

# MORROW COUNTY BOARD OF COMMISSIONERS MEETING AGENDA

Wednesday, May 9, 2018 at 9:00 a.m.

Irrigon Branch of the Oregon Trail Library District, Community Room  
490 N.E. Main Ave., Irrigon, Oregon

1. **Call to Order and Pledge of Allegiance - 9:00 a.m.**
2. **City/Citizen Comments:** Individuals may address the Board on topics not on the agenda
3. **Open Agenda:** The Board may introduce subjects not on the agenda
4. **Consent Calendar**
  - a. Approve Claims: Accounts Payable dated May 10<sup>th</sup>; May Retirement Taxes dated May 3<sup>rd</sup> in the amount of \$18,767.41; Void check dated April 26<sup>th</sup> in the amount of \$8,236.99; Manual check dated April 30<sup>th</sup> in the amount of \$189,997.60 – Bartholomew Building loan payment to Community Bank; Manual check dated April 30<sup>th</sup> in the amount of \$800 – Oregon Department of Environmental Quality; Four Payroll Payables: Monthlies dated May 1<sup>st</sup> in the amount of \$182,007.43; Immediates & Electronic dated April 11<sup>th</sup> (\$150,021.56) & 24<sup>th</sup> (\$151,631.83); HRA VEBA dated April 12<sup>th</sup> in the amount of \$2,875
  - b. Minutes: April 18<sup>th</sup> & 25<sup>th</sup>
5. **Public Hearing**
  - a. Resolution No. R-2018-8, Supplemental Budget Resolution, Parks Fund - Purchase of Cabins at County Parks (Kate Knop, Finance Director)
6. **Business Items**
  - a. Budget Resolution No. R-2018-9: Community Corrections (Kate Knop, Finance Director)
  - b. Veterans Office Assistant position motion (Karen Wolff, Human Resources Director)
  - c. Disposition of furnishings in the Gilliam-Bisbee Building (Darrell Green, Administrator)
  - d. Schedule BOC Meeting at OHV Park – tentatively June 6<sup>th</sup>
7. **Department Reports**
  - a. Finance Department Quarterly Report (Kate Knop, Finance Director)
  - b. Veterans Office Quarterly Report (Linda Skendzel, Veterans Services Officer)
  - c. Planning Department Monthly Report (Carla McLane, Planning Director)
8. **Correspondence**
9. **Commissioner Reports**
10. **Signing of documents**
10. **Executive Session:** Pursuant to ORS 192.660(2)(d) – To conduct deliberations with persons designated by the governing body to carry on labor negotiations
11. **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 can also be found the following Monday.

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

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

**Morrow County Board of Commissioners Meeting Minutes**  
**April 18, 2018**  
**Bartholomew Building Lower Conference Room**  
**Heppner, Oregon**

**Present**

Chair Don Russell  
Commissioner Jim Doherty  
Commissioner Melissa Lindsay  
Darrell Green, Administrator  
Kate Knop, Finance Director  
Roberta Lutchter, Executive Assistant

**Call to Order:** 8:30 a.m.

**City and Citizen Comments:** No comments

**Open Agenda:** No items

**Consent Calendar**

The agenda item regarding the Lexington Yard Foundation Work was postponed.

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

- 1. Accounts Payable dated April 19<sup>th</sup> in the amount of \$87,519.77*
- 2. Minutes: April 4<sup>th</sup> Regular Meeting and two Executive Session Meetings; July 26, 2017 Executive Session*
- 3. Wolf Compensation & Financial Assistance 2018 Grant Agreement #ODA-4079-18 in the amount of \$2,450, and authorize Commissioner Doherty to sign on behalf of the County.*
- 4. Award of the Concessionaire at the OHV Landing Kitchen to Barbara Richmond Harris and Jake Richmond*
- 5. Purchase Pre-Authorization Request from Public Works for an electronic fueling, tracking and accounting system from Grand Ronde Petroleum Service, LLC, Kennewick, Washington, in the amount of \$6,978.82 plus \$75 per month for the FuelCloud website to maintain card data, transactions, reporting, including reporting to the State for taxes; and authorize Chair Russell to sign on behalf of the County*

*Commissioner Lindsay seconded. Unanimous approval.*

**Department Reports**

Written quarterly reports were reviewed for The Loop – Morrow County Transportation, and Emergency Management.

**Commissioner Reports**

- Chair Russell discussed the Oregon Parks and Recreation Department Committee meeting which took place in Salem. The purpose of the meeting was to develop a project priority list for available funds in the amount of \$3,500,000. These funds come from

Oregon's portion of Federal off-shore oil lease agreements. Chair Russell said as the Committee's Representative for Counties East of the Cascades, he would like to make this grant opportunity more widely known in the region and offer some insights to applicants about the process.

- Commissioner Lindsay talked about a Regional Solutions Advisory Board meeting and also discussed a walk-through of the Courthouse with local and State Circuit Court representatives. The group discussed the needs of the various entities housed on the second floor of the Courthouse. Commissioner Lindsay said she hopes to forward a request to the Association of Oregon Counties for potential remodeling.

**Adjourned: 8:56 a.m.**

DRAFT



**Morrow County Board of Commissioners Meeting Minutes**  
**April 25, 2018**  
**Bartholomew Building Upper Conference Room**  
**Heppner, Oregon**

**Present**

Chair Don Russell  
Commissioner Jim Doherty  
Commissioner Melissa Lindsay  
Darrell Green, Administrator  
Karen Wolff, Human Resources Director  
Justin Nelson, County Counsel  
Kate Knop, Finance Director  
Roberta Lucher, Executive Assistant

**Call to Order and Pledge of Allegiance:** 9:00 a.m.

**City and Citizen Comments:** No comments

**Open Agenda:** No items

Chair Russell noted it was National Administrative Professionals' Day and thanked Ms. Lucher for her efforts on behalf of the County.

**Consent Calendar**

Commissioner Lindsay requested to move the Purchase Pre-Authorization Request for Helion Software to Business Items.

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

- 1. Accounts Payable dated April 26<sup>th</sup> in the amount of \$505,249.33*
- 2. Minutes: March 28<sup>th</sup> Regular and Work Session*
- 3. Resolution No. R-2018-7 – In the Matter of Assessment and Taxation Grant between Morrow County and Oregon Department of Revenue (to participate in the County Assessment Function Funding Assistance Grant)*
- 4. Title V Oregon Center for Children and Youth with Special Health Needs Subaward 1010448 Amendment 1, and authorize Chair Russell to sign on behalf of the County*
- 5. Oregon Health Authority Agreement #154659 Amendment 1, Environmental Health Services, and authorize the Public Health Director to sign on behalf of the County*
- 6. Multnomah Education Service District Contract #CO3011 – Medicaid Administrative Claiming, and authorize the Public Health Director to sign on behalf of the County*

*Commissioner Lindsay seconded. Unanimous approval.*

**Business Items**

Purchase Pre-Authorization Request – Helion Software, Inc.

Administrator Darrell Green explained the invoice was approved for payment since the items were on the IT Department's existing Replacement/Upgrade Schedule. [Helion Software, Inc. is

an Oregon company that sells servers designed for county Clerk and Assessor Offices, among other things.] Discussion.

*Commissioner Lindsay moved to acknowledge the purchase of the Helion Server replacement, including other necessary equipment and licensing, total amount \$18,642.40, and authorize Chair Russell to sign on behalf of the County. Commissioner Doherty seconded. Unanimous approval.*

Discussion regarding joint transportation efforts with Umatilla County

Anita Pranger, Coordinator, The Loop – Morrow County Transportation

Ms. Pranger and the Commissioners discussed the pros and cons of consolidating State transportation funding in partnership with Umatilla County and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).

*Commissioner Lindsay moved to create The Loop – Morrow County Transportation, Statewide Transportation Improvement Fund (STIF) Advisory Committee, adding Morrow County will continue to work cooperatively with Umatilla County and CTUIR. Commissioner Doherty seconded. Discussion – the Commissioners discussed the fact that nothing precludes Morrow County from joining with the other two entities in the future, but noted it does not make sense for Morrow County at this time. Unanimous approval.*

Purchase and Sale Agreement – Parks Cabins from South Morrow Enterprises, L.L.C.

Matt Scrivner, Public Works Director

Justin Nelson, County Counsel

*Commissioner Lindsay moved to purchase eight cabins located at the Off Highway Vehicle (OHV) Park and two cabins located at Cutsforth Park from South Morrow Enterprises, L.L.C. for the amount of \$60,000 with no additional cost to the County to participate or assist in the 1031 exchange. Commissioner Doherty seconded. Unanimous approval.*

Commissioner Lindsay asked for and received verification that the \$2,000 check for existing reservations was received by the County. She also requested County Counsel review the 1031. Mr. Scrivner noted the keys were turned over, as well.

Award bid for Lexington Sand Equipment Shed/Storage Building Foundation Work; Approve Contract

Matt Scrivner, Public Works Director

*Upon the recommendation of Public Works, Commissioner Doherty moved to award the bid for the Lexington Yard Building Foundation Project (Sand Equipment Shed/Storage Building) to Silver Creek Contracting, LLC for \$229,729.30. Commissioner Lindsay seconded. Unanimous approval.*

## **Department Reports**

### Road Department Monthly Report

Mr. Scrivner reviewed the report for April.

## **Business Items, continued**

### Request to change work hours for a staff member

Judge Ann Spicer via telephone

Judge Spicer explained one of the two full-time Justice Court Clerks is requesting to reduce her hours to 24 per week. Judge Spicer said she believed the two employees could still complete the work in the office but she would like to try this for 60 days. She also said she does not want to lose either full-time position. The Commissioners expressed unease with maintaining the position as full-time when it now appears to be part-time. They agreed Judge Spicer can return in the future to present the case to make it full-time, at which time the current employee would resign.

*Commissioner Lindsay moved to permanently reduce one Justice Court Clerk I position to 24 hours per week, effective May 1<sup>st</sup>. Commissioner Doherty seconded. Unanimous approval.*

### Approve Contract for Lexington Sand Equipment Shed/Storage Building Foundation Work, continued

*Commissioner Doherty moved to approve the Contract for Morrow County Lexington Yard Building Foundation Project with Silver Creek Contracting, LLC. Commissioner Lindsay seconded. Unanimous approval.*

## **Department Report, continued**

### Public Health Department Quarterly Report

Sheree Smith, Public Health Director

Ms. Smith reviewed her report. She commented the month of May will be busy with State reviews of the Department's various programs.

### Clerk's Quarterly Report

The written report prepared by Clerk Bobbi Childers was reviewed. Ms. Childers was not scheduled to appear as this is a busy time in her office due to the upcoming election.

### Human Resources Quarterly Report

Karen Wolff, Human Resources Director

Ms. Wolff reviewed her report of activity for the first quarter of 2018.

**Break:** 10:42 a.m.

**Resumed:** 10:45 a.m.

### Surveyor's Quarterly Report

Stephen Haddock, Surveyor

Mr. Haddock reviewed his report. He also discussed a brochure he prepared to inform the public about property corner markers. He said it will be available at the Planning Department in Irrigon and the Public Works Department in Lexington and distributed to anyone inquiring about, or involved in, the permitting process, etc.

### **Correspondence**

- Agenda for the April 27<sup>th</sup> meeting of the Energy Facility Siting Council in The Dalles

### **Commissioner Reports**

- Commissioner Doherty discussed his upcoming meeting schedule.
- Commissioner Lindsay said she is working on a funding request to submit to the Association of Oregon Counties regarding Courthouse repairs. She said if Morrow County's proposal ranks in the top 10, it will go to the legislature, where a more detailed presentation will be made. She said she fully recognizes the historic nature of the Courthouse and would not be changing that. Chair Russell and Commissioner Doherty encouraged her to continue to pursue this option.
- Chair Russell provided an update from Monday's Solid Waste Advisory Committee meeting.
- The Commissioners each expressed appreciation to Mr. Green and Finance Director Kate Knop and her staff for the success of the Budget Hearings last week. They said the presentations were well done and things in-general went smoothly over the course of the three days.

### **Signing of documents**

**Adjourned Regular Meeting:** 11:29 a.m.

**11:29 a.m. Executive Session:** Pursuant to ORS 192.660(2)(d) – To conduct deliberations with persons designated by the governing body to carry on labor negotiations

**11:50 a.m. Closed Executive Session:** No decisions

**11:51 a.m. Executive Session:** Pursuant to ORS 192.660(2)(h) – To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed

**12:08 p.m. Closed Executive Session:** No decisions

**Adjourned:** 12:08 p.m.



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

(For BOC Use)
Item #
5a

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

Staff Contact: Kate Knop Phone Number (Ext): 5302
Department: Finance Requested Agenda Date: 5/9/18
Short Title of Agenda Item: Parks Fund - Supplemental Budget Resolution
(No acronyms please)

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

N/A
Purchase Pre-Authorizations, Contracts & Agreements
Contractor/Entity:
Contractor/Entity Address:
Effective Dates - From: Through:
Total Contract Amount: Budget Line: 238-300-5-40-4106
Does the contract amount exceed \$5,000? Yes No

Reviewed By:

Department Head Required for all BOC meetings
Admin. Officer/BOC Office Required for all BOC meetings
County Council \*Required for all legal documents
Finance Office \*Required for all contracts; other items as appropriate.
Human Resources \*If appropriate
\*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

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

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

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

The Parks supplemental budget would authorize an increase in the Parks beginning fund balance and Capital Outlay Expenditure, due to unspent dollars in Fiscal Year 2016-2017. The increase in Capital Outlay would allow for the purchase of ten OHV cabins, in the amount of \$60,000, that currently reside on the property.

**2. FISCAL IMPACT:**

Increase the Parks beginning fund balance and capital expenditure appropriations by \$60,000 in the Fiscal Year 2016-2017.

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

Recommend a motion to approve the Parks Supplemental Budget Resolution R-2018-8 increasing the beginning fund balance by \$60,000 and increasing the capital outlay appropriations by \$60,000.

Attach additional background documentation as needed.



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

IN THE MATTER OF )  
 APPROPRIATIONS FOR FISCAL ) RESOLUTION NO. R-2018-8  
 YEAR BEGINNING JULY 1, 2017 )

BE IT RESOLVED that the amounts shown below are hereby appropriated for the fiscal year beginning July 1, 2017, for the following purposes:

	Current	Increase	Amended
	Appropriations	(Decrease)	Budget
<b><u>PARK FUND</u></b>			
Cutsforth Dept.	\$ 152,259	\$	\$ 152,259
Anson Wright Dept.	\$ 59,238	\$	\$ 59,238
ATV Park Dept.	\$ 454,423	\$ 60,000	\$ 514,423
<b>Total Increase/(Decrease) Park Fund</b>	<b>\$ 665,920</b>	<b>\$ 60,000</b>	<b>\$ 725,920</b>
<b>Total APPROPRIATIONS, All Funds</b>			<b>\$34,287,670</b>
<b>Total Unappropriation and Reserve Amounts, All Funds</b>			<b>\$3,323,334</b>
<b>TOTAL ADOPTED BUDGET</b>			<b>\$37,611,004</b>

The supplemental budget would authorize an increase in Park Beginning Fund Balance and Capital Outlay Expenditures, due to unspent dollars in Fiscal Year 2016-2017. The increase in Capital Outlay would allow for the purchase of ten OHV cabins, in the amount of \$60,000, that currently reside on the property.

Dated this 9th day of May, 2018.

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

\_\_\_\_\_  
Don Russell, Chair

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Jim Doherty, Commissioner

\_\_\_\_\_  
Melissa Lindsay, Commissioner

Approved as to Form:

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Morrow County Counsel



PACKET: 00117--Parks Supp Bdgt R-2018-8

BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
-----							
Budget Adj. # 000272							
238 100-3-01-0102	5/09/2018	Cabin Purchase	60,000.00	29,500.00-	38,350.00	127,850.00-	127,850.00-
		BEGINNING FUND BALANCE-BUD					
		DEPT: PARK FUND					
238 300-5-40-4106	5/09/2018	Cabin Purchase	60,000.00	5,000.00	0.00	65,000.00	60,665.81
		RV PARK DEVEL/ ACQUISITION					
		DEPT: ATV PARK					
		PACKET NOTES:					
		TOTAL NO. ADJUSTMENTS--REVENUE:			1	60,000.00	
		TOTAL NO. ADJUSTMENTS--EXPENSE:			1	60,000.00	
		TOTAL IN PACKET--				<u>120,000.00</u>	

\*\*\* NO WARNINGS \*\*\*

\*\*\* NO ERRORS \*\*\*

\*\*\* END OF REPORT \*\*\*

**NOTICE OF SUPPLEMENTAL BUDGET HEARING**

- For supplemental budgets proposing a change in any fund's expenditures by more than 10 percent.

A public hearing on a proposed supplemental budget for Morrow County, Oregon for the current fiscal year will be held at City of Irrigon Building 500 NE Main Avenue Irrigon, Oregon.

The hearing will take place on May 9, 2018 at 9:00  AM  
 PM  
 The purpose of the hearing is to discuss the supplemental budget with interested persons.

A copy of the supplemental budget document may be inspected or obtained on or after May 4, 2018 at

Morrow County Finance Department 110 N. Court St. Heppner, OR, between the  AM and 5:00  AM  
 hours of 8:00  PM  PM

**SUMMARY OF SUPPLEMENTAL BUDGET**

FUND:	Park Fund			
Resource	Amount	Expenditure	Amount	
1 Beginning Fund Balance	\$60,000	1 Capital Outlay	\$60,000	
<b>Revised Total Resources</b>	<b>\$127,850</b>	<b>Revised Total Requirements</b>	<b>\$127,850</b>	
			<b>Total APPROPRIATIONS, All Funds</b>	<b>\$ 34,347,670</b>
			Total Unappropriation and Reserve Amounts, All Funds	<b>\$ 3,323,334</b>
			<b>TOTAL ADOPTED BUDGET</b>	<b>\$ 37,671,004</b>

The supplemental budget would authorize an increase in Park Beginning Fund Balance and Capital Outlay Expenditures, due to unspent dollars in Fiscal Year 2016-2017. The increase in Capital Outlay would allow for the purchase of ten OHV cabins, in the amount of \$60,000, that currently reside on the property.



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

(For BOC Use)
Item #
6a

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

Staff Contact: Kate Knop

Phone Number (Ext): 5302

Department: Finance

Requested Agenda Date: 5/9/2018

Short Title of Agenda Item: Budget Resolution R-2018-9 Community Corrections
(No acronyms please)

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

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

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

Reviewed By:

Department Head Required for all BOC meetings
Admin. Officer/BOC Office Required for all BOC meetings
County Counsel \*Required for all legal documents
Finance Office \*Required for all contracts; other items as appropriate.
Human Resources \*If appropriate

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

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

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

On May 2, 2018, the BOC moved to create a Temporary position at \$18 per hour, with no benefits, to provide administrative support for Community Corrections. The approval requires a budget resolution transfer of appropriations from Other Requirements - Contingency, in the amount of \$10,000, to Personnel Services.

**2. FISCAL IMPACT:**

The transfer of \$10,000 of appropriations from Other Requirements - Contingency, in the amount of \$10,000, to Personnel Services.

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

Recommend a motion to approve the Community Corrections Budget Resolution R-2018-9 transferring appropriations from Contingency, in the amount of \$10,000, to Personnel Services to support the approval of the Temporary position to provide administrative assistance.

Attach additional background documentation as needed.





Dated this 9<sup>th</sup> day of May, 2018.

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

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Don Russell, Chair

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Jim Doherty, Commissioner

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Melissa Lindsay, Commissioner

Approved as to Form:

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Morrow County Counsel







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

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

While preparing documentation before posting for the permanent Veterans Office Assistant position, I am not able to find documentation of a motion to make the Veterans Office Assistant position permanent. It was discussed and approved, but a motion was not recorded.

**2. FISCAL IMPACT:**

Currently budgeted in the Veterans budget.

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

Move to approve making the current Temporary Veterans Office Assistant position a permanent position, 16-19 hours per week.

Attach additional background documentation as needed.



# AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

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

Morrow County has furniture, fixtures and assorted office equipment currently stored at the Gilliam Bisbee building. The majority of these furnishings were obtained from the Medicaid office in Seattle for basically the cost of delivery, about 5 years ago.

Community Counseling Services (CCS) plans to completely vacate the building by June 30th. Kimberly Lindsay, of CCS, plans to offer CCS's furnishings that are located in the Gilliam Bisbee building, for free, to South Morrow County businesses and organizations. Any remaining items would be offered/donated to the Neighborhood Center or Agape House. I asked Kimberly, if the BOC agreed, could we could join her event to give away these furnishing. Kimberly agreed it would be a good idea to do this together. Kimberly is looking to schedule one day in late May or early June to invite the South Morrow County business and organizations to pick up items.

On May 2nd, the Board of Commissioners accompanied Kimberly Lindsay on a walk through of the GB building to assess our property and what direction Morrow County may want to take with Morrow County's furnishings.

## **2. FISCAL IMPACT:**

reduce the cost of disposing Morrow County property.

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

Motion- To collaborate with Community Counseling Services to offer our furnishings, at no cost, to South County businesses and other organizations.

Attach additional background documentation as needed.



## Finance

P.O. Box 867 • Heppner OR 97836  
(541) 676-5615

Kate Knop  
Finance Director  
kknop@co.morrow.or.us

TO: Board of Commissioners  
Interested Parties

FROM: Kate Knop, Finance Director

DATE: May 9, 2018

RE: Finance Department – Quarterly Report

Please accept my Finance Director Quarterly Report for January - March, 2018. During the past quarter, my efforts have been focused on budget preparation for the Morrow County Fiscal Year 2018-2019, general ledger work for Fiscal Year 2017-2018, and administration of the Morrow County Retirement Plan. Additional work included the following.

- Budget FY 2018-2019
  - Long Range Planning work session held on January 10, 2018.
  - New Budget Committee member chosen, Jeff Wenzholz, on February 7, 2018.
  - Completed FTE Ask process on March 28, 2018.
  - Met with each Department Director and Elected on proposed budgets for 2018-2019.
  - Budget Hearings held April 17-19, 2018.
  - Notice of Budget Hearing to be held on May 16, 2018.
- Morrow County Retirement Trust
  - Board approved Budget Resolution R-2018-3 to increase general fund appropriations and authorize a retirement plan contribution in the amount of \$1,000,000.
  - Processed monthly retirement tax withholding payments.
  - Assisted retirees/employees with one time distributions, rollovers, and retirement estimates. There was one retirement.
- Equity Fund
  - Held Equity Fund Committee meeting to review loan request on January 4, 2018.
  - Board approved loan to Morrow County Health District in the amount of \$100,000 on January 17, 2018.
- Payroll
  - New employee orientations: 5
  - Began development on the vacation and sick leave accrual in the Novatime software. The completion date is estimated for March/April, 2018.
  - Processed Morrow County employee W-2's.

- Accounts Payable
  - Finalized information necessary for calendar year-end 1099-MISC and 1096 reporting due January 31, 2018.
  - Ongoing reconciliation of Public Works/Road Dept. vehicle inventory
  - Continued addition of assets greater than \$5,000 to the fixed asset files.
  - Revised monthly expenditures report on the finance web page.
  
- Quarterly Reports
  - Morrow County and Trust quarterly payroll reports for the Department of the Treasury and four states including: Oregon, Montana, Idaho, and Indiana.
  - Veteran's Report
  - Victim/Witness Assistance & Cami Report
    - Worked with State Coordinator on original application for FY 2017-2019. Revised FTE calculation and in-kind support.
  - State of Oregon Lodging Tax
  
- Moving Forward
  - FY 2017-2018
    - Budget Resolutions:
      - R-2018-8 Parks Supplemental Budget
      - R-2018-9 Community Corrections Budget Resolution, transfer of appropriations
    - Year-End Close: includes general ledger reconciliations, accruals, and budget resolutions as needed.
  
  - FY 2018-2019
    - Budget LB-1 will be presented to the BOC on May 16, 2018. Public notification was made to the Gazette and the Morrow County website.
    - Collective Bargaining Agreement – analysis for Road and General Employees.
  
  - Morrow County Retirement Plan
    - Retirement restatement and plan review (continued)
  
  - Policy Updates
    - Cash Handling – TBD
    - Procurement & Claims Policy – TBD
    - Visa Card Policy – (Revision) TBD
  
  - Appointment of County Auditor/Accountant
    - This is a tabled topic.





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

(For BOC Use)  
 Item #  
 7b

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

Staff Contact: Linda Skendzel  
 Department: Veterans Services  
 Short Title of Agenda Item: (No acronyms please)

Phone Number (Ext): 541-922-6420  
 Requested Agenda Date: May 9, 2018

**Third Quarter Activity Report**

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

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

N/A Purchase Pre-Authorizations, Contracts & Agreements

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

Reviewed By:

_____	5/4/18	Department Head	Required for all BOC meetings
	DATE		
	5/7/18	Admin. Officer/BOC Office	Required for all BOC meetings
	DATE		
_____		County Counsel	*Required for all legal documents
	DATE		
_____		Finance Office	*Required for all contracts; other items as appropriate.
	DATE		
_____		Human Resources	*If appropriate
	DATE		

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

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

## COUNTY VETERANS' SERVICES PROGRAM QUARTERLY REPORT OF ACTIVITIES

**Important Submission Instructions**

ODVA Form VS0914 COUNTY VETERANS' SERVICES PROGRAM QUARTERLY REPORT OF ACTIVITIES is used to report the work load and outreach for a county's veterans' services program each quarter. Please submit, along with your report of expenditures, to the address below, fax to 1-503-373-2393, or email to: [CVSO-NSOFunding@ODVA.state.or.us](mailto:CVSO-NSOFunding@ODVA.state.or.us)

**Reports are due NO LATER THAN the last working day of the month following the end of the fiscal quarter.**

Submit to: Oregon Department of Veterans' Affairs Statewide Veteran Services 700 Summer Street NE Salem, Oregon 97301-1285	<input type="checkbox"/> 1 <sup>st</sup> Quarter (July, August, September) <input type="checkbox"/> 2 <sup>nd</sup> Quarter (October, November, December) <input checked="" type="checkbox"/> 3 <sup>rd</sup> Quarter (January, February, March) <input type="checkbox"/> 4 <sup>th</sup> Quarter (April, May, June)
Name of County	Fiscal Year
Morrow	2017 - 2018

### INTERVIEW PROCESS

Interviews are face-to-face interactions with a veteran and/or family member, either in the office or out of the office. These are not requests for information handled by a receptionist or casual conversations held at an outreach event. Enough information must be gathered to document the interaction into VetraSpec.

Total In-Office Interviews	Total Out-of-Office Interviews	Total Interviews for Quarter
39	1	40

### CLAIMS/APPEALS/BENEFIT AWARDS

**Claims information is gathered from VetraSpec reports only, for clients under ODVA Power of Attorney.**

Original USDVA Form 526, 527, or 534 filed this quarter:	12
All other new claims filed this quarter	9
Original USDVA Form 1010EZ filed this quarter:	5
NODs/VA Form 9s filed this quarter:	0
Total Recoveries for Quarter	\$ 54,105.59 retro only

### OUTREACH CONDUCTED

Outreach events are outside normal locations. Time spent in a scheduled satellite office is not counted as outreach. Outreach must be to more than one person. No matter the number of VSOs present, one location equals one event. A home visit is not outreach; it is an out-of-office interview.

The goal of outreach is an eventual increase in subsequent interviews, claims filed, and benefits awarded, as well as connecting that veteran or family member with other beneficial programs in you county.

Location of Event	Other Departments/services Attending	Approximate Number of People Attending
Boardman, Port of Morrow Conf Ctr	WWVAMC Women Vets Health Coord.	8
Irrigon, Library	Legal Svcs of OR	21
Irrigon, Library	WWVAMC Leadership, Sen. Rep.	51
Boardman, Sage Center	Job Fair, Area Employers	75
Boardman, Sage Center	ODVA Womens Coord. Umatilla VSOs	20+



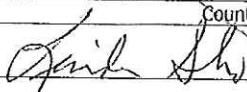
## COUNTY VETERANS' SERVICES PROGRAM QUARTERLY REPORT OF ACTIVITIES

OUTREACH CONDUCTED (continued)		
Location of Event	Other Departments/services Attending	Approximate Number of People Attending

Please list below any non-veteran specific meetings attended. These meetings serve to get veteran information in more subtle ways to other county offices, as well as assist the VSO to become familiar with services available outside the USDVA. Examples are Rotary Club, Lions Club, Elks Club, or County Transportation Boards.

GSH Healthy Communities, & Sr Coalition. LCAC, LPSCC

Please list below any Conferences or Training events attended.

CERTIFICATION AND SIGNATURE	
This report is submitted to qualify for funds available from the Oregon Department of Veterans' Affairs and is certified to be true and correct to the best of my knowledge and belief.	
County Veterans' Service Officer Signature	Date Signed
	4/2/18





## 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 Commissioners  
From: Carla McLane, Planning Director  
Date: May 7, 2018  
RE: Planning Update

Bunches of little things this month...

**Exclusive Farm Use Zone - Keeping Current:** As you are aware we accomplished a lengthy process last August bring our various farm and forest use zones current with the statewide planning program Goals, Oregon Revised Statutes and Oregon Administrative Rules. We do not want to see those efforts wasted by allowing the Zoning Ordinance to become out of date. Several years ago new statutory provisions were passed that allowed local jurisdictions to update their local codes without a public hearing process if the changes implemented new goal, statute or rule directly. We are doing that!

See the memorandum (penned by Stephanie Loving) and redline version that follows this Planning Update memorandum.

**NHMP Update:** The tabletop exercise is this Thursday. Wish us well! And see you there!

Next Tuesday, May 15, there is a presentation to the Local Emergency Planning Committee (LEPC) about the current Natural Hazard Mitigation Plan, the Steering Committee, work planned over the next year or so and a request for a joint meeting of the LEPC and the NHMP Steering Committee.

**ACOE River Master Plan:** The first opportunity to participate has come and gone with a very short turnaround. Land classification was the topic, with the ACOE providing maps of the entire project area for comment. The provided comment is attached.

**Lost Valley Farm:** Just a reminder that State Agency partners will be here next week to provide an update and be able to answer questions. Might be a good opportunity to discuss how this worked and how it didn't, and to inquire if any of the State Agencies are considering changes to their permitting process based on this outcome.

**Staffing Update:** Work continues to fill the vacant Outreach Coordinator position.

Both Stephanie and Stephen are working four 10's for the summer with Stephanie working Monday through Thursday and Stephen working Tuesday through Friday. Dianna and I will continue our normal schedules.

**Solar - Generally:** We are in the midst of five different solar energy requests: two through the Oregon Department of Energy with approval by the Energy Facility Siting Council (Boardman and Carty), one near the Boardman Airport on land zoned Airport Light Industrial which allows

for solar facilities that can meet certain standards, and two on land zoned Exclusive Farm Use with an associated Goal 3 exception (the first exception to be before the Board on May 30). At this point we are not aware of any other projects, but these five have kept us busy.

**Wheatridge - EFSC Amendment:** NextEra has submitted to Oregon Department of Energy (ODOE) staff an Amendment Determination Request to make changes to the turbine size and to add battery storage. The applicant requested, or at least hoped for, path B (shorter and without a public comment phase); ODOE staff have indicated that they will need to follow path A (much longer and with a public comment phase). There is a bit of consternation from Wheatridge staff and a concern that the longer process may affect their ability to have a full package for participation in an upcoming RFP process to sell the project's power.

I share this not so much from the perspective of supporting the Wheatridge project, but more from the perspective of "we need to get EFSC out of business that the county should be doing." The current EFSC thresholds are arbitrary and in many ways not consistent, or at least they really don't make sense. The EFSC was created to approve Trojan and those same regulations - statutes and rules - have been manipulated to be applied to coal, gas and renewable energy projects.

Only two types of facilities are super sited in Oregon - Energy and Prisons. While a state or regional process is probably needed, or might be a good outlet if there are political pressures, there are a large number of energy facilities that go to EFSC that local government could and probably should be approving. Creating higher local thresholds for review would also push the Oregon Department of Fish and Wildlife (ODFW) to better coordinate their needs with local government. During the Wheatridge approval process through the EFSC comment was made that the big game winter range map that should be used are the ones adopted by Morrow County. But because of the statute and rules that govern the EFSC the ODFW maps used are not those adopted by the County, but those created by ODFW.

There are currently a variety of discussions going on across the state evaluating the role of EFSC, possibly the role of the Department of Land Conservation and Development (and their associated Land Conservation and Development Commission) including how Goal 13 Energy Conservation should be utilized, and other various energy siting factors. I want to be sure we are all on the same page and singing from the same sheet music as we participate in these conversations.

**BLI & HA RFP:** We had two companies respond, which are being evaluated by the Project Management Team. I may have on Wednesday of this week, but for sure next Wednesday, that packet ready to move forward through this body for final acceptance of the Proposal and the personal services contract for approval.

**CREZ II Board:** Don and Melissa are both aware that I have resigned from my position as CREZ II Manager, but wanted to be sure Jim was also aware. The Board accepted my resignation conditioned with me working through a transition. If any questions remain I want to be sure there is an opportunity to discuss.





## PLANNING DEPARTMENT

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FAX: (541) 922-3472

### MEMORANDUM

To: Morrow County Board of Commissioners  
From: Stephanie Loving, Planner I  
Date: May 9, 2018  
RE: Ordinance Legislative Updates

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ORS 197.612 allows a local government to propose changes to regulations or Comprehensive Plans solely for the purpose of conforming to new requirements in a land use statute, statewide land use planning goal, or rule of the Land Conservation and Development Commission (LCDC) without holding a public hearing if the only change is to conform to new requirements by providing notice to the Department of Land Conservation and Development (DLCD).

In an effort to keep our Zoning Ordinance up to date, staff have included 2017 legislative changes recently codified in Oregon Administrative Rule by the Land Conservation and Development Commission that impact our recently adopted Exclusive Farm Use Zone.

Attached is a "redline" version of the proposed changes to Article 3 Section 3.010 for your information and review. This will be submitted to DLCD with a proposed effective date of June 1, 2018.

If you have any questions about these changes please contact myself or Carla McLane.

Thank you!

## **SECTION 3.010. EXCLUSIVE FARM USE, EFU ZONE**

A. Purpose. The purpose of the Exclusive Farm Use Zone is to preserve, protect and maintain agricultural lands for farm use, consistent with historical, existing and future needs, including economic needs, which pertain to the production of agricultural products. The EFU Zone is also intended to allow other uses that are compatible with agricultural activities, such as forest use, fish and wildlife habitat, and to maintain, improve, and utilize the quality of air, water and land resources of the county. It is also the purpose of the EFU Zone to qualify farms for farm use valuation under the provisions of Oregon Revised Statute (ORS) Chapter 308.

The EFU Zone has been applied to lands designated as Agriculture in the Comprehensive Plan (except for lands Zoned Space Age Industrial). The provisions of the EFU Zone reflect the agricultural policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and Oregon Administrative Rule (OAR) Chapter 660 Division 33. The minimum parcel size and other standards established by this Zone are intended to promote commercial agricultural operation.

B. Uses Permitted Outright. In the EFU zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance:

1. Farm use.
2. Propagation or harvesting of a forest product.
3. Agricultural buildings customarily provided in conjunction with farm use.
4. Creation of, restoration of, or enhancement of wetlands.
5. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
6. Operations for the exploration for minerals as defined by ORS 517.750.
7. Climbing and passing lanes within the right of way existing as of July 1, 1987.
8. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
9. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

10. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

11. Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.

12. Fire service facilities providing rural fire protection services.

13. Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.

14. Firearms training facility in existence on September 9, 1995.

15. An outdoor mass gathering of more than 3,000 persons that is expected to continue for more than 24 hours but less than 120 hours in any three-month period, as provided in ORS 433.735.

16. A site for the takeoff and landing of model aircraft subject to Subsection D.12.

17. A facility for the processing of farm crops, biofuel or poultry subject to Subsection D.1.

18. Dog training classes or testing trials subject to Subsection D.4.

19. Farm stands subject to Subsection D.5.

~~20.~~ A winery subject to ORS 215.452-.456

~~20-21.~~ A cider business as provided in ORS 215.451

~~21-22.~~ Agri-tourism and other commercial events or activities subject to Section J.

~~22-23.~~ Land application of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of septage prior to the land application of biosolids subject to Subsection D.8.

~~23-24.~~ Utility facility service lines subject to Subsection D.9.

~~24-25.~~ Utility facilities necessary for public service, including associated transmission lines as defined in Article 1 and wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height as provided in Subsection D.10.

~~25-26.~~ Churches, and cemeteries in conjunction with churches, subject to Subsection D.17. This use is not permitted on high-value farmland except that existing churches on high-value farmland may be expanded subject to Subsection D.19.

~~26-27.~~ Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763.

~~27-28.~~ Dwelling customarily provided in conjunction with farm use subject to Subsection D.18 and Section E.

~~28-29.~~ A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by a relative of the farm operator or farm operator's spouse if the farm operator does, or will, require the assistance of the relative in the management of the farm use subject to Subsections D.3, and D.18.

~~29-30.~~ Accessory farm dwellings for year-round and seasonal farm workers subject to Subsection D.18 and Section F.

~~30-31.~~ One single-family lot of record dwelling on a lawfully created lot or parcel subject to Subsection D.18 and Section G.

~~31-32.~~ Single-family residential dwelling, not provided in conjunction with farm use subject to Subsection D.18 and Section H.

~~32-33.~~ Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property as defined in ORS 358.480 and listed on the National Register of Historic Places subject to Subsection D.18.

~~33-34.~~ Alteration, restoration, or replacement of a lawfully established dwelling subject to Subsection D.18 and Section I.

C. Conditional Uses. The following uses are permitted subject to county review, any specific standards for the use set forth in Section D, Article 6, the general standards for the zone, and any other applicable standards and review process in the ordinance:

1. A facility for the primary processing of forest products subject to Subsection D.2.
2. The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species.
3. Temporary hardship dwelling subject to Subsection D.18 and Article 7.
4. Residential home as defined in ORS 197.660, in existing dwellings, subject to Subsection D.18.

5. Room and board arrangements for a maximum of five unrelated persons in existing residences subject to Subsection D.18.
6. Parking of up to seven log trucks.
7. Home occupations as provided in Article 6.
8. Commercial dog boarding kennels, as provided in Article 6, or dog training classes or testing trials that cannot be established under Subsection B.18.
9. A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.
10. Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Subsection B.17, but excluding activities in conjunction with a marijuana crop, and subject to D.6.
11. Guest ranches subject to temporary provisions relating to guest ranches in ORS 215.
12. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted.
13. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.
14. Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement.
15. Processing of other mineral resources and other subsurface resources.
16. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
17. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
18. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
19. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.
20. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities subject to Subsection D.7.

21. Utility and transmission towers over 200 feet in height.
22. Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities subject to Subsection K.1.
23. Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection K.2.
24. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection K.3.
25. A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation. This use is not permitted on high-value farmland except that existing facilities on high-value farmland may be expanded subject to Subsection D.19 and Article 6.
26. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060 subject to Subsection D.11. This use is not permitted on high-value farmland except that existing facilities on high-value farmland may be expanded subject to Subsection D.19.
27. Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.
28. Living history museum and subject to Subsections D.13 and D.17.
29. Public parks and playgrounds subject to Subsections D.14 and D.17.
30. Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.
31. Operations for the extraction and bottling of water.
32. Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to Subsection D.17. This use is not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to D.19.
33. Private parks, playgrounds, hunting and fishing preserves, and campgrounds subject to Subsections D.15 and D.17. This use is not permitted on high value farmland except that existing private parks on high value farmland may be expanded subject to Subsection D.19.



34. Golf courses subject to Subsections D.16 and D.17. This use is not permitted on high value farmland as defined in ORS 195.300 except that existing golf courses on high-value farmland may be expanded subject to Subsection D.19.

#### D. Use Standards

1. A farm on which a processing facility is located must provide at least one-quarter of the farm crops processed at the facility. A farm may also be used for an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment. A county may not approve any division of a lot or parcel that separates a processing facility or establishment from the farm operation on which it is located.

2. A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses as defined in Section 1.030 of this Ordinance. Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this Section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this Section means timber grown upon a tract where the primary processing facility is located.

3. To qualify for a relative farm help dwelling:

a. A dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. However, farming of a marijuana crop may not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling. The farm operator shall continue to play the predominant role in the management and farm use of the farm.

b. A relative farm help dwelling must be located on the same lot or parcel as the dwelling of the farm operator and must be on real property used for farm use.

4. Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, are limited as follows:

a. The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and

b. The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.

5. A farm stand may be approved if:

a. The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

b. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

c. As used in this Section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area.

d. As used in this Subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

e. As used in this Section, "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.

f. A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.

g. Farm Stand Development Standards

(1) Adequate off-street parking will be provided pursuant to the requirements in Article 4 of this Ordinance.

(2) Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.

(3) All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.

(4) No farm stand building or parking is permitted within the right-of-way.

(5) Approval is required from County Public Works regarding adequate egress and access. All egress and access points shall be clearly marked.

(6) Vision clearance areas at street intersections must be clear of obstruction, consistent with the requirements in Article 4 of this Ordinance.

(7) All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties, roads and highways.

(8) Signs are permitted where consistent with the requirements of Article 4 of this Ordinance.

h. Permit approval is subject to compliance with the established sanitation requirements, the -Department of Agriculture requirements, and the development standards of this zone.

6. Commercial activities in conjunction with farm use may be approved when:

a. The commercial activity is either exclusively or primarily a customer or supplier of farm products;

b. The commercial activity is limited to providing products and services essential to the practice of agriculture by surrounding agricultural operations that are sufficiently important to justify the resulting loss of agricultural land to the commercial activity; or

c. The commercial activity significantly enhances the farming enterprises of the local agricultural community, of which the land housing the commercial activity is a part. Retail sales of products or services to the general public that take place on a parcel or tract that is different from the parcel or tract on which agricultural product is processed, such as a tasting room with no on-site winery, are not commercial activities in conjunction with farm use.

7. A personal-use airport, as used in this Section, prohibits aircraft other than those owned or controlled by the owner of the airstrip. Exceptions to the activities allowed under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be allowed subject to any applicable rules of the Oregon Department of Aviation.

8. Agricultural process or industrial process water or biosolids, or the onsite treatment of septage prior the the land application of biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an EFU zone is subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251. For the purposes of this section, onsite treatment of septage prior to the land application of biosolids is limited to the treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of biosolids is authorized under the license, permit or other approval.

9. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

- a. A public right of way;
- b. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
- c. The property to be served by the utility.

10. A utility facility that is necessary for public service.

a. A utility facility is necessary for public service if the facility must be sited in the exclusive farm use zone in order to provide the service.

(1) To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

- (a) Technical and engineering feasibility;
- (b) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
- (c) Lack of available urban and nonresource lands;
- (d) Availability of existing rights of way;
- (e) Public health and safety; and
- (f) Other requirements of state and federal agencies.

(2) Costs associated with any of the factors listed in Subsection (1) may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(3) The owner of a utility facility approved under Subsection a shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(4) The county shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

(5) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the EFU Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Article 6. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.

(6) In addition to the provisions of Subsection D.10.a(1) through (4), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.

(7) The provisions of Subsection a do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

b. An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Subsection (1) or Subsection (2) of this Subsection.

(1) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

(a) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;

(b) The associated transmission line is co-located with an existing transmission line;

(c) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

(d) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

(2) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections D.10.b(3) and (4), two or more of the following criteria:

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

(3) As pertains to Subsection (2), the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

(4) The county may consider costs associated with any of the factors listed in Subsection (2), but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

11. Composting operations and facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection D.19.

a. Compost facility operators must prepare, implement and maintain a site-specific Odor Minimization Plan that:

- (1) Meets the requirements of OAR 340-096-0150;
- (2) Identifies the distance of the proposed operation to the nearest residential zone;
- (3) Includes a complaint response protocol;
- (4) Is submitted to the DEQ with the required permit application; and
- (5) May be subject to annual review by the county to determine if any revisions are necessary.



b. Compost operations subject to Section D.11.a include:

- (1) A new disposal site for composting that sells, or offers for sale, resulting product;  
or
- (2) An existing disposal site for composting that sells, or offers for sale, resulting product that:
- (3) Accepts as feedstock nonvegetative materials, including dead animals, meat, dairy products and mixed food waste (type 3 feedstock); or
- (4) Increases the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.

12. Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this Section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this Section. An owner of property used for the purpose authorized in this Section may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this Section, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

13. A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65.

14. Public parks may include:

- a. All outdoor recreation uses allowed under ORS 215.213 or 215.283.
- b. The following uses, if authorized in a local or park master plan that is adopted as part of the local comprehensive plan, or if authorized in a state park master plan that is adopted by OPRD:
  - (1) Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;

(2) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;

(3) Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;

(4) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;

(5) Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;

(6) Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;

(7) Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and

(8) Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education.

c. Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by OPRD: historic lodges, houses or inns and the following associated uses in a state park retreat area only:

(1) Meeting halls not exceeding 2000 square feet of floor area;

(2) Dining halls (not restaurants).

15. Private Campgrounds are subject to the following:

a. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.

b. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by Subsection c.

c. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

16. Accessory uses provided as part of a golf course shall be limited consistent with the following standards:

a. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;

b. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and

c. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

17. Three-mile setback. For uses subject to Subsection 17:

a. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

b. Any enclosed structures or group of enclosed structures described in Subsection a within a tract must be separated by at least one-half mile. For purposes of this Subsection, "tract" means a tract that is in existence as of June 17, 2010.

c. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this ordinance.

18. Single-family dwelling deeds. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

19. Expansion standards. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of Subsection C.34 and Article 6.

E. Dwellings Customarily Provided in Conjunction with Farm Use

1. Large Tract Standards. On land not identified as high-value farmland as defined in Article 1, a dwelling may be considered customarily provided in conjunction with farm use if:

a. The parcel on which the dwelling will be located is at least

(1) 160 acres and not designated rangeland; or;

(2) 320 acres and designated rangeland

b. The subject tract is currently employed for farm use.

c. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.

d. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.

2. Farm Income Standards (non-high value). On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

a. The subject tract is currently employed for the farm use on which, in each of the last two years or three of the last five years, or in an average of three of the last five years, the farm operator earned the lower of the following:

(1) At least \$40,000 in gross annual income from the sale of farm products; or

(2) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; and

b. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 owned by the farm or ranch operator or on the farm or ranch operation;

c. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection a; and

d. In determining the gross income required by Subsection a:

(1) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

(2) Only gross income from land owned, not leased or rented, shall be counted; and

(3) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

3. Farm Income Standards (high-value). On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

- a. The subject tract is currently employed for the farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and
- b. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use owned by the farm or ranch operator or on the farm or ranch operation; and
- c. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection a;
- d. In determining the gross income required by Subsection a:
  - (1) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
  - (2) Only gross income from land owned, not leased or rented, shall be counted; and
  - (3) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

#### 4. Farm Capability Standards.

- a. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
  - (1) The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area that includes all tracts wholly or partially within one mile from the perimeter of the subject tract;
  - (2) The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in Subsection (1);
  - (3) The subject tract is currently employed for a farm use, , at a level capable of producing the annual gross sales required in Subsection (1);
  - (4) The subject lot or parcel on which the dwelling is proposed is not less than 20 acres;
  - (5) Except for seasonal farmworker housig approved prior to 2001, there is no other dwelling on the subject tract;



(6) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(7) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by Subsection (3).

(8) In determining the gross sales capability required by Subsection (3):

(a) The actual or potential cost of purchased livestock shall be deducted from the total gross sales attributed to the farm or ranch tract;

(b) Only actual or potential sales from land owned, not leased or rented, shall be counted; and

(c) Actual or potential gross farm sales earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

b. In order to identify the commercial farm or ranch tracts to be used in Subsection (1), the potential gross sales capability of each tract in the study area, including the subject tract, must be determined, using the gross sales figures prepared by the county pursuant to OAR 660-033-0135(2)(c).

#### 5. Additional Farm Income Standards.

a. For the purpose of Subsections 2 or 3, noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Lots or parcels in eastern or western Oregon may not be used to qualify a dwelling in the other part of the state.

b. Prior to the final approval for a dwelling authorized by Subsections 2 and 3 that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall complete and record with the county clerk the covenants, conditions, and restrictions form provided by the county (Exhibit A to OAR Chapter 660 Division 33). The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

(1) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and

(2) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

c. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located;

6. Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm and capable of earning the gross annual income requirements by Subsections 2 or 3 above, subject to the following requirements:

a. The subject tract will be employed as a commercial dairy as defined in Subsection g;

b. The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

c. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;

d. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;

e. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and

f. The Oregon Department of Agriculture has approved the following:

(1) A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and

(2) A Producer License for the sale of dairy products under ORS 621.072.

g. As used in this Section, "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by Subsections 2 or 3, whichever is applicable, from the sale of fluid milk.

7. Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:

a. Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by Subsection 2 or 3, whichever is applicable;

b. The subject lot or parcel on which the dwelling will be located is:

(1) Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income required by Subsection 2 or 3, whichever is applicable; and

- (2) At least the size of the applicable minimum lot size under Section L;
  - c. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;
  - d. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection a; and
  - e. In determining the gross income required by Subsection a and Subsection b:
    - (1) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
    - (2) Only gross income from land owned, not leased or rented, shall be counted.
8. Farming of a marijuana crop, and the gross sales derived from selling a marijuana crop, may not be used to demonstrate compliance with the approval criteria for a primary farm dwelling.

#### F. Accessory Farm Dwellings

- 1. Accessory farm dwellings may be considered customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements:
  - a. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;
  - b. The accessory farm dwelling will be located:
    - (1) On the same lot or parcel as the primary farm dwelling;
    - (2) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract;
    - (3) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these provisions;

(4) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this Subsection to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. "Farmworker housing" shall have the meaning set forth in 215.278 and not the meaning in 315.163; or

(5) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(3) or (4), whichever is applicable; and

c. There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.

2. In addition to the requirements in Subsection 1, the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

a. On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:

(1) At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(2) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;

b. On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

c. It is located on a commercial dairy farm as defined in Section 1.030; and

(1) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm;

(2) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and

(3) A Producer License for the sale of dairy products under ORS 621.072.

3. No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this Subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this ordinance, a parcel may be created consistent with the minimum parcel size requirements in Subsection L.1.

4. An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Subsection B.32.

5. For purposes of this Subsection, "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.

6. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for an accessory farm dwelling.

7. No accessory farm dwelling unit may be occupied by a relative of the owner or operator of the farmworker housing. "Relative" means a spouse of the owner or operator or an ancestor, lineal descendant or whole or half sibling of the owner or operator or the spouse of the owner or operator.

#### G. Lot of Record Dwellings

1. A lot of record dwelling may be approved on a pre-existing lot or parcel if:

a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in Subsection 5:

- (1) Since prior to January 1, 1985; or
  - (2) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
- b. The tract on which the dwelling will be sited does not include a dwelling;
  - c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;
  - d. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;
  - e. The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in Subsections 3 and 4; and
  - f. When the lot or parcel on which the dwelling will be sited lies within an area designated in the comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
2. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;
  3. Notwithstanding the requirements of Subsection G.1.e, a single-family dwelling may be sited on high-value farmland if:
    - a. It meets the other requirements of Subsections 1 and 2;
    - b. The lot or parcel is protected as high-value farmland as defined in Section 1.030;
    - c. The Planning Director determines that:
      - (1) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity.
        - (a) For the purposes of this Section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrates that a lot or parcel cannot be practicably managed for farm use.



(b) Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms.

(c) A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;

(2) The dwelling will comply with the provisions of Article 6; and

(3) The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in Subsection H.1.

4. Notwithstanding the requirements of Subsection G.1.e, a single-family dwelling may be sited on high-value farmland if:

a. It meets the other requirements of Subsections 1 and 2;

b. The tract on which the dwelling will be sited is:

(1) Not high-value farmland defined in Section 1.030; and

(2) Twenty-one acres or less in size; and

c. The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or

d. The tract is not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or

e. The tract is a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary;

(1) "Flaglot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.

(2) "Geographic center of the flaglot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.

5. For purposes of Subsection 1, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members;

6. The county assessor shall be notified that the governing body intends to allow the dwelling.

7. An approved single-family dwelling under this Section may be transferred by a person who has qualified under this Section to any other person after the effective date of the land use decision.

8. The county shall provide notice of all applications for lot of record dwellings on high value farmland to the State Department of Agriculture. Notice shall be provided in accordance with land use regulations and shall be mailed at least 20 calendar days prior to the public hearing.

#### H. Dwellings Not in Conjunction with Farm Use

Non-farm dwelling. A non-farm dwelling is subject to the following requirements:

1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

2. Non-farm dwelling suitability standards.

a. The dwelling, including essential or accessory improvements or structures, is situated upon a lot or parcel, or, in the case of an existing lot or parcel, upon a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A new parcel or portion of an existing lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

b. A new parcel or portion of an existing lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then it is not "generally unsuitable." A new parcel or portion of an existing lot or parcel is presumed to be suitable if it is composed predominantly of Class I-VI soils. Just because a new parcel or portion of an existing lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

c. If the lot or parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.

3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in (a) through (c) below. If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in (a) through (c) below;

a. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

b. Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under Subsection G.1 and Section H, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4) ~~ORS 215.263(4)~~ ORS 215.263(5), and ORS 215.284(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this Subsection; and

c. Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

4. If a single-family dwelling is established on a lot or parcel as set forth in Subsection B.31, no additional dwelling may later be sited under the provisions of this Section.

#### I. Alteration, Restoration or Replacement of a Lawfully-established Dwelling

1. A lawfully established dwelling may be altered, restored or replaced if, when an application for a permit is submitted, the permitting authority finds to its satisfaction, based on substantial evidence that:

a. The dwelling to be altered, restored or replaced has, or formerly had:

(1) Intact exterior walls and roof structure;

(2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(3) Interior wiring for interior lights;

(4) A heating system; and

(5) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.

b. Notwithstanding Subsection I.1.a(5), if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:

(1) The destruction (i.e, by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or

(2) The applicant establishes to the satisfaction of the permitting authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

2. For replacement of a lawfully established dwelling under Subsection B.34:

a. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:

(1) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or

(2) If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and

(3) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.

b. The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

c. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, chapter 462, Section 2 and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

3. A replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

a. The siting standards of Subsection b apply when a dwelling qualifies for replacement because the dwelling:

- (1) Formerly had the features described in Subsection I.1.a;
- (2) Was removed from the tax roll as described in Subsection I.1.b; or
- (3) Had a permit that expired as described under Subsection I.4.c.

b. The replacement dwelling must be sited on the same lot or parcel:

- (1) Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and
- (2) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.

c. Replacement dwellings that currently have the features described in Subsection I.1.a and that have been on the tax roll as described in Subsection I.1.b may be sited on any part of the same lot or parcel.

4. A replacement dwelling permit that is issued under B.34:

a. Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:

- (1) Formerly had the features described in Subsection I.1.a; or
- (2) Was removed from the tax roll as described in Subsection I.1.b;

b. Is not subject to the time to act limits of ORS 215.417; and

c. If expired before January 1, 2014, shall be deemed to be valid and effective if, before January 1, 2015, the holder of the permit:

- (1) Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and
- (2) Causes to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.



## J. Agri-tourism and Other Commercial Events

The following agri-tourism and other commercial events or activities that are related to and supportive of agriculture may be established:

1. A single agri-tourism or other commercial event or activity on a tract in a calendar year that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:

- a. The agri-tourism or other commercial event or activity is incidental and subordinate to existing farm use on the tract;
- b. The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;
- c. The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 500 people;
- d. The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity does not exceed 250 vehicles;
- e. The agri-tourism or other commercial event or activity complies with the standards described in Subsection 6.025(A). ;
- f. The agri-tourism or other commercial event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements; and
- g. The agri-tourism or other commercial event or activity complies with conditions established for:
  - (1) Planned hours of operation do not extend before 7 a.m. or after 11 p.m.
  - (2) Adequate off-street parking will be provided pursuant to the requirements in Article 4 of this ordinance.
  - (3) Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
  - (4) All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
  - (5) No parking is permitted within the right-of-way.
  - (6) Approval is required from County Public Works regarding adequate egress and access. All egress and access points shall be clearly marked.

(7) Vision clearance areas at street intersections must be clear of obstruction, consistent with the requirements in Article 4 of this Ordinance.

(8) Permit approval is subject to compliance with the established sanitation requirements, the Department of Agriculture requirements, and the development standards of this zone.

2. In the alternative to Subsections 1 and 3, the county may authorize, through an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. A decision concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of a county or its designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:

- a. Must be incidental and subordinate to existing farm use on the tract;
- b. May not begin before 6 a.m. or end after 10 p.m.;
- c. May not involve more than 100 attendees or 50 vehicles;
- d. May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- e. May not require or involve the construction or use of a new permanent structure in connection with the agri-tourism or other commercial event or activity;
- f. Must be located on a tract of at least 10 acres unless the owners or residents of adjoining properties consent, in writing, to the location; and
- g. Must comply with applicable health and fire and life safety requirements.

3. In the alternative to Subsections 1 and 2, the county may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:

- a. Must be incidental and subordinate to existing farm use on the tract;
- b. May not, individually, exceed a duration of 72 consecutive hours;
- c. May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

- d. Must comply with the standards described in Subsection 6.025(A). ;
- e. May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and
- f. Must comply with conditions established for:
  - (1) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;
  - (2) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;
  - (3) The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;
  - (4) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and
  - (5) Sanitation and solid waste
  - (6) Must comply with the requirements of J.8.
- g. A permit authorized by this Subsection shall be valid for two calendar years. When considering an application for renewal, the county shall ensure compliance with the provisions of Subsection 3, any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.

4. In addition to Subsections 1 to 3, the county may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with Subsections 1 to 3 if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:

- a. Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;
- b. Comply with the requirements of J.3.c, d, e, and f;

c. Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

d. Do not exceed 18 events or activities in a calendar year.

5. A holder of a permit authorized by a county under Subsection 4 must request review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:

a. Provide public notice and an opportunity for public comment as part of the review process; and

b. Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by Subsection 4.

6. Temporary structures established in connection with agri-tourism or other commercial events or activities may be permitted. The temporary structures must be removed at the end of the agri-tourism or other event or activity. Alteration to the land in connection with an agri-tourism or other commercial event or activity including, but not limited to, grading, filling or paving, are not permitted.

7. The authorizations provided by Subection 3 are in addition to other authorizations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events and activities.

8. Conditions of Approval. Agri-tourism and other commercial events permitted under Subsections 3 and 4 are subject to the following standards and criteria:

a. A permit application for an agri-tourism or other commercial event or activity shall include the following:

(1) A description of the type of agri-tourism or commercial events or activities that are proposed, including the number and duration of the events and activities, the anticipated daily attendance and the hours of operation and, for events not held at wineries, how the agri-tourism and other commercial events or activities will be related to and supportive of agriculture and incidental and subordinate to the existing farm use of the tract.

(2) The types and locations of all existing and proposed temporary structures, access and egress, parking facilities, sanitation and solid waste facilities to be used in connection with the agri-tourism or other commercial events or activities;

(3) Authorization to allow inspection of the event premises. The applicant shall provide in writing a consent to allow law enforcement, public health, and fire control officers and code enforcement staff to come upon the premises for which the permit has been granted for the purposes of inspection and enforcement of the terms and conditions of the permit and the Exclusive Farm Use Zone and any other applicable laws or ordinances.

b. Approval Criteria.

(1) The area in which the agri-tourism or other commercial events or activities are located shall be setback at least 100 feet from the property line.

(2) No more than two agri-tourism or commercial events or activities may occur in one month.

(3) The maximum number of people shall not exceed 500 per calendar day.

(4) Notification of agri-tourism and other commercial events or activities.

(a) The property owner shall submit in writing the list of calendar days scheduled for all agri-tourism and other commercial events or activities by April 1 of the subject calendar year or within 30 days of new or renewed permits to County Planning Department.

(b) The list of calendar dates for all agri-tourism, commercial events and activities may be amended by submitting the amended list to the Department at least 10 days prior to any change in the date of approved dates.

(c) The notification shall include a contact person or persons for each agri-tourism and other commercial event or activity who shall be easily accessible and who shall remain on site at all times, including the person(s) contact information.

(5) Hours of Operation. No agri-tourism and other commercial event or activity may begin before 7:00 a.m. or end after 11:00 p.m].

(6) Overnight camping is prohibited.

(7) Noise Control. Agri-tourism activities shall comply with the Morrow County Code Enforcement Ordinance.

(8) Transportation Management

(a) Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.

(b) Driveways extending from paved roads shall have a paved apron, requiring review and approval by Morrow Public Works.

(c) The parcel, lot or tract must have direct access from a public road or is accessed by an access easement or private road, whereby all underlying property owners and property owners taking access between the subject property and the public road consent in writing to the use of the road for agri-tourism and other commercial events or activities at the time of initial application.

(d) Adequate traffic control must be provided by the property owner and must include one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time. All traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.

(e) Adequate off-street parking will be provided pursuant to provisions of Article 4 of this Ordinance.

(9) Health and Safety Compliance

(a) Sanitation facilities shall include, at a minimum, portable restroom facilities and stand-alone hand washing stations.

(b) All permanent and temporary structures and facilities are subject to fire, health and life safety requirements, and shall comply with all requirements of Building Official and any other applicable federal, state and local laws.

(c) Compliance with the requirements of the Building Official shall include meeting all building occupancy classification requirements of the State of Oregon adopted building code.

K. Commercial Facilities for Generating Power

1. Commercial Power Generating Facility.

a. Permanent features of a power generation facility shall not preclude more than:

(1) 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or

(2) 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.



b. A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.

2. Wind Power Generation Facility.

a. For purposes of this ordinance a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility.

(1) Temporary workforce housing described in Subsection K.1.b must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete.

(2) Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.

b. For wind power generation facility proposals on high-value farmland soils, as described at ORS 195.300(10), the governing body or its designate must find that all of the following are satisfied:

(1) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:

(a) Technical and engineering feasibility;

(b) Availability of existing rights of way; and

(c) The long-term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under Subsection (2);

(2) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;

(3) Costs associated with any of the factors listed in Subsection (1) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;

(4) The owner of a wind power generation facility approved under Subsection b shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and

(5) The criteria of Subsection c are satisfied.

c. For wind power generation facility proposals on arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:

(1) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;

(2) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;

(3) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and

(4) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.

d. For wind power generation facility proposals on nonarable lands, meaning lands that are not suitable for cultivation, the requirements of Subsection K.2.c(4) are satisfied.

e. In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Subsections c and d, the approval criteria of Subsection c shall apply to the entire project.

3. Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:

a. "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.

b. "Arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.

c. "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

d. "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

e. "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this Section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

f. For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4 or the requirements of paragraph (7) are met. The governing body or its designate must find that:

(1) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;

(2) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;

(3) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;

(4) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;

(5) The project is not located on high-value farmland soils unless it can be demonstrated that:

(a) Non high-value farmland soils are not available on the subject tract;

(b) Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils; and

(6) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

(a) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.

(b) When at least 48 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

(7) A photovoltaic solar generation facility may be sited on more than 12 acres of high-value farmland described in ORS 195.300(10)(f)(C) without taking an exception pursuant to ORS 197.732 and OAR chapter 660, division 4, provided the land:

- (a) Is not located within the boundaries of an irrigation district;
- (b) Is not at the time of the facility's establishment, and was not at any time during the 20 years immediately preceding the facility's establishment, the place of use of a water right permit, certificate, decree, transfer order or ground water registration authorizing the use of water for the purpose of irrigation;
- (c) Is located within the service area of an electric utility described in ORS 469A.052(2);
- (d) Does not exceed the acreage the electric utility reasonably anticipates to be necessary to achieve the applicable renewable portfolio standard described in ORS 469A.052(2); and
- (e) Does not qualify as high-value farmland under any other provision of law.

g. For arable lands, a photovoltaic solar power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

(1) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:

- (a) Nonarable soils are not available on the subject tract;
- (b) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
- (c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;

(2) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;

(3) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:



(a) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.

(b) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

(4) The requirements of Subsections K.3.f(1), (2), (3), and (4) are satisfied.

h. For nonarable lands, a photovoltaic solar power generation facility shall not preclude more than 320 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

(1) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:

(a) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(b) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;

(2) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

(3) No more than 20 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;

(4) The requirements of Subsection K.3.f(4) are satisfied;

(5) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and

(6) If a proposed photovoltaic solar power generation facility is located on lands where the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive), or to wildlife species of concern identified and mapped by the Oregon Department of Fish and Wildlife (including big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs), the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife species of concern are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife species of concern as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the facility.

(7) The provisions of Subsection K.3.h(6) are repealed on January 1, 2022.

i. The project owner shall sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).

j. Nothing in this Section shall prevent the county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

## L. Land Divisions

1. Minimum Parcel Size. The minimum size for creation of a new parcel shall be 160 acres.
2. A division of land to accommodate a use permitted by Section C, except a residential use, smaller than the minimum parcel size provided in Subsection 1 may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
3. A division of land to create up to two new parcels smaller than the minimum size established under Subsection 1, each to contain a dwelling not provided in conjunction with farm use, may be permitted if:
  - a. The nonfarm dwellings have been approved under Subsection H;
  - b. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
  - c. The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size in Subsection 1; and
  - d. The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size established under Subsection 1.
4. A division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use, may be permitted if:
  - a. The nonfarm dwellings have been approved under Subsection H;
  - b. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
  - c. The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size in Subsection A but equal to or larger than 40 acres;
  - d. The parcels for the nonfarm dwellings are:
    - (1) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber; and

(2) Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock. The Land Conservation and Development Commission, in cooperation with the State Department of Agriculture and other interested persons, may establish by rule objective criteria for identifying units of land that are not capable of producing adequate herbaceous forage for grazing livestock. In developing the criteria, the commission shall use the latest information from the United States Natural Resources Conservation Service and consider costs required to utilize grazing lands that differ in acreage and productivity level; and

e. The parcels for the nonfarm dwellings do not have established water rights for irrigation.

5. This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.

6. This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.

7. This Section does not allow a division or a property line adjustment of a lot or parcel that separates a use described in B.29, C.3, or C.7 from the lot or parcel on which the primary residential use exists.

8. This Section does not allow a division or a property line adjustment of a lot or parcel that separates a processing facility from the farm operation specified in Section B.17.

9. A division of land may be permitted to create a parcel with an existing dwelling to be used:

a. As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved under Section H; and

b. For historic property that meets the requirements of Section B.33.

10. Notwithstanding the minimum lot or parcel size described in Subsection 1,

a. A division of land may be approved provided:

(1) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and

(2) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.

b. A parcel created pursuant to this Subsection that does not contain a dwelling:

(1) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

(2) May not be considered in approving or denying an application for siting any other dwelling;

(3) May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and

(4) May not be smaller than 25 acres unless the purpose of the land division is to facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan or to allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.

11. A division of land smaller than the minimum lot or parcel size in Subsection 1 may be approved provided:

a. The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;

b. The church has been approved under Subsection B.26;

c. The newly created lot or parcel is not larger than five acres; and

d. The remaining lot or parcel, not including the church, meets the minimum lot or parcel size described in Subsection 1 either by itself or after it is consolidated with another lot or parcel.

12. Notwithstanding the minimum lot or parcel size described Subsection 1, a division for the nonfarm uses set out in Subsection B.12 if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.

13. The governing body of a county may not approve a division of land for nonfarm use under Subsection 2, 3, 4, 9, 10, 11, or 12 unless any additional tax imposed for the change in use has been paid.

14. Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur.

15. A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for agricultural uses and is smaller than the minimum parcel size, provided that:

a. If the parcel contains a dwelling, the parcel must be large enough to support the continued residential use.

b. If the parcel does not contain a dwelling, it:

(1) Is not eligible for siting a dwelling, except as may be authorized in ORS 195.120;

(2) May not be considered in approving or denying an application for any other dwelling; and

(3) May not be considered in approving a redesignation or rezoning of agricultural lands, except to allow a public park, open space, or other natural resource use.

M. Yards. In an EFU Zone, the minimum yard setback requirements shall be as follows:

1. The front yard setback from the property line shall be 20 feet for property fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the County.

2. Each side yard shall be a minimum of 20 feet except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet.

3. Rear yards shall be a minimum of 25 feet,.

4. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

N. Transportation Impacts

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles – trucks, recreational vehicles and buses – will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)

**Carla McLane**

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**From:** Carla McLane  
**ent:** Thursday, May 03, 2018 2:57 PM  
**íó:** 'Saldana, Gail L CIV (US)'; Hill, Suzanne CIV USARMY CENWP (US)  
**Subject:** Morrow County Land Classification Maps Comment  
**Attachments:** 05032018 letter to ACOE re Land Classifications signed.pdf; Morrow County COMMENT Land Classification Maps.pdf; Morrow County Columbia River Heritage Trail Maps.pdf

Gail and Suzy,

Attached please find our comment to the Land Classifications with two attachments: 1) notated land classification maps and 2) maps of the Heritage Trail. Be glad to discuss should that be needed.

Carla

Carla McLane  
Planning Director  
Morrow County  
P.O. Box 40  
Irrigon, OR 97844  
541-922-4624  
[cmclane@co.morrow.or.us](mailto:cmclane@co.morrow.or.us)  
[www.co.morrow.or.us](http://www.co.morrow.or.us)





## PLANNING DEPARTMENT

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

May 3, 2018

U.S. Army Corps of Engineers  
Attn: CENWP-PM-F/Gail Saldana  
Post Office Box 2946  
Portland, Oregon 97208-2946

Via Email

RE: Mid-Columbia River Regional Master Plan and Associated Environmental Assessment  
Land Classification Maps - Comment

Dear Ms. Saldana:

Morrow County appreciates participating in this process and has the following comments on the Land Classification Maps and process.

- The maps would be easier to read and identify locations if the following were added: both incorporation into and identification of state highways and county (or city) roads within the influence area of the map (Highways 74 and 730, Threemile Canyon Road, Tower Road, Columbia Avenue, Columbia Lane, Patterson Ferry Road, Eighth Road, and Willow Creek Lane); county boundaries; and other landmarks or features to aid in location (park names as an example).
- The Extent Maps often cover other map components, should be identified as an Extent Map, need to have a boundary or border to separate them from other map features and should be shown with limited color detail. Placement of the Extent Map on each of the Inset Maps should take into consideration available space and interaction with the Inset Maps purpose. There is no Extent Map on the Willow Creek Preliminary Land Classification sheet.
- There are a number of locations that we question the ownership of areas included in the classification. John Day Inset Map 5 has two areas identified that we show as being owned by either Threemile Canyon Farms or the Port of Morrow. There is also an area east of the ODOT Rest Area that we believe is not in ACOE ownership either. Please see the attached Proposed Land Classification Inset Maps for various notes.
- We would appreciate an acknowledgment of the Morrow County Columbia River Heritage Trail location within the ACOE area particularly in relation to the recreation and tourism opportunities it can bring to Morrow County and our communities. Identifying it on these maps or other maps within the final Master Plan is requested.
- There are a number of locations that Morrow County would request different Land Classification, in most cases going from Wildlife Management to at least Low Density Recreation. There are some instances where the application of Low Density Recreation and High Density Recreation are confusing and seem misaligned with the activities currently allowed. There is also confusion with some areas identified as Project Operations.
- John Day Inset 4: More of the area at Quesnel Park (please confirm the current name of this park) should be identified as Low Density Recreation to acknowledge the fishing and kayaking that takes place in that small inlet that is protected by an island channel.



- John Day Inset 6: The location of the Boardman Marina Park is identified as Wildlife Management; at a minimum it should be Low Density Recreation, but to align with the Land Classification at the Irrigon Marina Park it should be labeled High Density Recreation. Immediately adjacent to this area to the east the area recently proposed for various recreation opportunities is label as Low Density Recreation. To further support the communities request for conversion of this area we would request that it also be identified as High Density Recreation.
- There could be an argument that all land within or immediately adjacent to a community should have a recreation Land Classification, at a minimum a Low Density Recreation Land Classification, to allow for walking, hiking, mountain bike and other low intensity recreation in and around a community. This would be applicable to Boardman, Heppner and Irrigon and would be similar to the area around the City of Umatilla.
- John Day Inset 6: Please clarify the strip of land within the center of the City of Boardman.
- John Day Inset 7: An explanation of why only a portion of ACOE land is classified within the area of the USFWS refuge would be appreciated. Given that there is hunting, hiking, mountain biking and limited equestrian use in this area at least a portion, particularly along the Morrow County Columbia River Heritage Trail, which aligns with the old highway, should be identified as Low Density Recreation.
- John Day Inset 7: There is a portion of the map that is identified as Project Operations, but this is confusing as there are no activities in this area. The two fish hatcheries, which would make sense to be called out as Project Operations, are in an area identified as Wildlife Management.
- John Day Inset 7: Morrow County would concur with the current recreation classifications at the Irrigon Marina Park and to the west of there, but would request that the area immediately to the east also be classified at least as Low Density Recreation.
- John Day Inset 8: The area between Irrigon and the county line serves as an area for hunters, hikers, bird watchers and other recreationists. At least a portion, particularly along the Morrow County Columbia River Heritage Trail should be identified for Low Density Recreation use.
- Willow Creek Map: The Willow Creek Road right-of-way needs to be shown. It is also curious why all of the land, except the ball park, below the dam is identified as Project Operations. Morrow County would support more of this area identified for at least Low Density Recreation, but given the area is within the City of Heppner an argument could be made for more of this area being identified as High Density Recreation.

Thanks for accepting these comments in the spirit of Cooperating Agency status. If you want to discuss these comments or the included maps, please drop me an email at [cmclane@co.morrow.or.us](mailto:cmclane@co.morrow.or.us) or give me a call at 541-922-4624.

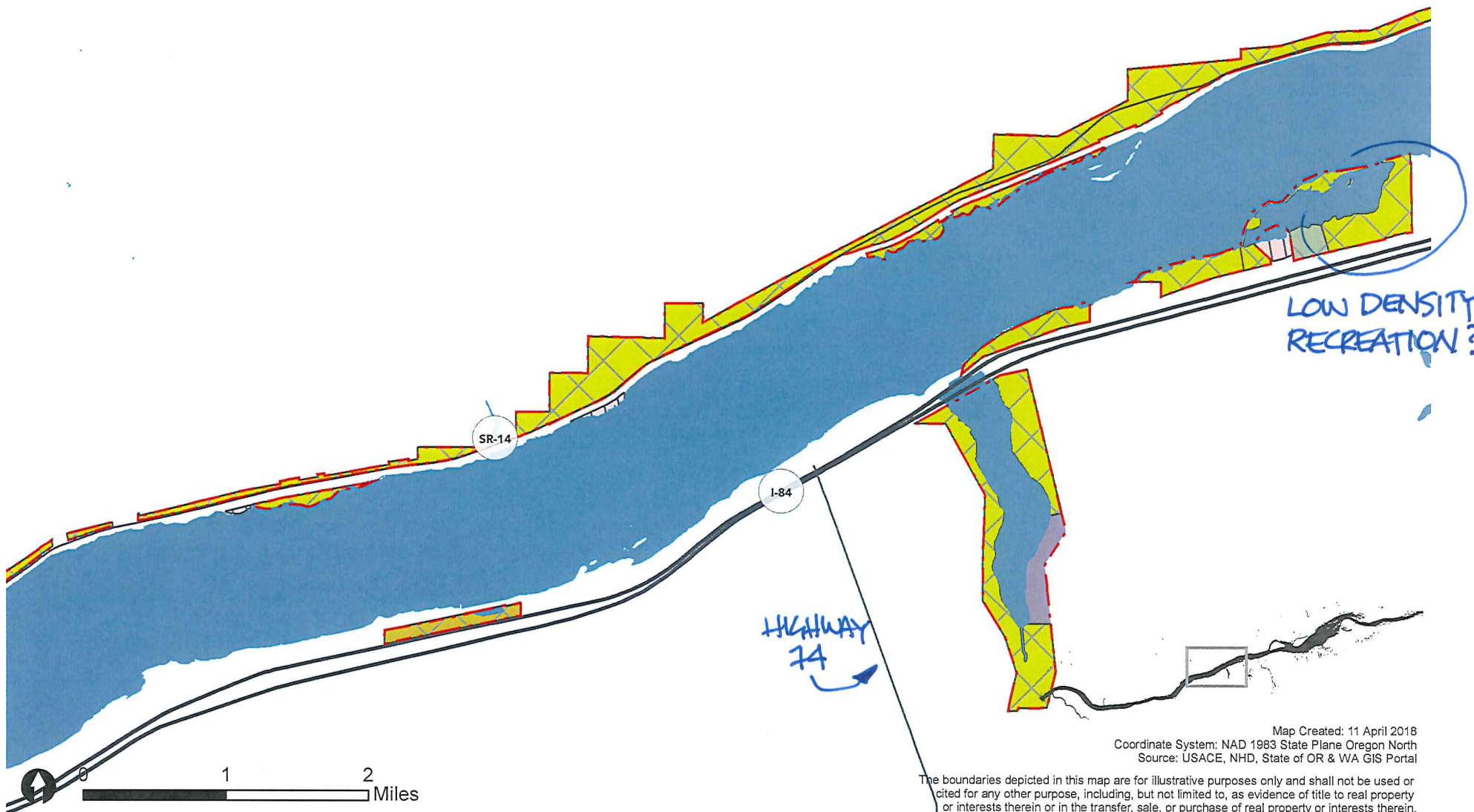
Cordially,



Carla McLane,  
Planning Director

Attachments:

- Morrow County portions of the Proposed Land Classification Inset Maps
- Morrow County Columbia River Heritage Trail Maps



**John Day Proposed Land Classification, Inset 4**  
Mid Columbia River Regional Master Plan

**Legend**

- |                   |                           |                                 |                |
|-------------------|---------------------------|---------------------------------|----------------|
| Project Boundary  | Project Operations        | MRM: Low Density Recreation     | Columbia River |
| Interstate        | High Density Recreation   | MRM: Vegetative Management      | City Limits    |
| State or US Route | Environmentally Sensitive | MRM: Wildlife Management        | CRTFAS*        |
| Trails            | Mitigation                | MRM: Inactive/Future Recreation |                |

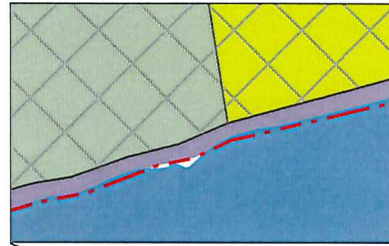
Map Created: 11 April 2018  
 Coordinate System: NAD 1983 State Plane Oregon North  
 Source: USACE, NHD, State of OR & WA GIS Portal

The boundaries depicted in this map are for illustrative purposes only and shall not be used or cited for any other purpose, including, but not limited to, as evidence of title to real property or interests therein or in the transfer, sale, or purchase of real property or interests therein.

\*CRTFAS: Columbia River Treaty Fishing Access Site



Inset Showing Environmentally Sensitive Buffer



Map Created: 11 April 2018  
 Coordinate System: NAD 1983 State Plane Oregon North  
 Source: USACE, NHD, State of OR & WA GIS Portal

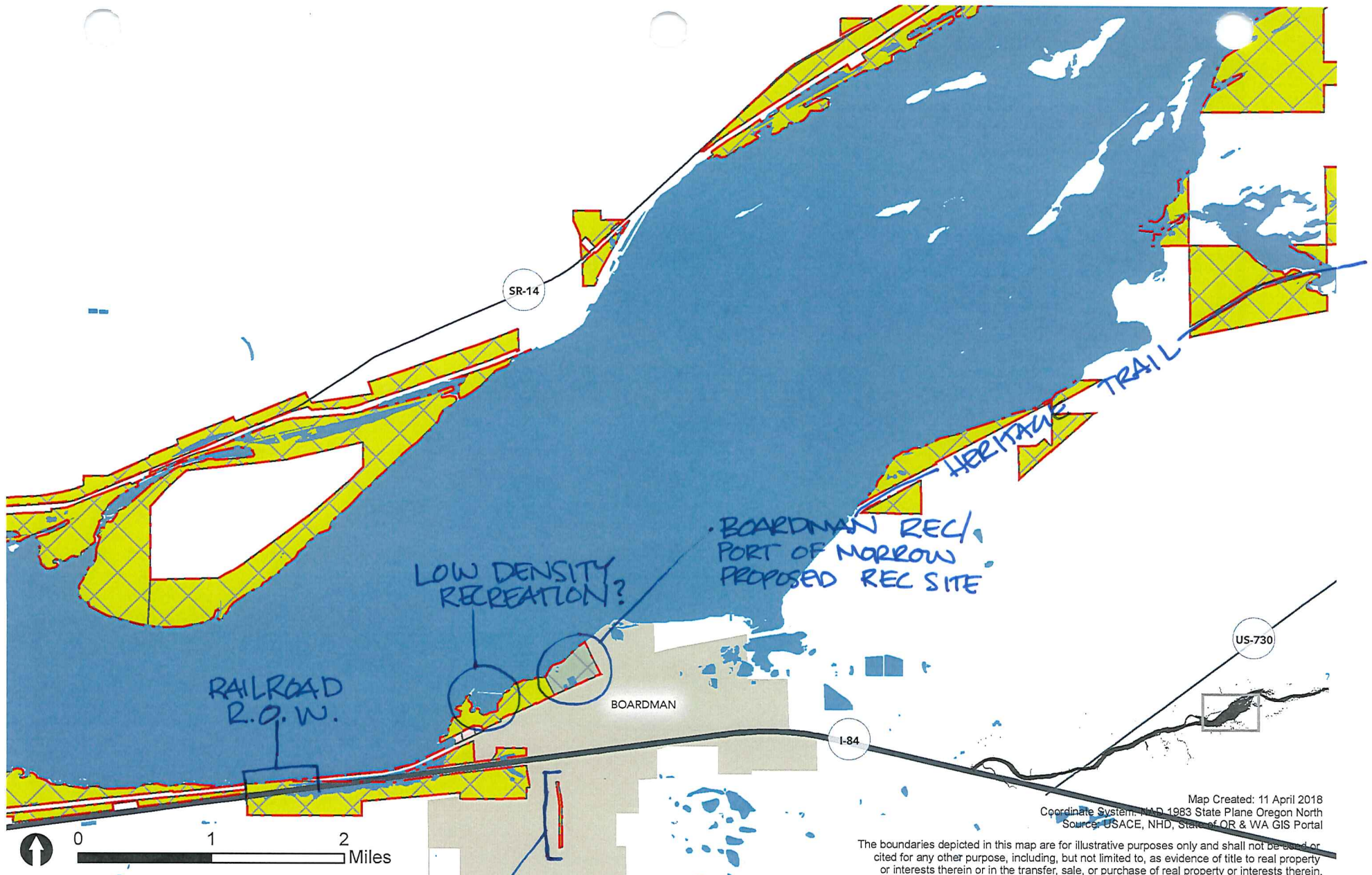
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**John Day Proposed Land Classification, Inset 5**  
 Mid Columbia River Regional Master Plan

**Legend**

- |                   |                           |                                 |                |
|-------------------|---------------------------|---------------------------------|----------------|
| Project Boundary  | Project Operations        | MRM: Low Density Recreation     | Columbia River |
| Interstate        | High Density Recreation   | MRM: Vegetation Management      | City Limits    |
| State or US Route | Environmentally Sensitive | MRM: Wildlife Management        | CRTFAS*        |
| Trails            | Mitigation                | MRM: Inactive/Future Recreation |                |

\*CRTFAS: Columbia River Treaty Fishing Access Site



**John Day Proposed Land Classification, Inset 6**

Mid Columbia River Regional Master Plan

PLEASE CLARIFY

**Legend**

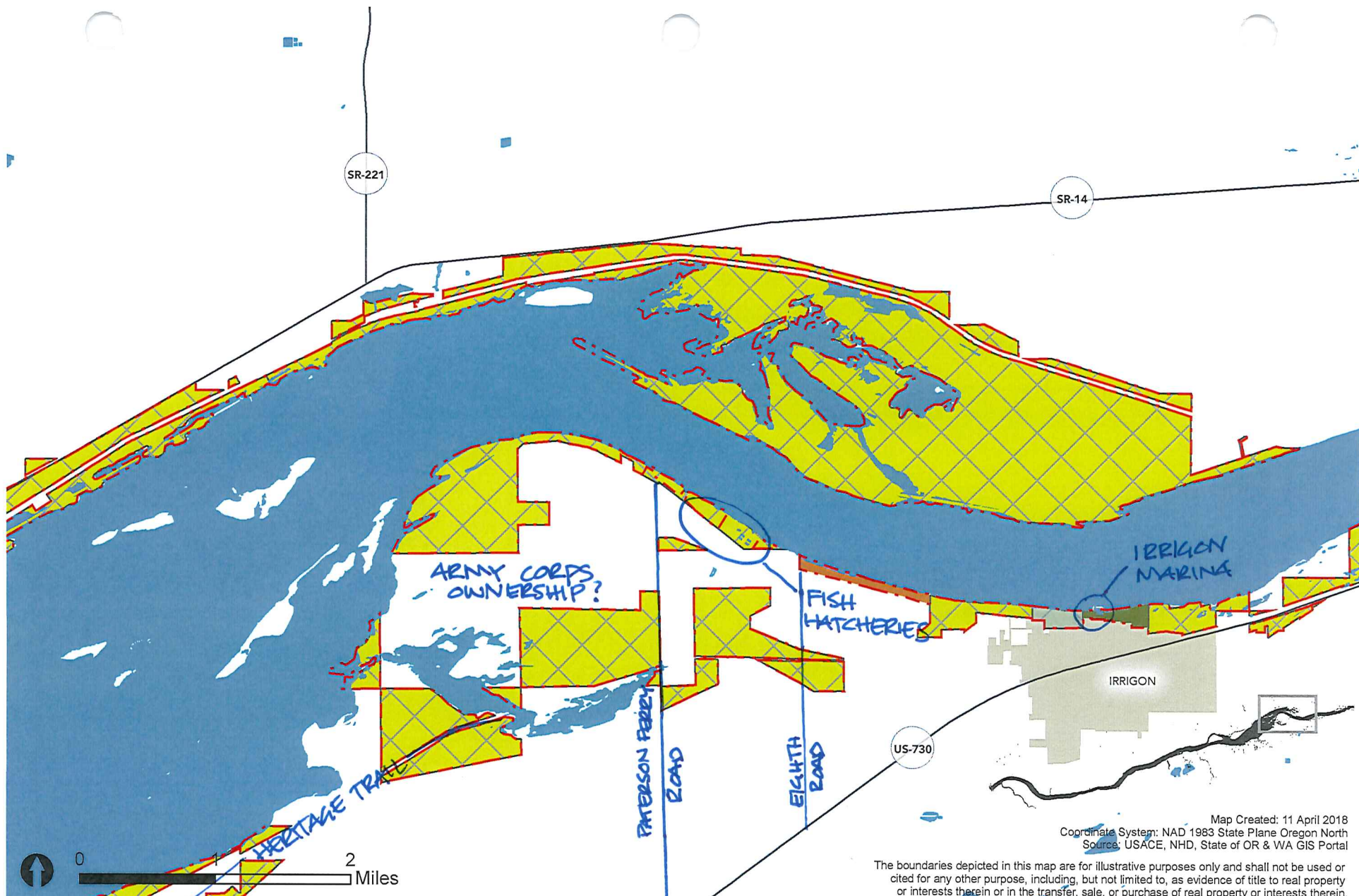
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|-------------------|---------------------------|---------------------------------|----------------|
| Project Boundary  | Project Operations        | MRM: Low Density Recreation     | Columbia River |
| Interstate        | High Density Recreation   | MRM: Vegetative Management      | City Limits    |
| State or US Route | Environmentally Sensitive | MRM: Wildlife Management        | CRTFAS*        |
| Trails            | Mitigation                | MRM: Inactive/Future Recreation |                |

Map Created: 11 April 2018  
 Coordinate System: NAD 1983 State Plane Oregon North  
 Source: USACE, NHD, State of OR & WA GIS Portal

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\*CRTFAS: Columbia River Treaty Fishing Access Site





**John Day Proposed Land Classification, Inset 7**

Mid Columbia River Regional Master Plan

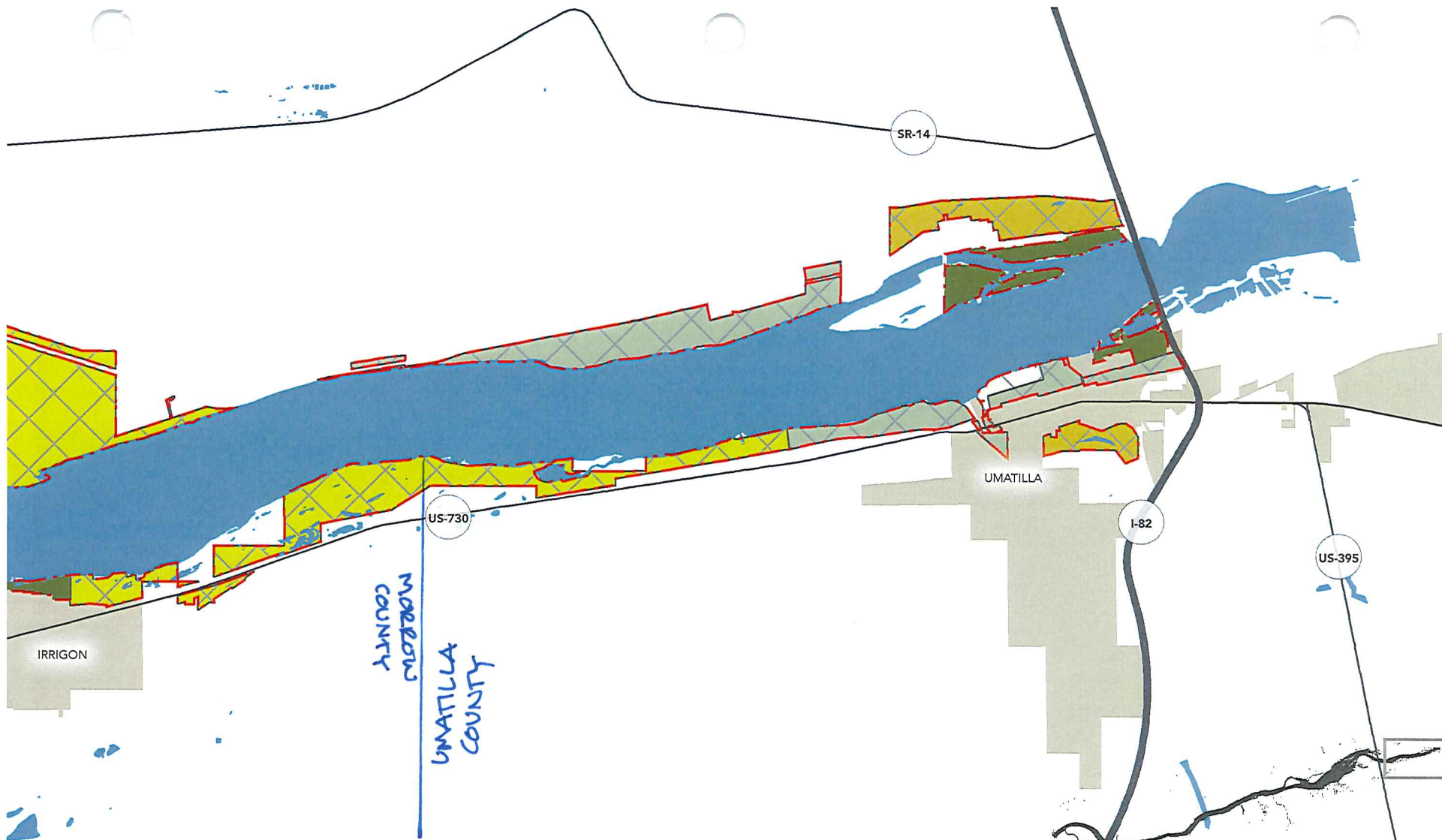
**Legend**

- |                   |                           |                                 |                |
|-------------------|---------------------------|---------------------------------|----------------|
| Project Boundary  | Project Operations        | MRM: Low Density Recreation     | Columbia River |
| Interstate        | High Density Recreation   | MRM: Vegetative Management      | City Limits    |
| State or US Route | Environmentally Sensitive | MRM: Wildlife Management        | CRTFAS*        |
| Trails            | Mitigation                | MRM: Inactive/Future Recreation |                |

Map Created: 11 April 2018  
 Coordinate System: NAD 1983 State Plane Oregon North  
 Sources: USACE, NHD, State of OR & WA GIS Portal

The boundaries depicted in this map are for illustrative purposes only and shall not be used or cited for any other purpose, including, but not limited to, as evidence of title to real property or interests therein or in the transfer, sale, or purchase of real property or interests therein.

\*CRTFAS: Columbia River Treaty Fishing Access Site



**John Day Proposed Land Classification, Inset 8**  
 Mid Columbia River Regional Master Plan

**Legend**

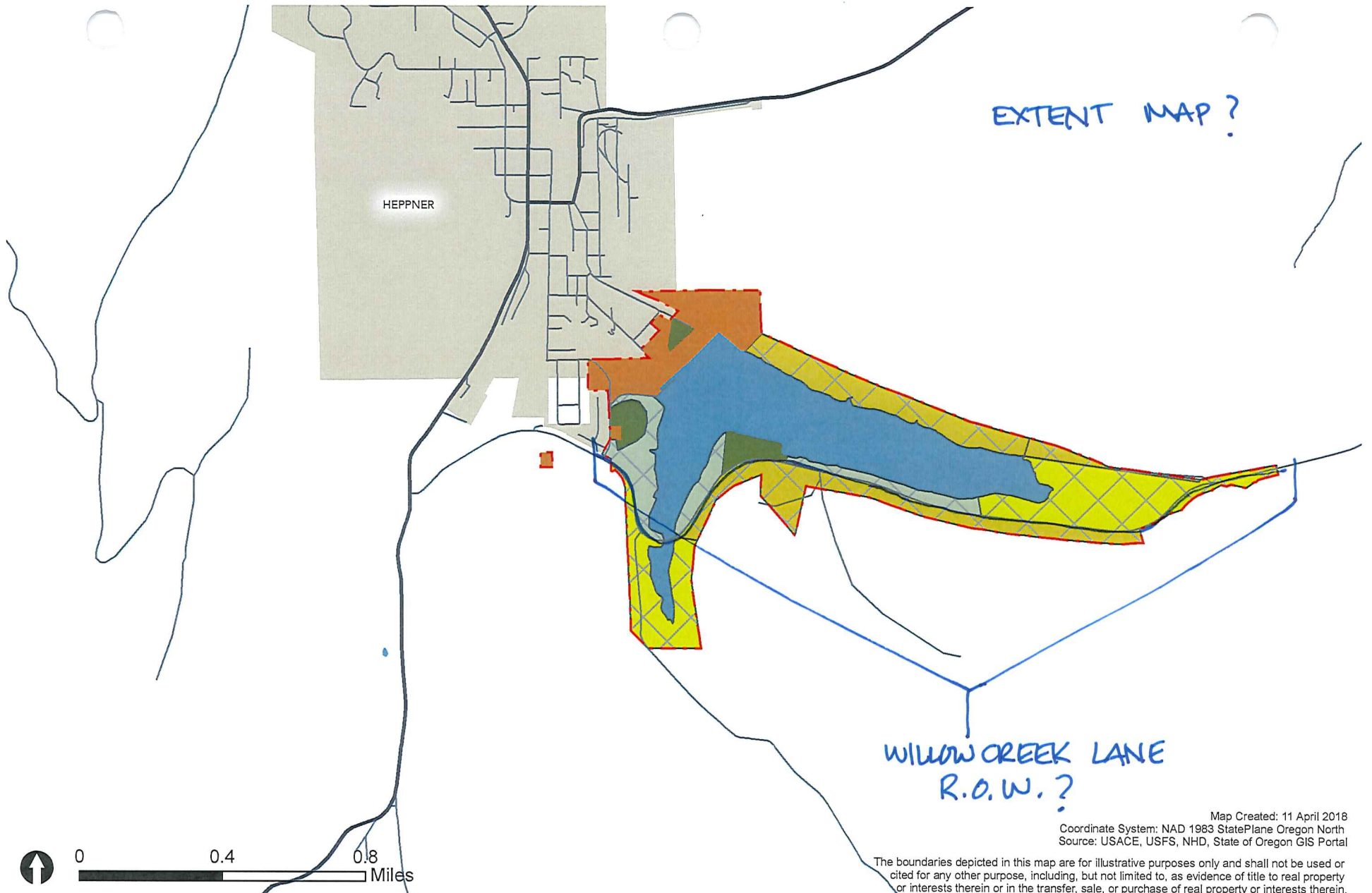
- |                   |                           |                                 |                |
|-------------------|---------------------------|---------------------------------|----------------|
| Project Boundary  | Project Operations        | MRM: Low Density Recreation     | Columbia River |
| Interstate        | High Density Recreation   | MRM: Vegetative Management      | City Limits    |
| State or US Route | Environmentally Sensitive | MRM: Wildlife Management        | CRTFAS*        |
| Trails            | Mitigation                | MRM: Inactive/Future Recreation |                |

Map Created: 11 April 2018  
 Coordinate System: NAD 1983 State Plane Oregon North  
 Source: USACE, NHD, State of OR & WA GIS Portal

The boundaries depicted in this map are for illustrative purposes only and shall not be used or cited for any other purpose, including, but not limited to, as evidence of title to real property or interests therein or in the transfer, sale, or purchase of real property or interests therein.

\*CRTFAS: Columbia River Treaty Fishing Access Site





EXTENT MAP ?

WILLOW CREEK LANE  
R.O.W. ?

Map Created: 11 April 2018  
Coordinate System: NAD 1983 StatePlane Oregon North  
Source: USACE, USFS, NHD, State of Oregon GIS Portal

The boundaries depicted in this map are for illustrative purposes only and shall not be used or cited for any other purpose, including, but not limited to, as evidence of title to real property or interests therein or in the transfer, sale, or purchase of real property or interests therein.

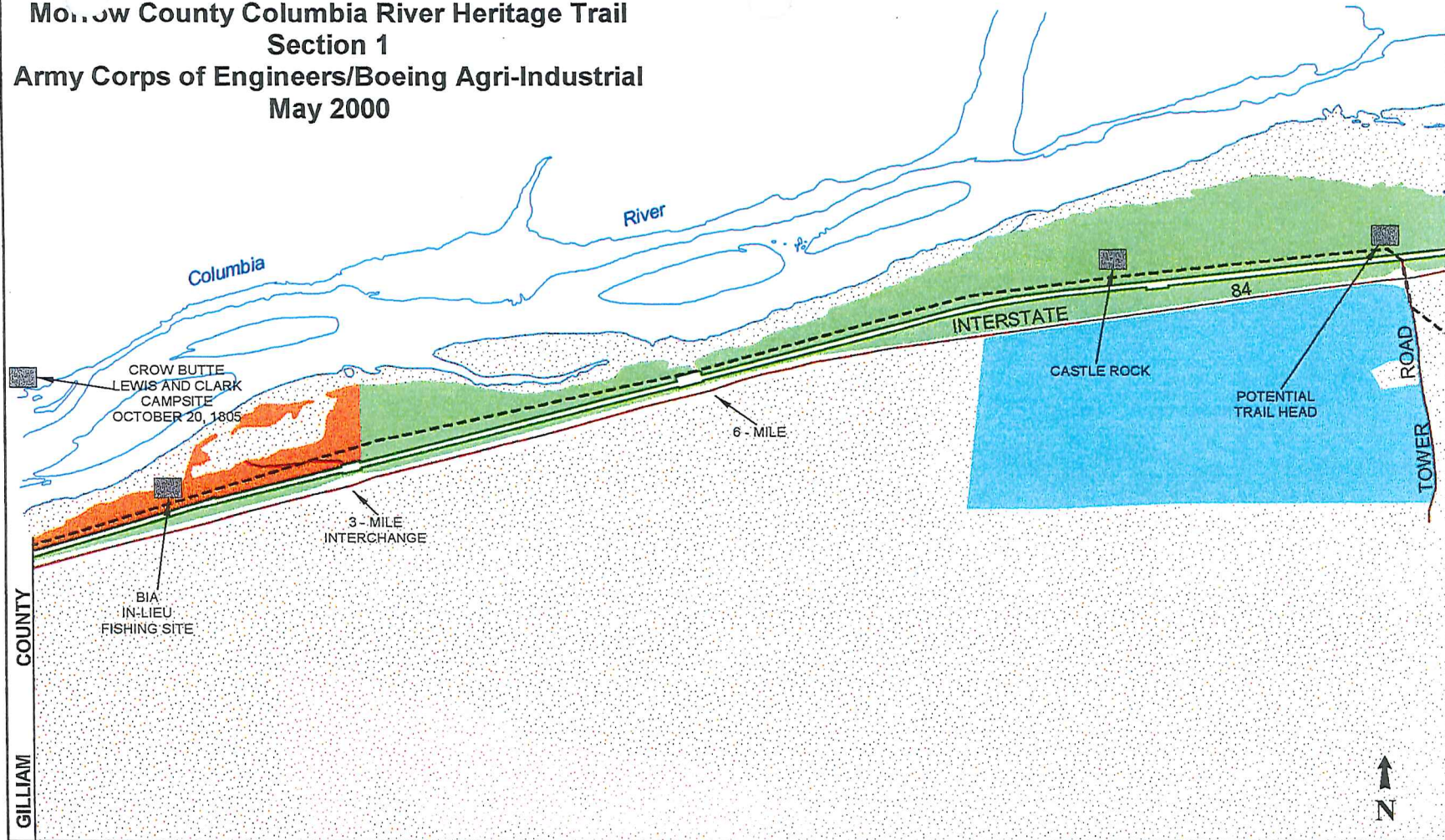


**Willow Creek Preliminary Land Classification**  
Mid Columbia River Regional Master Plan






**Legend**

- Project Boundary
- State or US Route
- Local Streets
- Project Operations
- High Density Recreation
- Environmentally Sensitive
- Mitigation
- MRM: Low Density Recreation
- MRM: Vegetation Management
- MRM: Wildlife Management
- MRM: Inactive/Future Recreation
- Water Body
- City Limits

**Morrow County Columbia River Heritage Trail  
Section 1  
Army Corps of Engineers/Boeing Agri-Industrial  
May 2000**



**Cooperating Agencies/Land Managers**

-  Army Corps of Engineers
-  Boeing Agri-Ind
-  ODFW
-  Port of Morrow
-  USFW Refuges

-  Columbia River Heritage Trail (Existing)
-  Columbia River Heritage Trail (Proposed)
-  Public Road
-  Railroad R/W
-  Site



Date : 05/10/00

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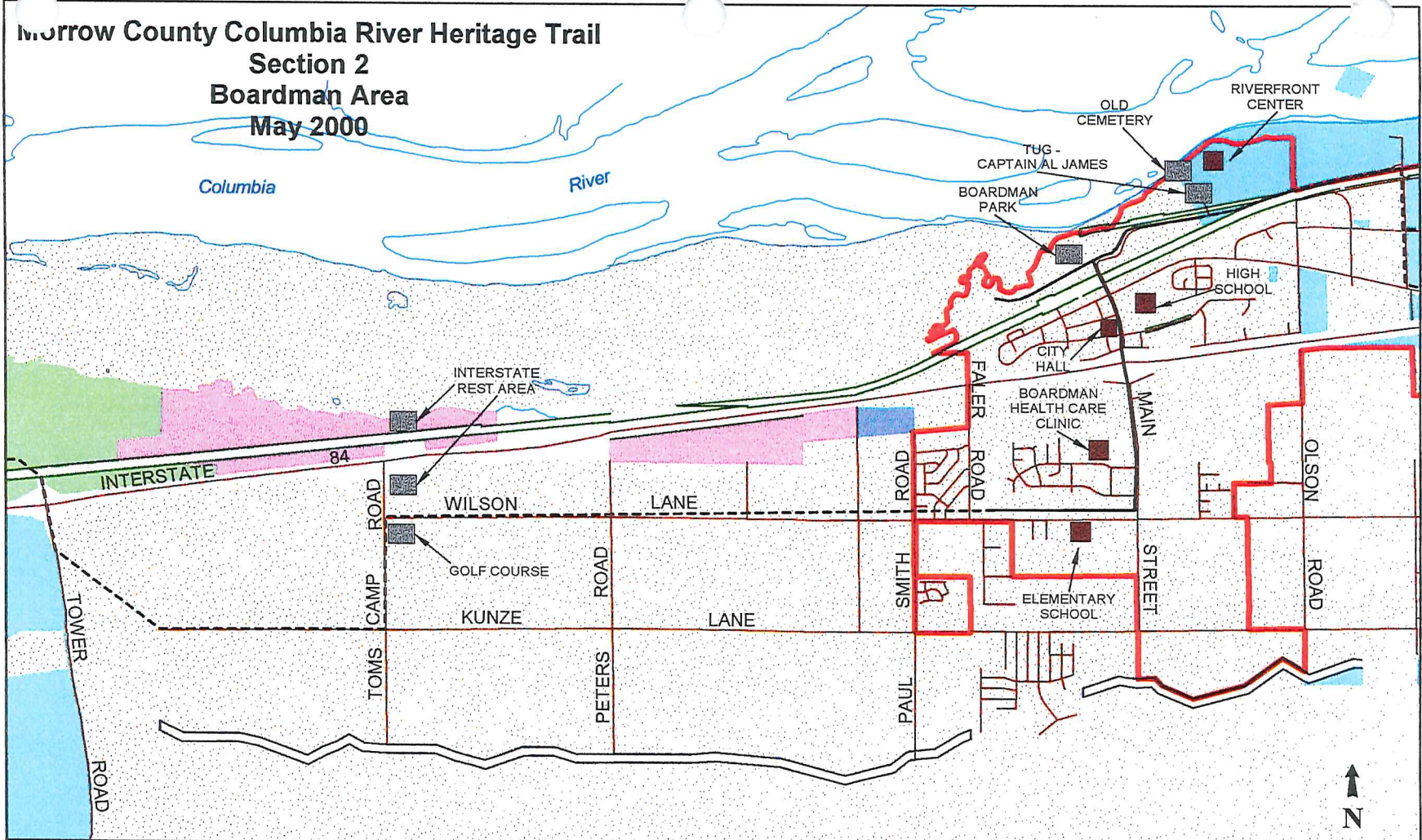
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Geographic Information Systems



**Morrow County Columbia River Heritage Trail  
Section 2  
Boardman Area  
May 2000**



**Cooperating Agencies/Land Managers**

- Army Corps of Engineers
- Boardman City Limits
- Boeing Agri-Ind
- ODFW
- Port of Morrow
- USFW Refuges

- Columbia River Heritage Trail (Existing)
- Columbia River Heritage Trail (Proposed)
- West Extension Irrigation Canal
- Public Road
- Railroad R/W
- Building
- Site

0.0 0.25 0.50 0.75 1.00 1.25 mi

Date : 05/10/00

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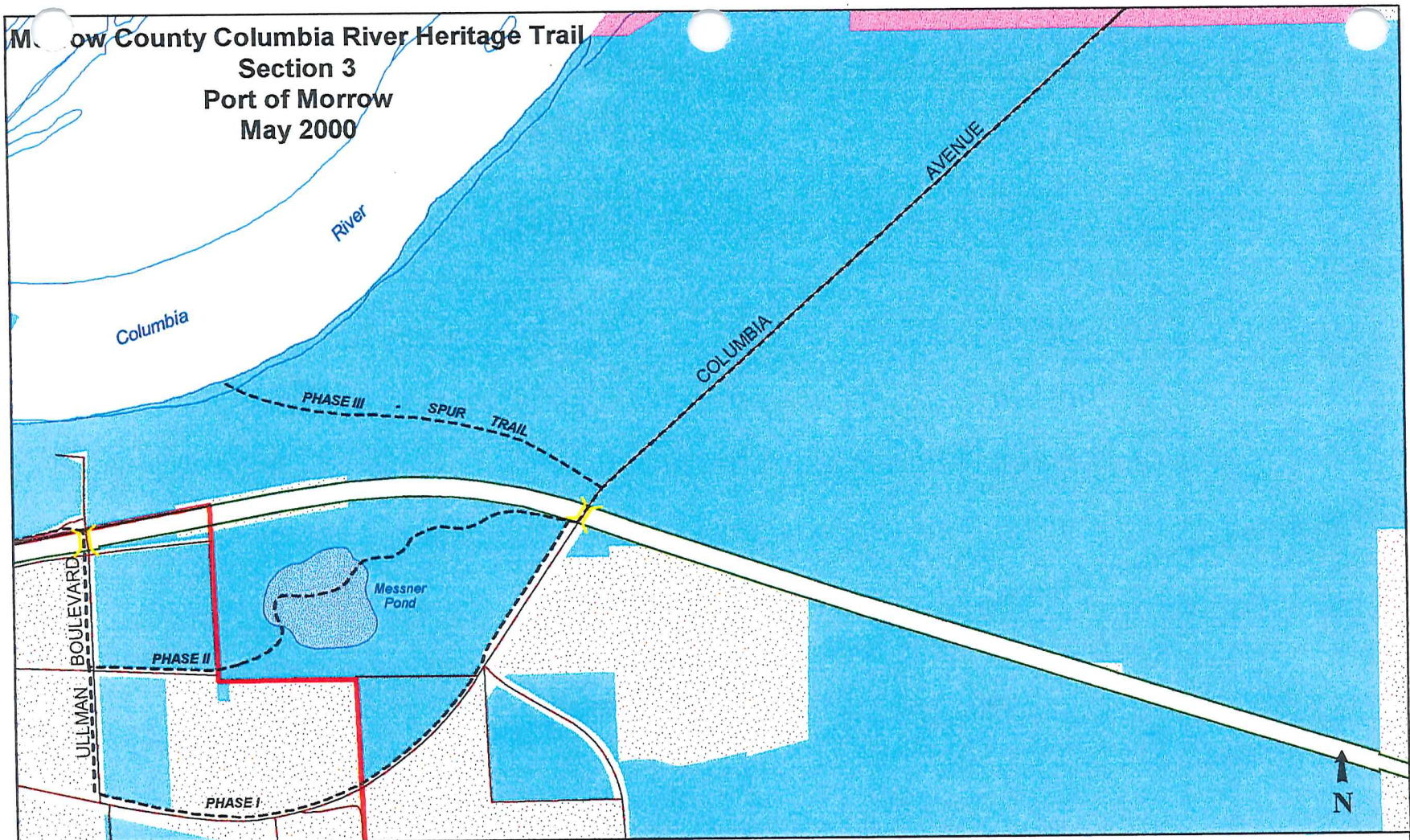
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Geographic Information Systems



Morrow County Columbia River Heritage Trail  
 Section 3  
 Port of Morrow  
 May 2000



Cooperating Agencies/Land Managers

-  Army Corps of Engineers
-  Boardman City Limits
-  Boeing Agri-Ind
-  ODFW
-  Port of Morrow
-  USFW Refuges

-  Columbia River Heritage Trail (Existing)
-  Columbia River Heritage Trail (Proposed)
-  Public Road
-  Railroad R/W
-  Overpass



Date : 05/10/00

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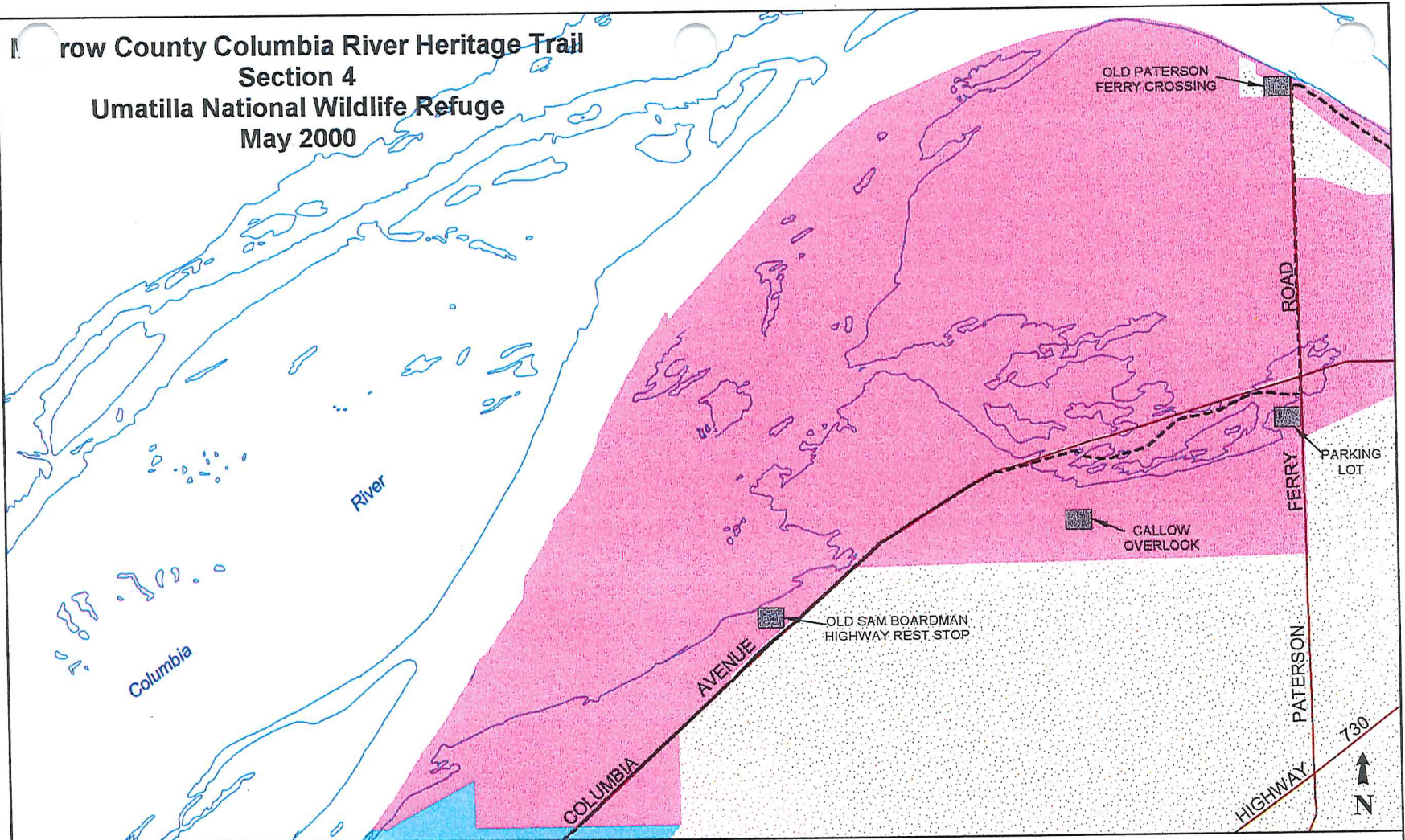
To assist Morrow County in the maintenance of the data, please provide us with information concerning errors, omissions or other discrepancies found in the Morrow County GIS database.



Geographic Information Systems



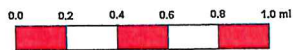
**Morrow County Columbia River Heritage Trail  
Section 4  
Umatilla National Wildlife Refuge  
May 2000**



Cooperating Agencies/Land Managers

-  Army Corps of Engineers
-  Boeing Agri-Ind
-  ODFW
-  Port of Morrow
-  USFW Refuges

-  Columbia River Heritage Trail (Existing)
-  Columbia River Heritage Trail (Proposed)
-  Public Road
-  Site



Date : 05/10/00

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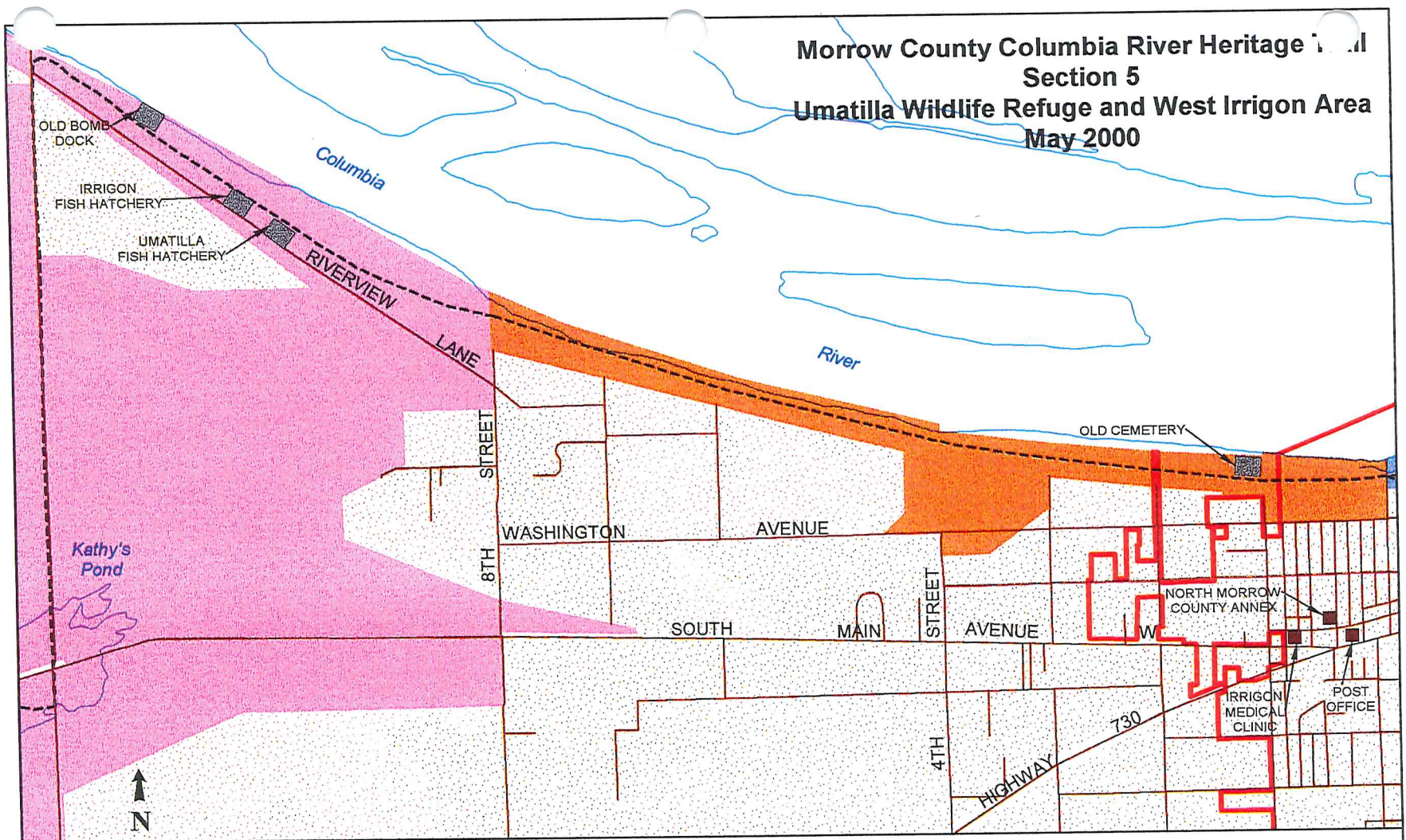
To assist Morrow County in the maintenance of the data, please provide us with information concerning errors, omissions or other discrepancies found in the Morrow County GIS database.









Geographic Information Systems








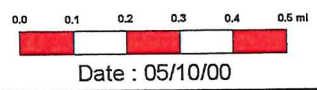
# Morrow County Columbia River Heritage Trail Section 5 Umatilla Wildlife Refuge and West Irrigon Area May 2000



**Cooperating Agencies/Land Managers**

-  Army Corps of Engineers
-  Boeing Agri-Ind
-  Irrigon City Limits
-  ODFW
-  Port of Morrow
-  USFW Refuges

-  Columbia River Heritage Trail (Existing)
-  Columbia River Heritage Trail (Proposed)
-  Public Road
-  Building
-  Site



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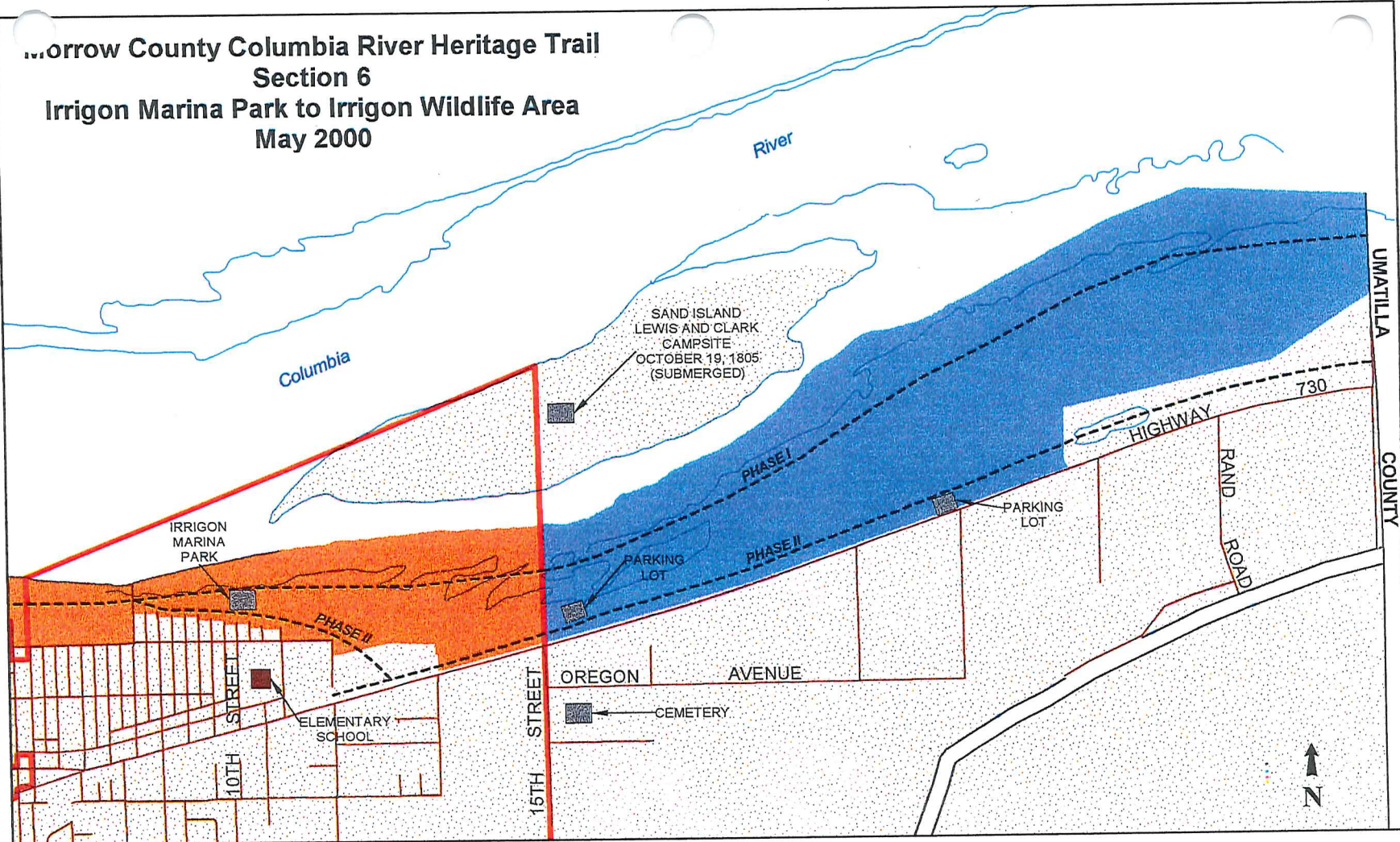
To assist Morrow County in the maintenance of the data, please provide us with information concerning errors, omissions or other discrepancies found in the Morrow County GIS database.



Geographic Information Systems



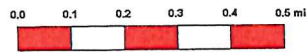
**Morrow County Columbia River Heritage Trail  
Section 6  
Irrigon Marina Park to Irrigon Wildlife Area  
May 2000**



**Cooperating Agencies/Land Managers**

- Army Corps of Engineers
- Boeing Agri-Ind
- Irrigon City Limits
- ODFW
- Port of Morrow
- USFW Refuges

- Columbia River Heritage Trail (Existing)
- Columbia River Heritage Trail (Proposed)
- Public Road
- West Extension Irrigation Canal
- Building
- Site



Date : 05/10/00

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To assist Morrow County in the maintenance of the data, please provide us with information concerning errors, omissions or other discrepancies found in the Morrow County GIS database.



Geographic Information Systems





April 9, 2018

Todd Cornett  
Oregon Department of Energy  
550 Capitol St. NE, 1st Floor  
Salem, OR 97301

Subject: Wheatridge Wind Energy Facility – Amendment Determination Request

Dear Mr. Cornett:

NextEra Energy Resources, LLC (NextEra), on behalf of Wheatridge Wind Energy, LLC (certificate holder), a wholly-owned subsidiary of Wheatridge Wind Holdings, LLC and an indirect subsidiary of its parent company, NextEra, is preparing Request for Amendment 2 (RFA 2) for the Wheatridge Wind Energy Facility. The Wheatridge Wind Energy Facility is an approved, but not yet constructed, wind energy generation facility in Morrow and Umatilla counties. The Wheatridge Wind Energy Facility, as permitted, will have a peak generating capacity of up to 500 megawatts (MW) of electricity, and up to 292 wind turbines divided into two groups: Wheatridge West and Wheatridge East, as well as an interconnection line up to 32 miles of up to two parallel, overhead 230-kilovolt (kV) transmission lines connecting Wheatridge West and Wheatridge East (see enclosed figure). In RFA 2, NextEra proposes to:

- **Amend the range of turbine specifications** – The certificate holder plans on using the most technologically advanced turbines, selecting designs that are best suited for the wind resource in the area, which includes increasing blade length, hub height, rotor diameter and total height of the turbines, for a total turbine tower height plus blade length up to 500.5 feet.
- **Add battery storage as a related and supporting facility** – Battery storage would be included adjacent to project substations. NextEra proposes a 20 MW battery storage site in Wheatridge East and 30 MW battery storage site in Wheatridge West. Battery storage allows for energy generated from a wind facility to be stored, as needed, and later deployed, as needed, providing more energy deployment consistency and the opportunity to respond to market demands.

The modifications proposed to the Wheatridge Wind Energy Facility do not alter NextEra's ability to comply with the Council's earlier findings and approved conditions in the First Amended Site Certificate. Therefore, NextEra anticipates that the request will be subject to the Type B review

process described in Oregon Administrative Rule (OAR) 345-027-0051(3), for the following reasons:

*OAR 345-027-0057(8) In determining whether a request for amendment justifies review under the type B review process described in 345-027-0051(3), the Department and the Council may consider factors including but not limited to:*

*OAR 345-027-0057(8)(a) The complexity of the proposed change;*

The primary purpose of RFA 2 is to take advantage of technological advances, including turbine and battery storage technology. NextEra proposes to amend/increase the dimensions of the turbines; there will be no increase in MW, and there is a potential that there will be fewer turbines than the maximum permitted in the site certificate, thereby reducing the potential for impacts. RFA 2 will also propose to add battery storage systems as a related or supported facility within previously surveyed areas of the Site Boundary, adjacent to project substations. The Site Boundary (also referred to as micrositing corridor) will not be changed; therefore, there are no new resources (e.g., different habitat types) to consider that were not previously evaluated. In general, the proposed changes lack complexity, as only one, minor change to the site certificate's conditions is anticipated: to finish battery storage structures in neutral colors to blend into the surrounding. Ultimately, the Facility will be constructed and operated in the same manner as approved by the Council which imposed conditions, as necessary.

*OAR 345-027-0057(8)(b) The anticipated level of public interest in the proposed change;*

The Council has already imposed conditions in response to past public comments during the siting process. As noted above, the proposed changes lack complexity, and the Wheatridge Wind Energy Facility will be constructed and operated substantially in the same manner as previously approved by the Council. Therefore, the anticipated level of public interest is low.

*OAR 345-027-0057(8)(c) The anticipated level of interest by reviewing agencies;*

There will be no change to the previously approved Site Boundary. Reviewing agencies commented on the site certificate, which informed the development of the site certificate conditions. The certificate holder is coordinating with agencies that may be interested in the changes, such as the Department of Defense for increased turbine height, in advance of submittal. Because the proposed changes to the Wheatridge Wind Energy Facility comply with all existing conditions, the anticipated level of interest by reviewing agencies is low.

*OAR 345-027-0057(8)(d) The likelihood of significant adverse impact; and*

The Council approved the use micrositing corridors for the Wheatridge Wind Energy Facility to allow flexibility in siting of the wind generation components in order to account for geotechnical constraints and adjustments during final design. Therefore, the potential for significant adverse impacts from facilities within the Site Boundary has already been reviewed. RFA 2 proposes taller, but potentially fewer turbines, as well as the addition of battery storage—all within the previously approved Site Boundary. NextEra anticipates the requested flexibility in final turbine model

selection would result in similar or fewer impacts than was previously evaluated. Therefore, there is little likelihood of significant adverse impact.

*OAR 345-027-0057(8)(e) The type and amount of mitigation, if any.*

Because the impacts from the battery storage will be in Class 6 habitat, and no other new impacts that could require mitigation are anticipated, the certificate holder does not foresee substantial, if any, changes to existing mitigation plans.

Please confirm this is the appropriate review type for each of the proposed changes both individually and collectively. Thank you for your consideration. We look forward to working with you during the amendment process.

Best regards,

A handwritten signature in blue ink that reads "Jesse Marshall". The signature is written in a cursive style.

Jesse Marshall  
Project Director  
NextEra Energy Resources  
(760) 846-4421  
jesse.marshall@nee.com



# Wheatridge Wind Energy



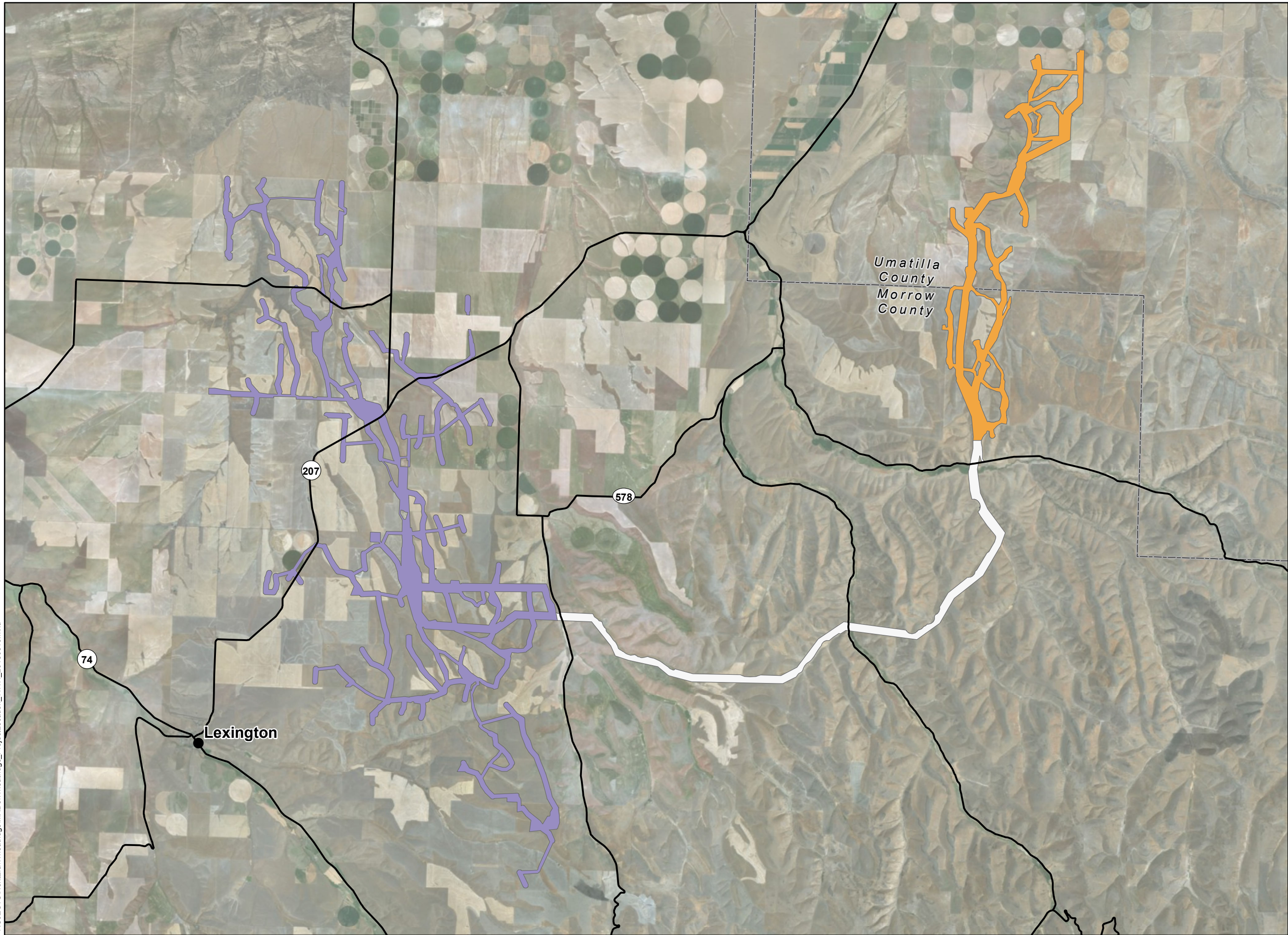
## Site Boundary

MORROW AND UMATILLA COUNTIES, OR

- Wheatridge East
- Intraconnection Line Corridor
- Wheatridge West
- Secondary Road
- City/Town
- County Boundary



### Reference Map



Umatilla  
County  
Morrow  
County

Lexington

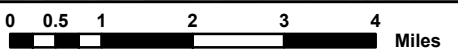
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1:133,000 WGS 1984 UTM Zone 11N



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# Oregon

Kate Brown, Governor



550 Capitol St. N.E., 1<sup>st</sup> Floor  
Salem, OR 97301-3737  
Phone: (503) 378-4040  
Toll Free: 1-800-221-8035  
FAX: (503) 373-7806  
www.Oregon.gov/ENERGY

April 25, 2018

Jesse Marshall, Project Director  
NextEra Energy Resources  
700 Universe Boulevard  
Juno Beach, FL 33408

*Sent via email: [jesse.marshall@nexteraenergy.com](mailto:jesse.marshall@nexteraenergy.com); [Anneke.Solsby@tetrattech.com](mailto:Anneke.Solsby@tetrattech.com);  
[mike.pappalardo@nexteraenergy.com](mailto:mike.pappalardo@nexteraenergy.com); [sarah.curtiss@stoel.com](mailto:sarah.curtiss@stoel.com); [carrie.konkol@tetrattech.com](mailto:carrie.konkol@tetrattech.com)*

Dear Mr. Marshall,

On April 9, 2018, the Oregon Department of Energy (ODOE or the Department) received NextEra Energy Resources, LLC’s (NextEra or certificate holder) Type B review amendment determination request (ADR) for Request for Amendment 2 (RFA 2) of the site certificate, submitted pursuant to OAR 345-027-0057(5). The ADR describes that RFA 2 would: request approval for construction and operation of a differing turbine model option; and, installation and operation of two battery storage systems (“proposed modifications”). The Department may consider, but is not limited to, the factors identified in OAR 345-027-0057(8) when determining whether to process an amendment request under Type B review. The Department’s evaluation of the OAR 345-027-0057(8) factors is presented below.

### *Amendment Review Process*

Energy Facility Siting Council (EFSC or Council) rules describe the process for Type A and Type B review of a request for amendment at OAR 345-027-0051. The table below summarizes key differences in the review phases/steps and timelines between the two processes. Council rules describe both processes in greater detail.

Review Phase/Step	Timeline	
	Type A	Type B
ODOE Issues Determination of Completeness on Preliminary Request for Amendment	Within 60 days	Within 21 days
ODOE Issues Draft Proposed Order	Within 120 days of notice of Determination of Completeness	Within 60 days of notice of Determination of Completeness
Public Hearing	At least 20 days after issuance of Draft proposed order	Not applicable
ODOE Issues Proposed Order	Within 30 days following the Public Hearing	Within 21 days of close of comment period on Draft Proposed Order

Review Phase/Step	Timeline	
	Type A	Type B
Deadline for Contested Case Requests	At least 30 days after issuance of Proposed Order	Not applicable
ODOE Review and Council Decision on Contested Case (CC) Requests	Next regularly scheduled Council meeting following deadline for CC requests	Not applicable
Contested Case Proceeding	At Council's discretion (no specific timeline)	Not applicable
Issuance of Final Order and Amended Site Certificate	Next regularly scheduled Council meeting following deadline for CC requests	Next regularly scheduled Council meeting following issuance of PO

As presented in the above table, the key procedural difference between the Type A and Type B review is that the Type A review includes a public hearing on the draft proposed order and an opportunity for a contested case proceeding. The key timing differences between Type A and Type B review are in the Department's determination of completeness of the preliminary amendment request, and the issuance of the draft proposed order and proposed order; it is important to note that Council rules authorize the Department to adjust the timelines for these specific procedural requirements, if necessary.

*Description of Proposed Modifications*

The certificate holder proposes to utilize a differing turbine model option with a 500.5 foot (ft) total turbine tower height (tower height plus blade length). The existing site certificate authorizes construction and operation of a turbine model with a maximum total tower height of 476 ft. The ADR explains that the proposed differing turbine model would increase blade length, hub height, rotor diameter and total turbine height; however, the increase in total turbine height is the only specification provided. The certificate holder requests flexibility in final turbine model selected, including the previously approved and the proposed turbine model options.

The certificate holder also proposes to install and operate 20 and 30 megawatt (MW) battery storage systems to be located adjacent to the approved but not yet constructed project substations, within previously surveyed areas and site boundary. The certificate holder identifies that the proposed battery storage systems would require amendment of an existing site certificate condition, specifying that the battery storage systems have a neutral finish to blend with surrounding conditions.

*Considerations for Determining Whether to Process an Amendment Request as Type B Review*

OAR 345-027-0057(8) provides a non-exhaustive list of factors the Department may consider in determining whether to process an amendment request under Type B review. In its review of the factors, the Department considers the anticipated regulatory review, potential environmental impacts, and uncertainties in completeness of an amendment request and level of public and agency interest. The procedural history and administrative record for the facility also support the evaluation of anticipated new or differing findings; new or amended conditions; and historic level of interest in facility siting proceedings.

It is the Department and Council's discretion to consider the factors individually or in combination in the evaluation of whether Type B review is warranted.

The listed factors are evaluated as follows:

*(a) The complexity of the proposed change;*

NextEra's ADR requests that the Department consider the proposed modifications to be non-complex. The ADR explains that the proposed modifications would allow use of technological advancements in wind turbine technology and battery storage. The certificate holder suggests that construction and operation of a newer turbine model should not be considered complex because it would not change overall facility capacity (500 MW) and that it could result in reduced impacts compared to those presented in the *2017 Final Order on the ASC* due to fewer total number of turbines; however, the certificate holder does not definitively state or commit to using fewer turbines, and it is unclear if RFA 2 would request a condition amendment to formally reduce the allowable number of turbines at the facility. The certificate holder further suggests that because the battery storage systems would be located adjacent to project substations, within the site boundary, and within areas previously surveyed, installation and operation of the battery storage systems should also not be considered complex. The certificate holder concludes that because the proposed modifications would be located within the previously approved micrositing corridor and site boundary, that there would be no impacts to any new resources.

The Department disagrees that the reasons and level of analysis provided by the certificate holder support a conclusion that the proposed modifications be considered non-complex. As described below, because the proposed battery storage systems are new components not previously evaluated by Council for this facility or historically for any EFSC facility, the anticipated level of public and reviewing agency interest, and based on the uncertainty of potential adverse environmental impacts, the Department considers the proposed modifications to be complex.

*(b) The anticipated level of public interest in the proposed change;*

NextEra's ADR requests that the Department consider the anticipated level of public interest in the proposed modifications to be low because the facility has been approved by Council, a site certificate has been issued, and because the proposed modifications are considered non-complex.

The Department disagrees that the reasons and level of analysis provided by the certificate holder support a conclusion that the anticipated level of public interest in the proposed modifications be considered low. For the proposed differing turbine model option, the Department anticipates a moderate level of public interest in potential new findings, not previously relied upon in the *2017 Final Order on the ASC* or *2017 Final Order on RFA 1*, under the Council's Fish and Wildlife Habitat standard and Public Health and Safety Standards for Wind Energy Facilities. The Department also anticipates a moderate level of public interest in the proposed new battery storage systems because they have not been previously evaluated for this facility or historically by Council for any approved facility. Lastly, the Department considers the level of historic public interest on this facility's prior proceedings in the evaluation of this factor. Because over 40 comments were received during the draft proposed order phase of the application and a contested case proceeding occurred, and 7 comments were received on the recent site certificate transfer request (RFA 1), the Department



anticipates a moderate level of general public interest in EFSC proceedings for this facility.<sup>1</sup>

*(c) The anticipated level of interest by reviewing agencies;*

NextEra's ADR requests that the Department consider the anticipated level of interest by reviewing agencies to be low because reviewing agencies previously evaluated the facility during the application phase and there are no changes in the site boundary. The ADR explains that the certificate holder has initiated coordination with the Department of Defense to address potential turbine height concerns within the amendment request.

The Department disagrees that the reasons and level of analysis provided by the certificate holder support a conclusion that the anticipated level of interest from reviewing agencies in the proposed modifications be considered low. The proposed battery storage systems have not been previously evaluated for this facility nor have they been historically evaluated by Council for any EFSC facility, and the turbine blade length and overall structure height would increase. Therefore, the Department anticipates a level of interest from several reviewing agencies including but not limited to Oregon Department of Fish and Wildlife, Morrow and Gilliam counties, local fire departments, Oregon Department of Aviation, Oregon Department of Environmental Quality, and Oregon Department of Geology and Mineral Industries.

*(d) The likelihood of significant adverse impact;*

NextEra's ADR requests that the Department consider the likelihood of a significant adverse impact to be low because the proposed modifications would be located within the previously approved micro-siting corridor, site boundary and in previously surveyed areas. The certificate holder further suggests that the differing turbine model option may result in fewer overall impacts, from those evaluated in the *2017 Final Order on the ASC*, due to fewer turbines operating onsite. However, as noted elsewhere in this evaluation, the certificate holder does not definitively state or commit to using fewer turbines, and it is unclear if RFA 2 would request a condition amendment to formally reduce the allowable number of turbines at the facility.

The Department disagrees that the reasons and level of analysis provided by the certificate holder support a conclusion that the likelihood of significant adverse impact from the proposed modifications be considered low. The ADR explains that the proposed differing turbine model option would result in a turbine with increased blade length, hub height, rotor diameter and total turbine tower height. While not required, the ADR did not include an impact assessment to support the Department's review of the proposed differing turbine model and potential impacts under the Council's Public Health and Safety Standards for Wind Energy Facilities or Fish and Wildlife Habitat standard, for example. The proposed differing turbine model option could result in differing structural risks and changes in blade safety from ice throw and ice shedding, and differing impacts to avian species. Moreover, because the proposed battery storage systems have not been previously evaluated for this facility nor have they been historically evaluated by Council for any facility, and because an impact assessment was not provided in the ADR, the Department is uncertain if there will be a potential significant adverse impact from the battery storage systems, particularly related to impacts and fire safety risk under the Council's Public Services standard.

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<sup>1</sup> Comments on the record of the draft proposed order and site certificate transfer request were received from both members of the public and reviewing agencies.

*(e) The type and amount of mitigation, if any.*

NextEra's ADR states that because the proposed modifications would be within the previously approved micrositing corridor and site boundary, and would not result in new impacts, substantial changes to existing habitat mitigation and revegetation plans are not expected.

The Department agrees that for the reasons described above, the proposed modifications are not likely to result in new mitigation for temporary and permanent habitat impacts.

#### *Amendment Type Determination*

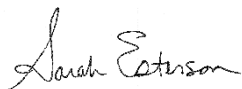
After reviewing the ADR and consideration of the OAR 345-027-0057(8) factors, the Department determines that RFA 2 be processed under Type A review. The Department bases its determination of Type A review on the following:

- The proposed modifications are considered complex;
- There is an anticipated level of interest from members of the public and reviewing agencies in the proposed modifications;
- The likelihood of potential significant adverse impacts from the proposed modifications is uncertain, primarily resulting from the components not previously evaluated for the facility or historically by Council (e.g. proposed battery storage systems).

If NextEra disagrees, pursuant to OAR 345-027-0057(7) you may refer the Department's determination to the Council for their concurrence, modification, or rejection. Additionally, an ADR may be re-submitted in conjunction with the preliminary request for amendment (pRFA). Submittal of an ADR in conjunction with the pRFA could support the Department's reevaluation of Type B review and the OAR 345-027-0057(8) factors by providing the full information as required in an RFA, in accordance with OAR 345-021-0100, and the certificate holder's evaluation of compliance with Council standards. It is important to note, however, that because the factors may be considered individually or in combination, the information contained in a pRFA would not likely change the Department's response for this facility based on the anticipated level of public interest and level of complexity.

If there are any questions or comments, please feel free to contact me per the information below.

Sincerely,



Sarah Esterson, Senior Siting Analyst

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

P: 503-373-7945

#### **cc via e-mail distribution:**

Todd Cornett, Oregon Department of Energy  
Maxwell Woods, Oregon Department of Energy  
Jesse Ratcliffe, Oregon Department of Justice

8

**From:** Dan Cruse  
**Sent:** Wednesday, April 25, 2018 5:00 PM  
**To:** Darrell Green <[dgreen@co.morrow.or.us](mailto:dgreen@co.morrow.or.us)>  
**Subject:** ROAD MAINTENANCE & SPEED LIMITS

I have concerns with Rand Road and Pleasant View Roads in Irrigon.

My wife and I have lived on Pleasant View for 6 years and our neighbors on the Umatilla County side of Pleasant View were almost killed (vehicle they were in totaled) by a speeding farm semi-truck and two beautiful border collie dogs were killed in separate incidents.

Yesterday a car came off the canal bridge and was doing well in excess of 65 mph by the time he passed my house. I yelled at him and made myself a possible target for revenge.

We put up a "SLOW -children and pets at play" and it works for many, but not all. The street sign and stop sign at the intersection of Hwy 730 was knocked down about 2 years ago and not replaced.

I know this is a county line road, but we really need to post a speed limit less than the UN-POSTED 55 MPH limit.

Rand Road is paved from the 730 intersection to the 2nd house, but it is full of huge pot holes and the intersection shoulders have been further degraded and narrowed by the RBC cable layers. The rest of the road is gravel up to Sunset Lane and beyond. Rand Road has two new families getting ready to build homes and this road is a disgrace.

The many families living on these terrible ROADS aren't getting much for what I consider to be excessive Property Tax Dollars.

Please pass these concerns along to our County Commissioners and anyone else to whom it may concern.

Respectfully, Dan Cruse

---

On Mon, Apr 30, 2018 at 8:44 AM, Darrell Green <[dgreen@co.morrow.or.us](mailto:dgreen@co.morrow.or.us)> wrote:

Good morning Mr. Cruse,

Thank you for forwarding your concerns. I have discussed your email with Morrow County's Road Department Director and the Sheriff's Office.

The stop sign that was knocked down at the intersection of Hwy 730- Any sign that is placed at the intersection of a state highway is the responsibility of ODOT.

1. Posting of speed limits or changes requires a speed study- We are working with ODOT to do a speed study of the Irrigon area.

2. We will look into the pothole issue on the County road system. If the RBC damage is parallel to Hwy 730, that would be ODOT's responsibility.
3. Undersheriff Bowles said he will have his deputies do some extra patrols in the area.

Please let me know if you have any other questions or concerns.

Sincerely,

Darrell J. Green  
Morrow County Administrator  
(541) 676-2529  
P.O. Box 788  
[110 N. Court St.](#)  
[Heppner, OR 97836](#)  
Email: [dgreen@co.morrow.or.us](mailto:dgreen@co.morrow.or.us)



---

**From:** Dan Cruse  
**Sent:** Monday, April 30, 2018 4:27 PM  
**To:** Darrell Green <[dgreen@co.morrow.or.us](mailto:dgreen@co.morrow.or.us)>  
**Cc:** Moore Tom & Carol <>;  
**Subject:** Re: FW: ROAD MAINTENANCE & SPEED LIMITS

Mr. Green,

Thank you for your attention in these matters.

I am sure all the neighbors appreciate the **great** response from the Road Department. We were amazed to see that all the pot holes on both roads were filled this morning.

God Bless you all, Dan



## Darrell Green

---

**From:** Bobbi Childers  
**Sent:** Wednesday, May 2, 2018 12:30 PM  
**To:** Darrell Green  
**Cc:** 'cade.Burnette@imesd.k12.or.us'  
**Subject:** FW: Blue Mountain Early Learning Hub

---

**From:** Cade Burnette [mailto:Cade.Burnette@imesd.k12.or.us]  
**Sent:** Tuesday, April 17, 2018 12:37 PM  
**To:** rchurch@union-county.org; adminservices@umatillacounty.net; Bobbi Childers <bchilders@co.morrow.or.us>  
**Subject:** Blue Mountain Early Learning Hub

Dear County Commissioners:

My name is Cade Burnette and I work with InterMountain ESD as well as the Blue Mountain Early Learning Hub. This initiative seeks to coordinate services to children ages birth to five and their families across Union, Morrow, and Umatilla counties. We seek to provide supports, training, resources, and initiatives in the areas of health, safety, and education in order to prepare children for Kindergarten and later school success. In an effort to do so, one of the events that we coordinate is the Fall Summit. We invite participants from early childhood providers, school districts, public and private health, community partners, and representatives from the safety sector to participate in a one-day training event. This year's speaker will be Christian Moore. This link gives some information about the speaker, an internationally known speaker focusing on resiliency. <https://www.linkedin.com/in/resilienceguy>

Last year's summit had approximately 400 people attend from the three county area. We are hoping for approximately 500 people this year. We are looking to hold this event in Pendleton, somewhat centrally located between Umatilla, Union, and Morrow counties. We plan to have catered food and snacks as well. In addition, we will provide materials related to the training and take-away items as well as offer college level credits or Continuing Education Units to participants that want to take advantage of this opportunity. InterMountain ESD and Umatilla-Morrow Head Start along with Oregon Child Development Coalition and GOBHI (our local Coordinated Care Organization) have partnered to plan this event.

We would like to request that each of the counties support our efforts with an appropriately deemed amount of funding if possible. In addition, we would love to offer an invitation to attend this training and partner more closely with our local elected officials in supporting young children and families in our communities and in our counties. If you have any questions or would like more information please let me know.

Thank you for your time and consideration.



**Cade Burnette** | Deputy Director of EI/ECSE  
[Cade.Burnette@imesd.k12.or.us](mailto:Cade.Burnette@imesd.k12.or.us)  
**InterMountain ESD** | [www.imesd.k12.or.us](http://www.imesd.k12.or.us)

*Scaling New Heights of Excellence*

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## Darrell Green

---

**From:** Scheele, Lisa <Lisa.Scheele@sss.gov>  
**Sent:** Wednesday, May 2, 2018 11:49 AM  
**To:** Darrell Green; Morrow Co Veterans Office; Morrow Co Clerk Records; Karen Wolff; Roberta Lutcher; Bobbi Childers; Theresa Crawford  
**Subject:** Volunteer Opportunity in Morrow County  
**Attachments:** SSS Form 404\_Board Member\_MAR2017 (OMB Approved 20170407) FILLABLE 17121....pdf; 2 LM Information Booklet.pdf

Good day, Morrow County. Allow me to introduce myself. My name is Lisa and I am a government employee working for the Selective Service System Region III office in Colorado. I've been looking for people to reach out to and found your email on your county's website in hopes that you can assist me. We are in need of your help in filling a volunteer position as a local board member for Selective Service to serve your community. I have attached a little information regarding the local board program for you to review and consider applying for and/or sharing with others in your county who may be interested. If our Nation's elected officials ever need to implement the draft one day, we must have representatives with sound judgment to hear any claims for conscientious objectors, but we currently do not have anyone from your county at this time to represent and hear your neighbors' claims. This is a non-paid, volunteer position that requires very few hours of your valuable time per year. It is imperative that we keep this Selective Service System board program (albeit a tertiary backup system) fair and equitable and every county must be represented, and we need someone from your county to ensure it is fair and equitable.

If you are interested, know of someone who may be interested, or can help get the word out, I've attached the application (404) to submit to our Region III office via email, fax or US mail. You can find more information at [www.sss.gov](http://www.sss.gov) as well. Below is a link to a short 10-minute video about the Selective Service System if you'd like to watch it for a better understanding or to clear up any misconceptions. I hope you are able to assist in ensuring your county's representation on a local board should we ever need them. Thank you for your time.

Respectfully,

**Lisa Scheele**  
**Program Analyst**  
**Selective Service System**  
Region 3 Headquarters  
84 N Aspen St (MS 26)  
Buckley AFB CO 80011-9526  
Office: 720-847-4208  
Cell: 720-799-3241  
Fax: 720-847-4210

### **WHAT/WHO IS SELECTIVE SERVICE**

**SYSTEM:** Answer: <https://www.sss.gov/Portals/3/Video/SSS%202017%2010%20min.mp4>

**CONFIDENTIALITY NOTICE:** The information contained in this e-mail and any attachments may be confidential or privileged under applicable law, or otherwise may be protected from disclosure to anyone other than the intended recipient(s). Any use, distribution, or copying of this e-mail, including any of its contents or attachments by any person other than the intended recipient, or for any purpose other than its intended use, is strictly prohibited. If you believe you have received this e-mail in error: permanently delete the e-mail and any attachments, and do not save, copy, disclose, or rely on any part of the information contained in this e-mail or its attachments.



# SSS Board Member Application

## Personnel Policies and Procedures Manual - Chapter 520

The Selective Service System (SSS) is seeking applicants to serve as uncompensated members of the SSS Boards. There is no plan to begin inducting young men into military service at this time. Before inductions could be resumed, a law must be passed by Congress and approved by the President. However, there is a need to make the SSS ready to operate should it become necessary. Consequently, it is necessary that we select and train citizens who would be willing to serve if needed.

Completing the attached information sheet does not obligate you to accept an appointment nor does it constitute an offer of an appointment. Each individual selected for recommendation will be contacted to determine availability. This application is the first step in identifying individuals who are willing to serve as SSS Board Members.

**A. Eligibility Requirements:** In order to be considered for appointment on a Board,

1. **You MUST:**

- a. be a citizen of the United States;
- b. be at least 18 years of age;
- c. reside in the county in which the Board has jurisdiction;
- d. be able to devote sufficient time to accomplish Board Member duties;
- e. be willing to apply the SSS law and Regulations fairly and uniformly; and
- f. be registered with the SSS, if required to do so.

2. **You MAY NOT:**

- a. be an active or retired member of the Armed Forces or any Reserve Component;
- b. have 20 or more cumulative years of prior SSS Board Membership;
- c. be employed by public or private enterprise which handles SSS matters;
- d. be a member of a law enforcement occupation as defined by SSS policy (example: police officer or judge);
- e. be a SSS employee or a spouse of:
  - i. a compensated or uncompensated employee of the SSS;
  - ii. a Reserve Officer assigned to the SSS; or
  - iii. an appointee to any other SSS Board.
- f. have been convicted, forfeited collateral, or are now under charges for a criminal offense, other than a traffic offense with only a fine of \$400.00 or less; except if a conviction is (1) older than 10 years (2) it was for a misdemeanor, and (3) the person has since displayed outstanding integrity in the community.

**B. Appointment:** Local Board Members are appointed by the Director after recommendation by the Governor of their State. District Appeal Board Members are appointed by the Director upon recommendation of a Region Director. Each SSS Board is composed of five members and membership of each Board should, to the maximum extent possible, be proportionately representative of the race and national origin of the registrants within its jurisdiction. No citizen will be denied membership based on gender.

**C. Selection:** Individuals are selected by a process which begins with preliminary screening to determine where the basic eligibility requirements are met. Personal interviews will be conducted with those persons found eligible. A prospective Board Member's indication of willingness to serve by filling out the attached form is not a guarantee of a recommendation or a final commitment to serve. Each nominee will sign an Oath of Office and Waiver of Pay and receive written confirmation of appointment before serving as a Board Member.

**D. Training:** Each Board Member may receive approximately five hours initial training in members' duties and responsibilities, as well as continuation training consisting of two hours, which may be scheduled yearly. Board Members training may also be kept current by various mailings. If Board Members are unable to attend three consecutively scheduled training sessions, they will be asked to resign or will be removed from their positions.

**E. Responsibilities:** Board Members are responsible for keeping abreast of changing regulations and procedures by attending training and meeting as a Board as scheduled, as often as necessary, to consider and decide on Registrants' claim(s) for deferment, exemption and postponement of induction. Decisions of Local Boards are subject to appeal. Because Board Members are key to the success of the SSS, they are asked to attend all training sessions and Board meetings.

**F. Remuneration:** Board Members receive no pay for serving on the Board. They are, however, reimbursed for authorized travel expenses incurred while conducting SSS Duties. This includes travel to required training sessions and to Board meetings. Remuneration will occur via Direct Deposit.

**G. Application:** If you meet the eligibility requirements in Section A and are interested in being considered for appointment, please complete the attached form and give it to the assisting official present or forward it to the appropriate SSS Region Headquarters indicated below. Locate your state abbreviation; this will designate the Region Headquarters address.

REGION I  
CT, DE, DC, IL, IN, ME, MA, MD, MI,  
NH, NJ, NY, OH, PA, RI, VT, or WI  
2834 Green Bay Road  
Building 3400, Suite 276  
North Chicago, IL 60064-9983

REGION II  
AL, AR, FL, GA, KY, LA, MS, NC, PR, SC, TN,  
TX, VI, VA, or WV  
Building 922, Suite 202  
1492 First Street  
Dobbins ARB, GA 30069-5010

REGION III  
AK, AZ, CA, CO, GU, HI, IA, ID, KS, MO, MN,  
MP, MT, NE, ND, NM, NV, OK, OR, SD, UT  
WA, or WY  
84 N Aspen Street MS 26  
Building 730, Room 140  
Buckley AFB, CO 80011-9526



**SPECIFIC INSTRUCTIONS FOR SSS FORM 404**  
(Self explanatory items are not mentioned below)

- Item 1. **Social Security Number:** Use 9 digits.
- Item 2. **Suffix:** Example: Jr., Sr., I, II, III
- Item 3. **Sex:** Circle appropriate response.
- Item 5. **Residence:** Address (location) where you reside. Enter Number, Street, Route, Apt. Number, city, county, state.  
**ZIP:** Fill in all nine numbers.
- Item 6. **Mailing:** If address is the same as residence, write "SAME".
- Item 7. **Residence-Business Phone/E-mail/Fax:** Enter phone number followed by your primary e-mail and fax if applicable.
- Item 8a. **Ethnicity: Do you consider yourself to be Hispanic or Latino?** Please check one box only on the application form.
- Item 8b. **Race: What is your race?** Please check one or more boxes as appropriate on the application form.
- Item 9. **Armed Forces Status:** Please check one box only on the application form.
- Item 16. **Former Board Member:** If you have served as a Board Member before, fill in the location and dates of service. If you have additional previous tours of service use the continuation sheet.
- Item 18. **Males Only:** If you are male and require to register, enter your Selective Service Number.
- Item 19. **Law Enforcement Occupational Category:** Enter a two-digit number code from the list below. You may enter further information in the space provided. If you enter numbers 23, 24, or 25, enter a description in the space provided in **Item 19.**
- |                              |                                |                                |
|------------------------------|--------------------------------|--------------------------------|
| 01 = Asst. Attorney General  | 11 = District Attorney         | 21 = Sheriff                   |
| 02 = Asst. District Attorney | 12 = District Judge            | 22 = State Attorney            |
| 03 = Attorney General        | 13 = Justice of the Peace      | 23 = Judicial (Specify)        |
| 04 = Bail Commissioner       | 14 = Magistrate                | 24 = Penal (Specify)           |
| 05 = Circuit Court Judge     | 15 = Mayor (w/Judicial Duties) | 25 = Law Enforcement (Specify) |
| 06 = Court Attorney          | 16 = Police Court Judge        | 26 = Other _____               |
| 07 = County Judge            | 17 = Police                    |                                |
| 08 = Court Warrant Officer   | 18 = Police Officer            | 99 = None of the Above         |
| 09 = Court Bailiff           | 19 = Parole/Probation Officer  |                                |
| 10 = Deputy Sheriff          | 20 = Prosecuting Attorney      |                                |
- Item 20. **Occupation:** Enter a two - digit number code from the list below. You may enter further information in the space provided. If you choose "Other - 99", enter your occupation in the space provided at **Item 20.**
- |                  |                         |                    |                               |
|------------------|-------------------------|--------------------|-------------------------------|
| 01 = Accounting  | 07 = Legal              | 12 = Real Estate   | 18 = Engineering              |
| 02 = Banking     | 08 = Homemaker          | 13 = Retired       | 19 = Computer/Data Processing |
| 03 = Education   | 09 = Manufacturing      | 14 = Sales         | 20 = Retail                   |
| 04 = Agriculture | 10 = Medical/Dental     | 15 = Self Employed |                               |
| 05 = Government  | 11 = Secretary/Clerical | 16 = Trades        | 99 = Other (Specify)          |
| 06 = Insurance   |                         | 17 = Student       |                               |
- Item 21. **Civic/Professional Organizations:** If you belong to any civic/professional organizations enter name of Organization and office held. Use the Continuation sheet as needed.

**PRIVACY ACT STATEMENT**

THE INFORMATION REQUESTED ON THIS FORM IS UNDER AUTHORITY OF SECTION 10(b)(3) OF THE MILITARY SELECTIVE SERVICE ACT (50 U.S.C APP 460(b)(3)). FURNISHING THE INFORMATION IS VOLUNTARY, BUT FAILURE TO PROVIDE THE REQUESTED INFORMATION WILL PRECLUDE SELECTION FOR APPOINTMENT.

INFORMATION SUPPLIED ON THIS FORM WILL BE USED IN SELECTING AND APPOINTING MEMBERS OF THE LOCAL BOARDS AND DISTRICT APPEAL BOARDS OF THE SELECTIVE SERVICE SYSTEM. INFORMATION SUPPLIED MAY BE FURNISHED TO THE DEPARTMENT OF JUSTICE WHEN REQUIRED IN CONNECTION WITH PROCESSING ALLEGED VIOLATIONS OF THE MILITARY SELECTIVE SERVICE ACT OR TITLE 18 U.S.C.

THE NAME AND COUNTY OF RESIDENCE OF PERSONS APPOINTED AS MEMBERS OF BOARDS WILL BE PUBLIC INFORMATION.



# Selective Service System

## Potential Board Member Information

See Instructions and Privacy Statement (Page2)

<b>FOR OFFICE USE ONLY</b> <input type="checkbox"/> ST:___ AO#___ LB#___ Service Computation Date ___/___/___
---

1. Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

2. Title: \_\_\_\_\_ Last Name: \_\_\_\_\_ Suffix: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_

3. Sex:  Male  Female (Circle One)

4. Birth Date: \_\_\_/\_\_\_/\_\_\_\_\_ (Month/Day/Year)

5. Residence Address: \_\_\_\_\_  
(Enter Number, Street, Route, Apt., number where you reside. Please no P.O Box)

City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
(9 Digit Zip Requested)

Residence Phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_ Secondary E-Mail: \_\_\_\_\_

6. Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

7. Employer: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Extension: \_\_\_\_\_

Work E-mail: \_\_\_\_\_ Fax: \_\_\_\_\_

*(Please check one or more boxes as appropriate.)*

8a. Ethnicity:  Hispanic or Latino  Not Hispanic or Latino

8b. Race:  American Indian or Alaska Native  Black or African American  
 Native Hawaiian or Other Pacific Islander  Asian  White

9. Armed Forces Status:  Non Applicable  Active Duty  Active National Guard/Reserve  
 Inactive National Guard/Reserve  Retired  Honorable Discharge  
 Other than Honorable, not Retired  Type of Discharge unknown

YES	NO	(For Items 11 through 18 check 'yes' or 'no')
<input type="checkbox"/>	<input type="checkbox"/>	10. Are you a citizen of the United States?
<input type="checkbox"/>	<input type="checkbox"/>	11. Are you a compensated employee of the Selective Service System?
<input type="checkbox"/>	<input type="checkbox"/>	12. Are you a spouse of an employee of Selective Service, as defined in the Eligibility Requirements on Page 1, paragraph A.2.e?
<input type="checkbox"/>	<input type="checkbox"/>	13. Are you (or are you the spouse of) a Reserve Force Officer with Selective Service, or an appointee to another Selective Service board?
<input type="checkbox"/>	<input type="checkbox"/>	14. Will you attend required board meetings and training sessions?
<input type="checkbox"/>	<input type="checkbox"/>	15. Do you feel you would be objective and unbiased in performing the duties as a member of a Selective Service Board?
<input type="checkbox"/>	<input type="checkbox"/>	16. Are you a former Selective Service Board Member? <i>(Use continuation sheet if necessary)</i>
		If yes: Board No: _____ City: _____ Start Date: _____
		State: _____ County: _____ Stop Date: _____

YES NO

(For Items 11 through 18 check 'yes' or 'no')

17.

Have you ever been convicted, forfeited collateral, or are now under charges for a criminal offense, other than traffic offense with only a fine of \$400.00 or less? If yes, explain below.

\_\_\_\_\_

18.

**MALES ONLY:** I certify that I am in compliance with the registration requirement of the Military Selective Service Act.

Selective Service Number: \_\_\_ - \_\_\_\_\_ - \_\_\_

If NO, explain: \_\_\_\_\_

\_\_\_\_\_

19.

Are you a member of the Law Enforcement community?

If YES: Occupation Category: \_\_\_ (See Instructions Page 2) Description: \_\_\_\_\_

20. Occupation:

\_\_\_ (See Instruction, Page 2) If Other: \_\_\_\_\_

If Government, explain: \_\_\_\_\_

\_\_\_\_\_

21. I belong to the following Civic/Professional Organizations: (If additional space is needed, use continuation sheet)

Organization:

\_\_\_\_\_  
\_\_\_\_\_

Office Held (if any):

\_\_\_\_\_  
\_\_\_\_\_

I certify that all of the statements made above are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

\_\_\_\_\_  
DATE SIGNED (SIGN IN INK)

\_\_\_\_\_  
SIGNATURE OF POTENTIAL BOARD MEMBER

We estimate the public reporting burden for this collection will vary from 5 to 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering data, and completing and reviewing the information. Send comments regarding the burden statement or any other aspects of the collection of information, including suggestions for reducing this burden to: Selective Service System, SSS Forms Officer (3240-0005), Arlington, VA 22209-2425. The OMB control number 3240-0005 is currently valid. Persons are not required to respond to this collection unless it displays a valid OMB control number.



# Selective Service System

## OATH OF OFFICE AND WAIVER OF PAY

(Required of every person who undertakes to render voluntary uncompensated service in the administration of the Military Selective Service Act)

---

### OATH OF OFFICE

I do solemnly swear (or affirm) that if appointed to any position under the Military Selective Service Act, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter; SO HELP ME GOD.

---

### WAIVER OF PAY

I hereby expressly declare that I am volunteering my services to assist in the administration of the Military Selective Service Act, and if appointed to an uncompensated position, I hereby expressly waive any right to pay or compensation in any form whatsoever for services heretofore or hereafter rendered. This waiver is signed by me pursuant to the provisions of the Selective Service Regulations.

Printed or Typed Full Name	Signature	Date
----------------------------	-----------	------

---

### AUTHENTICATION

SUBSCRIBED AND SWORN (or affirmed) BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

Printed or Typed Full Name and Title of Individual Authorized to Administer Oath	Signature
--	-----------

### INSTRUCTIONS

- Completing this portion of the Form 404 will not commit you to accept an appointment nor does it constitute an offer of appointment.
- **Oath of Office and Waiver of Pay** – To be completed and signed by the prospective applicant when completing the interview and the first portion of this form.
- **Authentication** – To be completed and signed by the person so authorized in Chapter 520, PPPM, after the prospective applicant has signed the Oath of Office and Waiver of Pay.
- This form will be retained in the Board Member's file.





***Board Member  
Information  
Booklet***

### ***VISION STATEMENT***

The Selective Service will be an active partner in the national preparedness community that anticipates and responds to the changing needs of the Nation.

### ***MISSION STATEMENT***

The Selective Service System will provide trained and untrained personnel to the Department of Defense in the event of a national emergency. Also, the Selective Service System will provide an Alternative Service Program for those from the manpower pool who seek and are granted conscientious objector status.

### ***CORE VALUES***

Timeliness, fairness, equity, and respect for customers and co-workers. Flexibility, creativity, and efficiency in the fulfillment of our mission.

### ***GOALS***

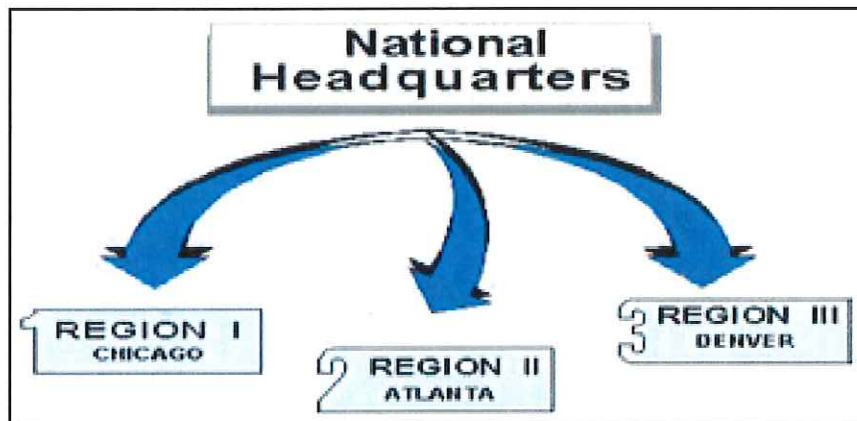
- Improve the Effectiveness and Efficiency of the Registration Process
- Improve the Effectiveness and Efficiency of Personnel Delivery Processes
- Improve the Effectiveness and Efficiency of Agency Support Processes

Thank you for your interest in the Selective Service System. The following information is provided to give you a brief overview of the Selective Service System in general, and the Board Member Program specifically. This publication will not attempt to describe the many facets of board functions and operations. A thorough training program has been developed for this purpose and, if you are selected, will be provided to you at a later date.

The Selective Service System is an independent Agency within the Executive Branch of the Federal government. The legislation under which the Agency operates is the Military Selective Service Act (MSSA).

The MSSA, along with its implementing regulations, provides that the structure of the Agency include a National Headquarters, a State Headquarters in each state, and one each for New York City, the District of Columbia, Guam, Puerto Rico, U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

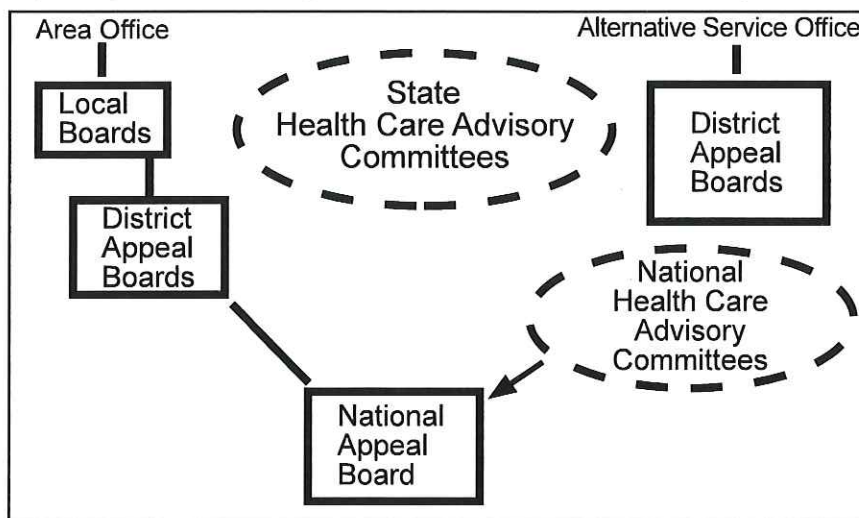
The current structure of the Selective Service System also includes three Region Headquarters. The National Headquarters and Region Headquarters make up the contingency of full-time employees of Selective Service. See **Figure 1** below.



**Figure 1 - Agency Structure**

The Mission of the Selective Service is to provide manpower to the Department of Defense for military service in the event of a national emergency declared by the Congress or the President; implement an Alternative Service Program for registrants classified as conscientious objectors; and, maintain a program to conscript health care personnel when directed. The all-volunteer armed force, instituted in 1973, was never intended to stand alone in time of emergency. In the event of conflict, the armed forces will be quickly augmented by the National Guard and the Reserves. If necessary, the Selective Service System will be mobilized to direct registrants to the Military Entrance Processing Stations (MEPS) around the country.

The first step to be taken in the event of a health care (i.e. Special Skills Draft) or general conscription would be to conduct a lottery to assign random sequence numbers to determine the order in which registrants are ordered for an Armed Forces examination, and if found qualified, inducted. If a registrant believes that he qualifies for a deferment or exemption, he may file a claim with a Selective Service Area Office. Receipt of such a claim will delay the reporting date of the registrant until his claim has been adjudicated.



**Figure 2 - Board Structure**



Information explaining the process for claiming a postponement, deferment or exemption will be available to registrants.

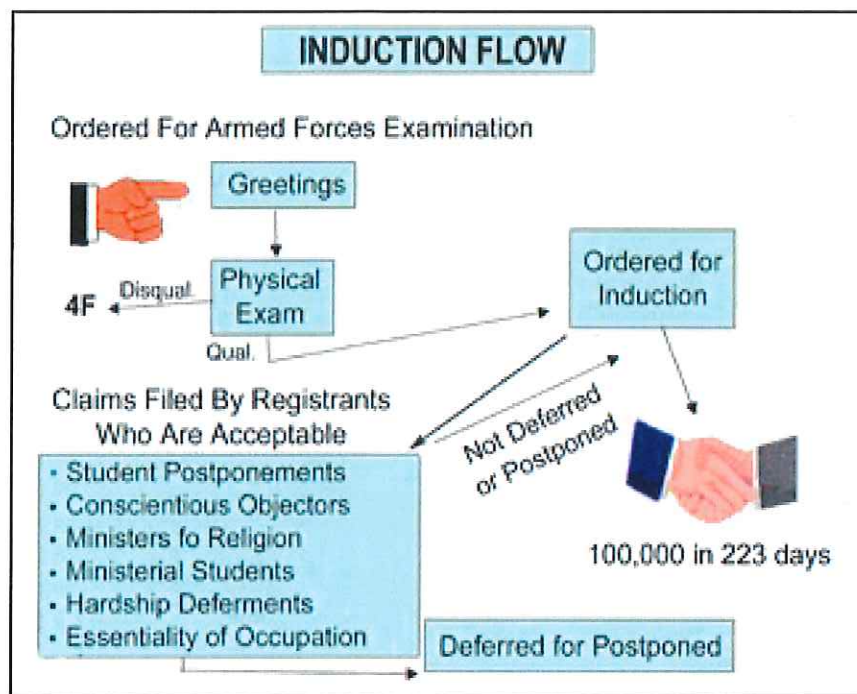
The MSSA and Selective Service regulations provide for the formation of Local Boards, allocated according to county or corresponding political subdivision. There is also a provision for appeal boards to be established according to Federal judicial districts. In addition, a National Appeal Board will be established.

The appeal boards act in cases of persons who do not agree with the classification given to them by the Local Boards. In addition, the District Appeal Boards will act on claims relating to job assignments from Alternative Service Workers. All board members serve without pay. Board Members are appointed by the Director of Selective Service in the name of the President, upon the recommendation of the Governor or comparable executive official. Board Members must reside within the area served by the board to which they are appointed. Under conditions requiring the induction of health care personnel, Selective Service will create National and State Health Care Personnel Advisory Committees comprised of medical specialists and others to provide independent advice on national and local health care issues to the Director, and to local and appeal boards.

The law requires that the membership of each board be proportionately representative of the race and national origin of the registrants in the area it serves, to the maximum extent practicable. **Figure 2**, on the previous page, identifies the Selective Service System boards and health care advisory committees.

History has shown that of those registrants reporting daily to the MEPS, approximately 50% will be found acceptable. **Figure 3**, on the next page, illustrates the critical role accurate and prompt decisions on requests for deferment and exemption play in the operation of the entire system. If these decisions are not rapid and fair, a great deal of inequity will result. Our board members,

representing the counties and local communities across the Nation, will be called upon to make these decisions. These important volunteer citizens are charged with protecting the individual rights of all registrants presenting claims. Board members will make significant judgments about each registrant's claim for deferment or exemption from military service.



**Figure 3 - Induction Flow**

There are two types of classifications. They are "Administrative" and "Judgmental." Administrative claims are either granted or denied by compensated personnel assigned to an Area Office. If his claim is denied, the registrant may request a review by his Local Board. Judgmental claims will be brought before the Local Boards for initial consideration. If his claim is denied, the registrant may request a higher level review from the District Appeal Board.

The following is a list of the Judgmental Classifications:

- 1-A-O Conscientious objector available for noncombatant military service only
- 1-O Conscientious objector to all military service
- 2-AM Essentiality of Occupation (health care only)
- 2-D Deferred because of study preparing for the ministry
- 3-A Deferred because of hardship to dependents
- 4-D Minister of religion

You will note that the only difference between the health care registrant classification identifier and that of the general registrant is the M signifying "medical", i.e., 3-AM.

There is no current requirement for the Selective Service System to provide manpower to the Department of Defense. If and when Selective Service is called upon to provide manpower, the integrity and credibility of the entire conscription process will depend on a fair and effective classification process maintained by highly able, trusted and objective leaders in local communities.

Accordingly, each Board Member will receive formal training in the interpretation of Selective Service regulations for processing claims submitted by registrants. One of the criteria for appointment is that Board Members are willing and able to participate in the training that Selective Service provides. Upon activation the skills acquired during the training sessions will be utilized.



Board Member Information Booklet  
(#BM-02)  
Selective Service System  
National Headquarters (OPT)  
1515 Wilson Boulevard  
Arlington, VA 22209-2425