the Energy Facility Siting Council (Council), received Request for Amendment 1 to the Columbia Ethanol Project (CEP) Site Certificate from the Site Certificate Holder, Pacific Ethanol Columbia, LLC, a wholly owned subsidiary of Pacific Ethanol, Inc. ODOE issued a Proposed Order on the Request for Amendment 1 on August 8, 2017. The Proposed Order recommends Council approval of the amendment.

#### Background and Description of the Existing Facility

In 2007, Council issued a site certificate for construction and operation of CEP, an ethanol facility that converts corn to ethanol, to produce up to 35 MMgy. The existing energy facility consists of buildings, storage tanks, and bins. With the exception of the requested increase in annual ethanol production and amendments to site certificate conditions, the components included in the amendment request have been constructed and are in operation.

#### Location of Existing Facility Site

CEP's existing energy facility is located on approximately 25 acres in the Port Industrial land use zone, in the Boardman Industrial Park owned by the Port of Morrow in Morrow County, Oregon (see figure below).



#### Public Comments and Right to Request a Contested Case

Any person may submit written comments on the proposed order. In addition, any person may request that Council hold a contested case proceeding on the proposed order. Under Oregon Administrative Rule 345-027-0070(6), a contested case request must be in writing and include (1) a description of the issue(s) the person is contesting; (2) a statement of the facts the person believes to be at issue; and (3) the person's mailing and email addresses. Issues identified must be within EFSC's jurisdiction and relate to an applicable siting standard.

A contested case is not automatic. Under OAR 345-027-0070(7), Council will approve a request for a contested case only if the request raises a significant issue of fact or law within EFSC's jurisdiction that may affect its determination that the facility, with the changes proposed by the amendment, meets an applicable standard. The ODOE website includes a description of EFSC's standards:

<http://www.oregon.gov/energy/facilities-safety/facilities/Pages/Siting-Standards.aspx>

### The EFSC Review Process

If there is a request for a contested case proceeding, Council will first decide whether to grant the request, based on the analysis required under OAR 345-027-0070(7), summarized above. If Council conducts a contested case proceeding, Council will issue its decision on the amendment request at the conclusion of the contested case proceeding. If Council denies the request for a contested case proceeding, or if there are no requests for a contested case proceeding, Council will consider the proposed order and any comments received during the comment period prior to making a final decision on the request for an amended site certificate.

Council will make all decisions at public meetings. ODOE will provide public notice of the dates, times and locations of all EFSC meetings.

### Comment Period

Public comments on the proposed order and requests for a contested case must be received by ODOE by **5:00 p.m. on September 7, 2017** and must be submitted *in writing* by mail, email, hand-delivery or fax. Please send comments to:

Sarah Esterson, Siting Analyst  
Oregon Department of Energy  
550 Capitol St NE  
Salem, OR 97301  
Email: [CEP.comments@oregon.gov](mailto:CEP.comments@oregon.gov)  
Fax: 503-373-7806

**Even if you commented earlier in the process, you must submit a request for contested case in writing by the September 7, 2017, 5 p.m. deadline to be eligible to participate in a contested case, if granted.**

### More Information

You can find more information and updates on the review process using any of the options below:

#### 1) Oregon Department of Energy's webpage

More details on CEP, including the certificate holder's Request for Amendment and ODOE's proposed order, are available at:

<https://www.oregon.gov/energy/Siting/Pages/CEP.aspx>

#### 2) Contacting the Siting Analyst

Sarah Esterson, Siting Analyst  
Oregon Department of Energy  
550 Capitol St NE  
Salem, OR 97301

Email: [sarah.esterson@oregon.gov](mailto:sarah.esterson@oregon.gov)

Phone: 503-373-7945

#### 3) Updates by email

Subscribe to GovDelivery for email updates on CEP's amendment request or other energy facilities under Council jurisdiction. GovDelivery is an automated email system that allows interested members of the public to manage subscriptions to information received about ODOE's projects and events. For more information, please visit:

<http://tinyurl.com/EFSC-email>.

#### 4) In hard copy

Copies of the Proposed Order and Request for Amendment 1 are available for public review at:

Oregon Trail Library District  
200 South Main Street  
Boardman, OR 97818

Oregon Department of Energy  
550 Capitol St NE  
Salem, OR 97301

### Accessibility information

The Oregon Department of Energy is committed to accommodating people with disabilities. If you require any special physical or language accommodations, or need information in an alternate format, please contact Megan Boardman at 503-378-3895, toll-free in Oregon at 800-221-8035, or email [Megan.Boardman@Oregon.gov](mailto:Megan.Boardman@Oregon.gov).